

**CALIFORNIA STATE PARKS**  
**Off-Highway Motor Vehicle Recreation Division**

**2008 GRANTS AND COOPERATIVE AGREEMENTS**  
**PROGRAM REGULATIONS**

**GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS**

**TABLE OF CONTENTS**

ARTICLE 1 – GENERAL PROVISIONS.....1

    4970.00. \_\_ APPLICATION OF CHAPTER..... 1

    4970.01. \_\_ DEFINITIONS..... 1

    4970.02. \_\_ PROGRAM PURPOSE..... 4

    4970.03. \_\_ DETERMINING APPLICANT ELIGIBILITY..... 5

    4970.04. \_\_ GRANTS PROGRAM CYCLE..... 5

    4970.05. \_\_ GENERAL APPLICATION REQUIREMENTS..... 6

    4970.06. \_\_ ENVIRONMENTAL REQUIREMENTS..... 8

    4970.06.1. \_\_ California Environmental Quality Act (CEQA) Requirements..... 8

    4970.06.2. \_\_ Habitat Management Program (HMP)..... 11

    4970.06.3. \_\_ Soil Conservation..... 11

    4970.07. \_\_ APPLICATION SUBMISSION..... 13

    4970.07.1. \_\_ Application Process – Question and Answers..... 14

    4970.07.2. \_\_ Final Application Defects..... 14

    4970.08. \_\_ ELIGIBLE PROJECT COSTS..... 14

    4970.09. \_\_ INELIGIBLE PROJECT COSTS..... 16

ARTICLE 2 – TYPES OF PROJECTS AND SPECIFIC APPLICATION REQUIREMENTS..... 16

    4970.10. \_\_ OPERATION AND MAINTENANCE (O&M)..... 16

    4970.10.1. \_\_ Ground Operations (GO)..... 17

    4970.10.2. \_\_ Development..... 18

    4970.10.3. \_\_ Planning..... 19

    4970.10.4. \_\_ Acquisition..... 20

    4970.11. \_\_ RESTORATION..... 22

    4970.12. \_\_ LAW ENFORCEMENT..... 24

    4970.13. \_\_ EDUCATION AND SAFETY..... 24

ARTICLE 3 – APPLICATION EVALUATION SYSTEM AND FUNDING..... 25

    4970.14. \_\_ EVALUATION CRITERIA..... 25

    4970.14.1. \_\_ General Criteria..... 26

    4970.14.2. \_\_ Project-Specific Criteria..... 26

    4970.14.3. \_\_ Factual Documentation..... 26

    4970.15. \_\_ FUNDING DISTRIBUTION..... 26

    4970.15.1. \_\_ Operation and Maintenance (O&M)..... 27

    4970.15.2. \_\_ Restoration..... 28

    4970.15.3. \_\_ Law Enforcement..... 28

    4970.15.4. \_\_ Education and Safety..... 29

    4970.16. \_\_ NOTICE OF INTENT TO AWARD..... 29

    4970.17. \_\_ APPEAL PROCESS..... 29

    4970.18. \_\_ AWARD OF GRANTS..... 31

ARTICLE 4 – PROJECT ADMINISTRATION PROCEDURES..... 31

    4970.19. \_\_ PROJECT AGREEMENT..... 31

    4970.19.1. \_\_ Project Performance Period..... 31

    4970.19.2. \_\_ Project Amendments..... 31

    4970.19.3. \_\_ Project Withdrawal..... 32

    4970.19.4. \_\_ Project Breach-Termination..... 32

4970.19.5.	Failure to Perform	32
4970.19.6.	Financial Responsibilities	33
4970.20.	EQUIPMENT MANAGEMENT REQUIREMENTS	33
4970.21.	DEVELOPMENT PROJECT PROCEDURES	33
4970.22.	ACCOUNTING PRACTICES	34
4970.23.	PAYMENT REQUESTS	35
4970.23.1.	Advances	35
4970.23.2.	Reimbursements	35
4970.24.	PROJECT CLOSEOUT	35
4970.25.	AUDITS	36
4970.25.1.	Performance Audits	36
4970.25.2.	Financial Audits	37
4970.25.3.	Final Audit Report	37
4970.26.	HOW TO CONTACT THE OHMVR DIVISION	38

1 **ADOPT (2008)**

2  
3 **Chapter 15**

4  
5 **OFF-HIGHWAY MOTOR VEHICLE RECREATION**  
6 **GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS**

7  
8 **ARTICLE 1 – GENERAL PROVISIONS**

9  
10 **4970.00. APPLICATION OF CHAPTER**

11 California Code of Regulations (CCR), Title 14, Division 3, Chapter 15 applies only to  
12 Grant and Cooperative Agreement Applications received by the Off-Highway Motor  
13 Vehicle Recreation (OHMVR) Division on or after January 1, 2008.

14  
15 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code (PRC).  
16 Reference: Sections 5090.01-5090.70, PRC.

17  
18 **4970.01. DEFINITIONS**

19 The words used in this chapter have the following meanings whenever the words are  
20 capitalized:

- 21 (a) “Act” means the Off-Highway Motor Vehicle Recreation Act of 2003, as amended,  
22 commencing at PRC Section 5090.01, or any subsequent amended versions.
- 23 (b) “Administrative Costs” means the costs of functions performed in support of the  
24 Project.
- 25 (c) “Applicant” means any entities identified in Section 4970.03.
- 26 (d) “Application” means a compilation of required information submitted in  
27 conformance with these regulations to support a request for funding from the  
28 OHMVR Division's Grants program for proposed Project(s).
- 29 (e) “Audit” means a comprehensive review in accordance with Generally Accepted  
30 Auditing Standards (GAAS), developed by the American Institute of Certified  
31 Public Accountants (AICPA) and the Government Auditing Standards issued by  
32 the United States (U.S.) General Accounting Office (GAO). The Audit is a review  
33 of the Grantee’s relevant financial records by the Department of Parks and  
34 Recreation Audit Office staff or other Department designee to determine that they  
35 support the expenditures authorized in the Project Agreement.
- 36 (f) “Buffer” refers to lands contiguous to existing or proposed OHV recreational  
37 areas that reduce noise and other effects to the surrounding lands, for the  
38 purpose of sustaining OHV Recreation and/or protecting wildlife habitat, soils and  
39 viewsheds.
- 40 (g) “CEQA” means the California Environmental Quality Act, PRC Section 21000 et  
41 seq.; Title 14, CCR, Division 6, Chapter 3, Article 20.
- 42 (h) “Conservation” means activities, practices, and programs developed and/or  
43 implemented in connection with ongoing OHV Recreation that sustain and  
44 preserve soils, plants, wildlife and their habitat, and natural and Cultural  
45 Resources as referenced in or required by PRC Sections 5090.10, 5090.35,  
46 5090.50, and 5090.53.

- 47 (i) "Cooperative Agreement" means an agreement between the OHMVR Division  
48 and a federal agency or a Federally Recognized Native American Tribe for the  
49 purposes authorized and defined in PRC 5090.50 and these regulations.
- 50 (j) "Cultural Resources" are associated with events that have made a significant  
51 contribution to the broad patterns of California's history and cultural heritage; are  
52 associated with the lives of persons important in our past; embody the distinctive  
53 characteristics of a type, period, region, or method of construction, or represent  
54 the work of an important creative individual, or possess high artistic values; or  
55 have yielded, or may be likely to yield, information important in prehistory or  
56 history. Cultural Resources also include historical resources. Historical resources  
57 include, but are not limited to, any object, building, structure, site, area, place,  
58 record, or manuscript that is historically or archaeologically significant, or is  
59 significant in the architectural, engineering, scientific, economic, agricultural,  
60 educational, social, political, military, or cultural annals of California. A resource  
61 shall be considered by the lead agency to be "historically significant" if the  
62 resource meets the criteria for listing on the California Register of Historical  
63 Resources (PRC Section 5024.1, Title 14 CCR, Section 4852).
- 64 (k) "Deliverables" means the specific tangible outcomes or work products to be  
65 provided, acquired, or produced with the funds made available pursuant to the  
66 Project Agreement. Examples include the purchase of a specified property,  
67 installation of specified erosion control measures, construction of a restroom,  
68 construction of a specified length of fencing, production of a specified number of  
69 maps, purchase of specified Equipment, Restoration of a specific area,  
70 maintenance of a specific length of trail, completion of research resulting in a  
71 written report, and planning that results in a report or reports including any related  
72 specified documents.
- 73 (l) "Development" means the construction of new, and/or improvement of existing  
74 Facilities to improve existing or provide additional opportunities, experiences, or  
75 services for OHV Recreation.
- 76 (m) "District" means a public or quasi-public governmental entity formed according to  
77 law whose mission includes clear legal responsibility for open space, recreation,  
78 parks, and resource-related activities that are land based.
- 79 (n) "Division Website" means the internet page of the OHMVR Division located at  
80 [www.ohv.parks.ca.gov](http://www.ohv.parks.ca.gov).
- 81 (o) "Due Diligence" means to conduct or cause to be conducted an investigation of  
82 all aspects of property proposed to be acquired and/or developed using OHV  
83 Trust Funds, including investigating the suitability of the property for the intended  
84 use, and all critical facts and assumptions used in developing the proposed  
85 Project that would assist in evaluating the success of the Project in providing  
86 OHV Recreational opportunities and to avoid and/or minimize potential risks that  
87 could impair the future sustainability of OHV Recreation.
- 88 (p) "Ecological" means the interdependence of living organisms within the ecosystem  
89 in which the OHV use exists, including the interrelationship and interactions  
90 between and among the natural and Cultural Resources and the human activities  
91 relating to or affected by OHV use.
- 92 (q) "Ecological Restoration" means to return the habitat, as nearly as possible and  
93 where feasible, to the Ecological conditions necessary to sustain the wildlife

- 94 and/or plant species supported by the habitat, or that existed prior to the OHV  
95 use, or that are affected by ongoing OHV use.
- 96 (r) "Education" means comprehensive programs that teach OHV safety,  
97 environmental responsibility, and respect for private property.
- 98 (s) "Educational Institution" means a public or private preschool, elementary, or  
99 secondary school, college or university, or institution; the governing board of a  
100 school district; or any combination of school districts or counties recognized as  
101 the administrative agency for public elementary or secondary schools.
- 102 (t) "Equipment" means tangible property that has a normal useful life of at least one  
103 year and has a unit acquisition cost of at least \$1,000 (e.g., four identical assets  
104 which cost \$400 each, for a \$1,600 total, would not meet the requirement).  
105 Equipment does not include expendable items such as personal safety gear, or  
106 tires.
- 107 (u) "Facility" means the assets of an organization that include: buildings, trails, roads,  
108 grounds, parking facilities, and structures such as shade structures, fences, trash  
109 enclosures, cattle guards, etc., and includes the systems that support facilities  
110 (fuel, electrical, sewer, water, waste, etc.).
- 111 (v) "Federally Recognized Native American Tribe" means any tribe, band, nation, or  
112 other organized group or community of Indians, including any Alaska Native  
113 Village pursuant to Title 25, Code of Federal Regulations (CFR) Section 83.5(a).
- 114 (w) "Grant" means a local agency grant between the OHMVR Division and a city,  
115 county, District, State Agency, Educational Institution, or Nonprofit organization  
116 for the purposes as authorized and defined in PRC Section 5090.50 and these  
117 regulations or a Cooperative Agreement between a federal agency, or a Federally  
118 Recognized Native American Tribe, and the OHMVR Division.
- 119 (x) "Grantee" means a recipient of a Grant.
- 120 (y) "Ground Disturbing Activity" means the manipulation of soils during the course of  
121 maintenance or development of trails or areas for OHV Recreation. For purposes  
122 of the Habitat Management Program, it means any activity in which earth moving  
123 activities such as grading or excavation are utilized that have the potential to  
124 directly or indirectly affect special-status species or sensitive habitats in or  
125 adjacent to the Project Area.
- 126 (z) "Habitat Management Program (HMP)" " means an animal and plant Wildlife  
127 Habitat Protection Program designed to sustain a Viable Species Composition for  
128 the Project Area, pursuant to PRC Sections 5090.35, 5090.50, and 5090.53.
- 129 (aa) "Inconsequential Defect" means a defect that, when corrected, does not provide  
130 the Applicant an unfair advantage.
- 131 (bb) "Indirect Costs" means expenses that have been incurred for purposes common  
132 to all Projects, but which cannot be identified and charged directly to each Project  
133 without an inordinate amount of tracking and accounting.
- 134 (cc) "Land Manager" means the public agency legally responsible for the proposed  
135 Project Area.
- 136 (dd) "NEPA" means the National Environmental Policy Act pursuant to United States  
137 Code Title 42, Section 4371; 40 Code of Federal Regulations (CFR) part 1500.1  
138 et seq.
- 139 (ee) "Nonprofit" means an organization having tax-exempt status pursuant to Section  
140 501(c)(3) of the Internal Revenue Code (IRC).

- 141 (ff) "OHV" means an off-highway motor vehicle as specified in California Vehicle  
142 Code (CVC) Section 38006.
- 143 (gg) "OHV Opportunities" means roads, trails, or areas on lands that are open to legal  
144 OHV Recreation.
- 145 (hh) "OHV Recreation" means the activity of driving or riding motorized vehicles, on  
146 lands to which CVC Division 16.5 applies, for leisure purposes including  
147 motorized off-highway access to non-motorized recreation activities.
- 148 (ii) "On-line Grant Application (OLGA)" means the OHMVR Division's web-based  
149 application system.
- 150 (jj) "Project" means the activities and Deliverables described in the Project  
151 Application to be accomplished with funding through a Project Agreement.
- 152 (kk) "Project Agreement" means a contract executed to formally implement a Project.
- 153 (ll) "Project Area" means the physical boundaries within which the activities will be  
154 performed and Deliverables will be accomplished as described in the Project  
155 Agreement.
- 156 (mm) "Project Description" means the work plan that details the activities to be  
157 conducted by the Applicant.
- 158 (nn) "Repair" means to fix, mend, make new, or revitalize to the condition of the  
159 habitat that existed prior to unauthorized OHV use and related damage.
- 160 (oo) "Restoration" means upon closure of the unit or any portion thereof, the  
161 restoration of land to the contours, the plant communities, and the plant covers  
162 comparable to those on surrounding lands or at least those which existed prior to  
163 OHV use.
- 164 (pp) "Restoration Planning" means identifying appropriate restoration techniques,  
165 strategies, and Project implementation, including environmental review  
166 associated with the Project.
- 167 (qq) "Viable Species Composition" means that species found in the Project Area have  
168 populations with the estimated numbers and distribution of reproductive  
169 individuals to enable their continued existence.

170  
171 Note: Authority cited: Sections 5001.5 and 5003, PRC.

172 Reference: Sections 5020.1(j), 5024.1, 5090.07, 5090.10, 5090.11, 5090.32, 5090.35,  
173 5090.50, 5090.53, and 21000 et seq., PRC; CVC, Division 16.5; CCR Title 14, Division  
174 6, Chapter 3, Article 20; United States Code (USC), Title 42, Section 4371; USC, Title  
175 43, Sections 1601 et seq.; 40 CFR part 1500.1 et seq.; 25 CFR Section 83.5(a); Section  
176 210.3, Education Code; and U. S. IRC Section 501(c)(3).

## 177 178 **4970.02. PROGRAM PURPOSE**

179 The purpose of the Grants program is to provide for well managed OHV Recreation by  
180 providing financial assistance to eligible agencies and organizations that develop,  
181 maintain, operate, expand, support, or contribute to well managed, high-quality, OHV  
182 Recreation areas, roads, and trails, and to responsibly maintain the wildlife, soils, and  
183 habitat of Project Areas in a manner that will sustain long-term OHV Recreation in  
184 accordance with the legislative provisions and intent of the Act commencing at PRC  
185 Section 5090.01.

186  
187 Note: Authority cited: Sections 5001.5 and 5003, PRC.

188 Reference: Sections 5090.01-5090.70, PRC.

189 **4970.03. DETERMINING APPLICANT ELIGIBILITY**

- 190 (a) Eligibility to apply for funding under the OHMVR Grants program requires the  
 191 Applicant to meet one (1) of the following organizational definitions:  
 192 (1) For a city or county: a department or comparable subdivision,  
 193 (2) A District,  
 194 (3) For the U.S. Forest Service: a Forest, Regional Office, except for law  
 195 enforcement Projects for which the Applicant is defined as a Patrol District,  
 196 (4) For the U.S. Bureau of Land Management: a Field, District, or State Office,  
 197 (5) For other Federal Agencies: a Field, District, Regional or State Office, or  
 198 similar subdivision,  
 199 (6) A Federally Recognized Native American Tribe,  
 200 (7) An Educational Institution,  
 201 (8) A Nonprofit organization,  
 202 (9) A State Agency or department, Commission, Conservancy, Board or other  
 203 comparable subdivision within the government of the State of California.  
 204 (b) Applicants are limited to certain Project types. Applications received from entities  
 205 that do not comply with this requirement will not be considered. See Table 1 for a  
 206 list of eligible Project types by Applicant.  
 207

208 **Table 1 – Eligible Applicants by Project Types**

209

	<u>Acquisition</u>	<u>Development</u>	<u>Education &amp; Safety</u>	<u>Ground Operations</u>	<u>Law Enforcement</u>	<u>Planning</u>	<u>Restoration</u>
<u>Cities and Counties</u>	X	X	X	X	X	X	X
<u>U.S. Forest Service</u>	X	X	X	X	X	X	X
<u>U.S. Bureau of Land Management</u>	X	X	X	X	X	X	X
<u>Other Federal Agencies</u>	X	X	X	X		X	X
<u>Federally Recognized Native American Tribes</u>	X	X	X	X		X	X
<u>Educational Institutions</u>			X	X			X
<u>Nonprofit organizations</u>			X	X			X
<u>State Agencies</u>							X
<u>Districts</u>	X	X	X	X		X	X

210  
 211 Note: Authority cited: Sections 5001.5 and 5003, PRC.  
 212 Reference: Section 5090.32 and 5090.50, PRC.  
 213

214 **4970.04. GRANTS PROGRAM CYCLE**

- 215 (a) Grants shall be awarded on an annual basis provided funding is appropriated by  
 216 the Legislature. The awarding of a Grant does not guarantee ongoing or  
 217 future funding in any Project category.  
 218 (b) Prior to the start of each Grants program cycle (Grants Cycle), the OHMVR  
 219 Commission shall conduct a public meeting to collect public input concerning the  
 220 Grants program. The OHMVR Commission may provide general guidance to the

221 OHMVR Division prior to the start of each Grants Cycle. See Table 2 for an  
 222 overview of the Grants Cycle.

223 **Table 2 – Grants Cycle**

<b><u>Activity</u></b>	<b><u>Date</u></b>
<u>Application materials available on the Division Website.</u>	<u>The second Monday in January</u>
<u>Application workshops</u>	<u>May be held for potential Applicants. Information will be posted annually on the Division Website.</u>
<u>Preliminary Application filing</u>	<u>The first Monday in March</u>
<u>Public review and comment period:</u>  <u>(1) The OHMVR Division shall post preliminary Applications on the Division Website.</u>  <u>(2) Applicants shall notice the public.</u>	<u>The first Tuesday following the first Monday in March through the first Monday in April.</u>
<u>Application final filing date</u>	<u>The first Monday in May</u>
<u>OHMVR Division final Application review</u>	<u>May</u>
<u>Application Results Intent to Award will be posted on the Division Website.</u>	<u>The first Monday in June</u>
<u>Appeal Period Applicants have the right to appeal the OHMVR Division’s Intent to Award.</u>	<u>Thirty (30) calendar days from the Intent to Award posting of the notice on the OHMVR Division Website.</u>
<u>OHMVR Division and Grantees Execute Project Agreements</u>	<u>Upon resolution of any appeals</u>

226  
 227 Note: Authority cited: Sections 5001.5 and 5003, PRC.  
 228 Reference: Sections 5090.24(b), 5090.32, and 5090.50, PRC.  
 229

230 **4970.05. GENERAL APPLICATION REQUIREMENTS**

- 231 (a) The Appendix and all of its contents and subsequent revisions adopted through  
 232 the rulemaking process are hereby incorporated by reference.  
 233 (b) Applications shall establish how each proposed Project is directly related to OHV  
 234 Recreation in the Project Area specified in the Application. Proposed Projects will

- 235 be screened by the OHMVR Division prior to scoring. Those Applications that do  
236 not establish a direct relation to OHV Recreation shall be rejected.
- 237 (c) Subject to the discretion of the OHMVR Division as specified in Section  
238 4970.07.2, any Application determined by the OHMVR Division to be non-  
239 compliant with these requirements may be disqualified.
- 240 (d) Each Applicant may submit only one (1) Application for each Grants Cycle. The  
241 Application may contain multiple Projects.
- 242 (e) Applicants shall undertake a public review process of their Application.
- 243 (1) All preliminary Applications shall be available on the Division Website the  
244 day following the preliminary Application deadline for public review and  
245 comment.
- 246 (2) The Applicant shall publish instructions in their newsletter and/or on their  
247 website regarding accessing the Division Website for Application review  
248 and public comments. This notice shall also be mailed and/or emailed to  
249 those persons the agency or organization determines most likely to have  
250 an interest in or be affected by the Project.
- 251 (3) Public comments shall be submitted to the Applicant and the OHMVR  
252 Division.
- 253 (4) Public comments shall be submitted no later the first Monday in April.
- 254 (f) All Applicants shall provide matching funds or the equivalent value of services, or  
255 material, in an amount not less than twenty-five percent (25%) per Project.
- 256 (1) All items of expense applied towards matching funds shall be applicable to  
257 the Project and shall be documented the same as any other item of  
258 expense.
- 259 (2) The same match expenses shall not be duplicated for multiple Projects.
- 260 (3) Cash value for volunteer time shall be determined using the agency's  
261 hourly reimbursement rate for the paid classification that most closely  
262 matches the duties performed by the volunteer. Cash value for salaried  
263 employee time shall be based on the agency's hourly reimbursement rate  
264 for the classification.
- 265 (4) Any item of expense that would be eligible as a Project cost is also eligible  
266 as a match.
- 267 (g) All Applicants shall provide a Project Cost Estimate for each requested Project.
- 268 (h) All Applicants shall complete an inventory of Equipment for items purchased with  
269 OHV Trust Funds.
- 270 (i) All Applicants except those applying solely for law enforcement shall complete  
271 the Applicant Certifications.
- 272 (j) Additional requirements within the Appendix shall be completed as applicable.
- 273 (k) Nonprofit organizations shall demonstrate current IRC, Section 501(c)(3) status.
- 274 (l) Educational Institutions and Nonprofit organizations applying for a Grant involving  
275 activities on any public lands shall include a written agreement from the  
276 appropriate Land Manager authorizing the Applicant to conduct the proposed  
277 Project and a description of how the Project fits with the land management goals  
278 of the area.
- 279 (m) All city, county, District, Educational Institution, Nonprofit organizations, and  
280 Federally Recognized Native American Tribe Applicants shall submit a Governing  
281 Body Resolution, authorizing the Application, certified by the clerk of the  
282 governing body.

283 (n) All Applicants shall comply with the environmental application requirements  
284 contained in Section 4970.06.

285  
286 Note: Authority cited: Sections 5001.5 and 5003, PRC.

287 Reference: Sections 5090.32 and 5090.50, PRC.

288  
289 **4970.06. ENVIRONMENTAL REQUIREMENTS**

290 **4970.06.1. California Environmental Quality Act (CEQA) Requirements**

291 (a) The OHMVR Division is required to comply with CEQA before approving each  
292 Grant.

293 (b) When a Project request is for funding both CEQA and/or NEPA requirements and  
294 actual Project Deliverables, the Project shall be undertaken and funded in two  
295 phases as follows:

296 (1) The first phase funds the CEQA or NEPA activities, and

297 (2) The second phase will fund the deliverables, as approved and  
298 conditioned by the outcome of the CEQA and/or NEPA document,  
299 once the CEQA or NEPA conclusions result in a decision to proceed  
300 with the Project Deliverables and the Division gives approval .

301 (c) For city, county, District, State Agency, Educational Institution, and Nonprofit  
302 organization Applicants only:

303 (1) All city, county, District, State Agency, Educational Institution and Nonprofit  
304 organization Applicants shall provide the required documentation for the  
305 OHMVR Division to determine that CEQA compliance has been met for  
306 each Project. CEQA compliance shall be determined by submitting one of  
307 the following for each Project:

308 (A) A Notice of Exemption (NOE) finding that the Project is exempt from  
309 CEQA that has been filed for the Project consistent with CEQA  
310 Guidelines Section 15062, together with responses to questions  
311 required in the Environmental Review Data Sheet (ERDS), or

312 (B) An Initial Study/Negative Declaration (IS/ND) or an Initial  
313 Study/Mitigated Negative Declaration (IS/MND) for activities that are  
314 not categorically exempt, but fit within the definition of activities that  
315 may be covered by a Negative Declaration (ND) under CEQA,  
316 together with a copy of the Notice of Determination (NOD) filed for  
317 the Project, or

318 (C) An Environmental Impact Report (EIR) if the proposed activity  
319 poses a potentially significant impact as defined in an IS/ND  
320 checklist, or meets any of the tests for mandatory findings of  
321 significance under CEQA (PRC Section 21083; CEQA Guidelines  
322 Section 15065), together with a copy of the NOD filed for the  
323 Project, or

324 (D) Other documentation indicating the requirements of CEQA have  
325 been satisfied in the discretion of the Applicant or the reasons the  
326 Applicant believes the Project is categorically exempt or not subject  
327 to the CEQA requirements.

328 (2) Within 45 calendar days of the final Application submission, the OHMVR  
329 Division shall review the Application for environmental compliance.

- 330 (A) If the OHMVR Division needs to clarify information provided  
331 pursuant to 4970.06(c)(1), the OHMVR Division shall submit in  
332 writing a request for such information from the Applicant by the  
333 Application final filing date. The OHMVR Division shall request the  
334 Applicant provide the additional information in writing to the OHMVR  
335 Division within ten (10) calendar days of receipt of the request.
- 336 (B) Applicants that do not return the requested additional information  
337 within the ten (10) calendar day limit may have their Applications  
338 returned without further processing.
- 339 (3) Notwithstanding 4970.06.1(b)(1), where the Applicant is not a lead agency  
340 and CEQA compliance has not otherwise been met, the Applicant shall  
341 provide responses to questions required in the ERDS for each Project, and  
342 shall also provide adequate information to the OHMVR Division to make a  
343 sufficient Project review to determine the appropriate level of CEQA  
344 compliance and any additional environmental documentation required.
- 345 (A) Within 45 calendar days of the final Application submission, the  
346 OHMVR Division shall review all Projects to determine what  
347 additional documentation or information is required for the OHMVR  
348 Division to complete the requirements for CEQA, with an  
349 assessment of the amount of further CEQA analysis and  
350 compliance that may be required. The OHMVR Division cannot  
351 commit to completing the added CEQA work needed if the time and  
352 resources required exceed the time and resources available to  
353 complete the Application selection process.
- 354 (B) If the OHMVR Division determines that it cannot complete the  
355 necessary additional CEQA work, it reserves the right to inform the  
356 Applicant in writing and return the Application and supporting  
357 materials.
- 358 (C) If the OHMVR Division determines that additional information is  
359 required for the Project to comply with CEQA and that such work  
360 may be completed with existing resources and within the timeframe  
361 for the Application process, it will request such additional  
362 documentation from the Applicant be returned within ten (10)  
363 calendar days of the written request.
- 364 (1) Applicants who do not return the requested additional  
365 information within the ten (10) day time limit may have their  
366 Applications returned without further processing.
- 367 (2) For those Applications that are accepted for further CEQA  
368 compliance, the OHMVR Division shall use its best efforts to  
369 cause the CEQA compliance work to be completed in  
370 sufficient time for final review of the Applications and  
371 approval to issue Project Agreements. However, the OHMVR  
372 Division cannot guarantee the Project will be certified as  
373 CEQA compliant. Also, the OHMVR Division reserves the  
374 right to cease CEQA compliance work if it determines the  
375 Project may not be funded in light of the Project evaluation  
376 and scoring process and submission of the Project to the  
377 OHMVR Division for review and approval.

- 378 (d) For Federal Agencies or Federally Recognized Native American Tribe Applicants  
379 only:  
380 (1) All federal agencies and Federally Recognized Native American Tribe  
381 Applicants shall submit completed Project-related NEPA compliance  
382 documentation for each Project together with the responses to the ERDS  
383 for each Project to allow the OHMVR Division to make a sufficient Project  
384 review to determine the appropriate level of CEQA compliance and any  
385 additional environmental documentation required.  
386 (2) Within 45 calendar days of the final Application submission, the OHMVR  
387 Division shall review all Projects to determine what additional  
388 documentation or information is required for the OHMVR Division to  
389 complete the requirements for CEQA, with an assessment of the amount  
390 of further CEQA analysis and compliance that may be required. The  
391 OHMVR Division cannot commit to completing the added CEQA work  
392 needed if the time and resources required exceed the time and resources  
393 available to complete the Application selection process.  
394 (A) If the OHMVR Division determines that it cannot complete the  
395 necessary additional CEQA work, it reserves the right to inform the  
396 Applicant in writing and return the Application and supporting  
397 materials.  
398 (B) If the OHMVR Division determines that additional information is  
399 required for the Project to comply with CEQA and such work may  
400 be completed with existing resources and within the timeframe for  
401 the Application process, it will request such additional  
402 documentation from the Applicant be returned within ten (10)  
403 calendar days of the written request.  
404 (C) Applicants who do not return the requested additional information  
405 within the ten (10) day time limit may have their Applications  
406 returned without further processing.  
407 (D) For those Applications that are accepted for further CEQA  
408 compliance, the OHMVR Division will use its best efforts to cause  
409 the CEQA compliance work to be completed in sufficient time for  
410 final review and approval of the Applications for the Project(s).  
411 However, the OHMVR Division cannot guarantee the Project will be  
412 certified as CEQA compliant. Also, the OHMVR Division reserves  
413 the right to cease CEQA compliance work if it determines the  
414 Project may not be funded in light of the Project evaluation and  
415 scoring process and submission of the Project to the OHMVR  
416 Division for review and approval.  
417 (e) An agency may not rely on mitigation measures as a basis for concluding a  
418 Project is categorically exempt.  
419 (f) When an ERDS is required, one ERDS shall be provided for each individual  
420 Project, even if more than one (1) Project falls under the same Project type. If an  
421 individual Project addresses more than one (1) site, every site under that Project  
422 shall be clearly addressed in the ERDS.  
423  
424  
425

426 **4970.06.2. Habitat Management Program (HMP)**

- 427 (a) All Applicants submitting a proposed Project involving Ground Disturbing Activity  
428 shall submit a HMP.
- 429 (b) Applicants shall submit only one HMP for each Application. The HMP shall  
430 encompass all Project Areas for every Project with Ground Disturbing Activities  
431 for which funding is requested.
- 432 (c) Within 45 calendar days of the final Application submission, the OHMVR Division  
433 shall review all Applications to ensure that all required HMP components are  
434 addressed.
- 435 (1) If the OHMVR Division needs to clarify information provided and has  
436 determined that such clarification may be completed within the timeframe  
437 for the Application process, it shall request such additional documentation  
438 from the Applicant be returned within ten (10) calendar days of the written  
439 request.
- 440 (2) Applicants who do not return the requested additional information within  
441 the ten (10) day time limit may have their Applications returned without  
442 further processing.
- 443 (d) When a HMP implementation is required, the Grantee shall implement the HMP  
444 regardless of whether the Grantee received funds specifically for HMP  
445 implementation.

446

447 **4970.06.3. Soil Conservation**

- 448 (a) The 2008 Soil Conservation Standard and supporting 2008 Soil Conservation  
449 Guidelines are by this reference incorporated into and adopted as a part of these  
450 Regulations. Definitions governing soil conservation are contained in the Soil  
451 Standard and Guidelines.
- 452 (b) In accordance with the Soil Conservation Standard, "Off-highway vehicle (OHV)  
453 recreation facilities [receiving grant funding] shall be managed for sustainable  
454 long-term prescribed use without generating soil loss that exceeds restorability,  
455 and without causing erosion or sedimentation which significantly affects resource  
456 values beyond the facilities. Management of OHV facilities shall occur in  
457 accordance with PRC, Sections 5090.02, 5090.35, and 5090.53."
- 458 (c) All Applicants submitting proposed Project(s) involving Ground Disturbing Activity  
459 shall demonstrate and agree that the applicant has, or will implement, a Soil  
460 Conservation Plan that achieves the Soil Conservation Standard with regard to  
461 the proposed Project(s). Applicants shall submit only one Soil Conservation Plan  
462 for each Application. The Soil Conservation Plan shall encompass all Project  
463 Areas for every Project with Ground Disturbing Activities for which funding is  
464 requested.
- 465 (d) The Soil Conservation Plan shall reference, adopt, and utilize the methods,  
466 considerations, and other suggestions contained in the Soil Guidelines or other  
467 comparable methods or considerations that demonstrate how the Soil  
468 Conservation Standard is being or will be met in the Project Area.
- 469 (e) The Soil Conservation Plan shall include the following components:
- 470 (1) Protocol for assessment and maintenance  
471 To receive funding all OHV Projects shall have a protocol for assessment  
472 and maintenance which considers:
- 473 (A) Water, wind, and mechanical erosion,

- 474 (B) Water and sediment control,  
475 (C) Tread condition,  
476 (D) Off-site impacts, and  
477 (E) Watercourse crossings.  
478 (2) Protocol for monitoring  
479 (A) To receive funding Applicants shall have a protocol for monitoring  
480 change detection of features, trails, and facilities which describes:  
481 (i) Objectives,  
482 (ii) Monitoring parameters,  
483 (iii) Monitoring site selection,  
484 (iv) Monitoring schedule,  
485 (v) Data collection, including Quality Assurance/Quality Control  
486 measures, and  
487 (vi) Data management.  
488 (B) The plan shall also incorporate one or more of the following:  
489 (i) Photography (ground based and/or aerial),  
490 (ii) Field Control Plots,  
491 (iii) Transects, and  
492 (iv) Sampling Points.  
493 (3) Monitoring and soil conservation standard compliance report  
494 (A) The compliance report provides information, gathered using the  
495 methodologies outlined in the Applicant's answers to (2) above, that  
496 demonstrates the Applicant has sufficient knowledge of the Project  
497 Area to plan and implement activities that will result in sustainable  
498 practices and compliance with the Soil Conservation Standard.  
499 (B) The compliance report shall address the following:  
500 (i) Historical conditions,  
501 (ii) Change analysis,  
502 (iii) Findings,  
503 (iv) Conclusions, and  
504 (v) A compliance action plan describing activities to be  
505 implemented and a schedule of those activities.  
506 (A) Upon determination that the Soil Conservation  
507 Standard is not being met in any Project Area, the  
508 compliance action plan shall describe the steps taken  
509 to temporarily close and repair that area or portion  
510 thereof funded from the OHV Trust Fund in order to  
511 meet the Soil Conservation Standard.  
512 (B) If the OHV Opportunity has not been repaired, the  
513 Applicant will explain the reasons therefore and its  
514 plan to repair or close the OHV Opportunity, including  
515 any current or future request for OHV funding to meet  
516 the Soil Conservation Standard.  
517 (4) Development Projects for new facilities  
518 The Soil Conservation documentation for Development Projects resulting  
519 in new facilities shall also include the following components:

- 520 (A) A Project Description that includes the Project purpose,  
521 documentation of the proposed Project design, and proposed  
522 construction methods.  
523 (B) A review of the Project's potential effects on local hydrology and  
524 adjacent infrastructure.  
525 (f) Within 45 calendar days of the final Application submission, the OHMVR Division  
526 shall review all Applications to ensure all required Soil Conservation components  
527 are addressed.  
528 (1) If the OHMVR Division needs to clarify information provided and has  
529 determined that such clarification may be completed within the timeframe  
530 for the Application process, it shall request such additional documentation  
531 from the Applicant be returned within ten (10) calendar days of the written  
532 request.  
533 (2) Applicants who do not return the requested additional information within  
534 the ten (10) day time limit may have their Applications returned without  
535 further processing.  
536 (g) When Soil Conservation Program implementation is required, the Grantee shall  
537 implement the Soil Conservation Plan regardless of whether the Grantee  
538 received funds specifically for Soil Conservation Program implementation.  
539

540 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
541 Reference: Sections 5090.02, 5090.32, 5090.35, 5090.50(d)(4), 5090.53, 15000 et seq.,  
542 and 21000 et seq., Public Resources Code; USC Title 42, Section 4371; and 40 CFR  
543 part 1500.1 et seq.  
544

545 **4970.07. APPLICATION SUBMISSION**

- 546 (a) Applications shall be submitted via the Internet through the OHMVR Division's  
547 OLGA. The OHMVR Division will not accept Applications after the published  
548 deadlines pursuant to Table 2 in Section 4970.04.  
549 (1) The OLGA is an interactive database that will guide Applicants through the  
550 Application process. OHMVR Division staff will provide additional support  
551 for Applicants as needed.  
552 (2) All Applications shall be submitted via the OLGA.  
553 (b) All Applicants shall submit preliminary and final Applications by the due date  
554 pursuant to Table 2, Section 4970.04. Applicants shall submit a preliminary and  
555 final Application to be considered for Grant award. The preliminary Application,  
556 shall include for each Project, with the exception of law enforcement Projects, at  
557 a minimum:  
558 (1) Project description,  
559 (2) Project Cost Estimate, and  
560 (3) Evaluation criteria  
561 (c) Applicants for law enforcement Projects shall submit the following preliminary  
562 Application items:  
563 (1) Project Cost Estimate,  
564 (2) Law Enforcement Needs Assessment, and  
565 (3) Law Enforcement Project Certification.

- 566 (d) Preliminary Applications will be reviewed by the OHMVR Division. The OHMVR  
567 Division, at its sole discretion, may choose to perform a preliminary Application  
568 site visit.  
569 (e) All Applicants shall comply with Section 4970.05(d).  
570 (f) Prior to the final Application submittal, Applicants may only modify their  
571 Application as a result of OHMVR Division preliminary review and/or public  
572 comments.  
573

#### 574 **4970.07.1. Application Process – Question and Answers**

- 575 (a) Questions concerning the Application process and the interpretation of these  
576 regulations may be directed to a Grant Administrator. Contact may be by phone,  
577 or by email to the OHMVR Division. Refer to Section 4970.26 for contact  
578 information.  
579 (b) Responses to these questions will be posted via the Division Website within  
580 seven (7) calendar days of submission. The last date for submitting questions to  
581 the OHMVR Division is eight (8) calendar days prior to the final Application  
582 deadline.  
583 (c) Applicants shall not rely on answers to questions unless placed on the Division  
584 Website, Questions and Answers section, by the OHMVR Division.  
585

#### 586 **4970.07.2. Final Application Defects**

- 587 (a) The OHMVR Division may, but has no obligation, to waive or correct  
588 Inconsequential Defects in the final Application.  
589 (b) The OHMVR Division may contact an Applicant in order to clarify Inconsequential  
590 Defects submitted in the Application.  
591 (c) Projects submitted as the incorrect Project type shall be rejected. Applicants  
592 unsure of the correct Project type should contact the OHMVR Division for  
593 assistance.  
594 (d) Applications found to have defects that are inconsistent with applicable statute  
595 and/or these regulations will be rejected by the OHMVR Division.  
596

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

598 Reference: Sections 5090.32, and 5090.50, PRC.  
599

#### 600 **4970.08. ELIGIBLE PROJECT COSTS**

- 601 (a) Eligible Project costs are the costs directly related to the work identified in the  
602 Project Description. Additionally, the Applicant may receive up to ten percent  
603 (10%) reimbursement for Indirect Administrative Costs.  
604 (b) Examples of eligible costs include but are not limited to:  
605 (1) Preliminary acquisition costs for contract preparation, acquisition appraisal,  
606 and negotiation.  
607 (2) Costs for an employee directly engaged in OHV Project implementation,  
608 subject to the following:  
609 (A) Costs shall be computed according to the prevailing wage (for  
610 contracted services) or salary scale (for Applicant's staff), and may  
611 include benefits (i.e., vacation, sick leave, and social security  
612 contribution) that are customarily charged by the Grantee or

- 613 contractor. Personnel benefit charges shall be calculated in  
614 proportion to the actual time worked on an OHV Project.
- 615 (B) Costs charged to an OHV Project shall be computed on actual time  
616 worked on the Project and supported by timesheets and attendance  
617 records or comparable documentation describing the work  
618 performed on the OHV Project.
- 619 (C) Costs for overtime are allowed under the Grantee's established  
620 overtime policy.
- 621 (D) Costs for direct Project supervision.
- 622 (3) Stipends paid to volunteers according to the Grantee's normal practice or  
623 policy.
- 624 (4) Costs associated with Equipment acquired with Grantee's funds and used  
625 for an OHV Project shall be charged on a use basis in accordance with the  
626 Applicant's local fair market rental rates but shall never exceed the  
627 Grantee's actual cost. The Grantee may not charge a use fee for vehicles  
628 or Equipment purchased with OHV Trust Funds, except for fuel and minor  
629 maintenance costs.
- 630 (5) Supplies and materials, including personal safety items, may be purchased  
631 for a specific OHV Project or may be drawn from a central stock, provided  
632 the items are claimed at a cost no higher than the original purchase price  
633 paid by the Grantee.
- 634 (6) Construction activities, from site preparation (e.g., demolition, excavation,  
635 grading, etc.) through completion of the structure or Facility.
- 636 (7) Relocation costs that result from the displacement of a person and/or  
637 business, in accordance with California Government Code Sections 7260-  
638 7277 or the agency's applicable law if different from California law,
- 639 (8) Grantee insurance premiums for hazard and liability insurance for an OHV  
640 Facility.
- 641 (9) Transportation costs for moving Equipment, material, and personnel  
642 (excluding moving and relocation expenses resulting from changes in  
643 assignments).
- 644 (10) Preparation and publication of maps and/or handouts may be included as  
645 part of any related Project.
- 646 (11) Rent or lease of facilities to complete the Project, provided that the lease  
647 shall be fair market value or Grantee's actual cost, whichever is less and  
648 shall be proportionate to the area of the facility used for the Project.  
649 Utilities to operate these facilities are eligible provided the utilities are  
650 documented separately from any rent or lease costs.
- 651 (12) Equipment:
- 652 (A) Equipment purchase or repair shall be requested as part of the  
653 Application for a specific Project.
- 654 (B) Equipment repair shall be due to normal wear and tear and may  
655 include major mechanical overhaul or replacement of parts if it is  
656 shown by a financial analysis in the Application that repair is more  
657 cost effective than the purchase of a new piece of Equipment.
- 658 (C) Equipment shall be used for OHV related purposes unless the  
659 Applicant is funding the portion of the purchase price not dedicated  
660 to OHV purposes, and

661 (13) Costs associated with site-specific Project planning such as design,  
662 permitting, or CEQA or NEPA analysis.

663  
664 Note: Authority cited: Sections 5001.5 and 5003, PRC.

665 Reference: Sections 5090.32, 5090.50, PRC; Government Code Sections 7260 – 7277;  
666 Sections 15000 et seq, and 21000 et seq., PR C; USC Title 42, Section 4371; and 40  
667 CFR part 1500.1 et seq.

668  
669 **4970.09. INELIGIBLE PROJECT COSTS**

670 (a) Costs not associated with the Project Description are not eligible for  
671 reimbursement.

672 (b) Examples of ineligible Project costs include but are not limited to:

673 (1) Expenditures outside the Project performance period as specified in the  
674 Project Agreement,

675 (2) Work or services performed outside of the Project Description in the  
676 Project Agreement,

677 (3) Any interest expense, discount not taken, deficit or overdraft, or bonus  
678 payment,

679 (4) Charges for a contingency reserve or other similar reserve,

680 (5) A damage judgment against the Grantee,

681 (6) Workers' compensation claims,

682 (7) Travel claims not related to the Project,

683 (8) Employee relocation (moving expenses resulting from duty station or  
684 assignment change),

685 (9) Charges incurred contrary to the policies and practices of the Grantee,

686 (10) Any Project cost reimbursed by any other funding source,

687 (11) Awards, trophies, or plaques,

688 (12) Replacement or repair of Equipment not properly secured or maintained,

689 (13) Use fee for Equipment purchased with moneys from the OHV Trust Fund  
690 and,

691 (14) Restoration Project funds shall not be used for the Development or  
692 maintenance of trails for motorized use.

693 (c) If costs are in question, the Applicant should seek clarification from the OHMVR  
694 Division.

695  
696 Note: Authority cited: Sections 5001.5 and 5003, PRC.

697 Reference: Sections 5090.32 and 5090.50, PRC.

698  
699 **ARTICLE 2 – TYPES OF PROJECTS AND SPECIFIC APPLICATION**  
700 **REQUIREMENTS**

701  
702 **4970.10. OPERATION AND MAINTENANCE (O&M)**

703 (a) Purpose

704 Operation and maintenance of Facilities, Conservation, Development, planning or  
705 acquisition associated with the use of OHVs for Recreation or motorized access  
706 to non-motorized recreation.

707

708

- 709 (b) Available Funding  
 710 Fifty percent (50%) of the funds appropriated by the Legislature for the Grants  
 711 program shall be expended for Projects within the O&M category.  
 712 (c) The minimum and maximum funding requests are as follows:  
 713 (1) The minimum Project request is \$10,000.  
 714 (2) The maximum amount requested per Project type is \$1,000,000, and  
 715 (3) The maximum Applicant request in this category is \$1,500,000.  
 716 (d) Projects that affect lands identified as inventoried roadless areas by the U.S.,  
 717 Forest Service, shall certify that the Project complies with PRC 5090.50(b)(1)(C).  
 718 (e) Project Types  
 719 The O&M category is divided into the following four sub-categories:  
 720 (1) Ground Operations,  
 721 (2) Development,  
 722 (3) Planning, and  
 723 (4) Acquisition.  
 724 (f) Eligible Applicants  
 725 Applicants may apply for Project types as shown in Table 3:  
 726  
 727  
 728

**Table 3 – Eligible Applicant by Project Type**

	<u>Ground Operations</u>	<u>Development</u>	<u>Planning</u>	<u>Acquisition</u>
<u>Cities, Counties, and Districts</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Federal Agencies</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Federally Recognized Native American Tribes</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Educational Institutions</u>	<u>X</u>			
<u>Nonprofit organizations</u>	<u>X</u>			

- 729  
 730 **4970.10.1 Ground Operations (GO)**  
 731 (a) Purpose  
 732 Maintenance and/or Conservation of Facilities; compliance with soil standards  
 733 and HMP; and protection of natural and/or Cultural Resources.  
 734 (b) Available Funding  
 735 From the O&M category, at least seventy percent (70%) of the funds will be  
 736 available for GO Projects.  
 737 (c) Examples of Deliverables  
 738 GO Deliverables include, but are not limited to the following:  
 739 (1) Maintenance of OHV Opportunity including necessary rerouting of roads  
 740 and trails to address operational concerns,  
 741 (2) Facility servicing, including, but not limited to painting, cleaning restrooms,  
 742 re-roofing, repairing of electrical systems, and maintaining kiosks,  
 743 (3) Regulatory and directional/trail signs,  
 744 (4) Repaving existing parking lots,

- 745 (5) Implementation of best management practices including erosion and/or  
746 sediment control measures and stream crossing improvements.  
747 (6) HMP development and/or implementation including monitoring the  
748 effectiveness of prior and ongoing Conservation activities, and  
749 (7) Soil Conservation Program development and/or implementation.  
750 (d) Project-Specific Application Requirements  
751 In addition to the common requirements listed in Section 4970.05, Applications  
752 for GO Projects shall include:  
753 (1) Project Description  
754 The Project Description shall provide sufficient clarity such that those not  
755 familiar with the agency or Project can understand what the Applicant  
756 intends to do. The Project Description shall include:  
757 (A) A statement of the GO activity the Applicant proposes to undertake  
758 such as scraping, grading, planting; erosion control; irrigation  
759 system installation and maintenance or other follow-up,  
760 (B) How the proposed Project relates to OHV Recreation and will add  
761 to, enhance, or otherwise sustain OHV Recreation or OHV  
762 Opportunity in the Project Area,  
763 (C) The size of the Project site(s) in acres and/or miles, and  
764 (D) The locations and descriptions of existing OHV Opportunities in and  
765 around the Project Area.  
766 (2) Necessary rerouting of roads and trails to address operational concerns  
767 requires submission of a Project timeline, conceptual drawings and site  
768 plans. See Section 4970.10.2(d)(2) for instructions.  
769 (3) Project-Specific Maps  
770 Project-specific maps shall include:  
771 A map(s) showing the location of trails and other Facilities along with  
772 related OHV Opportunities, or other lands being served by the facilities.  
773 (e) Optional Project-Specific Application Documents  
774 If Applicants deem it helpful to support their specific Project Application, they may  
775 submit up to two (2) pages of Project-specific photos.  
776 (f) Evaluation Criteria  
777 See Appendix for GO evaluation criteria.  
778

#### **4970.10.2 Development**

- 780 (a) Purpose  
781 Construction of, or improvements to, Facilities to sustain or enhance OHV  
782 recreational opportunity and experiences.  
783 (b) Available Funding  
784 From the O&M category, up to ten percent (10%) of the funds will be available for  
785 Development Projects.  
786 (c) Examples of Deliverables  
787 Development Deliverables include, but are not limited to the following:  
788 (1) Trail and trailhead/staging area construction,  
789 (2) Access road and parking lot construction,  
790 (3) Picnic, restrooms, kiosks, and camping facilities construction,  
791 (4) Infrastructure for OHV related Facilities such as electricity, water, sewage  
792 treatment,

- 793 (5) Conservation practices with regard to environmental protection, and  
794 (6) Discretionary rerouting of roads or trails.  
795 (d) Project-Specific Application Requirements  
796 In addition to the common requirements listed in Section 4970.05, Applications  
797 for Development Projects shall include:  
798 (1) Project Description  
799 The Project Description shall provide sufficient clarity such that those not  
800 familiar with the agency or Project can understand what the Applicant  
801 intends to do. The Project Description shall include:  
802 (A) A statement of the Development activity the Applicant proposes to  
803 undertake such as trail building, erosion control, construction,  
804 irrigation system installation, and maintenance or other follow-up,  
805 (B) How the proposed Project relates to OHV Recreation and will add  
806 to, enhance, or otherwise sustain OHV Recreation or OHV  
807 Opportunity in the Project Area,  
808 (C) The size of the proposed development ,  
809 (D) The timeline for Project completion, and  
810 (E) The location(s) of existing OHV Opportunities in and around the  
811 Development and how the Project will affect or relate to those  
812 opportunities.  
813 (2) Conceptual Drawings and Site Plans  
814 Provide conceptual drawings of the site depicting proposed improvements  
815 and the location of those improvements. If the Project includes  
816 construction of a building, indicate floor plans and square footage.  
817 (3) Land Tenure Certification  
818 Local agencies shall certify to the OHMVR Division that they have  
819 adequate tenure to, and site control of, the properties to be improved.  
820 Tenure includes:  
821 (A) Ownership,  
822 (B) Lease,  
823 (C) Easement, and  
824 (D) Joint powers (or similar agreement).  
825 (4) Project-Specific Maps  
826 Project-specific maps shall include:  
827 A map(s) containing enough detail to provide someone unfamiliar with the  
828 area the ability to locate the site. Map(s) shall show existing Facilities and  
829 proposed Facilities as part of this Project or other existing plans.  
830 (e) Optional Project-Specific Application Documents  
831 If Applicants deem it helpful to support their specific Project Application, they may  
832 submit up to two (2) pages of Project-specific photos.  
833 (f) Evaluation Criteria  
834 See Appendix for Development evaluation criteria.  
835

### **4970.10.3. Planning**

- 837 (a) Purpose  
838 Development and preparation of plans for future Projects which propose  
839 organization, Development, operation, Conservation and/or maintenance to  
840 sustain long-term OHV Recreational use.

- 841 (b) Available Funding  
842 From the O&M category, up to ten percent (10%) of the funds will be available for  
843 planning Projects.
- 844 (c) Examples of Deliverables  
845 Planning Deliverables include, but are not limited to the following:  
846 (1) Identifying trails or other Facilities for OHV Recreation, including  
847 inventories and mapping of roads, trails, and areas,  
848 (2) Develop a plan to protect and conserve soils, water, plants, animals,  
849 and/or Cultural or other natural resources affected by OHV Recreation,  
850 and  
851 (3) Preparing an OHV component of a Recreation Management Plan, OHV  
852 Plan, or the OHV portion of a General Plan.
- 853 (d) Project-Specific Application Requirements  
854 In addition to the common requirements listed in Section 4970.05, Applications  
855 for planning Projects shall include a Project Description. The Project Description  
856 shall provide sufficient clarity such that those not familiar with the agency or  
857 Project can understand what the Applicant intends to do. The Project Description  
858 shall include:  
859 (1) A statement of the planning objective(s),  
860 (2) How the proposed Project relates to OHV Recreation and will add to,  
861 enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the  
862 Project Area,  
863 (3) A statement of the activity(ies) the Applicant proposes to undertake,  
864 (4) A list of all reports, interim or final, or other documents to be produced, and  
865 (5) A timeline for completion of all planning activities.
- 866 (e) Optional Project-Specific Application Documents  
867 If Applicants deem it helpful to support their specific Project Application, the  
868 following documents may be submitted:  
869 (1) Project-specific photos – up to two (2) pages, and/or  
870 (2) Project-specific map(s).
- 871 (f) Evaluation Criteria  
872 See Appendix for planning evaluation criteria.

874 **4970.10.4 Acquisition**

- 875 (a) Purpose  
876 Secure interests in land to sustain and/or expand OHV Recreation access and  
877 OHV Opportunities.
- 878 (b) Available Funding  
879 From the O&M category, up to ten percent (10%) of the funds will be available for  
880 acquisition Projects.
- 881 (c) Examples of Deliverables  
882 Acquisition Deliverables include, but are not limited to the following:  
883 (1) Purchase of right-of-way or easement,  
884 (2) Lease of twenty-five (25) years or more,  
885 (3) Purchase of land in fee title,  
886 (4) Purchase of an option, and  
887 (5) Rights to use real property, such as permits or licenses.  
888

- 889 (d) Project-Specific Application Requirements  
890 In addition to the common requirements listed in Section 4970.05, Applications  
891 for acquisition Projects shall include:
- 892 (1) Project Description  
893 The Project Description shall provide sufficient clarity such that those not  
894 familiar with the agency or Project can understand what the Applicant  
895 intends to do. The Project Description shall include:
- 896 (A) A statement of the procurement activity the Applicant proposes to  
897 undertake.
  - 898 (B) How the proposed Project relates to OHV Recreation and will add  
899 to, enhance, or otherwise sustain OHV Recreation or OHV  
900 Opportunity in the Project Area,
  - 901 (C) Identification of the needs the Project will address,
  - 902 (D) Location of the land to be acquired,
  - 903 (E) The total acreage to be acquired,
  - 904 (F) The easements affecting the property,
  - 905 (G) The number of parcels,
  - 906 (H) The location(s) of existing OHV Opportunities in and around the  
907 acquisition property and how the Project will affect or relate to that  
908 existing OHV Recreation,
  - 909 (I) The total estimated cost of land to be acquired. The estimate shall  
910 be based on an appraisal by a certified appraiser to substantiate the  
911 value of the property, and
  - 912 (J) The status of Due Diligence.
- 913 (2) Acquisition Plan  
914 The plan shall describe the process for accomplishing the acquisition  
915 Project. An acquisition plan shall include the following:
- 916 (A) Acquisition timeline, which shows the steps and timeline for  
917 completing the Project, including the preparation and delivery of any  
918 reports to be prepared with the funds as a Deliverable,
  - 919 (B) Discussion of the Applicant's ability to accomplish the acquisition  
920 Project. The Applicant shall demonstrate the ability to complete the  
921 acquisition within the proposed Applicant's timeline, and
  - 922 (C) The Due Diligence undertaken, or to be undertaken, to determine  
923 the property is usable for its intended purpose (e.g., Preliminary  
924 Title Report and underlying documents under Schedule B, zoning  
925 information, Phase 1 Environmental Site Assessment, biotic  
926 assessment).
- 927 (3) Project-Specific Maps  
928 Project-specific maps shall include:
- 929 (A) A map(s) identifying the specific roads, trails, areas, and/or related  
930 Facilities to be acquired under the Project. The map(s) shall contain  
931 enough detail to provide someone unfamiliar with the area the  
932 ability to locate the site, and
  - 933 (B) Assessors Parcel Maps, including Assessor Parcel Number (APN),  
934 of each parcel to be purchased.
- 935  
936

- 937 (e) Optional Project-Specific Application Documents  
938 If Applicants deem it helpful to support their specific Project Application, they may  
939 submit up to two (2) pages of Project-specific photos.  
940 (f) Evaluation Criteria  
941 See Appendix for acquisition evaluation criteria.  
942

943 Note: Authority cited: Sections 5001.5 and 5003, PRC.  
944 Reference: Sections 5024.1, 5090.32, 5090.35, 5090.50 and 5090.53, PRC.  
945

946 **4970.11. RESTORATION**

- 947 (a) Purpose  
948 (1) To provide Ecological Restoration or Repair to habitat damaged by legal  
949 and/or illegal OHV use to return as nearly as possible and feasible natural  
950 resource systems to their natural state.  
951 (2) The goal of the Restoration Program is to return as nearly as possible and  
952 feasible natural resource systems to their natural state when:  
953 (A) Unauthorized motor vehicle use has damaged an area off limits to  
954 OHV Recreation;  
955 (B) It is determined that areas shall be closed because soil or HMP  
956 standards cannot be achieved while sustaining OHV use;  
957 (C) Areas formerly used by motor vehicles for OHV Recreation have not  
958 been designated and authorized for OHV use or;  
959 (D) Natural resource systems in areas affected by ongoing OHV  
960 Recreation require restoration to sustain viable plant and wildlife  
961 species populations or other systems such as watersheds.  
962 (3) Restoration Projects also include scientific and cultural studies regarding  
963 OHV impacts and Restoration Planning efforts.  
964 (b) Available Funding  
965 Twenty-five percent (25%) of the funds appropriated by the Legislature for the  
966 Grants program shall be expended for Projects within the Restoration category.  
967 (c) The minimum and maximum funding requests are as follows:  
968 (1) The minimum Project request shall be no less than \$10,000, and  
969 (2) No maximum request amount within the Restoration category.  
970 (d) Eligible Applicants  
971 Refer to Table 1 in Section 4970.03(b).  
972 (e) Examples of Deliverables  
973 Restoration Deliverables include, but are not limited to the following:  
974 (1) Restoring a closed trail including stabilizing land contours and  
975 revegetation,  
976 (2) Removal of roads or trails and the Restoration of damaged habitats in  
977 areas not designated for motorized vehicle use,  
978 (3) The removal of closed roads or trails, or a portion of a closed road or trail,  
979 that will help to prevent OHV access to closed areas,  
980 (4) Restoration Projects that generally improve and restore the function of  
981 natural resource systems damaged by recreational motorized activities,  
982 (5) Protection of restored areas through the placement of physical barriers,  
983 patrols, and vertical mulching,

- 984 (6) Scientific study not otherwise required by state or federal laws that  
985 addresses the impact of OHV Recreation on natural and Cultural  
986 Resources.
- 987 (7) Mitigation measures required by CEQA or NEPA for the Restoration  
988 Project, and
- 989 (8) Site specific Project planning such as a Restoration design or an initial  
990 study.
- 991 (f) Project-Specific Application Requirements  
992 In addition to the common requirements listed in Section 4970.05, Applications  
993 for Restoration Projects shall include:
- 994 (1) A Project Description  
995 The Project Description shall provide sufficient clarity such that those not  
996 familiar with the agency or Project can understand what the Applicant  
997 intends to do. The Project Description shall include:
- 998 (A) Restoration activity(ies) the Applicant proposes to undertake such  
999 as grading, planting, and vertical mulching,
- 1000 (B) How the proposed Project relates to OHV Recreation,
- 1001 (C) The size of the Project site(s) in acres and/or miles,
- 1002 (D) Except for scientific and cultural studies or planning Projects, the  
1003 monitoring that will be implemented, including the methodology that  
1004 will be used to determine the successful outcome of the Restoration  
1005 Project,
- 1006 (E) If the Project involves planning for Restoration, a list of all reports,  
1007 interim or final, or other documents to be produced, and
- 1008 (F) Restoration Projects involving scientific and cultural studies shall  
1009 include in the description:
- 1010 (i) Goals, objectives, and methodologies to be employed, and  
1011 (ii) Peer reviews conducted by at least three (3) qualified  
1012 experts from the scientific discipline or field related to the  
1013 proposed Project.
- 1014 (G) Except for scientific and cultural studies or planning Projects, a plan  
1015 to insure the restored area will be protected. This may include law  
1016 enforcement patrols to prevent intrusion into the Project Area, signs,  
1017 barriers, or other proactive measures to prevent damage to restored  
1018 lands.
- 1019 (2) Project-Specific Maps  
1020 Project-specific maps shall include:  
1021 A map(s) containing enough detail to provide someone unfamiliar with the  
1022 area the ability to locate the site(s).
- 1023 (3) Project-Specific Photos  
1024 Project-specific photos shall include:  
1025 “Before” photos of the site(s) to be restored. Photos are limited to five (5)  
1026 pages. “After” photos are required Deliverables for Restoration Projects  
1027 which include on-the-ground work.
- 1028 (g) Evaluation Criteria  
1029 See Appendix for Restoration evaluation criteria.  
1030  
1031

1032 Note: Authority cited: Sections 5001.5 and 5003, PRC.  
1033 Reference: Sections 5024.1, 5090.32, 5090.50, 15000 et seq, and 21000 et seq, PRC;  
1034 USC Title 42, Section 4371; and 40 CFR part 1500.1 et seq.

1035  
1036 **4970.12. LAW ENFORCEMENT**

- 1037 (a) Purpose  
1038 Law enforcement Projects provide financial assistance to local and federal  
1039 agencies for protection of life and property, including natural and Cultural  
1040 Resources, related to OHV Recreation and motorized access to non-motorized  
1041 recreation.
- 1042 (b) Available Funding and Eligible Applicants  
1043 Twenty percent (20%) of the funds appropriated by the Legislature for the Grants  
1044 program shall be expended for law enforcement Projects. These funds shall be  
1045 allocated as follows:  
1046 (1) Forty percent (40%) for local law enforcement Applicants,  
1047 (2) Thirty percent (30%) for the U.S. Bureau of Land Management Applicants,  
1048 and  
1049 (3) Thirty percent (30%) for the Patrol Districts of the U.S. Forest Service.
- 1050 (c) Law Enforcement Projects have a minimum request amount of \$10,000. The  
1051 maximum request amount is \$600,000 per Applicant within the law enforcement  
1052 category.
- 1053 (d) Eligible Project Costs  
1054 Eligible Project costs include, but are not limited to the following:  
1055 (1) Law enforcement patrol, including aircraft support,  
1056 (2) OHV training,  
1057 (3) Purchase of Equipment for OHV law enforcement, and  
1058 (4) Purchase and installation of signs (e.g. regulatory, educational),  
1059 placement of barriers, and other means of traffic control.
- 1060 (e) Project-Specific Application Requirements  
1061 In addition to the common requirements listed in Section 4970.05, Applicants for  
1062 law enforcement Projects shall complete the following:  
1063 (1) Law Enforcement Needs Assessment, and  
1064 (2) Law Enforcement Project Certification.

1065  
1066 Note: Authority cited: Sections 5001.5 and 5003, PRC.  
1067 Reference: Sections 5024.1, 5090.32, and 5090.50, PRC.

1068  
1069 **4970.13. EDUCATION AND SAFETY**

- 1070 (a) Purpose  
1071 Provide public awareness for responsible OHV Recreation and/or provide safety  
1072 programs.
- 1073 (b) Available Funding  
1074 Five percent (5%) of the funds appropriated by the Legislature for the Grants  
1075 program shall be expended for Projects within the Education and safety category.
- 1076 (c) The minimum and maximum funding requests are as follows:  
1077 (1) The minimum Project request shall be no less than \$10,000, and  
1078 (2) The maximum request per Applicant is \$200,000 within the Education and  
1079 safety category.

- 1080 (d) Eligible Applicants  
1081 Refer to Table 1 in Section 4970.03(b).
- 1082 (e) Examples of Deliverables  
1083 (1) Education program Deliverables include, but are not limited to the  
1084 following:  
1085 (A) Classroom or field training,  
1086 (B) Maps and brochures,  
1087 (C) Internet website, trail and interpretive signage, and  
1088 (D) Voluntary sound testing station.  
1089 (2) Safety program Deliverables include, but are not limited to the following:  
1090 (A) Search and rescue,  
1091 (B) Safety equipment loan program, and  
1092 (C) First aid stations.
- 1093 (f) Project-Specific Application Requirements  
1094 In addition to the common requirements listed in Section 4970.05, Applications  
1095 for Education and safety Projects shall include a Project Description. The Project  
1096 Description shall provide sufficient clarity such that those not familiar with the  
1097 agency or Project can understand what the Applicant intends to do. The  
1098 description shall include:  
1099 (1) A statement of the activity or product the Applicant proposes to create or  
1100 undertake,  
1101 (2) How the proposed Project relates to OHV Recreation and will add to,  
1102 enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the  
1103 Project Area,  
1104 (3) Identification of the needs the Project will address,  
1105 (4) Location where training/services will be conducted, and  
1106 (5) If the proposed Project contains an Education element, a description of  
1107 how the Project teaches OHV safety, environmental responsibility, and  
1108 respect for private property.
- 1109 (g) Optional Project-Specific Application Documents  
1110 If Applicants deem it helpful to support their specific Project Application, the  
1111 following documents may be submitted:  
1112 (1) Project-specific photos – up to two (2) pages, and/or  
1113 (2) Project-specific maps.
- 1114 (h) Evaluation Criteria  
1115 See Appendix for Education and safety evaluation criteria.

1116  
1117 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1118 Reference: Sections 5090.32 and 5090.50, PR C.

## 1119 1120 **ARTICLE 3 – APPLICATION EVALUATION SYSTEM AND FUNDING**

### 1121 1122 **4970.14. EVALUATION CRITERIA**

1123 Each Application, other than those solely for law enforcement and/or Education and  
1124 safety, shall answer general criteria. In addition, all Project types, except law  
1125 enforcement, shall have Project-specific criteria.

1126  
1127

1128 **4970.14.1. General Criteria**

- 1129 (a) If general criteria are required as part of the Application, only one (1) set shall be  
1130 completed. General criteria measure the quality of the Land Manager's overall  
1131 OHV program. The Applicants shall answer these questions with respect to the  
1132 entirety of the OHV operation, including all trails and areas available for OHV  
1133 Recreation, not just specific Projects or Project Areas.
- 1134 (b) General criteria includes but are not limited to the following:
- 1135 (1) Opportunity and services provided,
  - 1136 (2) Agency contribution to the overall cost of managing and delivering the  
1137 OHV Opportunity,
  - 1138 (3) Management of natural and Cultural Resources,
  - 1139 (4) Effective education of rules/regulations, and
  - 1140 (5) Past performance in completing and administering Grant funded Projects.
- 1141 (c) Non-land manager Applicants required to complete the general criteria shall  
1142 cooperate with the Land Manager to obtain the information necessary to  
1143 complete the general criteria section of the Application.

1144  
1145 **4970.14.2 Project-Specific Criteria**

1146 Applicants shall complete Project-specific criteria for each Project, except law  
1147 enforcement Projects, contained within the Application. Each Project within the  
1148 Application will be given a score based on the specific benefits of the individual Project.  
1149 The responses in the Project-specific criteria section of the Application shall be specific  
1150 to the particular Project proposed for funding.

1151  
1152 **4970.14.3 Factual Documentation**

- 1153 (a) The responses shall be based on factual conditions or statistics referenced to and  
1154 documented by information contained in documents officially published,  
1155 maintained, and/or used in the ordinary course of the Applicant's operations.  
1156 Published, for purposes of this requirement, means issued in report or other form  
1157 officially prepared, maintained, and/or used in the ordinary course of the  
1158 Applicants' administration of its programs. Examples of factual documentation  
1159 include, without limitation, management reports, general or management plans,  
1160 Environmental Documents, visitor counts, or other documentation the Applicant  
1161 has officially adopted for use in its operations.
- 1162 (b) Members of the evaluation panel may investigate referenced documents or other  
1163 documents on file at the OHMVR Division to check the accuracy of the  
1164 information provided. If the evaluation panel concludes the information provided  
1165 is incorrect or the conclusions stated are not supported, the panel shall use its  
1166 discretion to clarify the response, reduce the points accordingly, or reject the  
1167 Project Application. If points are reduced or the Application is rejected, the panel  
1168 will cite the documents used to support its actions.

1169  
1170 Note: Authority cited: Sections 5001.5 and 5003, PRC.  
1171 Reference: Sections 5024.1, 5090.32, and 5090.50, PRC.

1172  
1173 **4970.15. FUNDING DISTRIBUTION**

1174 Funds appropriated by the Legislature for the Grants program are identified in PRC  
1175 5090.50 as the following percentages:

- 1176 (a) Fifty percent (50%) for O&M.
- 1177 (b) Twenty-five percent (25%) for Restoration.
- 1178 (c) Twenty percent (20%) for Law Enforcement, and
- 1179 (d) Five percent (5%) for Education and Safety.

1180

1181 **4970.15.1. Operation and Maintenance (O&M)**

- 1182 (a) Within the O&M category, the funds shall be distributed as follows:
  - 1183 (1) At least seventy percent (70%) for GO.
  - 1184 (2) Up to ten percent (10%) for Development.
  - 1185 (3) Up to ten percent (10%) for planning, and
  - 1186 (4) Up to ten percent (10%) for acquisition.
- 1187 (b) A panel of not less than three (3) individuals shall score each Application deemed
- 1188 compliant with these regulations. The panel shall use the Applicant's responses
- 1189 to general criteria and Project-specific criteria to determine a Project score. The
- 1190 steps for determining the final score are as follows (see Table 4 for an example):
  - 1191 (1) Calculate the sum of the points received on the general criteria and the
  - 1192 points received on the Project-specific criteria. Divide that number by the
  - 1193 sum of the total possible points for the general criteria and the total
  - 1194 possible points for the Project specific criteria, and
  - 1195 (2) Convert the result of the calculation to a percentage which is the final
  - 1196 score.

1197

1198 **Table 4 – Example of Score Calculation for GO Projects**

1199

<u>Final Score = Actual Score/ Possible Score</u>	
<u>General Criteria</u>	<u>90 of 103</u>
<u>Project-specific Criteria</u>	<u>52 of 59</u>
 <u><math>(90 + 52) / (103 + 59) = 0.8765</math></u>  	
<u><math>0.8765 \times 100 = 87.65\% = \text{Final Score}</math></u>	

1200

1201

1202

1203

1204

1205

1206

1207

1208

1209

1210

1211

1212

1213

1214

1215

1216

1217

1218

1219

1220

1221

1222

1223

- 1210 (c) Eligible Projects shall be ranked by score. Projects shall be funded in order of
- 1211 score from highest to lowest until available funds are exhausted, taking into
- 1212 account the Project type funding restrictions in Section 4970.15.1(a). If there are
- 1213 not sufficient GO Project funding requests to consume 70% of the available O&M
- 1214 funding category, the other O&M sub-category Projects shall receive funding in
- 1215 order of score.
- 1216 (d) In the event Projects have the same score, Projects will be funded in the order of
- 1217 request amount starting with the smallest request amount. If more than one
- 1218 Project has the same request amount, the OHMVR Division will utilize a "random
- 1219 selection" method to break ties and determine which Project will receive funding.
- 1220 (e) Projects at the funding cut-off line may require modifications to the Project
- 1221 Description and Project Cost Estimate to reflect reduced available funding. The
- 1222 modification shall be completed prior to the OHMVR Division preparing and
- 1223 executing the Project Agreement.

1224 **4970.15.2. Restoration**

- 1225 (a) A panel of not less than three (3) individuals shall score Applications deemed  
1226 compliant with these regulations. The panel shall use the Applicant's responses  
1227 to general criteria and Project-specific criteria to determine a Project score. The  
1228 steps for determining the final score are as follows (see Table 5 for an example):  
1229 (1) Calculate the sum of the points received on the general criteria and the  
1230 points received on the Project-specific criteria. Divide that number by the  
1231 sum of the total possible points for the general criteria and the total  
1232 possible points for the Project specific criteria, and  
1233 (2) Convert the result of the calculation to a percentage which is the final  
1234 score.

1236 **Table 5 – Example of Score Calculation for Restoration Projects**

<u>Final Score = Actual Score/ Possible Score</u>	
<u>General Criteria</u>	<u>90 of 103</u>
<u>Project-specific Criteria</u>	<u>78 of 83</u>
<u><math>(90 + 78) / (103 + 83) = 0.9032</math></u>	
<u><math>0.9032 \times 100 = 90.32\% = \text{Final Score}</math></u>	

- 1247
- 1248 (b) Eligible Projects shall be ranked by score. Projects shall be funded in order of  
1249 score from highest to lowest until available funds are exhausted.
- 1250 (c) In the event Projects have the same score, Projects will be funded in the order of  
1251 request amount starting with the smallest request amount. If more than one  
1252 Project has the same request amount, the OHMVR Division will utilize a "random  
1253 selection" method to break ties and determine which Project will receive funding.
- 1254 (d) Projects at the funding cut-off line may require modifications to the Project  
1255 Description and Project Cost Estimate to reflect reduced available funding. The  
1256 modification shall be completed prior to the OHMVR Division preparing and  
1257 executing the Project Agreement.
- 1258 (e) The OHMVR Division will consult with staff from the Wildlife Conservation Board  
1259 during the evaluation and scoring process.

1261 **4970.15.3. Law Enforcement**

- 1262 (a) Law enforcement Grants funding shall be distributed in the following entity  
1263 categories:  
1264 (1) Forty percent (40%) for local law enforcement,  
1265 (2) Thirty percent (30%) for U.S. Bureau of Land Management, and  
1266 (3) Thirty percent (30%) for Patrol Districts of the U.S. Forest Service.
- 1267 (b) Law enforcement Projects are awarded on a non-competitive basis. The relative  
1268 need of an Applicant is established by the Project request amount identified on  
1269 the Project Cost Estimate and the Applicant's responses to the Law Enforcement  
1270 Needs Assessment. The OHMVR Division shall review the Project request

- 1271 amounts and may, at its sole discretion, increase or decrease the requested  
1272 amount based on the following conditions:  
1273 (1) Failure to follow program regulations,  
1274 (2) The Applicant has remaining funds from previous OHV law enforcement  
1275 Grants,  
1276 (3) Comparisons with similar jurisdictions,  
1277 (4) Law Enforcement Needs Assessment, and  
1278 (5) Applicant's historical law enforcement Grant request amounts.  
1279 (c) All compliant law enforcement Projects will receive base funding in the amount of  
1280 \$10,000. The remaining funds in each entity category will be distributed on a  
1281 proportional basis. The proportional funding is determined by dividing the total  
1282 funding available within the entity category (less base funding) by the total  
1283 request amounts within each entity category (less base funding). The resulting  
1284 percentage is applied to the individual Project request amounts (less base  
1285 funding) to determine the additional award amount. The total of the base award  
1286 and additional award, if applicable, is the final Project award amount.  
1287

#### **4970.15.4. Education and Safety**

- 1289 (a) A panel of not less than three (3) individuals shall score each Application deemed  
1290 compliant with these regulations. The panel shall use the Applicant's responses  
1291 to the Project-specific criteria to determine a Project score.  
1292 (b) Eligible Projects shall be ranked by score. Projects shall be funded in order of  
1293 score from highest to lowest until available funds are exhausted.  
1294 (c) In the event Projects have the same score, Projects will be funded in the order of  
1295 request amount starting with the smallest request amount. If more than one  
1296 Project has the same request amount, the OHMVR Division will utilize a "random  
1297 selection" method to break ties and determine which Project will receive funding.  
1298 (d) Projects at the funding cut-off line may require modifications to the Project  
1299 Description and Project Cost Estimate to reflect reduced available funding. The  
1300 modification shall be completed prior to the OHMVR Division preparing and  
1301 executing the Project Agreement.  
1302

1303 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1304 Reference: Sections 5090.32 and 5090.50, PRC.  
1305

#### **4970.16. NOTICE OF INTENT TO AWARD**

1307 Upon completion of the evaluation and scoring process, the OHMVR Division shall post a  
1308 notice of Intent to Award on the Division Website pursuant to Table 2 in Section 4970.04.  
1309

1310 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1311 Reference: Section 5090.32, PRC.  
1312

#### **4970.17. APPEAL PROCESS**

- 1314 (a) Applicants have the right to appeal the Intent to Award. The grounds for appeal  
1315 are limited to the following:  
1316 (1) The OHMVR Division failed to follow these regulations, and/or  
1317 (2) The OHMVR Division lacked sufficient evidence to support or deny the  
1318 award of a Grant(s).

- 1319 (b) The steps for submitting an appeal are outlined in Table 6.  
 1320 (c) Applicants may not seek legal remedies through the courts until this appeal  
 1321 process has been completed.  
 1322

1323 **Table 6 - Appeal Process**  
 1324

<b><u>Action</u></b>	<b><u>Timeframe</u></b>
<p><u>An Applicant may file an appeal of the Intent to Award by submitting a detailed narrative that clearly articulates the reason(s) for the appeal including referencing the applicable statute and/or regulation section(s), and other documentation that supports the appeal and how the Intent to Award should be modified.</u></p> <p><u>The appeal shall be submitted to the OHMVR Division Deputy Director by email to <a href="mailto:ohvinfo@parks.ca.gov">ohvinfo@parks.ca.gov</a>.</u></p>	<p><u>Within thirty (30) calendar days from the posting of the Intent to Award on the OHMVR Division Web site.</u></p>
<p><u>The OHMVR Division Deputy Director shall respond to the Applicant in writing with a decision to uphold or deny the appeal.</u></p>	<p><u>Within sixty (60) calendar days following the filing of an appeal.</u></p>
<p><u>The Applicant may file a second appeal by submitting a detailed narrative that articulates the reason for the appeal and addresses the reason(s) why the OHMVR Division Deputy Director's denial shall be vacated. No new documentation or issues may be introduced during this second appeal.</u></p> <p><u>The appeal shall be sent to the Director of the Department of Parks and Recreation by email to <a href="mailto:ohvinfo@parks.ca.gov">ohvinfo@parks.ca.gov</a>.</u></p>	<p><u>Within seven (7) calendar days of receipt of written notification denying the appeal.</u></p>
<p><u>The Director of the Department of Parks and Recreation shall respond to the Applicant in writing with a decision to uphold or deny the appeal.</u></p>	<p><u>Within thirty (30) calendar days following the filing of a second appeal.</u></p>

1325  
 1326 Note: Authority cited: Sections 5001.5 and 5003, PRC.  
 1327 Reference: Sections 5090.32 and 5090.50(i), PRC.

1328 **4970.18. AWARD OF GRANTS**

1329 Upon approval by the Director of the Department of Parks and Recreation, the OHMVR  
1330 Division shall prepare and execute Grant Agreements.

1331 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1332 Reference: Sections 5090.32 and 5090.50(j), PRC.

1333

1334 **ARTICLE 4 – PROJECT ADMINISTRATION PROCEDURES**

1335

1336 **4970.19. PROJECT AGREEMENT**

1337 (a) Upon approval of Projects by the Director, the OHMVR Division shall prepare and  
1338 execute the Project Agreement with the Grantee. The Project Agreement sets  
1339 forth the terms and conditions of the Project.

1340 (b) The Grantee may not submit claims for reimbursement or for advance payments  
1341 until a fully executed Project Agreement is on file.

1342

1343 **4970.19.1. Project Performance Period**

1344 (a) The Project performance period is the time between the start date and the end  
1345 date in which the work under the Project Agreement shall be completed. The  
1346 Grantee shall not charge expenditures prior to the start date or subsequent to the  
1347 end date.

1348 (b) The Project performance period shall be as follows:

1349 (1) Three (3) years for acquisition, Development, planning, and Restoration  
1350 Projects, and

1351 (2) One (1) year for GO, law enforcement, and Education and safety Projects.

1352

1353 **4970.19.2. Project Amendments**

1354 An amendment is required if a modification to the Project Description or extension of the  
1355 Project performance period (time extension) is needed to accomplish the intent of the  
1356 original Project Agreement. Time extensions for programmatic Project Agreements (e.g.,  
1357 GO, law enforcement, and Education and safety) may be denied. Requests may be  
1358 approved when circumstances exist beyond the Grantee's control that would otherwise  
1359 result in the Project not being completed.

1360 (a) Modifications to the Project Description may include but are not limited to:

1361 (1) Different techniques are employed to achieve the original outcome, and

1362 (2) Acquisition of a different type of equipment.

1363 (b) Reasons for time extensions may include but are not limited to:

1364 (1) Fires,

1365 (2) Earthquakes, and

1366 (3) Floods.

1367 (c) Grantees requesting a Project amendment shall submit to the OHMVR Division in  
1368 writing the following:

1369 (1) An explanation of the reasons/circumstances that justify the change,

1370 (2) A description of the potential implications if the amendment is not  
1371 approved,

1372 (3) A progress/status report of the Project to date, and

1373 (4) If the Amendment requires an extension of the Project performance period,  
1374 specification of the length of additional time required to complete the  
1375 Project.

- 1376 (d) A written request shall be submitted to the OHMVR Division at least thirty (30)  
1377 calendar days prior to the end date specified in the Project Agreement.  
1378 (e) Unspent funds that remain at the end of the Project performance period are not in  
1379 themselves sufficient justification for time extensions.  
1380 (f) The OHMVR Division shall review the requested amendment and make a  
1381 determination for approval/disapproval. If the amendment is disapproved, the  
1382 OHMVR Division will provide written notification to the Grantee with an  
1383 explanation why the request was denied. If the amendment is approved, the  
1384 OHMVR Division will process an Amendment to the Project Agreement specifying  
1385 modifications and the revised Project performance period (if applicable). The  
1386 amendment becomes effective when the OHMVR Division returns the executed  
1387 amendment to Project Agreement to the Grantee. The OHMVR Division and the  
1388 Grantee shall retain copies of the amendment to Project Agreement on file.  
1389

### 1390 **4970.19.3. Project Withdrawal**

- 1391 (a) An Applicant or Grantee may at any time unilaterally cancel or withdraw an  
1392 approved Project by written notification to the OHMVR Division.  
1393 (b) If the Project work has not commenced and the Grantee received advanced  
1394 funds for the cancelled Project, the Grantee shall return the advanced funds plus  
1395 accrued interest to the State.  
1396 (c) If the Grantee has commenced the Project, eligible costs will be allowed to the  
1397 date the Grantee ceases work on the Project. The cost of goods purchased on a  
1398 reimbursement basis, but not consumed for the Project as of the date of work  
1399 cessation, shall not be reimbursed, or shall be returned if advance payment was  
1400 made. The Project shall be subject to all record keeping and Audit requirements  
1401 contained in these regulations.  
1402

### 1403 **4970.19.4. Project Breach-Termination**

1404 Failure of a Grantee to comply with the terms and conditions of the Project Agreement  
1405 may be treated by the OHMVR Division as a breach of contract. If the OHMVR Division  
1406 determines there is a breach of the Project Agreement, the OHMVR Division shall give  
1407 the Grantee written notification that the Grantee has thirty (30) calendar days to cure the  
1408 breach. If the Grantee does not cure the breach or commenced actions to cure the  
1409 breach within thirty (30) calendar days or shown diligent progress to cure the breach, the  
1410 OHMVR Division may terminate the Project Agreement and void the OHMVR Division's  
1411 obligations. If the OHMVR Division determines breach was due to no fault of the  
1412 Grantee, the OHMVR Division may waive reimbursement of funds paid or advanced or  
1413 make payment for any work performed up to the date of termination. In the event of a  
1414 breach that the OHMVR Division waives, such waiver shall not serve to excuse the  
1415 future performance of the breached term that was waived or performance of any other  
1416 term of the Project Agreement. The Project shall remain subject to all record keeping  
1417 and Audit requirements contained in these regulations.  
1418

### 1419 **4970.19.5. Failure to Perform**

1420 If a Grantee does not complete a Project within the Project performance period specified  
1421 in the Project Agreement, the Grantee shall:

- 1422 (a) Provide written notification to the OHMVR Division describing the issues,  
1423 reasons, or problems that prevent the Grantee from completing the Project and  
1424 return any remaining OHV Trust Funds, or  
1425 (b) Request an amendment pursuant to Section 4970.19.2.  
1426

1427 **4970.19.6. Financial Responsibilities**

1428 The acceptance of a Project Agreement creates a legal duty on the part of the Grantee's  
1429 organization to use the funds made available in accordance with the terms and  
1430 conditions of the Grant.

1431  
1432 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1433 Reference: Sections 5090.32 and 5090.50, PRC.  
1434

1435 **4970.20. EQUIPMENT MANAGEMENT REQUIREMENTS**

1436 The following requirements apply to all Equipment purchased with OHV Trust Funds:

- 1437 (a) Equipment shall be used for OHV related purposes unless the Applicant is  
1438 funding the portion of the purchase price not dedicated to OHV purposes,  
1439 (b) Grantees shall keep Equipment purchased with OHV Trust Funds stored securely  
1440 and maintained in safe working order,  
1441 (c) Equipment shall display an approved version of the OHMVR Division "OHV Trust  
1442 Funds at Work" insignia. Grantees may obtain insignias free of charge from the  
1443 OHMVR Division,  
1444 (d) Equipment that is no longer in useable condition may be used as a trade-in for  
1445 replacement Equipment to be used for OHV purposes,  
1446 (e) Surplus Equipment may be transferred or traded within the agency, giving  
1447 preference to those areas that provide OHV Opportunities or disposed of via the  
1448 agency's standard equipment disposition procedures, and  
1449 (f) Ownership and title belongs to the Grantee.  
1450

1451 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1452 Reference: Sections 5090.32 and 5090.50, PRC.  
1453

1454 **4970.21. DEVELOPMENT PROJECT PROCEDURES**

- 1455 (a) Plans and specifications shall be prepared for each Development Project as  
1456 identified in the Project Agreement. A registered civil or structural engineer or a  
1457 licensed architect shall sign plans for structural items. Prior to the start of the  
1458 Project, the OHMVR Division may choose to review plans, specifications, and bid  
1459 documents for each component of the Project.  
1460 (b) The Grantee shall follow all laws that pertain to public works projects, including  
1461 the Americans with Disabilities Act (ADA) and Title 24 Disability Codes (for local  
1462 agencies), prevailing wages, and local health and safety requirements. For all  
1463 sub-contracted work, a Notice of Completion is required.  
1464

1465 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1466 Reference: Sections 5090.32, and 5090.50, PRC; Public Law 101-336, July 26, 1990,  
1467 104 Stat. 327; and Title 24, California Building Standards Code.  
1468  
1469

1470 **4970.22. ACCOUNTING PRACTICES**

1471 (a) Record Keeping

1472 Grantees are responsible for maintaining fiscal controls and fund accounting  
1473 procedures based on Generally Accepted Accounting Principles (GAAP)  
1474 approved by the American Institute of Certified Public Accountants (AICPA), the  
1475 Securities and Exchange Commission (SEC), the Financial Accounting Standards  
1476 Board (FASB), and the American Accounting Association (AAA). Bill of Sale, Bill  
1477 of Lading, or Collection Agreements are some examples of proof that materials or  
1478 Equipment was received. Invoices are also considered valid proof that materials  
1479 or Equipment was received. Purchase orders are not considered valid proof that  
1480 materials or Equipment have been received.

1481 (b) Labor Costs

1482 The Grantee shall document all labor, including all Force Account, match and  
1483 volunteer time, on time sheets, or reports produced by an electronic timekeeping  
1484 system.

1485 (c) Equipment Use

1486 Costs associated with Equipment used for a Project will be paid on a use basis in  
1487 accordance with the Applicant's local fair market rental rates, but shall never  
1488 exceed the Grantee's actual cost. The Grantee may not charge a use fee for  
1489 vehicles or Equipment purchased with OHV Trust Funds, except for fuel and  
1490 minor maintenance costs. A logbook or source document shall identify the  
1491 operator, work performed, and hours or miles charged to the Project.

1492 (d) Record Retention

1493 The Grantee shall retain all financial accounts, documents, and records pertinent  
1494 to the Project:

- 1495 (1) For a three (3) years from the expiration date of the Project Agreement, or  
1496 (2) Until an Audit started during the three (3) years following the expiration of  
1497 the Project Agreement has been completed; a report is published; and any  
1498 Audit findings are resolved and/or payment or other correction made with  
1499 regard to any Audit findings contained in the final Audit report.

1500 (e) Advances

1501 Advances shall be placed in a separate interest-bearing account (if the Grantee is  
1502 legally able to do so). The interest accrued from this account shall be  
1503 documented and shall only be expended in accordance with the Project  
1504 Agreement. The unspent interest earned on the OHV Trust Funds shall be  
1505 returned to the OHMVR Division at the end of the Project.

1506 (f) Matching Funds

- 1507 (1) Matching funds may include actual cash contributions toward the Project,  
1508 cash value for volunteers or salaried employee hours, Administrative  
1509 Costs, grants from sources other than this Grant Program, and  
1510 expenditures of the OHV in-lieu of property tax funds. The match shall be  
1511 directly related to the Project, and the same match may not be used for  
1512 more than one (1) Project.  
1513 (2) Project costs identified as match shall be documented the same way as  
1514 other Project expenditures. Volunteer hours of work and salaried  
1515 employees shall be documented through a log or report identifying dates,  
1516 hours worked, and duties performed.

1517 (3) Cash value for volunteer time may be determined using the hourly  
1518 reimbursement rate for the paid classification that most closely matches  
1519 the duties performed by the volunteer. Cash value for salaried employee  
1520 time shall be based on the agency's hourly reimbursement rate for the  
1521 classification.  
1522

1523 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1524 Reference: Sections 5090.32 and 5090.50, PRC.

1525  
1526 **4970.23. PAYMENT REQUESTS**

1527 Grantees are required to request payments for advances or reimbursements by  
1528 submitting a current Payment Request form to the OHMVR Division. The OHMVR  
1529 Division is responsible for approving and processing payment requests. Grantees may  
1530 submit payment requests to the OHMVR Division at any time after the execution of the  
1531 Project Agreement.  
1532

1533 **4970.23.1. Advances**

- 1534 (a) Generally advances are not allowed, however if extenuating circumstances exist  
1535 the Division may consider granting an advance. To request an advance, the  
1536 Grantee shall submit to the OHMVR Division written justification to explain the  
1537 need for the advance. The OHMVR Division will provide written notification to the  
1538 Grantee of approval/disapproval for the advance. Requests for an advance  
1539 typically may not be more than half the total amount of the Grant and shall  
1540 include a summary list of proposed expenditures. The sum of the proposed  
1541 expenditures shall match the amount indicated on the Payment Request form.  
1542 (b) Subsequent requests for advances shall document how previous advance funds  
1543 were expended as follows:  
1544 (1) Purchases: paid invoices and/or receipts,  
1545 (2) Services: paid invoices and/or receipts,  
1546 (3) Timekeeping and equipment logs: transaction register or other  
1547 electronically generated reports, and  
1548 (4) Training and travel: paid invoices and/or receipts.  
1549

1550 **4970.23.2. Reimbursements**

1551 Requests for reimbursement shall include the following documentation:

- 1552 (a) Purchases: paid invoices and/or receipts,  
1553 (b) Services: paid invoices and/or receipts,  
1554 (c) Timekeeping and equipment logs: transaction register or other electronically  
1555 generated reports, and  
1556 (d) Training and Travel: paid invoices and/or receipts.  
1557

1558 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1559 Reference: Sections 5090.32 and 5090.50, PRC.

1560  
1561 **4970.24. PROJECT CLOSEOUT**

- 1562 (a) The Grantee shall submit a payment request form marked "FINAL" to the  
1563 OHMVR Division within one hundred twenty (120) calendar days after the  
1564 completion of the Project, or the end date as specified in the Project Agreement

- 1565 or amendment to the Project Agreement, whichever comes first. The Grantee  
1566 shall include the following documentation with the final payment request:
- 1567 (1) A report of deliverables completed,
  - 1568 (2) All documents supporting the expenditures claimed under the payment  
1569 request,
  - 1570 (3) A summary of costs, including match requirements, that provides detailed  
1571 information regarding staff, contracts, materials/supplies, Equipment  
1572 purchases, Equipment use expenses, and other expenses,
  - 1573 (4) Two (2) copies of all reports as indicated in the Project Agreement for any  
1574 Project that requires a report or reports as part of its Project Description.  
1575 Monitoring results shall be reported to the OHMVR Division at the end of  
1576 the Project, and
  - 1577 (5) For all sub-contracted work, a Notice of Completion.
- 1578 (b) Final payment requests cannot be processed until the OHMVR Division has  
1579 received all supporting documentation to support expenditures claimed, including  
1580 documentation that the Grantee has fulfilled its match commitment. An amount  
1581 equal to any unmet match commitment will be withheld from the final payment.
- 1582 (c) Any request for final payment received after one hundred twenty (120) calendar  
1583 days, may be ineligible for payment or result in suspension of future payments  
1584 and reimbursement to the State of any advances or other payments made. The  
1585 OHMVR Division may also deem the Project closed and forward to the  
1586 Department's Audits Office for an Audit.

1587  
1588 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1589 Reference: Sections 5090.32 and 5090.50, Public Resources Code.

1590  
1591 **4970.25. AUDITS**

1592 **4970.25.1. Performance Audits**

- 1593 (a) Performance Audits may include, but are not limited to, review of a Project to  
1594 determine progress toward its completion, review of the implementation of HMP  
1595 and Soil Conservation Plan, or other requirements contained in the Project  
1596 Agreement. Performance Audits may be accomplished by, but are not limited to,  
1597 desk reviews, questionnaires and other standards of inquiry, site visits, and other  
1598 means consistent with these regulations.
- 1599 (b) Failure to cooperate with Performance Audit requests made pursuant to these  
1600 regulations may result in denial of payment requests and/or refund to the State of  
1601 amounts already paid or advanced.
- 1602 (c) OHMVR Division staff may conduct a site visit to review the Grantee's Project(s).  
1603 The site visit may include review of progress towards the accomplishment of  
1604 Deliverables.
- 1605 (1) Upon twenty-one (21) calendar days notice by OHMVR Division, the  
1606 Grantees shall make its Project Areas, applicable documentation, and staff  
1607 who are knowledgeable about or oversee the Project available to the  
1608 OHMVR Division for site visits. The Grantee shall also make any reports or  
1609 plans developed, as a result of a Project Agreement, available for review.  
1610 In the event the OHMVR Division is not able to provide its own  
1611 transportation to survey a Project, the Grantee shall make every effort to

- 1612 provide Equipment that may be necessary to conduct the site visit and  
1613 include a person dedicated to providing a tour of the Project.  
1614 (2) When the OHMVR Division staff conducts a site visit, staff shall develop a  
1615 report containing any comments and recommendations with regard to the  
1616 performance of the Grantee's Project. A copy of the report shall be  
1617 provided to the Grantee.  
1618

1619 **4970.25.2. Financial Audits**

- 1620 (a) PRC Chapter 541, Section 5090.50(h) requires the Department to "Conduct an  
1621 annual financial audit of the Grants program. During each year, the Department  
1622 shall also conduct, or cause to be conducted, an audit of the performance of a  
1623 minimum of twenty percent (20%) of Grants and Cooperative Agreement  
1624 recipients." Law enforcement Grantees shall be subject to a financial and  
1625 performance Audit at least once every five years.  
1626 (b) The OHMVR Division will forward Grant Projects to the Department's Audit Office  
1627 for a financial Audit as appropriate. The Grantee shall cooperate with the Audits  
1628 Office during an Audit. Requested records, documents, and files pertaining to the  
1629 expenditures or other fiscal and/or programmatic elements of the Grant shall be  
1630 provided.  
1631 (c) Failure to fully complete Project Deliverables as agreed in the Project Agreement;  
1632 and/or to maintain records supporting the expenditures made pursuant to the  
1633 Project Agreement, these regulations, and any other applicable law; and/or failure  
1634 of such records to support expenditures claimed and payments received, shall be  
1635 grounds for an Audit exception requiring refund of amounts paid.  
1636 (d) The Department shall have the right to visit Project Areas to confirm the  
1637 completion of Deliverables and inspect and/or make copies of any books,  
1638 records, or reports of the Grantee pertaining to all Projects.  
1639

1640 **4970.25.3. Final Audit Report**

- 1641 (a) Upon completion of the Audit, the OHMVR Division shall provide the Grantee a  
1642 copy of the final Audit report that shall contain the results of the Audit including all  
1643 Audit exceptions and any refunds found to be due.  
1644 (b) If the Audit results identify exceptions resulting in refunds due to the State, the  
1645 Grantee shall have sixty (60) calendar days from receipt of the Audit report to  
1646 refund the overpayment to the State unless the Grantee elects to request review  
1647 of the Audit results.  
1648 (c) A Grantee may request review of the Audit report. The Grantee shall request the  
1649 review in writing to the OHMVR Division within thirty (30) calendar days of receipt  
1650 of the Audit report. When a Grantee requests such review the OHMVR Division  
1651 will have final authority to determine what, if any, amount is due back to the State.  
1652 The OHMVR Division will have thirty (30) calendar days to respond to the  
1653 request. If the OHMVR Division does not provide a response within thirty (30)  
1654 calendar days, the final Audit report will be deemed accepted.  
1655 (d) The Grantee shall have sixty (60) calendar days from the date Audit results are  
1656 deemed final to remit payment. Failure to remit payment within the sixty (60)  
1657 calendar days may result in the withholding or commensurate reduction of future  
1658 reimbursement payments or advances on other Grantee Projects or such other  
1659 remedies to collect the money as may be available by law.

1660 Note: Authority cited: Sections 5001.5 and 5003, PRC.  
1661 Reference: Sections 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

1662  
1663 **4970.26. HOW TO CONTACT THE OHMVR DIVISION**

1664 (a) All inquiries and correspondence related to the Grant program shall be addressed  
1665 to:

1666 Mailing Address:

1667 (Name), Grant Administrator

1668 California Department of Parks and Recreation

1669 Off-Highway Motor Vehicle Recreation (OHMVR) Division

1670 1725 23<sup>rd</sup> Street, Suite 200

1671 Sacramento, CA 95816-7100

1672 (b) Inquiries may also be made directly by phone or e-mail to a Grant Administrator.

1673 Consult the OHMVR Division's Website at <http://www.ohv.parks.ca.gov> for a list  
1674 of Grant Administrators.

1675 (c) General inquiries should be directed to:

1676 Phone: (916) 324-4442 or

1677 Fax (916) 324-1610 or

1678 E-mail: [ohvinfo@parks.ca.gov](mailto:ohvinfo@parks.ca.gov).

1679

1680 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1681 Reference: Section 5090.32, PRC.

1682