

California Code of Regulations
Title 14. Natural Resources
Grants and Cooperative Agreements Program Regulations

Changes to the modified language are shown in double underline for new text and double strikethrough for deleted text.

4970.05.1. General Application Requirements.

- (a) The ~~2008~~ Grants and Cooperative Agreements Program Regulations – Appendix (Rev. ~~1/19~~1/21) (hereinafter Appendix) and all of its contents and subsequent revisions adopted through the rulemaking process are hereby incorporated by reference.
- (b) Applications shall establish how each proposed Project is directly related to OHV Recreation in the Project Area specified in the Application. Proposed Projects will be screened by the OHMVR Division prior to scoring. Those Applications that do not establish a direct relation to OHV Recreation shall be rejected.
- (c) Subject to the discretion of the OHMVR Division as specified in Section 4970.07.2, any Application determined by the OHMVR Division to be non-compliant with these requirements may be disqualified.
- (d) Each Applicant may submit only one (1) Application for each Grants Cycle. The Application may contain multiple Projects.
- (e) Applicants shall undertake a public review process of their Application.
 - (1) All preliminary Applications shall be available on the Division Website the day following the Application deadline for public review and comment.
 - (2) Applicant shall notify the public of the opportunity to review and comment on the ~~P~~preliminary Application no sooner than the start of the current Grants Cycle and no later than the first Tuesday following the first Monday in March. The notice shall include instructions for accessing the Division Website for Application review and public comments. Public notification efforts shall include at least one of the following:
 - (A) Notice mailed and/or emailed to those persons the Applicant determines most likely to have an interest in or be affected by the Application, and to those who have requested notice,
 - (B) Publication on Applicant's website,
 - (C) Publication in local newspaper,
 - (D) News release,
 - (E) Public meeting or hearing conducted by the Applicant, held either in-person or virtual.
 - (3) Public comments shall be submitted to the Applicant and the OHMVR Division.
 - (4) Public comments shall be received no later than 5:00 pm Pacific standard time on the first Monday in May.
- (f) All Applicants shall provide matching funds or the equivalent value of services, or material, in an amount not less than twenty-five percent (25%) of the total Project cost as identified on the Project Cost Estimate (Rev. 1/11) (refer to Appendix,

- incorporated by reference), except for the category of Restoration, which shall not be less than ten percent (10%) of the total pProject cost.
- (1) All items of expense applied towards-match must directly further the activities and Deliverables described in the Project Application and be accomplished with funding through a Project Agreement and shall be documented the same as any other item of expense.
 - (2) The same match expenses shall not be duplicated for multiple Projects.
 - (3) Cash value for volunteer time shall be determined using, and shall not exceed, the Independent Sector California volunteer hourly time rate as of the start of the Grants Cycle for which the cost is being requested~~agency's hourly reimbursement rate for the paid classification that most closely matches the duties performed by the volunteer.~~
 - (4) Cash value for salaried employee time shall be based on the agency's hourly reimbursement rate for the classification.
 - (45) Any item of expense that would be eligible as a Project cost is also eligible as a match.
- (g) All Applicants shall provide a Project Cost Estimate (Rev. 1/11) ~~(see refer to Appendix incorporated by reference)~~ for each requested Project.
 - (h) All Applicants shall complete an inventory of Equipment ~~for items purchased with OHV Trust Funds~~ acquired with funds from this Grants program within the last five years still in use.
 - (i) All Applicants, ~~except those applying solely for law enforcement,~~ shall complete the Applicant Certifications.
 - (j) Additional requirements within the Appendix, incorporated by reference, shall be completed as applicable.
 - ~~(k) Nonprofit organizations shall provide documentation, in the form of an Internal Revenue Service (IRS) letter of determination or publication on the official IRS website, verifying current IRC, Section 501(c)(3) status.~~
 - ~~(k)~~ An Applicant applying for a Grant involving activities on any public lands not managed by the Applicant shall include written permission from the Land Manager authorizing the Applicant to conduct the proposed Project ~~and a description of how the Project fits with the land management goals of the area.~~
 - (1) The written permission must be on Land Manager's letterhead and signed by the authorized representative of the Land Manager.
 - (2) The written permission shall contain a current signature and date. The date of required letter must not be more than six (6) months prior to the beginning of the Grants Cycle for that Project in which the Project will be applied for and no later than the Ppreliminary Application submission date.
 - (3) The written permission must specifically identify the proposed Project(s) and a description of how the Project(s) fits with the land management goals of the area.
 - (~~m~~) All city, county and District Applicants shall submit a governing body resolution providing approval to receive ~~for g~~ Grant funding from the OHV Trust Fund.
 - (~~m~~) All Applicants shall comply with the environmental application requirements contained in Section 4970.06.

- ~~(e) Nonprofit organizations shall provide IRS Form 990 (or something to the equivalent) from the previous year.~~
- ~~(pn) Certified Community Conservation Corps shall provide the official certification letter received from the California Conservation Corps indicating certification status.~~
- (o) An Applicant under Departmental, local government, or Attorney General investigation for a violation of these regulations, use of documented unsound business practices, or under allegations of fraud, may not submit an Application until and unless the investigation is complete and any monies have been repaid.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code. Reference: Sections 5090.32 and 5090.50, Public Resources Code

4970.08. Eligible Project Costs.

- (a) Eligible Project costs are the costs directly or indirectly related to the work identified in the Project Description. Additionally, the Applicant-Grantee may receive reimbursement up to fifteen percent (15%) of the requested amount~~direct funded amount~~ for Indirect Costs.
- (b) Examples of eligible costs include, but are not limited to:
 - (1) For acquisition ~~p~~Projects only, preliminary acquisition costs for contract preparation, acquisition appraisal, and negotiation.
 - (2) Costs for an employee directly engaged in OHV Project implementation, or the first level supervisor of said employee, subject to the following:
 - (A) Costs shall be computed according to the prevailing wage (for contracted services) or salary scale (for Applicant's-Grantee's staff), and may include benefits (i.e., vacation, sick leave, and social security contribution) that are customarily charged by the Grantee or contractor. Personnel benefit ~~charges~~costs shall be calculated in proportion to the actual time worked on an OHV Project.
 - (B) Costs charged to an OHV Project shall be computed on actual time worked on the Project and supported by timesheets and attendance records or comparable documentation describing the work performed on the OHV Project.
 - (C) Costs for overtime are allowed under the Grantee's established overtime policy.
 - (D) Costs for direct Project supervision.
 - (3) Stipends paid as per diem costs to volunteers only when a volunteer is working at a remote location for three or more consecutive days. A remote location is considered to be further than fifty (50) miles from volunteer's headquarters. Per diem allowances shall be as stated in Section 4970.08(b)(4).
 - (4) Travel expenses and per diem for federal agencies shall follow the policies of the federal agency requesting the funds with regard to travel reimbursement and shall not exceed the established federal rates. All non-federal agency Applicants-Grantees shall follow the policy established by the State of California for its employees with regard to travel

reimbursement and shall not exceed the rates paid to Exempt, Excluded, and Represented State of California employees. ~~The State of California travel reimbursement rates are posted on the California Department of Human Resources website located at <http://www.dpa.ca.gov/personnel-policies/travel/hr-staff.htm> www.calhr.ca.gov.~~

- (5) Supplies and materials, including personal safety items, may be purchased for a specific OHV Project or may be drawn from a central stock, provided the items are claimed at a cost no higher than the original purchase price paid by the Grantee.
- (6) Construction activities, from site preparation (e.g., demolition, excavation, grading, etc.) through completion of the structure or Facility.
- (7) Relocation costs that result from the displacement of a person and/or business, in accordance with California Government Code Sections 7260-7277 or the agency's applicable law if different from California law.
- (8) Grantee insurance premiums for hazard and liability insurance for an OHV Facility.
- (9) ~~Transportation costs for moving~~ The cost of transporting material(s), supplies(s), and personnel from a location outside the Project Area to and from a Project site.
 - (A) Nonprofit Grantees shall be limited to reimbursement for cost of transportation to and from the Project site, up to one hundred (100) miles in each direction. ~~Any cost exceeding the 100 mile maximum may be claimed only as match.~~ All transportation costs shall be stated as a "per mile" ~~charge~~ cost in the Project Cost Estimate (Rev. 1/11) (refer to Appendix, incorporated by reference) and shall not exceed the federal Internal Revenue Service standard mileage business rate provided as of the start of the Grants Cycle for which the cost is being requested.
 - (B) All other Grantees may be reimbursed for cost of transportation from base of operations to Project site. The base of operations is considered the centralized location where the majority of Equipment is stored.
- (10) Preparation and publication of maps, videos, and/or handouts may be included as part of any related Project. Maps, videos and/or handouts that display the OHV Trust Fund logo shall be reviewed and approved by the OHMVR Division prior to publication.
- (11) Rent or lease of facilities or Equipment to directly complete the Project, provided that the rental or lease shall be fair market value or Grantee's actual cost, whichever is less. Rental or lease of facilities ~~and~~ shall be proportionate to the area of the facility used for the Project. Utilities to operate these facilities are eligible provided the utilities are documented separately from any rent or lease costs. Facilities not required in order to directly complete the Project shall only be eligible as an indirect cost.
- (12) ~~Equipment cost for Nonprofit Grantee.~~ When claiming a "per mile" fee, it shall be stated as a "per mile" charge in the Project Cost Estimate and shall not exceed the federal Internal

~~Revenue Service standard mileage business rate provided as of the start of the grant cycle for which the cost is being requested.~~

- ~~(A) The maximum Grant requested for Equipment purchases shall not exceed \$30,000 per Applicant.~~
- ~~(B) All Equipment purchases shall list the State of California, Department of Parks and Recreation, OHMVR Division as the lien holder and the Grantee shall obtain OHMVR Division approval prior to disposition.~~
- ~~(C) The cost of Equipment shall be necessary for the Project and shall not exceed the minimum requirements necessary to successfully accomplish the Project.~~
- ~~(D) Equipment acquired solely with funds outside this Grants program.
 - ~~1. A daily use fee may be charged in accordance with the Applicant's local fair market rental rates but shall never exceed the Grantee's actual cost, and/or~~
 - ~~2. A per mile fee for the cost of operating Equipment during Project activities may be charged for a maximum of one hundred and fifty (150) miles per day. Any amount beyond the 150 mile maximum amount may only be charged as match.~~~~
- ~~(E) Equipment acquired within this Grants program.
 - ~~1. A daily use fee may not be charged.~~
 - ~~2. A per mile fee may be charged for the cost of operating Equipment up to the amount listed in 4970.08(b)(12)(D)(2).~~~~
- ~~(F) Grantee may charge a per mile fee, up to 100 miles in each direction, for transporting Equipment to and from the Project site.~~
- ~~(G) Heavy Equipment acquired solely with funds outside this Grants program.
 - ~~1. A daily use fee may be charged according to Applicant's local fair market rental rates, but shall never exceed the Grantee's actual cost; the use fee shall cover the use of the Heavy Equipment and general maintenance during the duration of the Project.~~
 - ~~2. Tires and major repairs may be requested after justifying need to and approval by the OHMVR Division prior to purchase. In order to justify the need for tires, the Grantee must provide photos showing the condition of the tires needing replacement; photos must include the tires and the piece of Heavy Equipment on which the tires are installed. For major repairs, the Grantee must provide a financial analysis explaining why the repair is more cost-effective than the purchase of a new piece of Heavy Equipment.~~~~
- ~~(H) Heavy Equipment purchased with funds from this Grants program.
 - ~~1. Grantee may not charge a use fee.~~
 - ~~2. Tires and major repairs may be requested after justifying need to and approval by the OHMVR Division prior to~~~~

~~purchase. In order to justify the need for tires, the Grantee must provide photos showing the condition of the tires needing replacement; photos must include the tires and the piece of Heavy Equipment on which the tires are installed. For major repairs, the Grantee must provide a financial analysis explaining why the repair is more cost-effective than the purchase of a new piece of Heavy Equipment.~~

- ~~(I) Grantee may charge an amount to transport Heavy Equipment from the Heavy Equipment's normal storage location to the Project site. The amount shall be based upon the Applicant's local fair market costs for such transportation.~~
- ~~(13) Equipment cost for all other Grantees~~
 - ~~(A) The cost of Equipment shall be necessary for the Project and shall not exceed the minimum requirements necessary to successfully accomplish the Project.~~
 - ~~(B) Equipment acquired solely with funds outside this Grants program.
 - ~~1. A daily use fee may be charged in accordance with the Applicant's local fair market rental rate but shall never exceed the Grantee's actual cost.~~
 - ~~2. A per mile for the cost of operating Equipment during Project activities may be charged but shall never exceed the Grantee's actual cost.~~~~
 - ~~(C) A daily use fee may not be charged for Equipment purchased with funding from this program. A per mile charge is allowed for the cost of operating Equipment.~~
 - ~~(D) Grantee may charge a per mile fee for transporting Equipment from base of operations to Project site. The base of operations is considered the centralized location where the majority of Equipment is stored.~~
 - ~~(E) Heavy Equipment acquired solely with funds outside this Grants program.
 - ~~1. A daily use fee may be charged according to Applicant's local fair market rental rates, but shall never exceed the Grantee's actual cost; the use fee shall cover the use of the Heavy Equipment and general maintenance during the duration of the Project.~~
 - ~~2. Tires and major repairs may be requested after justifying need to and approval by the OHMVR Division prior to purchase. In order to justify the need for tires, the Grantee must provide photos showing the condition of the tires needing replacement; photos must include the tires and the piece of Heavy Equipment on which the tires are installed. For major repairs, the Grantee must provide a financial analysis explaining why the repair is more cost-effective than the purchase of a new piece of Heavy Equipment.~~~~
 - ~~(F) Heavy Equipment acquired with funds from this Grants Program.~~

1. ~~Grantee may not charge a use fee.~~
 2. ~~Tires and major repairs may be requested after justifying need to and approval by the OHMVR Division prior to purchase. In order to justify the need for tires, the Grantee must provide photos showing the condition of the tires needing replacement; photos must include the tires and the piece of Heavy Equipment on which the tires are installed. For major repairs, the Grantee must provide a financial analysis explaining why the repair is more cost effective than the purchase of a new piece of Heavy Equipment.~~
- (G) ~~Grantee may charge an amount to transport Heavy Equipment from the Heavy Equipment's normal storage location to the Project site. The Amount shall be based upon the Applicant's local fair market costs for such transportation.~~
- (H) ~~The per mile fee shall not exceed the federal Internal Revenue Service standard mileage rate provided as of the start of the Grant Cycle for which the cost is being requested.~~
- (4412) Costs associated with site-specific Project planning such as design, permitting, or CEQA or NEPA analysis.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code. Reference: Sections 5090.32 and 5090.50, Public Resources Code.

4970.24. Project Closeout.

4970.24.1. Project Documentation.

- (a) The Grantee shall submit an Expenditure Workbook (new 2019) and Payment Request DPR 364 (Rev. 1/19), ~~hereby incorporated by reference, (refer to Appendix, incorporated by reference)~~ marked "FINAL" to the Department within one hundred twenty (120) calendar days after the completion of the Project, or the Project end date as specified in the Project Agreement ~~or amendment to the Project Agreement~~, whichever comes first. The Grantee shall include the following documentation with the final payment request:
- (1) A Project Accomplishment Report (new 2019), ~~hereby incorporated by reference (refer to Appendix, incorporated by reference)~~,
 - (2) All documents supporting the Project expenditures claimed under the payment request,
 - (3) Two (2) copies of all reports as indicated in the Project Agreement for any Project that requires a report or reports as part of its Project Description. Monitoring results shall be reported to the OHMVR Division at the end of the Project,
 - (4) For all sub-contracted work, a Notice of Completion,
 - (5) Photos of Equipment purchased through the Project, including OHV sticker and Vehicle Identification Number, and
 - (6) Photos of completed Projects, as applicable.
- (b) Final payment requests cannot be processed until the Department has received all supporting documentation to support Project expenditures claimed, including

- documentation that the Grantee has fulfilled its match commitment. An amount equal to any unmet match commitment will be withheld from the final payment.
- (c) Any request for final payment received ~~after~~ one hundred twenty (120) calendar days after the completion of the Project, or the Project end date as specified in the Project Agreement shall ~~may~~ be ineligible for payment or result in suspension of future payments and reimbursement to the State of any advances or other payments made. The OHMVR Division may also deem the Project closed and forward the Project file to the Department's Audits Office for an Audit.
 - (d) When the Department determines there is a refund due to the State, the Grantee shall remit the refund due within sixty (60) calendar days from the written notification to the Grantee by the Department.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code. Reference: Sections 5090.32 and 5090.50, Public Resources Code.