

**DEPARTMENT OF PARKS AND RECREATION
OFF-HIGHWAY MOTOR VEHICLE RECREATION DIVISION
GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS**

INITIAL STATEMENT OF REASONS

INTRODUCTION

Public Resources Code (PRC) § 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003 (Act), as amended, governs off-highway motor vehicle grants and cooperative agreements with cities, counties, districts, federal agencies, federally recognized Native American tribes, nonprofit organizations, educational institutions, and State agencies. The Act was most recently amended by Senate Bill 742 (SB 742) which had an effective date of January 1, 2008. SB 742 extended the Act to January 1, 2018, deleted certain obsolete provisions, and made significant amendments to the provisions that guide the Off-Highway Motor Vehicle Recreation (OHMVR) Grants and Cooperative Agreements Program (Program).

The Program is administered by the OHMVR Division within the 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 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. Assistance is provided in the form of reimbursable grant funding.

Following enactment of SB 742, the Department proposed permanent regulations, which were adopted and appear in the California Code of Regulations as Title 14, Division 3, Chapter 15, § 4970.00 – 4970.26. These regulations apply to grant and cooperative agreement applications received by the OHMVR Division on or after January 1, 2008. Under the approved regulations, grant funding may be applied for using a two-step application submission process. This process ensures public review and comment, allows for preliminary review by the OHMVR Division, and provides the opportunity for applicants to submit stronger, more competitive final applications. The OHMVR Division requires application submission using the On-Line Grant Application (OLGA) database, a web-based system that allows the applicants to develop and submit their application via the internet.

Upon completion of the 2008/09 grants cycle, the OHMVR Division identified areas in the regulations that warrant revision. As a result, the Department is proposing to amend portions the CCR Title 14, Division 3, Chapter 15, Sections 4970.00 – 4970.26 and documents incorporated by reference. These amendments to the regulations will eliminate confusing aspects to the Program, ensure that the OHV trust funds are disbursed appropriately, and increase efficiency for applicants and staff.

MANDATES FOR SPECIFIC ACTIONS OR PROCEDURES OR SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed amendments do not impose any mandates on agencies or organizations. Participation in the Program is voluntary.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely upon any other technical, theoretical, or empirical studies, reports, or documents other than those incorporated by reference in proposing these amendments.

SPECIFIC PURPOSE AND NECESSITY FOR EACH PROPOSED AMENDMENT OF THE REGULATIONS

The following provides the specific purpose and necessity for each proposed amendment to sections in CCR Title 14, Division 3, Chapter 15, § 4970.00 – 4970.26 and documents incorporated by reference.

4970.00 – APPLICATION OF CHAPTER

Specific Purpose

Section 4970.00 is amended to refer to the date of the current regulation revisions.

Necessity

The amendment to Section 4970.00 is necessary to ensure applicants are using the most up-to-date version of the program regulations.

4970.01 – DEFINITIONS

Specific Purpose

Section 4970.01 is amended to remove unnecessary definitions, reduce confusion caused by synonymous definitions, and to correct grammar and capitalization and consistency in several definitions. The definitions are also relettered to maintain alphabetical order.

Necessity

The amendments to Section 4970.01(b) and Section 4970.01(bb) are necessary to eliminate confusion caused by two terms used in the regulations and the Project Cost Estimate. “Administrative Costs” and “Indirect Costs” are used interchangeably, but the presence of both terms confused applicants when preparing required cost estimates. Applicants often sought advice as to how the definitions should be differentiated. The deletion of “Administrative Costs” from the regulations will resolve confusion and addition of typical examples to “Indirect Costs” will help applicants understand the term.

The amendment to Section 4970.01(c) is necessary to improve grammar of the definition. This change is not substantial and does not materially alter the content of the regulations.

The amendment to Section 4970.01(e) is necessary to remove an acronym that is not used elsewhere in the regulations. This change is not substantial and does not materially alter the content of the regulations.

The amendment to Section 4970.01(f) is necessary to remove a definition that is not used in the regulations or documents incorporated by reference.

The amendment to Section 4970.01(i) is necessary to make reference to the Public Resources Code consistent throughout the regulations. This change is not substantial and does not materially alter the content of the regulations.

The amendment to Section 4970.01(z) is necessary to correct punctuation and remove capitalization for an undefined term not used in the regulations or documents incorporated by reference. These changes are not substantial and do not materially alter the content of the regulations.

The amendment to Section 4970.01(dd) is necessary to indicate an acronym, because the term has been used previously in Section 4970.01(v). This change is not substantial and does not materially alter the content of the regulations.

4970.05 – GENERAL APPLICATION REQUIREMENTS

Specific Purpose

Section 4970.05(e) is amended to identify the time period and define the steps an applicant must take when notifying the public of the opportunity to review and comment on applications.

Necessity

The amendments are necessary to ensure interested parties receive equal opportunity to comment on the applications. During the 2008/09 grants cycle, applicants issued notice on a variety of dates and no explicit guidance was provided in the regulations. The specified notification date now clearly corresponds with the beginning of the public comment period and will eliminate any ambiguity. The amendments also facilitate comment opportunity by clarifying that notice must be sent to any individuals who have requested notice.

Specific Purpose

Section 4970.05(k) identifies the specific items to be submitted by nonprofit organizations in order to verify their 501(c)(3) status.

Necessity

The amendments are necessary to provide clear direction to applicants. During the 2008/09 grants cycle, nonprofit applicants were required to demonstrate status as a

501(c)(3) organization, but no specific documents were identified for the applicant to submit. Applicants submitted a variety of documentary evidence and the OHMVR Division expended additional time and effort to research and verify the status of many applicants. The OHMVR Division is now identifying two specific options that may be supplied by the applicants in order to comply with the requirement.

Specific Purpose

Section 4970.05 (l) is amended to remove an unnecessary word.

Necessity

The amendment is necessary to remove an extraneous word from the regulations. The revision clarifies applicants should only request a written agreement from the land manager having jurisdiction over the land where a project is proposed.

Specific Purpose

Amendments to Section 4970.05(m) eliminate the requirement for a governing body resolution from entities not specified in PRC 5090.50(c)(1). The amendments also clarify the purpose of the governing body resolutions that must be submitted.

Necessity

The proposed amendments in this section are necessary to align the regulations with PRC Section 5090.50(c)(1). First, the amendments will remove the requirement for a resolution from educational institutions, nonprofit organizations, and federally recognized Native American tribes, as these are not required in statute. Second, the purpose of the governing body resolution is revised to indicate a general approval to request funding, rather than authorize specific applications, which is consistent with PRC Section 5090.50(c)(1). Requirements for a project-specific resolution were found to be problematic by several applicants. Some applicants were unable to place resolutions on the governing body's agenda in a timely manner and draft resolutions were submitted instead.

4970.06 – ENVIRONMENTAL REQUIREMENTS

Specific Purpose

Section 4970.06.1(c)(1) is amended to explain the necessary documentation a city, county, district, state agency, educational institution or nonprofit organization applicant must provide. The subsections within Section 4970.06.1(c)(1) are also renumbered and minor edits were made to maintain numerical order.

Necessity

The amended language under Section 4970.06.1(c)(1)(A) is necessary to inform applicants of specific evidence required for projects that are completed in phases. Applicants requesting funding under 4970.06.1(b) in the 2008/09 grants cycle had difficulty using the existing Environmental Review Data Sheet (ERDS) to account for phased projects. Phased projects that include preparation of environmental

documentation are allowed under Section 4970.06.1(b), but existing documents did not clearly accommodate the phased approach.

Section 4970.06.1(c)(1)(D) is also amended to clarify when other documentation may be allowed to demonstrate CEQA compliance. Some applicants during the 2008/09 grants cycle did not submit a Notice of Exemption (NOE) or ERDS for projects they had determined to be exempt under CEQA, which delayed reviewing projects for CEQA compliance. Applicants no longer have discretion as to whether they should submit an NOE and ERDS for categorically exempt projects, as the revised language is no longer applicable to such projects.

Specific Purpose

Section 4970.06.1(c)(2)(A) is amended to remove inconsistent language.

Necessity

The section is revised to eliminate a deadline that was inconsistent with the grants cycle. As applicants do not submit their environmental documentation until the final filing date, the OHMVR Division cannot request clarifying information until after that date.

Specific Purpose

Section 4970.06.1(c)(3)(C)(2) is amended to remove unnecessary language.

Necessity

It is redundant to specify the OHMVR Division will be completing CEQA review of applications in time for approval as pursuant to CEQA, such review must be completed prior to project approval.

Specific Purpose

Section 4970.06.1(d)(1) is amended to explain the necessary documentation a federal agency or federally recognized Native American tribe applicant must provide for projects submitted pursuant to Section 4970.06.1(b).

Necessity

The amended language under Section 4970.06.1(d)(1) is necessary to inform applicants of specific evidence required for projects that are completed in phases. Applicants requesting funding under 4970.06.1(b) in the 2008/09 grants cycle had difficulty using the existing ERDS to account for phased projects. Phased projects that include preparation of environmental documentation are allowed under Section 4970.06.1(b), but existing documents did not clearly accommodate the phased approach.

Specific Purpose

Section 4970.06.1(d)(2)(D) is amended to remove unnecessary language.

Necessity

It is redundant to specify the OHMVR Division will be completing CEQA review of applications in time for approval as pursuant to CEQA, such review must be completed prior to project approval.

4970.07 – APPLICATION SUBMISSION**Specific Purpose**

Section 4970.07(a) is amended to remove capitalization from the word “internet”.

Necessity

The amendment to Section 4970.07(a) is necessary correspond with common usage of the word “internet”. This change is not substantial and does not materially alter the content of the regulations.

Specific Purpose

Section 4970.07(b) is amended to include specific documentation that must be submitted with the preliminary application when the applicant is a nonprofit organization or educational institution.

Necessity

The amendments to Section 4970.07(b) are necessary to describe documentation needed from a nonprofit or educational institution applicant. During the 2008/09 grants cycle the OHMVR Division reviewed several applications that were later found to be noncompliant due to their nonprofit status or lack of written agreement with the land manager. By requiring the documents at the time of preliminary application, applications are more likely to be complete and the unnecessary review of ineligible applications will be avoided.

Specific Purpose

Section 4970.07(d) is amended to specify that the OHMVR Division will provide comments to the applicant regarding the compliance of their preliminary application.

Necessity

Section 4970.07(d) is necessary to clearly indicate the OHMVR Division will provide comments to applicants regarding their applications. Applicants may revise their applications based on OHMVR Division preliminary review or comments from the public. These amendments specify the OHMVR Division comments will be relevant to compliance with the applicable requirements.

Specific Purpose

Amendments to Section 4970.07.2 describe the actions the OHMVR Division may use to address duplicate projects and adjust funding requests and proposed activities in final applications.

Necessity

During the 2008/09 grants cycle several situations were presented that could have resulted in the funding of items or activities that were incompatible or inappropriate for the program. For example, identical project deliverables were requested as different projects; identical projects were submitted under different funding categories; and, activities and costs that were excessive or incompatible with the program were requested. As a result, the regulations must enumerate when specific grant requests and project activities may be adjusted or eliminated. Thus, Section 4970.07.2(d) specifies that items duplicated on multiple projects will be awarded to the highest-scoring project.

Under the current regulations, the OHMVR Division only has the ability to reject the entire application. Since an application may include multiple projects, most of which are compliant, it may be inappropriate to reject the entire application. Section 4970.07.2(e) is amended to indicate a noncompliant application, or project contained therein, may be rejected by the OHMVR Division. Lastly, it may be necessary for the OHMVR Division to reduce requested amounts or delete components of an application to ensure projects contain reasonable and supported costs and activities. The proposed language in Section 4970.07.2(f) specifies the specific considerations for such revisions.

4970.08 – ELIGIBLE PROJECT COSTS**Specific Purpose**

Section 4970.08(a) is amended to correspond with changes in Section 4970.01(b).

Necessity

The amendment to Section 4970.08(a) is necessary to avoid confusion about eligible costs. The current language inadvertently combines two defined terms, “Administrative Costs” and “Indirect Costs”. The term “Administrative Costs” is being removed from the regulations to lessen confusion and the change in this section is consistent with the proposed deletion. Removing the extra word will prevent additional misunderstanding by applicants about what is considered an eligible cost.

Specific Purpose

Section 4970.08(b)(11) is amended to specify the cost to rent or lease equipment as an eligible cost.

Necessity

The amendment is necessary to eliminate confusion on the part of applicants. The OHMVR Division considers the cost to lease or rent equipment an eligible cost, but the current regulations only specify facilities. Thus, applicants may have thought only the lease or rent of facilities was allowed in the program. Including the term “Equipment” will prevent misunderstanding by applicants.

Specific Purpose

The amendment of Section 4970.08(b)(12) specifies that nonprofit organizations may only request reimbursement for equipment purchases up to a maximum cost of \$5000 per item.

Necessity

Given the long-term existence of a nonprofit organization is less predictable than other applicants, the proposed Section 4970.08(b)(12)(D) provides a safeguard for the investment of OHV trust funds. Rather than maintain a lien or partial interest in equipment purchases, the OHMVR Division found it more expedient to preclude such purchases. This restriction does not prevent a nonprofit organization from renting or charging for the use of equipment with a value greater than \$5000.

4970.10 – OPERATION AND MAINTENANCE (O&M)**Specific Purpose**

Section 4970.10(d) is amended to improve consistency in the regulations.

Necessity

The amendment to Section 4970.10(d) is necessary to make reference to the Public Resources Code consistent throughout the regulations. This change is not substantial and does not materially alter the content of the regulations.

Specific Purpose

Section 4970.10.1(d)(1)(C) specifies the applicant must identify the actual size of the project area for a ground operations project.

Necessity

The amended regulation eliminates confusion by requiring identification of the precise size of the project area in ground operations projects. The intent of the regulation is to indicate the actual size of the area directly affected by the ground operation activities. During the 2008/09 grants cycle some applicants identified the size of the administrative unit in which the project would occur, rather than the actual project dimensions.

Specific Purpose

Section 4970.10.3(c) is amended to correct grammar and capitalization.

Necessity

The amendment to Section 4970.10.3(c) is necessary for grammatical consistency and to remove capitalization for common, undefined terms used in the regulations. These changes are not substantial and do not materially alter the content of the regulations.

Specific Purpose

Section 4970.10.4(d) is amended to correct capitalization.

Necessity

The amendment to Sections 4970.10.4(d)(2)(C) and 4970.10.4(d)(3)(b) are necessary to remove capitalization for common, undefined terms used in the regulations. These changes are not substantial and do not materially alter the content of the regulations.

Specific Purpose

Section 4970.10.4(e) is amended to ensure real property acquired under the Program will continue to be used for the purpose it was obtained. The remaining subdivisions under Section 4970.10.4 are also renumbered as a result of this revision to maintain the appropriate order.

Necessity

The addition of Section 4970.10.4(e) is a necessary precaution to ensure OHV trust funds are appropriately used to acquire property that will sustain OHV recreation pursuant to PRC Section 5090.50. The OHMVR Division considered scenarios where an applicant might purchase property under the Program, then subsequently sell the property to a buyer that might prohibit OHV recreation. By requiring the applicant to impose deed restrictions or other measures on the property, the sustained benefit to OHV recreation is ensured.

4970.11 – RESTORATION**Specific Purpose**

Section 4970.11(f)(1)(B) is amended to specify damage addressed under a restoration grant application is the result of OHV activity.

Necessity

The amended regulation Section 4970.11(f)(1)(B) is necessary to establish a nexus between the restoration project and OHV recreation. The proposed amendment requires any damage being addressed under a restoration project must have been caused by OHV use pursuant to PRC Section 5090.50(b)(2).

Specific Purpose

Section 4970.11(f)(1)(C) requires the applicant must specify the actual project area for a restoration project.

Necessity

The amended regulation eliminates confusion by requiring identification of the precise size of the project area in restoration projects. The intent of the regulation is to indicate the actual size of the area being restored. Some applicants identified the size of the administrative unit in which the project would occur or provided the estimated size of the viewshed related to the project.

Specific Purpose

Section 4970.11(f)(2) specifies project-specific maps must include Global Positioning System (GPS) coordinates.

Necessity

The amended regulation requires applicants use readily-available GPS information to show the precise location of the restoration project area. The OHMVR Division or interested parties may wish to visit completed projects, and a successful restoration project may repair damaged areas so thoroughly that finding the location would be difficult without GPS assistance.

4970.14 – EVALUATION CRITERIA**Specific Purpose**

Section 4970.14.1 is amended to be consistent with defined terms and to account for applicants working with more than one land manager.

Necessity

The amendment to Section 4970.14.1(b)(1) is necessary to add “OHV”, consistent with the defined term “OHV Opportunities”.

The amendment to Section 4970.14.1(c) is necessary to indicate applicants with multiple land managers should use data from all partners to complete the general criteria. In the 2008/09 grants cycle, some applicants partnering with multiple land managers completed the general criteria portion of the application used data from only one land manager. This may result in an inaccurate score for the applicant.

Specific Purpose

Section 4970.14.3(a) is amended to correct grammar and capitalization.

Necessity

The amendment to Section 4970.14.3(a) is necessary to improve grammar and remove capitalization for a common, undefined term used in the regulations. These changes are not substantial and do not materially alter the content of the regulations.

4970.15 – FUNDING DISTRIBUTION**Specific Purpose**

The amendment to Section 4970.15.1(a) cross-references an existing regulation and alerts applicants to a situation where the specified distribution of funds might not be possible.

Necessity

The proposed regulation section is necessary to eliminate confusion if ground operations funding requests do not consume at least 70% of the available funding. This scenario occurred in the 2008/09 grants cycle and some applicants were unsure how funds would be distributed. This amendment would direct applicants to the appropriate section that discusses how the funds will be distributed under this circumstance.

Specific Purpose

Section 4970.15.1, Table 4 – Example of Score Calculation for GO Projects, amends the regulations to be consistent with the revised general criteria score.

Necessity

The proposed regulation section is necessary to provide correct information in the example provided in the table. The general criteria score is proposed to increase from 103 to 105 and the revisions reflect this increase, thereby providing an accurate example.

Specific Purpose

Section 4970.15.2, Table 5 – Example of Score Calculation for Restoration Projects, amends the regulations to be consistent with the revised general criteria score.

Necessity

The proposed regulation section is necessary to provide correct information in the example provided in the table. The general criteria score is proposed to increase from 103 to 105 and the revisions reflect this increase, thereby providing an accurate example.

Specific Purpose

Section 4970.15.3(c) amends the regulations to specify the base funding for law enforcement grants is awarded per each applicant, not per project.

Necessity

The proposed regulation section is necessary to provide the base funding of \$10,000 to each law enforcement applicant, as opposed to each project. Law enforcement is the only funding category that guarantees a minimum funding amount to successful applicants. As currently written, the minimum amount is awarded for every project. Since a single application may contain multiple projects, those applicants submitting several projects receive more base funding than applicants submitting a single project. The proposed regulation eliminates this disparity and treats all law enforcement applicants equally. Restricting the base funding to each applicant has the added benefit of increasing the pool of funds available for law enforcement projects since less money will be set aside as guaranteed minimum amounts.

4970.17 – APPEAL PROCESS**Specific Purpose**

Section 4970.17(d) is added to explain an appeal received by the OHMVR Division shall delay the final award of any project agreements in all funding categories.

Necessity

The proposed amendment acknowledges an appeal may affect more applications than the one specifically identified in an appeal. For example, an appeal submitted pursuant to Section 4970.17(a) may challenge the OHMVR Division's interpretation of a regulation that is common to all applications received in the funding cycle. In this scenario the

OHMVR Division would not be able to make a final award until a decision was made. Thus, it would be inappropriate for the OHMVR Division to make a final award of funding until each appeal is resolved.

4970.19 – PROJECT AGREEMENT

Specific Purpose

Section 4970.19(a) is amended to refer to the Director of the Department of Parks and Recreation.

Necessity

The proposed amendment is necessary to ensure consistency when referring to the Director of the Department of Parks and Recreation throughout the regulations.

Specific Purpose

Section 4970.19.2 is amended to correct capitalization and grammar.

Necessity

The proposed amendment is necessary to remove capitalization from a term not defined in the regulations and to correct grammar by adding the word “the”. These changes are not substantial and do not materially alter the content of the regulations.

Specific Purpose

Section 4970.19.4 is amended to correct grammar.

Necessity

The proposed amendment is necessary to correct grammar by ensuring verb tense agreement in the paragraph. This change is not substantial and does not materially alter the content of the regulations.

Specific Purpose

Section 4970.19.6 is amended to remove a duplicate authority and reference to the section.

Necessity

The proposed amendment is necessary to remove an unnecessary, duplicate language. This change is not substantial and does not materially alter the content of the regulations.

4970.20 – EQUIPMENT MANAGEMENT REQUIREMENTS

Specific Purpose

Section 4970.20(a) is amended to refer to “grantee” instead of “applicant”.

Necessity

The proposed amendment is necessary to ensure consistency with defined terms in the regulations. This section is specific to successful applicants that have been awarded a

grant. The recipient of a grant is defined as a “grantee” by the program and the proposed amendment reflects this distinction.

4970.21 – DEVELOPMENT PROJECT PROCEDURES

Specific Purpose

Section 4970.21(b) is amended to delete the acronym “ADA”.

Necessity

The proposed amendment is necessary to remove an acronym that is not used elsewhere in the regulations. This change is not substantial and does not materially alter the content of the regulations.

4970.22 – ACCOUNTING PRACTICES

Specific Purpose

Section 4970.22(a) is amended to delete the acronyms or indicate acronyms for previously defined terms.

Necessity

The proposed amendment is necessary to remove four acronyms that are not used elsewhere in the regulations and deletes the term associated with the acronym “AICPA”, which is included in the definition found in Section 4970.1(e). These changes are not substantial and do not materially alter the content of the regulations.

Specific Purpose

Section 4970.22(b) is amended to delete capitalization the acronyms or indicate acronyms for previously defined terms.

Necessity

The proposed amendment is necessary to remove capitalization for the common, undefined term “force account”. This change is not substantial and does not materially alter the content of the regulations.

Specific Purpose

Section 4970.22(b) is amended to delete an extraneous word from the regulations.

Necessity

The proposed amendment is necessary to improve grammar. This change is not substantial and does not materially alter the content of the regulations.

Specific Purpose

The amended Section 4970.22(f)(1) specifies the matching funds for any project must be expended within the performance period of the project.

Necessity

The proposed amendment eliminates confusion about matching funds. The OHMVR Division was asked several times if matching funds could be spent prior to the performance period of the grant. This section now clearly explains matching funds are subject to the same requirements as grant funds and must be expended within the grant performance period.

4970.24 – PROJECT CLOSEOUT**Specific Purpose**

Section 4970.24(C) is amended to make clear what will be forwarded to the Audits Office.

Necessity

The proposed amendment is necessary to improve grammar and make specific the Project file will be delivered to the Audits Office. The previous language was unclear and awkward.

SUBARTICLE 1. AUDITS**4970.25.1 Performance Audits****Specific Purpose**

Section 4970.25.1 is amended to remove capitalization from an undefined term and to improve grammar.

Necessity

The proposed amendments are necessary to remove capitalization from “performance audit”. The phrase is not included in the definitions, but the expectations and requirements of such an undertaking are detailed within Section 4970.25.1(a) and (b).

The proposed amendments are also necessary to improve grammar in Sections 4970.25.1(a) and 4970.25.1(c)(1) by including the word “the” and improving subject-verb agreement, respectively. These changes are not substantial and do not materially alter the content of the regulations.

4970.26 – HOW TO CONTACT THE OHMVR DIVISION**Specific Purpose**

Section 4970.26(b) is amended to be consistent with a term defined in the regulations.

Necessity

The proposed amendment is necessary to adjust wording the regulations to ensure consistency with Section 4970.1(n), which defines the term “Division Website”. This change is not substantial and does not materially alter the content of the regulations.

SPECIFIC PURPOSE AND NECESSITY FOR EACH PROPOSED AMENDMENT TO DOCUMENTS INCORPORATED BY REFERENCE INTO THE REGULATIONS

The following provides the specific purpose and necessity for each proposed amendment to documents incorporated by reference.

ENVIRONMENTAL REVIEW DATA SHEET (ERDS)

Specific Purpose

Item 2 is added to accommodate those applicants applying for two-phased projects, which include the preparation of environmental documentation, pursuant to Section 4970.06.1(b). The remaining Items are also renumbered as a result of this revision to maintain the appropriate order.

Necessity

The existing ERDS does not readily allow applicants to explain if their project is a two-phased project pursuant to Section 4970.06.1(b). The addition of this Item enables the applicant and reviewer to immediately identify these types of projects.

Specific Purpose

Item 6 amends the existing statement to include projects in all areas, not just those with steep slopes or highly erosive soils, that may have a significant impact on the environment.

Necessity

This amendment ensures all applicants will address the potential for soil erosion or loss of topsoil caused by their project. Some applicants in the 2008/09 grants cycle did not respond to this item since their location did not include steep slopes or highly erosive soils. The proposed wording of the item will be applicable to all applicants, regardless of location or terrain.

Specific Purpose

Item 9 is amended to allow applicants to explain “Yes” or “No” answers.

Necessity

The existing question prompts the applicant for an explanation only if they answer “Yes”. The proposed amendment ensures all applicants, whether answering “Yes” or “No”, will address the potential of the project to impact historical or cultural resources.

PROJECT COST ESTIMATE

Specific Purpose

The term “Administrative Costs” is replaced with “Indirect Costs”.

Necessity

The amendment is necessary to eliminate confusion and correspond with the revised definition of “Indirect Costs”. “Administrative Costs” may be captured under the “Staff Category” on the Project Cost Estimate.

PROJECT AGREEMENT GENERAL PROVISIONS (Federal Agencies Only)**Specific Purpose**

To add general provisions for federal agencies that are not the United States Forest Service (USFS) or the Bureau of Land Management (BLM).

Necessity

Other federal agencies besides the USFS and BLM are eligible applicants, but the Appendix does not include general provisions to account for other federal agencies.

EVALUATION CRITERIA – General Criteria**Specific Purpose**

Item 1(b)(iv) is amended to allow land managers to utilize the most current available documentation to determine OHV visitation.

Necessity

The proposed revision is needed to allow land managers to use current, publicly available documentation of their OHV visitation. In the 2008/09 grants cycle, land managers were instructed to use specific documents to establish OHV visitation. The OHMVR Division observed the prescribed documents were frequently outdated and several land managers indicated the information was not reflective of the current OHV use.

Specific Purpose

Item 4 is amended to use a defined term and adjust scoring for applicants that do not have an OHV program.

Necessity

First, the proposed amendment is necessary to eliminate confusion by replacing the phrase “indirect overhead costs” with the defined term, “Indirect Costs”.

Second, the item is amended to address those applicants requesting OHV trust fund monies, but that do not maintain an OHV program. The question in Item 4 was designed to give additional points to land managers that fund their OHV programs with sources besides the OHV Trust Fund. However, the current wording treats an applicant with no OHV program the same as an applicant using no OHV Trust Fund money to sustain its program. Hence, applicants that do not allow OHV use received an advantage over land managers that did use OHV Trust Fund money. This scenario is contrary to the intent of the Program and the proposed amendment will not award points to applicants that do not have an OHV program.

Specific Purpose

Item 8 is amended to specify training courses are for the public and to adjust the points awarded for approved training courses. The description box on Item 8 is amended to specify the description should address all parts of the question.

Necessity

It is necessary to specify in the instructions for 8(d) that points are awarded for training classes available to the public. Several applicants included training courses for agency personnel, which is not the intent of the question.

It is necessary to reword the frequency of the training to accurately reflect environmental conditions in which the applicants are operating. Several applicants indicated that points awarded in Item 8(d) were unfair because of the seasonal nature of operations, such as in the extreme desert. Because visitation and staffing drops significantly in the summer, it would be impossible to offer courses on a weekly basis. Thus, the proposed language is revised to capture the total number of training courses offered, rather than the interval at which they are presented.

It is necessary to instruct the applicants to describe their education efforts for Items 8(a) through (d). The appearance of the instructions led some applicants to address education efforts relative only to Item 8(d).

EVALUATION CRITERIA – Acquisition Project Criteria

Specific Purpose

Item 4 is amended to direct the applicant to explain the statement checked in the item.

Necessity

It is necessary to allow all applicants to describe each statement marked on the item. Existing language requires the applicant to list a reference document, and only if “Applicant’s operational budget” was selected. Federal agencies were unable to cite a reference document because their annual budgets are dependent on future Congressional action. Furthermore, the OHMVR Division found it reasonable and prudent to expect any applicant to explain how development and operation of the project would be funded in the future.

Specific Purpose

Item 6 is amended to indicate what is meant by meeting(s) with the general public.

Necessity

It is necessary to explain the level of formality expected to qualify as a meeting with the general public to discuss the project. The OHMVR Division found many applicants indicated meetings were held with the general public, but the explanations appeared to be informal or routine visitor contact.

EVALUATION CRITERIA – Development Project Criteria

Specific Purpose

Item 3 is amended to specify only diversified OHV use be indicated for the development project.

Necessity

It is necessary to request only OHV uses are included in the response to the item. Points are awarded for the range of diversified OHV uses available at proposed OHV facilities. Several applicants in the 2008/09 grants cycle included non-OHV use activities, which is not the intent of the question.

Specific Purpose

Item 9 is amended to indicate what is meant by meeting(s) with the general public.

Necessity

It is necessary to explain the level of formality expected to qualify as a meeting with the general public to discuss the project. The OHMVR Division found many applicants indicated meetings were held with the general public, but the explanations appeared to describe informal or routine visitor contact.

Specific Purpose

Item 11 is amended to direct the applicant to explain the statement checked in the item.

Necessity

It is necessary to allow all applicants to describe each statement marked on the item. Existing language requires the applicant to list a reference document, and only if “Applicant’s operational budget” was selected. Federal agencies were unable to cite a reference document because their annual budgets are dependent on future Congressional action. Furthermore, the OHMVR Division found it reasonable and prudent to expect any applicant to explain how operation of the project would be funded in the future.

EVALUATION CRITERIA – Education and Safety Criteria

Specific Purpose

Item 6 is amended to indicate what is meant by meeting(s) with the general public.

Necessity

It is necessary to explain the level of formality expected to qualify as a meeting with the general public to discuss the project. The OHMVR Division found many applicants indicated meetings were held with the general public, but the explanations appeared to describe informal or routine visitor contact.

Specific Purpose

Item 7 is amended to include directions to describe each statement checked in the item.

Necessity

It is necessary for applicants to describe each statement that was marked on the item. The level of detail provided in the project description did not always support the answers provided in Item 7. The OHMVR Division was frequently unable to verify the individual statements checked.

Specific Purpose

Item 8 is amended to specify the number of times individuals are exposed to the education or safety message. A description box is added to Item 8.

Necessity

During the 2008/09 grants cycle several applicants were confused by the phrasing of the item and had difficulty selecting the appropriate answer. The revision makes clear how the applicant should calculate their response.

It is necessary for applicants to describe each statement that was marked on the item. The level of detail provided in the project description did not always support the answers provided in Item 8. The OHMVR Division was frequently unable to verify the individual statements checked.

Specific Purpose

Item 10 is amended to include directions to describe each statement checked in the item.

Necessity

It is necessary for applicants to describe each statement that was marked on the item. The level of detail provided in the project description did not always support the answers provided in Item 10. The OHMVR Division was frequently unable to verify the individual statements checked.

Specific Purpose

Item 11 is amended to direct the applicant to describe each "Yes" response.

Necessity

It is necessary for applicants to describe each "Yes" response. The level of detail provided in the project description did not always support the answers provided in Item 11. The OHMVR Division was frequently unable to verify the individual statements checked.

EVALUATION CRITERIA – Ground Operations Project Criteria**Specific Purpose**

Item 4 is amended to indicate what is meant by meeting(s) with the general public.

Necessity

It is necessary to explain the level of formality expected to qualify as a meeting with the general public to discuss the project. The OHMVR Division found many applicants

indicated meetings were held with the general public, but the explanations appeared to describe informal or routine visitor contact.

EVALUATION CRITERIA – Planning Project Criteria

Specific Purpose

Item 4 is amended to indicate what is meant by meeting(s) with the general public.

Necessity

It is necessary to explain the level of formality expected to qualify as a meeting with the general public to discuss the project. The OHMVR Division found many applicants indicated meetings were held with the general public, but the explanations appeared to describe informal or routine visitor contact.

EVALUATION CRITERIA – Restoration Project Criteria

Specific Purpose

Item 7 is amended to indicate what is meant by meeting(s) with the general public.

Necessity

It is necessary to explain the level of formality expected to qualify as a meeting with the general public to discuss the project. The OHMVR Division found many applicants indicated meetings were held with the general public, but the explanations appeared to describe informal or routine visitor contact.