

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

**NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** the California Department of Parks and Recreation (Department) proposes to amend the regulations and documents incorporated by reference described below after considering all comments, objections and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Department proposes to amend the regulations in the California Code of Regulations, Title 14, Division 3, Chapter 15, Articles 1 through 5 (CCR), Sections Section 4970.01(w), 4970.03, 4970.06.1(c), 4970.06.1(d), 4970.06.2, 4970.10.4(d), Appendix Environmental Review Data Sheet Form, Habitat Management Program Part 1 Form, Habitat Management Program Part 2 Form, Soil Conservation Plan Form

**PUBLIC HEARING**

No public hearing on the proposed regulations is scheduled; however, if any interested person requests, no later than 15 days prior to the close of the written comment period, that a hearing be held on these regulations, the Department will schedule a hearing. A hearing may be requested by making such a request in writing addressed to the individuals listed under "Contact Person" in this Notice.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends on August 12, 2024. The Department will consider only written comments received at the Department's office by that time. Written comments may be mailed to the following address:

California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
Attn: Scott Soares, Senior Environmental Scientist  
PO Box 942896  
Sacramento, California 94296-0001

Written comments delivered by email or facsimile will also be accepted by the Department. Written comments may be submitted by email to the attention of Scott Soares at [OHV.Grants@parks.ca.gov](mailto:OHV.Grants@parks.ca.gov) or via facsimile at (916) 324-1610. Electronic mail or facsimile transmission must be completed by the deadline given above.

## AUTHORITY AND REFERENCE

*Authority Citation:* The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

*Reference Citation:* The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5024.1, 5090.01 through 5090.65 and 21000 et seq.; Vehicle Code Sections 38001 and 38006; Education Code Sections 210.3 and 66010.4; 25 CFR Section 83.5(a); 40 CFR part 1500.1 et seq.; U. S. IRC Section 501(c)(3); USC Title 42, Section 4371.

## INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

### *Summary of Existing Laws and Regulations*

PRC Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003, as amended, governs the OHMVR Division's Grants and Cooperative Agreements with cities, counties, Districts, U.S. Forest Service, U.S. Bureau of Land Management, other Federal Agencies, State and Federally Recognized Native American Tribes, Nonprofit organizations, Educational Institutions, Certified Community Conservation Corps, and State agencies.

The Program is administered by the Division within the Department. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality 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 Project-specific Grant funding. Grants are awarded through a competitive process where Applicants and their Projects are evaluated using objective criteria.

### *Effect of the Proposed Rulemaking*

Generally, the proposed regulatory revisions will eliminate inconsistencies of terms within the regulations and make the regulatory language more concise, clear, and consistent by adopting, amending, and repealing Program regulations and various documents within the Appendix, incorporated by reference.

Specifically, the proposed regulatory revisions would:

#### Amend CCR Section 4970.03(a)(3) – 4970.06.1(c)

The proposed regulations correct words which are currently in title case. The regulations do not define the terms and, accordingly, they should not be in title case.

#### Amend CCR Section 4970.06.1(c)(2)(A) - 4970.06.1(c)(3)(A)(3)

The proposed regulations increase Applicant response time to respond to OHMVR Division requests for additional CEQA-related information for Projects.

Amend CCR Section 4970.06.2(c)(1) - 4970.06.3(g)(2)

The proposed regulations increase Applicant response time to respond to OHMVR Division requests for additional Habitat Management Program and Soil Conservation Plan-related information.

Amend CCR Section 4970.10.4(d)(1)

The proposed regulation fixes a typographical error.

Amend Regulations Appendix ERDS Form Item 4

The proposed regulation addresses a duplicative word that can be misinterpreted.

Amend Regulations Appendix ERDS Form Item 6

The proposed regulation addresses erroneous language and adds an additional requirement for Applicants to address when filling out Item 6. This added requirement would help ensure responses to Item 6 are complete and would improve overall efficiency by reducing the need for OHMVR Division staff to ask for clarification.

Amend Regulations Appendix ERDS Form Item 7

The proposed regulation adds clarifying language to help guide Applicants' responses to Item 7.

Amend Regulation Appendix Habitat Management Program Part 1 Form

The proposed regulation clarifies and simplifies the questions asked of Applicants that determine if Applicants need to have a Habitat Management Program and/or a Soil Conservation Plan at Final Application. The proposed puts the questions in one form, as opposed to two separate forms, and adjusts language to improve both clarity of the requirements and questions being asked while improving efficiency for Applicants and OHMVR Division staff.

Amend Regulations Appendix Habitat Management Program Part 2

The proposed regulation amends language to improve consistency throughout the HMP Part 2 Form, removes antiquated terminology and requirements, aligns the HMP Part 2 Form with statute and regulations, and adds new language to ensure the appropriately qualified personnel prepare and perform the monitoring for the HMP.

Remove Soil Conservation Plan Part 1

The proposed regulation removes the Soil Conservation Plan Part 1 as currently written and combines it with HMP Part 1 to address both environmental requirements in one location. The proposed improves clarity and efficiency of the program.

*Comparable Federal Regulations*

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

*Policy Statement Overview and Anticipated Benefits of the Proposed Rulemaking*

The overall objective of the proposed action is to improve the Program’s regulatory language, documents incorporated by reference, and ensure public funds are being spent wisely and within the State’s best interest in supporting motorized recreation. These proposals, based on Division experience implementing the Program, will also reduce confusion for Applicants and Grantees and make the regulatory language concise, clear, and consistent by adopting, amending, and repealing Program regulations and various documents within the Appendix, incorporated by reference.

*Determination of Inconsistency/Incompatibility with Existing Regulations*

After conducting an evaluation for any regulations related to this area, the Department has found that there are no other regulations concerning grants that supports the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off-highway motor vehicles, and programs involving off-highway motor vehicle safety or education. Therefore, the Department has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

Grants and Cooperative Agreements Program – Appendix (Rev. 1/25)

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

*Mandate on Local Agencies and School Districts:* None.

*Cost to any Local Agency or School District:* None.

*Cost or Savings to any State Agency:* None.

*Other Non-Discretionary Cost or Savings Imposed of Local Agencies: None.*

*Cost or Savings in Federal Funding to the State: None.*

*Significant Effects on Housing Costs: None.*

*Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including Ability to Compete: None.*

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department finds that jobs, at worst would not be eliminated, but, mostly likely may see an increase in the creation of jobs. Additionally, the Department finds that at worst, no new business will be created and no business will be eliminated; however, the Department finds that it is likely that private businesses may be created and or expanded because of the proposed action.

This regulatory action benefits the health and welfare of California residents by improving the funding method that assists Land Managers and partners to provide recreational opportunities within the State. This regulatory action also benefits the State's environment by improving the funding method that supports resource protection and Restoration activities related to OHV Recreation. The proposed regulations are not expected to affect worker safety.

## COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Division is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## BUSINESS REPORTING

None.

## SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations may positively affect small businesses. Program history has shown that small businesses benefit by the Program. Many of the Grant funds go to entities that utilize small businesses when they purchase goods and services. The proposed changes will provide a more streamline and efficient program that should boost the ability of small business to capture revenue from the various Grantees.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or has otherwise been identified

and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period or at the public hearing.

#### CONTACT PERSON(S)

*Inquiries concerning the proposed action may be directed to:*

Scott Soares, Senior Environmental Scientist  
California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
PO Box 942896  
Sacramento, California 94296-0001  
(916) 247-1610  
Scott.Soares@parks.ca.gov.

*The back-up contact person regarding the proposed action is:*

Ethan Mathes, Compliance Officer  
California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
PO Box 942896  
Sacramento, California 94296-0001  
(916) 323-0157  
ethan.mathes@parks.ca.gov.

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

The Department will make the entire rulemaking available for inspection and copying throughout the rulemaking process at its office located at California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division, 715 P Street Sacramento, California 94296-0001

As of the date this Notice of Proposed Rulemaking is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, the express terms of the regulation, the Initial Statement of Reasons, any information upon which the proposed rulemaking is based, and an economic impact assessment contained in the

Initial Statement of Reasons. Copies may be obtained by contacting the above contact person at the above address.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice of Proposed Rulemaking. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Scott Soares at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout is available through the Division Website at [www.ohv.parks.ca.gov](http://www.ohv.parks.ca.gov), under the Grants link.