

PROPOSED COMMISSION POLICIES

November 2005

COMPETITIVE GRANT PROGRAM

The grants and cooperative agreements shall be awarded on a competitive basis. The Commission shall establish funding targets within each of the following-categories: Conservation, Enforcement, Restoration, and ~~other~~ non-CESA projects. *Non-CESA projects include acquisition, development, facilities operation and maintenance, planning, and trail maintenance projects.* Applications for grants and cooperative agreements shall not compete or be evaluated or ranked with applications from other funding categories.

FUNDING TARGETS

The Commission may, at its first meeting of the year, establish funding targets for the categories of Conservation, Enforcement, Restoration, and ~~other~~ Non-CESA projects.

FUNDING RECOMMENDATIONS

(a) The Commission may also, at its first meeting of the year, determine funding levels for specific application categories within the Conservation, Enforcement, Restoration, and ~~other~~ non-CESA project categories.

(b) If the Commission does not establish funding targets at its first meeting of the year, the Division shall ~~provide~~ recommended funding targets for each category ~~after proposing these amounts~~ to the Commission at a noticed Commission meeting. When the Commission has not determined funding targets, the Division shall establish funding amounts for each category by April 1.

(c) The Division shall ensure that the total amount of its funding recommendations in each category is within five percent of the funding targets established by the Commission.

(d) The Division shall rank all applications in each category, based on the project score. The application with the highest score will receive the first funding recommendation. The application with the next highest score will receive the second funding recommendation and so on.

(e) **Standard application scoring and funding determinations.** Except as specified under subsections (f) through (i) below, the funding recommendation of a project within a category will be determined by the project's total score as follows:

1. Scores from 100 to 95 receive full funding.
2. Scores from 94 to 90 receive 10% less than full funding.
3. Scores from 89 to 89 receive 25% less than full funding.
4. Scores from 79 to 70 receive 35% less than full funding.
5. Scores from 69 to 60 receive 45% less than full funding.

6. Scores from 59 to 50 receive 55% less than full funding.
7. Scores from 49 to 45 receive 75% less than full funding.
8. Scores of 44 or less receive a funding determination of zero.

(f) Funding determinations that approach Commission allocations for funding categories. The Division shall not make funding recommendations for applications where the project funding will exceed the amount allocated to the category established by the Commission. Where the Division cannot make funding recommendations without exceeding the Commission allocation for that category, the Division shall not make funding recommendations for remaining applications in that particular funding category.

(g) Funding recommendations where eligible applications are less than Commission allocations for a particular category. Where the total amount of eligible applications in a particular category are less than the total amount allocated to that category by the Commission, those applications will receive a funding recommendation of full funding, regardless of the application's score.

(h) Funding recommendations below Commission allocations for funding categories. Where the total amount of the Division's funding recommendations for a particular funding category is less than the total amount allocated to that category by the Commission, each *qualified* application will receive ten bonus points and the division will recalculate the funding determinations. If the new total for funding determinations for a particular funding category is still less than the total amount allocated to that funding category by the Commission, each application will receive another ten bonus points, and the Division will again recalculate funding determinations. The process will be repeated until the total funding determinations for the funding category reaches the total amount allocated to that category, as established by the Commission.

(i) Funding determinations where the Commission has allocated funding levels for an application category. Where the Commission has determined a funding amount for application categories, the Division will treat those applications as though they were separate funding categories. Applications in categories where the Commission has determined funding levels will not compete with applications from other application categories, as described under subsection (a). When reviewing applications in application categories where the Commission has determined funding levels, the Division shall use the procedures described in subsections (c) through (h) above to make funding determinations, except that the Division shall substitute "application category" for "funding category" for the application category where the Commission has established a total allocation amount.

(j) Public review of Division funding recommendations. *The Division shall distribute its draft recommendations for public review and comment for no less than 30 days prior to presenting its recommendations to the Commission or a Commission subcommittee. Public comments should be directed to the Commission and the Division.*

OTHER POLICIES RELATING TO THE GRANTS AND COOPERATIVE AGREEMENTS PROGRAM

1. In the event that there is a remaining balance within a restricted category (Conservation, Enforcement, or Restoration), the Division may not redirect the balance to another funding category. ~~The Commission may, if it chooses, redirect the balance to another funding category. However, Restoration funds will not be redirected.~~

2. The Division shall not establish grant application categories that encompass “trail maintenance, trail conservation, and trail reroute projects.” Applications shall be allowed for trail maintenance projects. These projects shall include all routine and repair work on trails. *Culvert replacement and off-trail work may be considered conservation.* Trail maintenance applications shall not be funded out of the “Conservation and Enforcement Services Account.” Applications for the development of new trails as a part of a trail reroute project shall be allowable under the “development” application category. There shall be no application category for “trail conservation” projects. Any activities formerly described under “trail conservation” shall be considered under the “trail maintenance” category, and shall be funded solely out of the non-CESA funding category.

3. The Division shall not reduce the scope of an applicants proposed activities to be performed (“Deliverables”) or budget items to fund higher priority work, unless the Division is responding to a motion of the Commission or making the change in response to a specific Commission policy. All Division changes shall be identified with appropriate rationale and such changes shall be communicated to the Commission.

4. Natural resource conservation activities, identified in Section 5090.50 (f) includes activities that sustain soils, plants, wildlife and their habitat by restoring the natural contour, vegetation, and condition of land harmed by unauthorized use of OHV. Conservation of soil, plants, and wildlife is critical to sustaining a managed off highway motor vehicle recreation program. The Division shall allow and solicit applications by non-profit entities to accomplish the conservation activities of this program, *including the restoration activities described above.*

5. The Division shall, when crafting program regulations affecting the grants and cooperative agreement program, ensure that those regulations are consistent with these policies.

6. The Division shall present all proposed program regulations affecting the grants and cooperative agreements program to the Commission for consideration at a regularly scheduled meeting. All regulations shall be noticed and provided to the Commission at least thirty days prior to the date of consideration. The Division shall not submit regulations to the Office of

Administrative Law that have not been approved by the Commission. *The Commission may hold a public hearing to solicit input prior to approving proposed regulations.*

7. The Commission will not fund direct or indirect administrative overhead. The Division shall inform all grant applicants of this policy. The Division shall remove the direct and indirect administrative overhead portions of grant applications prior to making funding recommendations.

8. The Commission shall have the authority to amend funding recommendations made by the Division.

9. The Commission shall establish criteria for scoring grant applications. If the Commission does not establish criteria, the Division shall propose criteria to the Commission for consideration at a regularly scheduled Commission meeting. If the Commission fails to act on the criteria proposed by the Division, the Division shall establish its own criteria by April 1. The Division shall utilize scoring criteria established by the Commission.

10. For any applications that require soil conservation or wildlife habitat protection programs, the Division shall, prior to making a funding determination for those applications, ensure that the application has demonstrated that the applicant has not only developed, but is complying with its soil conservation and wildlife habitat protection programs. The Division shall submit evidence of this compliance to the Commission at the same time that the Division submits its funding recommendations to the Commission. *Further, the Division shall inspect each grant area prior to making a funding recommendation and shall report its finding to the Commission along with its recommendation.*

11. Because street-legal vehicles, including standard passenger vehicles, 4-wheel drive pickups and vans, and 2-wheel drive pickups contribute over a third of the income of the state ORV program, which is more than three times the amount contributed by registered off highway vehicles (including all motorcycles, snowmobiles and ATVs), the Division shall permit applicants to seek funding for activities utilizing unpaved roads that are, were, or may be, open to motorized vehicles. Applicants are eligible to receive funding through direct support, grants, or cooperative agreements, whichever is appropriate.

12. Where it can be shown that a public reserve ~~or private land~~ was damaged by legal or illegal ORV use, that area shall be eligible to receive grant or cooperative agreement funds to restore the area.

13. Where resource management work is needed prior to providing new motorized recreation opportunities in state parks, federal lands, or other public areas, those activities, including restoration, resource management projects, or

maintenance, shall be eligible to receive grant and cooperative agreement funding.

DESERT RIPARIAN AREAS POLICY

Because desert riparian areas are very important for wildlife, water quality, and non-motorized recreation, and California has already lost over 90% of our desert riparian areas, Desert riparian lands should be conserved and restored, and protected in their natural state. ORV recreation should not be expanded, encouraged, or maintained in fragile desert riparian landscapes.

It is the policy of the Commission that absent extraordinary and demonstrable need, it will not to fund or support any grants or cooperative agreements which will directly or indirectly encourage, increase, or maintain off-road vehicle use in or through the bed, bank, or channel of any existing desert riparian botanical area. The Commission shall maintain a list of priority Desert Riparian lands and shall evaluate the list at least every five years to maintain the integrity of these protected areas. The Division shall not solicit or approve any grant or cooperative agreement which will develop or reestablish OHV use in a desert riparian area unless exempted from this policy by noticed vote of the Commission.