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December 17, 1984

F-480

Honorable Art Agnos, Chairman  
Members, Joint Legislative  
Audit Committee  
State Capitol, Room 3151  
Sacramento, California 95814

Dear Mr. Chairman and Members:

This letter presents the results of our review of the Department of Parks and Recreation's (department) implementation of the Off-Highway Motor Vehicle Recreation (OHMVR) Act of 1982. We found that the department has not fully implemented the provisions of the OHMVR Act. The department has acquired no new off-highway recreational vehicle facilities, and it has completed only minimal expansion of existing facilities.

The Off-Highway Motor Vehicle  
Recreation Act of 1982

In 1982, the Legislature found that off-highway motor vehicle recreation was gaining popularity in California and that indiscriminate and uncontrolled use of off-highway motor vehicles may have an adverse effect on the environment. In response to this concern, the Legislature passed the Off-Highway Motor Vehicle Recreation Act of 1982 to provide adequate facilities for off-highway motor vehicles and to maintain a desirable ecological balance.

The Legislature intended for the department to place high priority on promptly implementing the OHMVR program. To accomplish this, the OHMVR Act created the Division of Off-Highway Motor Vehicle Recreation and consolidated within that division all existing off-highway motor vehicle recreation activities carried out by other programs within the department. Before the OHMVR Act became law, the Office of Off-Highway Motor Vehicle Recreation administered OHMVR functions by using staff and resources assigned to several other departmental programs. The OHMVR Act also created the Off-Highway Motor Vehicle Recreation Commission to establish policy for the division.

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The Legislature also intended to provide new off-highway motor vehicle recreational facilities and to expand existing facilities. Additionally, the Legislature intended that off-highway motor vehicle recreation should be furthered through grants to local governments and through cooperative agreements with agencies of the federal government. Finally, the Legislature intended that the "maintenance of state vehicular areas and trails be improved, development and construction be accelerated, and operations be expanded."

In conducting our review, we interviewed officials from the Division of Off-Highway Motor Vehicle Recreation who were responsible for administering the OHMVR program. We also reviewed all grants and cooperative agreements completed during the 1983-84 fiscal year to determine whether they complied with applicable provisions of the OHMVR Act. Finally, from the department we obtained documentation of any land acquisitions, trail acquisitions, or facility expansions made between July 1, 1983, the effective date of the OHMVR Act, and August 24, 1984, the end of our fieldwork.

The Department of Parks and  
Recreation Has Not Fully  
Implemented the OHMVR Act

The department has established the Division of Off-Highway Motor Vehicle Recreation (division) according to legislative intent, and the appointments to the Off-Highway Motor Vehicle Recreation Commission (commission) have been made. However, the division has not acquired any new off-highway motor vehicle recreation facilities, and its expansion of existing facilities has been minimal.\* Furthermore, the commission has not yet established policies for guiding the division in implementing the OHMVR program.

Although the division has completed some planning and expansion projects and has provided for the administration and management of both OHMVR lands and the OHMVR fund, it has not implemented all aspects of the OHMVR program. The division was created in 1983, but according to documents we obtained from the department's Acquisition Division, the most recent acquisition of land occurred during fiscal year 1981-82. In addition, even though the Legislature appropriated \$9,625,000 in fiscal year 1983-84 for the expansion of existing facilities, the division has spent only \$709,460 for this purpose.

\*We considered "expansion of existing facilities" to mean any improvements made to off-highway motor vehicle recreation facilities that would benefit those using these facilities.

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The commission has met several times to receive comments on the implementation of the OHMVR program, to hear criticism from interested parties, to approve both capital outlay and other planned expenditures proposed for inclusion in the department's budget, and to adopt a five-year funding and capital outlay program. However, the commission has not established policies for guiding the division in implementing the OHMVR program. At the time of our review, the division had drafted a policy statement, but the commission had not yet adopted it. The division's acting director stated that, because it lacked policy guidelines, the division was unable to develop detailed plans for operations, maintenance, acquisition, and expansion.

According to the division's acting director, the division was unable to execute all of the provisions of the OHMVR Act because sufficient resources were not available in fiscal year 1983-84. The acting director said that insufficient staff, equipment, and support services were allocated to the division when it was created. The acting director said that, although the OHMVR Act consolidated within the division all of the responsibilities associated with managing off-highway motor vehicle recreation, neither the act nor subsequent department action provided the division with sufficient resources to meet these responsibilities.

To obtain the additional staff, equipment, and support services necessary to comply fully with the OHMVR Act, the division has requested for fiscal year 1985-86 a significantly higher support budget appropriation than it received in fiscal year 1984-85. The division has requested this increased appropriation through a budget change proposal, which the State Administrative Manual requires whenever an agency seeks to modify its budget. According to the division's acting director, the OHMVR Fund currently has enough money to cover the division's proposed budget increase. The Legislature specified that at least 50 percent of the money that the OHMVR fund receives is to be made available for support of the division's activities.

The State Administrative Manual also requires agency secretaries and the Department of Finance to review budget change proposals. The division's acting director indicated that the Secretary of the Resources Agency has reviewed and amended the division's budget change proposal and that the Department of Finance is currently reviewing it. Following the Department of Finance's review and recommended changes, if any, the Secretary of the Resources Agency will submit the budget change proposal to the Governor's Office, which will consider the proposal when preparing the 1985-86 Governor's Budget. After the Governor's Budget is published, the division's appropriation for fiscal

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year 1985-86 will go through the normal budgetary process. Consequently, unless special legislation is passed, the earliest date that the division may receive the authority to spend the funds it considers necessary to meet the requirements of the OHMVR Act is July 1, 1985.

We conducted this review under the authority vested in the Auditor General by Section 10500 et seq. of the California Government Code.

Sincerely,



*for* THOMAS W. HAYES  
Auditor General

Attachment

# Memorandum

Date : DEC 14 1984

To : Mr. Thomas W. Hayes  
Auditor General  
Office of the Auditor General  
660 J Street, Suite 300  
Sacramento CA 95814

From : Department of Parks and Recreation - Wm. S. Briner

Subject: Joint Legislative Audit Committee Review of the Off-Highway Motor Vehicle Recreation Program of the California Department of Parks and Recreation

Thank you for the opportunity to comment on the findings of the Joint Legislative Audit Committee, transmitted to this office December 10, 1984.

The Department has reviewed the report and offers the following comments relative to the performance appraisals stated:

"the Department of Parks and Recreation has not fully implemented the OHMVR Act."

1. "...the division has not acquired any new off-highway motor vehicle recreation facilities and its expansion of existing facilities has been minimal."

## Comment

The division is currently preparing a feasibility report for a 47,000 acre project in Fresno County (Martin Ranch Project). This acquisition is budgeted for the 1985/86 fiscal year. A programmed acquisition effort is planned for the 1986/87 fiscal year involving a  $\pm$  25,000 acre expansion of Ocotillo Wells SVRA. The division, in cooperation with San Diego County, is currently preparing a feasibility report for the Otay Mesa project. In addition, several small acquisitions are budgeted adding lands to Hungry Valley SVRA and Carnegie SVRA. The grant and cooperative agreement program encompasses other acquisition projects as well. Acquisition of lands for the off-highway vehicle program tends to be controversial and time consuming. Progress on these acquisition efforts is being made as rapidly as possible.

In terms of facility development, major and minor capital outlay appropriations funded in the 1983/84, and 1984/85, fiscal years are currently being processed. These appropriations are programmed to be implemented according to the following schedule:

| UNIT                 | AMOUNT       | CONSTRUCTION START     | CONSTRUCTION COMPLETE |
|----------------------|--------------|------------------------|-----------------------|
| Ocotillo Wells SVRA  | 1.6 million  | 9/85                   | 10/86                 |
| Hollister Hills SVRA | 1.05 million | 11/85                  | 9/86                  |
| Carnegie SVRA        | 2.9 million  | 3/86                   | 3/87                  |
| Minor Capital Outlay | 1.7 million  | Variable               | Variable              |
| Hungry Valley SVRA   | 2.0 million  | 1985/86 Budget Request |                       |

These efforts will provide a substantial increase in operational and user facilities within the units including administrative facilities, camping facilities, access facilities, trail development, and erosion control.

2. "...the OHMVR commission has not yet established policies for guiding the division in implementing the OHMVR program."

Comment

The OHMVR Commission adopted seven key policies on July 28, 1984. Adoption of 21 additional policy statements is anticipated at the January 25, 1985 Commission meeting at Lake Tahoe. These policies will provide the necessary guidance for future division efforts.

3. "...insufficient staff, equipment, and support services were allocated to the division when it was created."

Comment

The 1985/86 Budget Change Proposal is currently being processed, as the report indicates. It is anticipated that next year's support budget will reflect a substantial increase in equipment funds. Additionally, the Department anticipates some redirection of personal services to augment the existing OHMVR division staff.

It is the administration's intent to increase the efficient use of staff and to focus on direct public service aspects of the Department's programs. The needs of the OHMVR division will be similarly considered.

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In summary, it is the Department's intent to meet all aspects of the Off-Highway Motor Vehicle Recreation Act of 1982 and to give this program the same priority as other programs within the Department. Efforts to meet that objective are underway and progressing as rapidly as possible.

Once again, I appreciate the opportunity to respond to your report.



Wm. S. Briner  
Director