

**California Code of Regulations  
Title 14. Natural Resources  
Division 3. Department of Parks and Recreation  
Chapter 15. Off-Highway Motor Vehicle Recreation Grants and Cooperative  
Agreements Program Regulations**

*The 45-day proposed text is shown with single underlining for new text and single  
strikethrough for deleted text.*

*Modifications to the 45-day proposed text are shown with double underline for new text  
and double strikethrough for deleted text.*

*Note the regulatory text in Section 4970.06.3(c) has been updated to reflect  
amendments made in a prior rulemaking file.*

**Article 1. General Provisions**

**Subarticle 1. Environmental Requirements**

**4970.06.3. Soil Conservation.**

- (a) The ~~2008-2020~~ Soil Conservation Standard and Guidelines (Soil Guidelines) are by this reference incorporated into and adopted as a part of these Regulations. Definitions governing soil conservation are contained in the ~~2008-Soil Conservation Standard and Guidelines~~ Soil Guidelines.
- (b) In accordance with the Soil Conservation Standard, as defined in the Soil Guidelines, "Off-highway vehicle (OHV) recreation facilities [receiving Grant funding] shall be managed for sustainable long-term prescribed use without generating soil loss that exceeds restorability, and without causing erosion or sedimentation which significantly affects resource values beyond the facilities. Management of OHV facilities shall occur in accordance with PRC, Sections 5090.02, 5090.35, and 5090.53."
- (c) In order to qualify for consideration of Grant funding, all Applicants submitting a proposed Project involving Ground Disturbing Activity shall submit the Soil Conservation Plan (Rev. 1/22) form (refer to Appendix, incorporated by reference) at preliminary Application submission and a Soil Conservation Plan, in accordance with this Section, at final Application submission that achieves the Soil Conservation Standard with regard to the proposed Project.
- (d) The Soil Conservation Plan shall reference, adopt, and utilize the methods, considerations, and other suggestions contained in the Soil Guidelines or other comparable methods or considerations that demonstrate how the Soil Conservation Standard is being or will be met in the Project Area.
- (e) The Soil Conservation Plan shall include:
  - (1) A map or maps clearly defining the Project Area where Ground Disturbing Activities related to the ~~project~~ Project will take place.
  - (2) An initial, map-based assessment of existing conditions within the Project Area that quantifies or otherwise identifies Grant-funded work to be

performed within the Project Area. Examples include, but are not limited to:

- (A) Color-Coded trail evaluations that identify and quantify trail lengths to be repaired and/or maintained,
  - (B) Boundaries of OHV riding areas to be repaired and/or maintained, and
  - (C) Watercourse crossings and drainage control features used to disperse runoff and minimize sedimentation.
- (3) A maintenance plan for the Project Area that describes:
- (A) The current trail maintenance schedule,
  - (B) The type of maintenance conducted,
  - (C) Equipment used for maintenance within the Project Area, and
  - (D) Procedures for documenting maintenance activities.
- (4) A ~~description of~~ plan describing monitoring procedures to be used for ensuring Grant-funded work within the Project Area is adhering to the Soil Conservation Standard. The description shall include:
- (A) Monitoring methods to be employed,
  - (B) A monitoring schedule, and
  - (C) Anticipated management of collected monitoring data, such as the use of a Geographic Information System (GIS) database.
- (f) Suggested monitoring methodologies are provided in the ~~soil conservation guidelines~~ Soil Guidelines, including:
- (1) Implementation monitoring, which is used to determine whether activities were conducted as planned,
  - (2) Effectiveness monitoring, used to determine if design, construction, and maintenance practices are adequate, and
  - (3) Assessment monitoring, used to characterize existing conditions and quantifiably contrast with conditions of a previous assessment.
- (g) Within 45 calendar days of the final Application submission, the OHMVR Division shall review all Applications to ensure all required Soil Conservation components are addressed.
- (1) If the OHMVR Division needs to clarify information provided and has determined that such clarification may be completed within the timeframe for the Application process, it shall request such additional documentation from the Applicant be returned within ten (10) calendar days of the written request.
  - (2) Applicants who do not return the requested additional information within the ten (10) day time limit may have their Applications returned without further processing.
- (h) At the Project closeout of an awarded Grant, a Compliance Report shall be submitted. The Compliance Report provides documentation demonstrating that the Grant-funded work proposed within the Project Area has been completed consistent with the Project Agreement. Compliance Report documentation includes:
- (1) Change analysis, such as quantifying trail condition improvements by contrasting initial and subsequent trail assessments,

- (2) Documentation of maintenance activities within the Project Area,
- (3) Documentation of Project Area infrastructure improvements, such as the repair of a trail watercourse crossing proposed in the initial Grant Application, and
- (4) A Compliance Action Plan, which includes:
  - (A) A list of planned actions to be taken at an OHV Facility in consideration of continued adherence to the Soil Conservation Standard and the Grant-funded work identified as completed in the Project Area, and
  - (B) A description of an area or areas within an OHV Facility where future Projects are to be performed, including a brief description of the planned work.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code. Reference: Sections 5090.02, 5090.32, 5090.35, 5090.50(e)(d)(4) and 5090.53, Public Resources Code.