

ADOPT (2008)

Chapter 15

OFF-HIGHWAY MOTOR VEHICLE RECREATION GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS

ARTICLE 1 – GENERAL PROVISIONS

4970.00. APPLICATION OF CHAPTER

California Code of Regulations (CCR), Title 14, Division 3, Chapter 15 applies only to Grant and Cooperative Agreement Applications received by the Off-Highway Motor Vehicle Recreation (OHMVR) Division on or after January ~~13, 2016~~, 2018.

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

Reference: Sections 5090.01-5090.70, Public Resources Code.

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4970.03. DETERMINING APPLICANT ELIGIBILITY

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

Table 1 – Eligible Applicants by Project Types

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

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

Reference: Section 5090.32 and 5090.50, Public Resources Code.

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4970.05. GENERAL APPLICATION REQUIREMENTS

- (a) The 2008 Grants and Cooperative Agreements Program Regulations – Appendix (Rev. 1/4618) (hereinafter Appendix) and all of its contents and subsequent revisions adopted through the rulemaking process are hereby incorporated by reference.
- (b) Applications shall establish how each proposed Project is directly related to OHV Recreation in the Project Area specified in the Application. Proposed Projects will be screened by the OHMVR Division prior to scoring. Those Applications that do not establish a direct relation to OHV Recreation shall be rejected.
- (c) Subject to the discretion of the OHMVR Division as specified in Section 4970.07.2, any Application determined by the OHMVR Division to be non-compliant with these requirements may be disqualified.
- (d) Each Applicant may submit only one (1) Application for each Grants Cycle. The Application may contain multiple Projects.
- (e) Applicants shall undertake a public review process of their Application.
 - (1) All preliminary Applications shall be available on the Division Website the day following the Application deadline for public review and comment.
 - (2) Applicant shall notify the public of the opportunity to review and comment on the Preliminary Application no later than the first Tuesday following the first Monday in March. The notice shall include instructions for accessing the Division Website for Application review and public comments. Public notification efforts shall include at least one of the following:

- (A) Notice mailed and/or emailed to those persons the Applicant determines most likely to have an interest in or be affected by the Application, and to those who have requested notice,
 - (B) Publication on Applicant's website,
 - (C) Publication in local newspaper,
 - (D) News release,
 - (E) Public meeting or hearing conducted by the Applicant.
- (3) Public comments shall be submitted to the Applicant and the OHMVR Division.
 - (4) Public comments shall be received no later than 5:00 pm Pacific standard time on the first Monday in April.
- (f) All Applicants shall provide matching funds or the equivalent value of services, or material, in an amount not less than twenty-five percent (25%) of the total Project cost as identified on the Project Cost Estimate, except for the category of Restoration, which shall not be less than ten percent (10%) percent of the total project cost (rev.1/4418).
- (1) All items of expense applied towards match-must directly further the activities and Deliverables described in the Project Application and be accomplished with funding through a Project Agreement and shall be documented the same as any other item of expense.
 - (2) The same match expenses shall not be duplicated for multiple Projects.
 - (3) Cash value for volunteer time shall be determined using the agency's hourly reimbursement rate for the paid classification that most closely matches the duties performed by the volunteer. Cash value for salaried employee time shall be based on the agency's hourly reimbursement rate for the classification.
 - (4) Any item of expense that would be eligible as a Project cost is also eligible as a match.
- (g) All Applicants shall provide a Project Cost Estimate (see Appendix) for each requested Project.
 - (h) All Applicants shall complete an inventory of Equipment for items purchased with OHV Trust Funds within the last five years.
 - (i) All Applicants except those applying solely for law enforcement shall complete the Applicant Certifications.
 - (j) Additional requirements within the Appendix, incorporated by reference, shall be completed as applicable.
 - (k) Nonprofit organizations shall provide documentation, in the form of an Internal Revenue Service (IRS) letter of determination or publication on the official IRS website, verifying current IRC, Section 501(c)(3) status.
 - (l) An Applicant applying for a Grant involving activities on any public lands not managed by the Applicant shall include written permission from the Land Manager authorizing the Applicant to conduct the proposed Project and a description of how the Project fits with the land management goals of the area.
 - (1) The written permission must be on Land Manager's letterhead and signed by the authorized representative of the Land Manager.

- (2) The written permission shall contain a current signature and date. The date of required letter must not be more than six (6) months prior to the beginning of the grant cycle for that Project in which the Project will be applied for.
- (3) The written permission must specifically identify the proposed Project(s) and a description of how the Project(s) fits with the land management goals of the area.
- (m) All city, county and District Applicants shall submit a governing body resolution providing approval to receive for grant funding from the OHV Trust Fund.
- (n) All Applicants shall comply with the environmental application requirements contained in Section 4970.06.
- (o) Nonprofit organizations shall provide IRS Form 990 (or something to the equivalent) from the previous year.

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

Reference: Sections 5090.32 and 5090.50, Public Resources Code

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ARTICLE 2 – TYPES OF PROJECTS AND SPECIFIC APPLICATION REQUIREMENTS

4970.10. OPERATION AND MAINTENANCE (O&M)

- (a) Purpose
Operation and maintenance of Facilities; Conservation; Development; planning; or acquisition associated with the use of OHVs for Recreation or motorized access to non-motorized recreation.
- (b) Available Funding
Fifty percent (50%) of the funds appropriated by the Legislature for the Grants program shall be expended for Projects within the O&M category.
- (c) The minimum and maximum funding requests are as follows:
 - (1) The minimum Project request is \$10,000,
 - (2) The maximum amount requested per Project type is \$1,000,000, and
 - (3) The maximum Applicant request in this category is \$1,500,000.
- (d) Projects that affect lands identified as inventoried roadless areas by the U.S. Forest Service shall certify that the Project complies with PRC Section 5090.50(b)(1)(C).
- (e) Project Types
The O&M category is divided into the following four sub-categories:
 - (1) Ground Operations,
 - (2) Development,
 - (3) Planning, and
 - (4) Acquisition.
- (f) Eligible Applicants
Applicants may apply for Project types as shown in Table 3:

Table 3 – Eligible Applicant by Project Type

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

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5024.1, 5090.32, 5090.35, 5090.50 and 5090.53, Public Resources Code.