

ADOPT (2005)

**OFF-HIGHWAY MOTOR VEHICLE RECREATION
LOCAL ASSISTANCE GRANTS, GRANTS TO NONPROFIT ORGANIZATIONS AND
EDUCATIONAL INSTITUTIONS, AND COOPERATIVE AGREEMENTS PROGRAM
REGULATIONS**

CCR Title 14, Division 3, Chapter 15, Sections 4970.00 - 4970.21.

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ARTICLE 1 – GENERAL PROVISIONS

4970.00 DEFINITIONS

The words used in this chapter have the following meanings:

- (a) “Administrative Costs” means those costs and/or functions performed outside the direct scope of the project such as personnel, time keeping, accounting, fiscal management, records and purchasing.
- (b) “Allocation” means a distribution of funds, or an expenditure limit established for an organizational unit or function.
- (c) “All-Terrain Vehicle (ATV)” means any vehicle as defined by California Vehicle Code Section 111.
- (d) “Application” means a compilation of required documents to support a request for funding under the OHMVR Division’s grants and cooperative agreements program for proposed project(s).
- (e) “Application Instructions” means directions for completing an application for an OHV grant or cooperative agreement found in Chapters 1, 2 and 3 of the Manual for Off-Highway Motor Vehicle Recreation Local Assistance Grants, Grants to Nonprofit Organizations and Educational Institutions, and Cooperative Agreements Program, dated April 2005.
- (f) “Appropriate District” means one that has clear legal responsibility for open space, recreation, parks, and resource related activities that are land based.
- (g) “Appropriation” means a legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.
- (h) “Audits and Annual Performance Review” means elements to be reviewed by the Department of Parks and Recreation staff as part of a comprehensive program review conducted of grantees.
- (i) “Buffer” refers to lands or physical barriers acquired or established contiguous to, or in the vicinity of, existing or proposed off-highway motor vehicle recreational activities to protect plant and wildlife habitat, soils, view sheds, or reduce noise and other effects on development in the surrounding area for the purpose of sustaining off-highway motor vehicle recreation use.
- (j) “C&E” means a specific account that includes conservation, restoration, and enforcement activities as defined in PRC Sections 5090.64 (a) and (b)(1) and (2).
- (k) “CEQA” means the California Environmental Quality Act, Public Resources Code (PRC) Section 21000 et seq.; Title 14, California Code of Regulations (CCR) Division 6, Chapter 3.
- (l) “Casual” means non-competitive OHV recreation.
- (m) “Certified” means a document that has been reviewed, approved, and signed by both the grantee and the Division.
- (n) “Commission” means the Off-Highway Motor Vehicle Recreation (OHMVR) Commission.
- (o) “Conservation” means activities, practices, and programs that sustain soil, plants, wildlife and their habitat, and natural and cultural resources as referenced in PRC Sections 5090.10, 5090.35, and 5090.50.
- (p) “Construction” means the act of building or assembling using different parts, materials, or elements in an ordered manner including, but not limited to physical barriers, trail building, roads, facilities, hardening of stream crossings, fencing, sediment control structures, and facilities landscaping.

- (q) "Cooperative Agreement" means an agreement between the Division and a federal agency, or a federally recognized Native American tribe.
- (r) "Cultural Resources" are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; are associated with the lives of persons important in our past; embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or has yielded, or may be likely to yield, information important in prehistory or history. Cultural resources also include Historical Resources. A resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR, Section 4852).
- (s) "Deliverables" means the specific proposed tasks, activities to be performed, or accomplishments contained within each application.
- (t) "Deputy Director" means the manager of the California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division.
- (u) "Development" means the construction of new, and/or improvement of, existing facilities, trails, or areas to provide additional opportunity, experiences, or services.
- (v) "Director" means Director of the California Department of Parks and Recreation.
- (w) "Division" means the Division of Off-Highway Motor Vehicle Recreation (OHMVR) of the California Department of Parks and Recreation.
- (x) "Educational Institution" means a public or private preschool, elementary, or secondary school, college or university, or institution; the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools in accordance with Section 210.1 of the Education Code.
- (y) "Environmental Document" means a document prepared in accordance with NEPA or CEQA.
- (z) "Federal Agency" means a unit of the federal government.
- (aa) "Federally Recognized Native American Tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village pursuant to Title 25, Code of Federal Regulations (CFR) Section 83.5(a).
- (bb) "Fiscal Audit" means elements to be reviewed by the Department of Parks and Recreation Audit Office staff as part of a comprehensive project agreement review conducted of grantees.
- (cc) "Fund" means the Off-Highway Vehicle Trust Fund as created by subdivision (c) of Section 38225, CVC.
- (dd) "Grant" means an agreement between a local agency, educational institution, or nonprofit organization.
- (ee) "Grantee" means any city, county, appropriate district, nonprofit organization, educational institution, federal agency, or federally recognized Native American tribe receiving OHV grant or cooperative agreement funds.
- (ff) "Law Enforcement" means the employing, equipping, and supervising of law enforcement personnel for the purpose of protecting natural, cultural, and human resources; enforcement of Division 16.5 (commencing with Section 38000) of the California Vehicle Code (CVC); enforcement of PRC Sections 4442 and 4442.5, off-highway vehicle related search and rescue; and the enforcement of other laws regulating the equipment and use of off-highway motor vehicles.

- (gg) "Law Enforcement Personnel" include officers or employees of the grantee who have the authority and duty to enforce statutes or ordinances, issue citations, or arrest persons for violations. For purposes of this section, "ordinance" includes an order, rule, or regulation enforceable under the authority of the grantee.
- (hh) "Local Agency" means a city, county, or appropriate district.
- (ii) "Long Term" means at a minimum, 25 years.
- (jj) "Maintenance" means the work required to ensure effective and efficient use of physical facilities, OHV recreation opportunities, and the protection of natural and cultural resources.
- (kk) "Monitoring" means data collection used by a land management agency and/or the Division to make appropriate decisions.
- (ll) "NEPA" means the National Environmental Policy Act pursuant to United States Code (U.S.C.) Title 42, Section 4371; 40 Code of Federal Regulations (CFR) part 1500.1 et seq.
- (mm) "Nonprofit" means an organization having tax-exempt status pursuant to Section 501(c) (3) of the Internal Revenue Code.
- (nn) "Off-Highway Motorcycle" means any vehicle as defined in CVC 400 or 436, when such motor vehicle is operated on land to which this Division (CVC 38001) has jurisdiction.
- (oo) "Off-Highway Vehicle Operation" means the operation of motorized vehicles on lands, roads, trails, areas, or private property that is approved for OHV use, that is open, and accessible to the public, and has been designated for motor vehicle use.
- (pp) "OHV" means an off-highway motor vehicle as specified in CVC Section 38006 and street-licensed motor vehicles while being used off-highway.
- (qq) "OHV Opportunities" means providing areas that allow legal OHV recreation.
- (rr) "Operation" means the staff and equipment required for site administration, visitor services, supervision, and assistance.
- (ss) "Project" means the work to be accomplished, either proposed or approved, with funding through an OHV grant or cooperative agreement.
- (tt) "Project Agreement" means a contract executed to formally implement an approved project.
- (uu) "Regional OHV Facility" means a facility, primarily for casual use, providing a wide variety of OHV opportunities for a wide range of OHV interests, that is 500 or more acres with a population of 500,000 within a 150-mile radius or three-hour travel time, and with the potential to become financially self-sustaining in accordance with criteria adopted by the Commission pursuant to PRC Section 5090.51(b).
- (vv) "Repair" means to fix, mend, make new, or revitalize to sound condition after being damaged.
- (ww) "Reroute" means the closure of an existing segment of a trail or road and replacement with a new alignment that is superior from an environmental, maintenance, and/or visitor safety standpoint.
- (xx) "Restoration" means, upon closure of an OHV unit or any portion thereof, the restoration of land to the contours, the plant communities, and plant covers comparable to those on surrounding lands or at least those that existed prior to off-highway motor vehicle use.
- (yy) "Roads" include: logging roads, service roads, and other roughly graded roads upon which vehicular travel is permitted (CVC 38000).

- (zz) "Scientific Research" means research into questions posed by scientific theories and hypotheses and defined by measurable steps or operations (e.g., sample design, methodology, statistical inferences).
- (aaa) "Snowmobile" means any vehicle as defined in CVC 557.
- (bbb) "Unique" means the proposed project meets a need that stands out or differs from routine situations encountered and/or services routinely provided.
- (ccc) "Website" means the internet page of the Department of Parks and Recreation, OHMVR Division at (www.ohv.parks.ca.gov).
- (ddd) "Wildlife Habitat Protection Program (WHPP)/Habitat Management Program (HMP) are defined in Section 4970.16(c) of these regulations.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Sections 4442, 4442.5, 5024.1, 5090.04, 5090.05, 5090.06, 5090.07, 5090.10, 5090.11, 5090.32, 5090.35, 5090.50, 5090.51(b) and 5090.64(b)(1) and (2), PRC; CVC Sections 111, 400, 436, 38000, 38001, 38006, 38012, and 38225(c); 42 U.S.C. 4371; 43 U.S.C. 1601-1624; 40 CFR part 1500.1 et seq.; U.S. Internal Revenue Code, Section 501(c)(3).

4970.01 PROGRAM PURPOSE

The purpose of the Off-Highway Motor Vehicle Recreation (OHMVR) Division grants and cooperative agreements program is to provide financial assistance to agencies and organizations to develop, maintain, expand, and manage high quality OHV recreation areas and trails, and to responsibly maintain the wildlife, soils, and habitat of areas in a manner that will sustain long-term OHV recreation in accordance with the legislative intent of Public Resources Code (PRC) Section 5090.02.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Sections 5090.02 and 5090.32(d), PRC.

4970.02. COMMISSION'S ANNUAL PROGRAM REVIEW MEETING

Prior to the start of each grant cycle, the Commission shall conduct one public meeting to collect: 1) public input concerning the OHV grants and cooperative agreements program, 2) recommendations for program improvements, 3) public input for specific project needs for grants and cooperative agreements program areas.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Section 5090.24(f) and 5090.32, PRC.

4970.03. GENERAL APPLICATION REQUIREMENTS

- (a) The Manual for Off-Highway Motor Vehicle Recreation Local Assistance Grants, Grants to Nonprofit Organizations and Educational Institutions, and Cooperative Agreements Program (April 2005), which includes the Application Instructions for completing a grant or cooperative agreement application for OHV Trust Funds, is hereby incorporated by reference.
- (b) All single applications, or applications with multiple project types, that do not meet the deadline set by the Division for the grant cycle shall be returned to the applicant without consideration.
- (c) Applications, whether for single or multiple project types, shall include an application face sheet and application summary sheet in addition to meeting all of the

- requirements contained in the Application Instructions. Applications that do not meet these requirements shall be returned to the applicant without consideration.
- (d) The Division shall establish a timeline for the submission of applications and post the timeline on the Division website at a minimum of 45 days after the Commission's annual program review meeting.
 - (e) The Division may request additional information of an applicant in order to clarify the application, project, or information submitted.
 - (f) Questions concerning the application process and the interpretation of these regulations shall be submitted in writing to the Division. Responses to these questions will be made in writing via the Division website. The cutoff for questions to the Division will be five days prior to the final application deadline.
 - (g) All applications shall include documentation of the public review process. The process shall include:
 - (1) Public notice. Not later than 30 days prior to submitting the final application, applicants shall notice to the public of the opportunity to submit comments on the draft application. The notice shall be placed at a minimum in a local newspaper with additional notification in the applicant's newsletter and/or website.
 - (2) Public review. Draft applications shall be made available for public review and comment prior to the submission of the final application to the Division for consideration. At a minimum, applicants shall make available to the public for the purpose of this review, the application face sheet, project description, project costs and deliverables, and if applicable, past project accomplishments.
 - (3) Public comments. All public comments received by an applicant up to five days prior to the application deadline shall be included in the final application. In addition, all responses to comments made five days prior to the deadline shall be included in the application. An applicant shall also include a brief statement of how the public's comments were incorporated into the development of the application.
 - (4) Late public comments. The applicant shall not be required to include public comments received less than five days prior to the final application deadline. All comments received less than five days prior to the final application deadline shall be forwarded to the Division by the applicant.
 - (h) All local agency, educational institution, and nonprofit organization grant applications, and any federally recognized Native American tribe cooperative agreement applications shall include a completed Governing Body Resolution certified by the clerk of the governing body. The Division shall provide a sample form in the Application Instructions.
 - (i) If a project will require more than one year to complete, an explanation of the timeline for completing the project shall be provided in the application.
 - (j) All applications shall contain certification that the project is not in conflict with applicable planning documents.
 - (k) Administrative costs may be requested as indicated in the Application Instructions not to exceed 10% of the total amount requested.
 - (l) Grantees shall, if applicable, fill out a Project Accomplishment Report (PAR) regardless of project type in accordance with the Application Instructions.
 - (m) All applications shall include a map of California identifying the general agency location.

- (n) All applications shall meet the applicable requirements of Sections 4970.15, 4970.16, and 4970.17.
- (o) For all projects, with the exception of education projects, each piece of equipment or tool in excess of \$500 and up to \$5,000 shall be identified as a line item within each application project type in the OHV grant or cooperative agreement application, as applicable. For all education projects, each piece of equipment or tool in excess of \$250 and up to \$5,000 shall be identified as a line item in the grant application as applicable.
- (p) All applicants shall identify the match to be used, if applicable, in accordance with Section 4970.18.
- (q) Awarding a grant or cooperative agreement does not guarantee ongoing or future OHV funding in any project category.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Sections: 5090.32, 5090.35, 5090.50, 5090.51, and 5090.53, PRC

ARTICLE 2 - TYPES OF PROJECTS AND SPECIFIC APPLICATION AND CONTENT REQUIREMENTS

4970.04. ACQUISITION PROJECTS

- (a) Acquisition projects expand and sustain adequate OHV recreation access, opportunities, eliminate trespass, and/or provide appropriate buffers.
- (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native American tribes are eligible to apply for acquisition projects.
- (c) Examples of acquisition projects include, but are not limited to the following:
 - (1) Purchase of right-of-way or easement.
 - (2) Long-term lease.
 - (3) Purchase of land in fee title.
 - (4) Purchase of an option.
 - (5) Other interests in real property, such as permits or licenses.
- (d) Eligible costs attributable to acquisition projects may include, but are not limited to the following:
 - (1) Purchase price.
 - (2) Appraisal.
 - (3) Escrow fees.
 - (4) Title insurance.
 - (5) Title report.
 - (6) Land survey.
- (e) Applications for acquisition projects shall include all the information required under Section 4970.03 plus the following:
 - (1) All applications shall include a general project description that identifies the total acreage involved, average cost per acre, easements, the number of parcels, project costs, and activities to be performed (“deliverables”).
 - (2) A description and location(s) of existing OHV use in and around the acquisition property.
 - (3) Due diligence to determine if the property is usable for its intended purpose.
 - (4) Project specific map(s).
 - (5) An acquisition plan, including ability to accomplish projects.
 - (6) Assessor parcel maps.

- (7) A needs description that shall include the following:
 - (A) How the project is designed to provide for efficient use of funds.
 - (B) The applicant's ability to implement the program, cover future operational costs, and provide staffing.
 - (C) Implications of not funding the project.
 - (D) How the acquisition improves existing, future, or unique OHV use in the region.
 - (E) How the acquisition will meet visitor needs.
- (8) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.
- (f) All acquisitions shall be acquired in compliance with Chapter 16 (commencing with Section 7260), Division 7, Title 1, Government Code, "Relocation Assistance."

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Section 5090.32 and 5090.50, PRC; Title 1, Division 7, Chapter 16 Section 7260 et seq., Government Code.

4970.05. DEVELOPMENT PROJECTS

- (a) Development projects provide new OHV recreation opportunity or experience in the form of new facilities, trails, or areas.
- (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native American tribes are eligible to apply for development projects.
- (c) Examples of development projects include, but are not limited to the following:
 - (1) Trail construction.
 - (2) Trailhead/staging area construction.
 - (3) Restroom construction.
 - (4) Access road and parking lot construction.
 - (5) Picnic and camping facilities construction.
 - (6) Construction projects to reduce use conflicts.
 - (7) Competition and spectator facilities.
 - (8) Other related improvements such as visitor centers, kiosks, facility fencing, greenhouses, utilities installation (i.e., water, electrical, sewer), and storage buildings.
- (d) Public casual use of facilities shall not be less than 60% of the total use in areas funded with OHV grant funds.
- (e) Applications for development projects shall include all the information required under Section 4970.03 plus the following:
 - (1) All applications shall include a general project description, project costs, and activities to be performed ("deliverables").
 - (2) At a minimum, conceptual drawings and site plans for the project.
 - (3) Land tenure certification to the Division as indicated in the Application Instructions.
 - (4) Project specific map(s) and, if applicable, trails map(s).
 - (5) A needs description that shall include the following:
 - (A) How the project is designed to provide for efficient use of funds.
 - (B) An estimate of recurring maintenance costs associated with the project and the applicant's ability to cover those costs.
 - (C) Implications of not funding the project.

- (D) How the project supports a unique opportunity or experience.
- (E) How the project will meet visitor needs.
- (F) How volunteer participation enhances the project.
- (6) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.
- (f) Grantees are required to meet all appropriate access requirements under State or Federal law as applicable, including, without limitation, the Americans with Disabilities Act of 1990 (Public Law 101-336, July 26, 1990, 104 Stat 327).

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Sections 5090.32 and 5090.50, PRC; Public Law 101-336, July 26, 1990, 104 Stat. 327.

4970.06. EQUIPMENT PROJECTS

- (a) Equipment projects are for purchase or repair of single or multiple items exceeding \$5,000 (excluding tax).
- (b) Projects for repair shall be due to normal wear and tear.
- (c) Cities, counties, appropriate districts, federal agencies, federally recognized Native American tribes, educational institutions, and nonprofit organizations are eligible to apply for equipment purchases.
- (d) Examples of equipment purchase or repair include, but are not limited to the following:
 - (1) Motorcycles.
 - (2) All-terrain vehicles.
 - (3) Four-wheel drive vehicles.
 - (4) Snowmobiles.
 - (5) Traildozers.
 - (6) Mini excavators.
 - (7) Sound testing equipment.
 - (8) Engine replacement.
 - (9) Track replacement.
 - (10) Major mechanical overhaul if it is determined that repairs are more cost effective than the purchase of a new piece of equipment.
- (e) Applications for equipment shall include all the information required under Section 4970.03 plus the following:
 - (1) All applications shall include a general project description, project costs, and activities to be performed (“deliverables”).
 - (2) A brief description of how the equipment will be maintained and stored.
 - (3) A needs description that shall include the following:
 - (A) How the equipment purchase or repair provides for efficient use of funds.
 - (B) Implications of not funding the equipment purchase or repair.
 - (C) How the equipment to be purchased addresses a unique need.
 - (4) When applicable, nonprofit organization and educational institution applicants shall have a written agreement with the land management agency or landowner to use the equipment on the land.
 - (5) An equipment inventory list identifying all equipment previously purchased (over \$5,000) using OHV Trust Funds, and any items to be replaced or repaired. The list shall include the item, model number, vehicle identification number (VIN/ID), registration number, and mileage or hours.

- (6) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.
- (f) Equipment purchased exclusively with OHV Trust Funds shall be used only on OHV projects.
- (g) The applicant shall have written approval from the Division prior to purchase of tools or equipment exceeding \$500 which are not identified in a certified project agreement.
- (h) Applicants applying for one single off-highway motorcycle, ATV, or snowmobile may list that purchase, regardless of purchase price, as a single line item in one application project type.
- (i) Applicants applying for multiple equipment purchases exceeding \$5,000 (excluding tax) shall submit an equipment application.
- (j) Any single equipment purchase having a total cost equal to or greater than \$30,000, with at least half of the purchased costs paid from OHV Trust Funds, shall be registered in the Division's name, used in the grantee's OHV program for the normal life of the equipment, and then returned at the discretion of the Division for disposal or sale. Notification to the Division that an equipment item is eligible for surplus is the responsibility of the grantee. The Division shall respond to the grantee within 60 days of receipt of the notice of eligibility for the surplus and shall provide guidance to the grantee for the sale or disposition of the equipment item.
- (k) Grantees shall keep tools and equipment purchased with OHV Trust Funds maintained and in safe working order.
- (l) For one time purchases, applicants shall consult with the Division to determine the most cost effective method of acquiring equipment for the proposed project or activity; whether rent, lease, or purchase. The Division retains the right to require the grantee to return purchased equipment to the Division at the end of the contract or project for reuse in the program.
- (m) All equipment purchased with OHV Trust Funds must display an approved version of the OHMVR Division "OHV Trust Funds at Work" insignia. Grantees may obtain insignias free of charge from the Division.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
Reference cited: Sections 5090.32 and 5090.50, PRC.

4970.07. FACILITIES OPERATION AND MAINTENANCE (FO&M) PROJECTS

- (a) Facilities operation and maintenance projects are for routine work directed toward facilities, visitor assistance, and health and safety attributable to OHV recreation.
- (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native American tribes are eligible to apply for facilities operation and maintenance projects. Educational institutions and nonprofit organizations are not eligible to apply for facilities operation and maintenance projects.
- (c) Examples of facilities operation and maintenance activities include, but are not limited to the following:
 - (1) Facility servicing, including, but not limited to painting, cleaning restrooms, and maintaining kiosks.
 - (2) Volunteer support and coordination.
 - (3) Visitor services (excluding law enforcement).
 - (4) Snow plowing.
 - (5) Trash collection.

- (6) Purchase of first aid equipment and supplies.
 - (7) Map/brochure design and printing.
 - (8) Physical barriers and other means of traffic control.
 - (9) Purchase of tools and equipment, totaling up to \$5,000 (excluding tax).
 - (10) Sign boards, regulatory, and directional signs.
 - (11) Water system maintenance and testing.
 - (12) OHV site management.
 - (13) OHV program management.
 - (14) Repaving existing parking lots or roads.
 - (15) Repairs to staging areas or structures.
 - (16) Re-roofing.
 - (17) Electrical repairs.
- (d) Applications for facilities operation and maintenance projects shall include all the information required under Section 4970.03 plus the following:
- (1) All applications shall include a general project description, project costs, and activities to be performed (“deliverables”).
 - (2) Project specific map(s).
 - (3) A needs description that shall include the following:
 - (A) How the project is designed to provide for efficient use of funds.
 - (B) Implications of not funding the project.
 - (C) How the level of service will be adequate to meet visitor needs.
 - (D) How the work helps to extend the useful life of the facilities subject to recurring maintenance.
 - (E) How volunteer participation enhances the project.
 - (4) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.

NOTE: Authority cited: Sections 5001.5, and 5003, PRC.
 Reference cited: Sections 5090.32 and 5090.50, PRC.

4970.08. LAW ENFORCEMENT PROJECTS

- (a) Law enforcement projects provide assistance to local and federal agencies for enforcement of OHV laws, public safety, OHV related search and rescue, personnel support, placement of barriers and other means of traffic control, and training.
- (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native American tribes are eligible to apply for law enforcement projects.
- (c) Examples of law enforcement projects include, but are not limited to the following:
 - (1) Personnel for OHV related law enforcement patrol and search and rescue.
 - (2) Training and equipment for OHV related law enforcement and search and rescue.
 - (3) Contracts for OHV related law enforcement patrol, including air support.
 - (4) Fuel and maintenance for off-highway or dual purpose OHV patrol vehicles.
 - (5) Placement of physical barriers and other means to control illegal access.
 - (6) Purchase and installation of signs related to OHV law enforcement.
 - (7) OHV law enforcement outreach, including personnel and educational materials.
- (d) Applications for law enforcement projects shall include all the information required under Section 4970.03 plus the following:

- (1) All applications shall include a general project description, project costs, and activities to be performed (“deliverables”).
- (2) Project specific map(s) and trails map(s) containing: 1) all areas to be patrolled, 2) areas of special concern, and 3) areas with recurring law enforcement issues.
- (3) A law enforcement plan as described in the Application Instructions.
- (4) A needs description that shall include the following:
 - (A) How the project is designed to provide for efficient use of funds.
 - (B) Implications of not funding the project.
 - (C) How the project addresses a unique enforcement issue.
 - (D) How the level of law enforcement will be adequate to address the issue(s).
 - (E) How the project protects and improves the recreational experience, the environment, safety, or the recreation opportunity.
 - (F) How volunteer participation enhances the project.
- (5) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Sections 5090.32, 5090.50, and 5090.64(b)(2), PRC; CVC Section 38000.

4970.09. OHV SAFETY OR EDUCATION PROGRAM PROJECTS

- (a) OHV safety or education program projects teach safe and environmentally responsible operation of OHVs.
- (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native American tribes, educational institutions, and nonprofit organizations are eligible to apply for safety education or education program projects.
- (c) OHV safety or education program projects include, but are not limited to the following:
 - (1) Safety orientation and training.
 - (2) Site rental and insurance.
 - (3) Program and school outreach, including noise restrictions, responsible riding, public service announcements, ATV safety, etc.
 - (4) Curriculum development.
 - (5) OHV safety or educational handbooks, including vehicle operations, towing, environmental education, etc.
 - (6) Website development and other electronic media supporting safety and educational program projects.
- (d) Applications for OHV safety or education program projects shall include all the information required under Section 4970.03 plus the following:
 - (1) All applications shall include a general project description, project costs, and activities to be performed (“deliverables”).
 - (2) A general description of the purpose and specific content of the educational material to be developed for the project including training locations.
 - (3) Describe how the deliverables will contribute to the instruction of safe and/or environmentally responsible operation of OHVs.
 - (4) If site specific, project specific map(s).
 - (5) A needs description that shall include the following:
 - (A) How the project is designed to provide for efficient use of funds.

- (B) Implications of not funding the project.
- (C) How the project provides unique or required OHV training, orientation, or education.
- (D) How the project serves the targeted population.
- (E) How the project improves the recreational experience, the environment, safety, or the opportunity.
- (F) How volunteer participation enhances the project.
- (6) When applicable, nonprofit organization and educational institution applicants shall have a written agreement with the land management agency or landowner to perform the project.
- (7) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
Reference cited: Sections 5090.32 and 5090.50, PRC.

4970.10. PLANNING PROJECTS

- (a) Planning projects are intended to determine the viability of an area and/or project, and design solutions for effected areas and/or projects prior to the commitment of acquisition, development, or other funds.
- (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native American tribes are eligible to apply for planning projects.
- (c) Examples of planning projects include, but are not limited to the following:
 - (1) A plan to complete route designations, including, but limited to:
 - (A) Existing uses.
 - (B) Plants.
 - (C) Animals.
 - (D) Cultural resources.
 - (E) Roads.
 - (F) Inventories of roads, trails, and routes.
 - (2) A WHPP/HMP (PRC Section 5090.35).
 - (3) A plan to address toxic or hazardous waste within an area and adjacent property that may impact the site.
 - (4) A plan to address the potential effects of OHV recreation on:
 - (A) Adjacent lands.
 - (B) Residents.
 - (C) Potential conflict with other recreational users.
 - (5) A plan to address OHV recreation activity as it effects air and water quality, including a strategy for resolution.
 - (6) Environmental documents, including CEQA or NEPA, for potential OHV projects prepared in accordance with the requirements of Section 4970.15 of these regulations.
 - (7) The preparation of a Recreation Management Plan, OHV Plan, or the OHV portion of a General Plan.
- (d) Applications for planning projects shall include all the information required under Section 4970.03 plus the following:
 - (1) All applications shall include a general project description, project costs, and activities to be performed (“deliverables”).

- (2) Project specific map(s) and trails map(s) (if applicable).
- (3) Anticipated timeline for implementation of projects based on the completed plan (if applicable).
- (4) A needs description that shall include the following:
 - (A) Implications of not funding the project.
 - (B) How volunteer participation enhances the project.
 - (C) How the project will result in or sustain OHV opportunity.
 - (D) The connection between the project and the OHV issue or problem the plan proposes to address, and the expected outcomes of the plan.
- (5) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
 Reference cited: Sections 5024.1, 5090.32 and 5090.50, PRC.

4970.11. RESOURCE MANAGEMENT PROJECTS

- (a) Resource management projects conserve, protect, or repair natural or cultural resources affected by OHV activities, including monitoring those activities to provide data that will allow for appropriate management decisions related to the project.
- (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native American tribes, educational institutions and nonprofit organizations are eligible to apply for resource management projects.
- (c) Examples of resource management projects include, but are not limited to the following:
 - (1) Conservation or repair of areas.
 - (2) NEPA or CEQA for resource management projects.
 - (3) Construction projects related to conservation such as:
 - (A) Habitat or cultural resource protection.
 - (B) Habitat or cultural resource mitigation.
 - (C) Habitat improvement.
 - (D) Signing.
 - (E) Implementation of best management practices, including sediment control structures and stream crossing improvements.
 - (4) WHPP/HMP implementation.
 - (5) Monitoring.
 - (6) Surveys.
- (d) Applications for resource management projects shall include all the information required under Section 4970.03 plus the following:
 - (1) All applications shall include a general project description, project costs, and activities to be performed (“deliverables”).
 - (2) Project specific map(s) and, if applicable, trails map(s).
 - (3) A needs description that shall include the following:
 - (A) How the project is designed to provide for efficient use of funds.
 - (B) Implications of not funding the project.
 - (C) Innovative aspects of the project.
 - (D) How the project adequately addresses the resource concerns.
 - (E) How volunteer participation enhances the project.

- (4) When applicable, nonprofit organization and educational institution applicants shall have a written agreement with the land management agency or landowner to perform the project.
- (5) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
Reference cited: Sections 5090.32 and 5090.50, PRC.

4970.12. RESTORATION PROJECTS

- (a) Restoration projects restore land, plant communities, and plant covers comparable to those of surrounding lands or at least those that existed prior to OHV use, upon closure of a unit or portion of a unit.
- (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native American tribes are eligible to apply for restoration projects.
- (c) Examples of restoration include, but are not limited to the following:
 - (1) Restoring and stabilizing land contours.
 - (2) Planting and/or reintroduction of native plants, shrubs, trees, or groundcovers.
 - (3) Construction of physical barriers and other means of traffic control to prevent use of the area by off-highway motor vehicles in order to achieve restoration.
- (d) Eligible costs attributable to restoration projects may include, but are not limited to the following:
 - (1) Restoration of areas and routes damaged by OHV use.
 - (2) The closed portions of reroutes.
 - (3) Monitoring to assure success of closures, vegetation, and soils work.
 - (4) Signing associated with closures.
 - (5) Fencing or barriers used to close an area, trail, or road.
 - (6) CEQA or NEPA for the restoration project.
 - (7) Project engineering and project-level (“on the ground”) administration (not overhead) for the project.
 - (8) Public information and/or education directly tied to the specific restoration project.
- (e) Applications for restoration projects shall include all the information required under Section 4970.03 plus the following:
 - (1) All applications shall include a general project description, project costs, and activities to be performed (“deliverables”).
 - (2) Project specific map(s) and representative photographs of restoration sites.
 - (3) An explanation of what law enforcement efforts will be performed to support the restoration sites/projects.
 - (4) Descriptions of the success criteria that will be used and the monitoring that will be implemented to measure, to the extent possible, the successful outcome of the restoration project. Where applicable, include an anticipated timeline for implementation of projects based on the completed plan.
 - (5) A needs description that shall include the following:
 - (A) How the project is designed to provide for efficient use of funds.
 - (B) Implications of not funding the project.
 - (C) How the project helps to protect, restore, or conserve resources.
 - (D) Innovative aspects of the project.

- (E) How volunteer participation enhances the project.
- (6) A restoration environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Sections 5090.32, 5090.50, and 5090.64(a), PRC.

4970.13. STUDIES AND SCIENTIFIC RESEARCH PROJECTS

- (a) Studies and scientific research projects evaluate, estimate, analyze, and address the possible impact on, or of, OHV recreation and develop responsive management recommendations.
- (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native American tribes, educational institutions, and nonprofit organizations are all eligible to apply for studies and scientific research projects.
- (c) Studies and scientific research projects on OHV recreation may include, but are not limited to those that address:
 - (1) Potential effects of OHV recreation on natural and cultural resources.
 - (2) Potential effects of OHV recreation on other recreation uses.
 - (3) Potential effects of OHV recreation on adjacent lands.
 - (4) Potential impact on relationships between OHV recreation and local residents.
 - (5) Further technological advances to reduce noise, air, and water pollution from OHVs.
 - (6) Geologic survey and slope maps or topographic maps.
 - (7) Site surveys for toxic or hazardous waste within an area and adjacent property that may impact the site.
 - (8) Study of potential acquisitions to determine the need to buffer the effects of OHV activities, and/or to provide future opportunity.
- (d) Applications for studies and scientific research projects shall include all the information required under Section 4970.03 plus the following:
 - (1) All applications shall include a general project description, project costs, and activities to be performed (“deliverables”).
 - (2) Project specific map(s) and, if applicable, trails map(s).
 - (3) Study design and/or plan listing a description of the study goals, objectives, and methodologies.
 - (4) A timeline for completion of the study or scientific research project.
 - (5) For scientific research projects, include documentation of peer review of the study plan. The peer review shall be conducted by at least three qualified experts from the scientific discipline or related fields.
 - (6) A needs description that shall include the following:
 - (A) How the project is designed to provide for efficient use of funds.
 - (B) Implications of not funding the project.
 - (7) A history of past performance and experience conducting studies and scientific research projects.
 - (8) When applicable, nonprofit organization and educational institution applicants shall have a written agreement with the land management agency or landowner to perform the study or scientific research.

- (9) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Sections 5024.1, 5090.32, and 5090.50, PRC.

4970.14. TRAIL MAINTENANCE, TRAIL CONSERVATION, AND TRAIL REROUTE PROJECTS

- (a) These projects are made up of three components: trail maintenance, trail conservation, and trail reroute.
- (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native American tribes are eligible to apply for trail maintenance, trail conservation, and trail reroute projects. Educational institutions and nonprofit organizations are only eligible to apply for trail conservation and conservation work related to trail reroute projects.
- (c) Trail maintenance related work is routine work on trails or areas, including, but not limited to the following:
 - (1) Brushing.
 - (2) Trail signing.
 - (3) Fallen tree removal.
 - (4) Tread work related to safety or ease of passage.
 - (5) Grooming (rock rakes).
- (d) Trail conservation related work involves repair tied directly to natural or cultural resource conservation activities, such as:
 - (1) Erosion and/or sediment control.
 - (2) Vegetation protection.
 - (3) Cultural resource protection.
 - (4) Habitat protection.
- (e) Trail reroute work includes:
 - (1) Closing the existing trail or trail segment, including restoration activities.
 - (2) Replacement of the closed trail segment with superior alignment.
- (f) Applications for trail maintenance, trail conservation, and trail reroute projects shall include all the information required under Section 4970.03 plus the following:
 - (1) All applications shall include a general project description, project costs, and activities to be performed (“deliverables”).
 - (2) Project specific map(s) and trails map(s).
 - (3) A needs description that shall include the following:
 - (A) How the project is designed to provide for efficient use of funds.
 - (B) Implications of not funding the project.
 - (C) How the project supports a unique opportunity or experience.
 - (D) How the project helps to extend the useful life of the trail system.
 - (E) How volunteer participation enhances the project.
 - (4) For trail maintenance, include a proposed maintenance plan.
 - (5) When applicable, nonprofit organization and educational institution applicants shall have a written agreement with the land management agency or landowner to perform the project.

- (6) An environmental review data sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions.

NOTE: Authority cited: Sections 5001.5, and 5003, PRC.
Reference cited: Sections 5090.32 and 5090.50, PRC.

ARTICLE 3 – ENVIRONMENTAL AND MATCH REQUIREMENTS

4970.15. CEQA REQUIREMENTS

- (a) The Division is required to comply with the California Environmental Quality Act (CEQA) (PRC Section 21000 et seq.) prior to the approval of all grants and cooperative agreements under the OHMVR grants and cooperative agreements program.
- (b) All city, county, appropriate district, educational institution and nonprofit organization applicant projects shall provide the required documentation for the Division to determine that final CEQA compliance has been met. Compliance shall be determined by one of the following:
 - (1) A Categorical Exemption (CE) or equivalent information that follows a project evaluation form and Notice of Exemption consistent with the Application Instructions, or
 - (2) An Initial Study/Negative Declaration (IS/ND) or an Initial Study/Mitigated Negative Declaration (IS/MND) for activities that are not categorically exempt, but fit within the definition of activities that may be covered by a ND under CEQA, or
 - (3) An Environmental Impact Report (EIR) or focused EIR if the proposed activity poses a potentially significant impact as defined in an IS/ND checklist, or meets any of the tests for mandatory findings of significance in an IS/ND checklist provided in the Application Instructions, or
 - (4) Other documentation that satisfies the requirements of CEQA.
- (c) All federal agency and federally recognized Native American tribe applicants shall submit completed project-related NEPA compliance documentation, and the responses to questions required by Section VI of the Application Instructions, to allow the Division to make a sufficient project review to determine the appropriate level of CEQA compliance and any additional environmental documentation required.
- (d) Within forty-five days (45) of receipt, the Division will review all applications for environmental compliance and return those applications that do not comply with the Application Requirements.
- (e) Within forty-five days (45) of determining that Applications have complied with the Application Requirements, the Division will review those cooperative agreements that comply with the Application Requirements and determine what additional documentation or information is required for the Division to complete the requirements for CEQA, together with an assessment of the amount of further CEQA analysis and compliance that may be required. The Division cannot promise to complete the added CEQA work needed if the time and resources required exceed the time and resources available to complete the grant program selection process. If the Division determines that it cannot complete the necessary additional CEQA work, it reserves the right to inform the applicant in writing and return the application and supporting materials.

- (f) If the Division determines that additional information is required for the cooperative agreement applications to comply with CEQA and that such work may be completed with existing resources and within the timeframe for the grant process, it will request such additional documentation from the applicant be returned within ten (10) days of the written data request.
- (g) Applicants for cooperative agreements who do not return the requested additional information within the ten-day time limit will have their applications returned without further processing.
- (h) For those applications for cooperative agreements that are accepted for further CEQA compliance by the Division, the Division will use its best efforts to cause the CEQA compliance work to be completed in sufficient time for final Commission allocation of funds and approval of the activities to be funded (“deliverables”) for the project(s). However, the Division cannot guarantee the project will be certified as CEQA compliant. Also, the Division reserves the right to cease CEQA compliance work if it determines the project may not be funded in light of the project evaluation and scoring process and submission of the project to the Commission grant subcommittee for preliminary review and funding allocations.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
Reference cited: Sections 5090.32 and 5090.50(g), PRC.

4970.16. WILDLIFE HABITAT PROTECTION PROGRAM (WHPP)/HABITAT MANAGEMENT PROGRAM (HMP)

- (a) A Wildlife Habitat Protection Program (WHPP) is an animal and plant Habitat Management Program (HMP) designed to sustain a viable species composition for the project area, pursuant to PRC Sections 5090.35 (b) and 5090.50.
- (b) All federal agency and federally recognized Native American tribe applications for acquisition, development, equipment, facilities operation and maintenance, OHV safety or education program, planning, resource management, restoration, studies and scientific research, and trail maintenance, trail conservation, trail reroute projects shall submit a WHPP/HMP to sustain a viable species composition for the project area.
- (c) Prior to approval of a grant, all city, county, and appropriate district applicants for acquisition and development projects shall develop, pursuant to PRC Section 5090.53, a WHPP/HMP to sustain a viable species composition for the project area.
- (d) Law enforcement is exempt from a WHPP/HMP pursuant to PRC Sections 5090.50 (i) and 5090.53 (b).
- (e) A WHPP/HMP shall follow the Application Instructions, and include the following components as applicable:
 - (1) Species or habitats of concern related to OHV use.
 - (2) Risk factors associated with OHV use.
 - (3) Management objectives and actions, including success criteria.
 - (4) Monitoring.
 - (5) Management review and response.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
Reference cited: Section 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

4970.17. SOIL CONSERVATION PROGRAM

- (a) All federal agency and federally recognized Native American tribe applications for acquisition, development, equipment, facilities operation and maintenance, OHV safety or education program, planning, resource management, restoration, studies and scientific research, and trail maintenance, trail conservation, and trail reroute projects shall submit evidence showing that a soil conservation program for the project area has been met.
- (b) Prior to approval of a grant, all city, county, and appropriate district applicants for acquisition and development projects shall develop, pursuant to PRC Section 5090.53, a soil conservation program for the project area.
- (c) Law enforcement is exempt from soil conservation program requirements pursuant to PRC Sections 5090.50 (i) and 5090.53 (b).
- (d) The soil conservation program shall comply with PRC 5090.35, 5090.50, and 5090.53, and the Application Instructions.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Section 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

4970.18. MATCH REQUIREMENTS

- (a) Cities, counties, and appropriate districts, nonprofit organizations, and educational institutions shall provide matching funds or the equivalent value of services, material, or property used, in an amount of not less than 25 percent of the total expense of the off-highway motor vehicle facility to be funded by the grant.
- (b) All federal agencies and federally recognized Native American tribes are exempt from the matching funds requirement in accordance with PRC Section 5090.51(a).
- (c) There shall be no matching fund requirement for grant applications that request funding for the planning, acquisition, development, or construction of a regional off-highway motor vehicle facility as defined in Section 4970.00(uu).
- (d) Cities, counties, and appropriate districts must provide a match as follows:
 - (1) For acquisition projects, in non-regional facilities only.
 - (2) For development projects, in non-regional facilities only.
 - (3) For equipment projects, in all facilities.
 - (4) For facilities operation and maintenance projects, in all facilities with the exception of construction activities in regional facilities.
 - (5) For law enforcement projects, in all facilities.
 - (6) For OHV safety or education program projects, in all facilities.
 - (7) For planning projects, in non-regional facilities only.
 - (8) For resource management projects, in all facilities with the exception of construction activities in regional facilities.
 - (9) For restoration projects, in all facilities with the exception of construction activities in regional facilities.
 - (10) For studies and scientific research projects, in all facilities.
 - (11) For trail maintenance, trail conservation, and trail reroute projects, in all facilities with the exception of construction activities in regional facilities.
- (e) Nonprofit organizations and educational institutions must provide a match as follows:
 - (1) For equipment projects, in all facilities.
 - (2) For OHV safety or education program projects, in all facilities.
 - (3) For resource management projects, in all facilities with the exception of construction activities in regional facilities.

- (4) For studies and scientific research projects, in all facilities.
- (5) For trail conservation projects and conservation work related to trail reroute projects, in all facilities with the exception of construction activities in regional facilities.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
Reference cited: Section 5090.51, PRC.

ARTICLE 4 – APPLICATION EVALUATION SYSTEM

4970.19. APPLICATION EVALUATION SYSTEM

- (a) OHMVR grants and cooperative agreements shall be awarded on a competitive basis. An evaluation system will be used to evaluate each type of project within an application.
- (b) The application evaluation system to be used by the Division for each single or multiple project application will consist of evaluation criteria, scoring, ranking and funding determinations as indicated in the Application Instructions, Chapter 2.
- (c) Division staff shall ensure that all grant and cooperative agreement applications forwarded to the Commission shall comply with the Application Instructions and the following sections:
 - (1) Acquisition projects, Section 4970.04(e).
 - (2) Development projects, Section 4970.05(e).
 - (3) Equipment projects, Section 4970.06(e).
 - (4) Facilities operation and maintenance (FO&M) projects, Section 4970.07(d).
 - (5) Law enforcement projects, Section 4970.08(d).
 - (6) OHV safety or education program projects, Section 4970.09(d).
 - (7) Planning projects, Section 4970.10(d).
 - (8) Resource management projects, Sections 4970.11(d).
 - (9) Restoration projects, Section 4970.12(e).
 - (10) Studies and scientific research projects, Section 4970.13(d).
 - (11) Trail maintenance, trail conservation, and trail reroute projects, Section 4970.14(f).
- (d) For those grants and cooperative agreements program applications that are complete as submitted, an evaluation panel of not less than five Division staff members shall use the evaluation system to evaluate, score, rank and provide funding determinations for each single or multiple project application. Applications determined to be incomplete shall be returned to the applicant without being processed through the evaluation system and will not be forwarded to the Commission for consideration.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
Reference cited: Sections 5090.24 and 5090.32, PRC.

4970.20. COMMISSION ALLOCATION OF FUNDS AND APPROVAL OF GRANTS AND COOPERATIVE AGREEMENTS PROGRAM APPLICATIONS

- (a) Applications shall be considered once annually as long as OHV Trust Funds are available.
- (b) Applications that have undergone the application evaluation system shall be considered complete thereby meeting all required application standards outlined in

section 4970.03, as well as individual project sections, and be presented to the Commission for consideration at duly scheduled Commission meetings.

- (c) Division staff shall ensure that all grant and cooperative agreement applications forwarded to the Commission subcommittee or Commission as a whole include the following:
 - (1) Application face sheet in compliance with the Application Instructions;
 - (2) General project description of the OHV program in compliance with the Application Instructions;
 - (3) Needs description;
 - (4) Description of public involvement in compliance with Section 4970.03(g)(1) through (4) of these regulations;
 - (5) Project description and project costs and deliverables in compliance with the Application Instructions.
- (d) The Commission may designate a grants and cooperative agreements program subcommittee to hold public meetings for preliminary consideration of the grant or cooperative agreement applications that have been evaluated, scored, ranked, and have received funding determinations by the Division. The subcommittee may make funding recommendations to be used as the basis for the consent calendar at the Commission's final annual grant program allocation meeting(s).
- (e) The Commission shall allocate grants and cooperative agreement program funds and approve the activities to be performed ("deliverables") of the grants or cooperative agreement applications and/or project(s) after hearing public and applicant testimony, Division input, and considering any other written comments. The Division shall prepare and execute project agreements to implement the funding allocations and approved activities ("deliverables") for the approved project agreements.
- (f) The Division shall send to the Resources Agency and to the applicants a copy of the Commission's funding allocations. Other organizations and interested parties may receive a copy of the Commission's funding allocations upon written request to the Division or view the allocations on the Division website.

Note: Authority cited: Sections 5001.5 and 5003, PRC.

Reference cited: Sections 5090.32 and 5090.61, PRC.

ARTICLE 5 – ACCOUNTING, ANNUAL AUDITS AND PERFORMANCE REVIEWS, AND SITE VISITS

4970.21. ACCOUNTING, ANNUAL AUDITS AND PERFORMANCE REVIEWS, AND SITE VISITS

- (a) The grantee shall maintain financial accounts, documents, and records for all projects and shall make them available to the Department of Parks and Recreation's auditor.
- (b) The Division shall have the right to inspect and/or make copies of any books, records, or reports of the grantee pertaining to all projects.
- (c) The grantee shall use generally accepted accounting methods.
- (d) The grantee shall retain all financial accounts, documents, and records until a project has been audited including the performance of expenditures of the grantee by the Department of Parks and Recreation, to determine compliance with the project agreement and deliverables.

- (e) Upon completion of the Department of Parks and Recreation audit, the grant recipient shall be provided with a copy of the final audit report that shall contain the results of the audit including performance review.
- (f) If the audit results identify an overpayment to the grantee, the grantee shall have sixty (60) days to refund the overpayment to the State.
- (g) The Division may at anytime, with a minimum of fourteen days notice, conduct site visits to review the grantee's program, taking into consideration past and current performance.
- (h) The Division, based on the site visit, shall develop a report containing comments and recommendations designed to improve the grantee's program.
- (i) All comments and recommendations identified in the site visit report by Division staff and received by the applicant 60 days prior to the application filing deadline, shall be incorporated into the grant application for the upcoming grant cycle.

NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
Reference cited: Section 5090.32, PRC.