



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

## **DRAFT 2008 REGULATIONS & APPENDIX**

**Grants & Cooperative Agreements Program**

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**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, 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 1, 2008.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
Reference: Sections 5090.01-5090.70, Public Resources Code.

**4970.01. DEFINITIONS**

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

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

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

- 98 (r) "Education" means comprehensive programs that teach OHV safety,  
99 environmental responsibility, and respect for private property.
- 100 (s) "Educational Institution" means a public or private preschool, elementary, or  
101 secondary school, college or university, or institution; the governing board of a  
102 school district; or any combination of school districts or counties recognized as  
103 the administrative agency for public elementary or secondary schools.
- 104 (t) "Equipment" means tangible property that has a normal useful life of at least one  
105 year and has a unit acquisition cost of at least \$1,000 (e.g., four identical assets  
106 which cost \$400 each, for a \$1,600 total, would not meet the requirement).  
107 Equipment does not include expendable items such as personal safety gear, or  
108 tires.
- 109 (u) "Facility" means the assets of an organization that include: buildings, trails, roads,  
110 grounds, parking facilities, and structures such as shade structures, fences, trash  
111 enclosures, cattle guards, etc., and includes the systems that support facilities  
112 (fuel, electrical, sewer, water, waste, etc.).
- 113 (v) "Federally Recognized Native American Tribe" means any tribe, band, nation, or  
114 other organized group or community of Indians, including any Alaska Native  
115 Village pursuant to Title 25, Code of Federal Regulations (CFR) Section 83.5(a).
- 116 (w) "Grant" means a local agency grant between the OHMVR Division and a city,  
117 county, District, State Agency, Educational Institution, or Nonprofit organization  
118 for the purposes as authorized and defined in PRC Section 5090.50 and these  
119 regulations or a Cooperative Agreement between a federal agency, or a Federally  
120 Recognized Native American Tribe, and the OHMVR Division.
- 121 (x) "Grantee" means a recipient of a Grant.
- 122 (y) "Ground Disturbing Activity" means the manipulation of soils during the course of  
123 maintenance or development of trails or areas for OHV Recreation. For purposes  
124 of the HMP, it means any activity in which earth moving activities such as grading  
125 or excavation are utilized that have the potential to directly or indirectly affect  
126 special-status species or sensitive habitats in or adjacent to the Project Area.
- 127 (z) "Habitat Management Program (HMP)" " means an animal and plant Wildlife  
128 Habitat Protection Program designed to sustain a Viable Species Composition for  
129 the Project Area, pursuant to PRC Sections 5090.35, 5090.50, and 5090.53.
- 130 (aa) "Inconsequential Defect" means a defect that, when corrected, does not provide  
131 the Applicant an unfair advantage.
- 132 (bb) "Indirect Costs" means expenses that have been incurred for purposes common  
133 to all Projects, but which cannot be identified and charged directly to each Project  
134 without an inordinate amount of tracking and accounting.
- 135 (cc) "NEPA" means the National Environmental Policy Act pursuant to United States  
136 Code (U.S.C.) Title 42, Section 4371; 40 Code of Federal Regulations (CFR) part  
137 1500.1 et seq.
- 138 (dd) "Nonprofit" means an organization having tax-exempt status pursuant to Section  
139 501(c)(3) of the Internal Revenue Code.
- 140 (ee) "OHV" means an off-highway motor vehicle as specified in CVC Section 38006.
- 141 (ff) "OHV Opportunities" means roads, trails, or areas on lands that are open to legal  
142 OHV Recreation.
- 143 (gg) "OHV Recreation" means the activity of driving or riding motorized vehicles, on  
144 lands to which CVC Division 16.5 applies, for leisure purposes including  
145 motorized off-highway access to non-motorized recreation activities.

- 146 (hh) "On-line Grant Application (OLGA)" means the OHMVR Division's web-based  
147 application system.
- 148 (ii) "Project" means the activities and Deliverables described in the Project  
149 Application to be accomplished with funding through a Project Agreement.
- 150 (jj) "Project Agreement" means a contract executed to formally implement a Project.
- 151 (kk) "Project Area" means the physical boundaries within which the activities will be  
152 performed and Deliverables will be accomplished as described in the Project  
153 Agreement.
- 154 (ll) "Project Description" means the work plan that details the activities to be  
155 conducted by the Applicant.
- 156 (mm) "Repair" means to fix, mend, make new, or revitalize to the condition of the  
157 habitat that existed prior to unauthorized OHV use and related damage.
- 158 (nn) "Restoration" means upon closure of the unit or any portion thereof, the  
159 restoration of land to the contours, the plant communities, and the plant covers  
160 comparable to those on surrounding lands or at least those which existed prior to  
161 OHV use.
- 162 (oo) "Restoration Planning" means identifying appropriate restoration techniques,  
163 strategies, and project implementation, including environmental review  
164 associated with the Project.
- 165 (pp) "Viable Species Composition" means that species found in the Project Area have  
166 populations with the estimated numbers and distribution of reproductive  
167 individuals to enable their continued existence.

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

170 Reference: Sections 4442, 4442.5, 5020.1(j), 5024.1, 5090.04, 5090.05, 5090.06,  
171 5090.07, 5090.10, 5090.11, 5090.32, 5090.35, 5090.50, 5090.53, 5090.64(b)(1) and (2)  
172 and 21000 et seq., Public Resources Code; Sections 111, 400, 436, 557, 38001, 38006,  
173 38012 and 38225(c) Vehicle Code; USC, Title 42, Section 4371; USC, Title 43 Sections  
174 1601 et seq.; 40 CFR part 1500.1 et seq.; 25 CFR Section 83.5(a); Section 210.3,  
175 Education Code; and U.S. Internal Revenue Code, Section 501(c)(3).

#### 176 177 **4970.02. PROGRAM PURPOSE**

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

185  
186 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

187 Reference: Sections 5090.01-5090.70, Public Resources Code.

#### 188 189 **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.  
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208 **Table 1 – Eligible Applicants by Project Types**  
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	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 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

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 212 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
 213 Reference: Section 5090.32 and 5090.50, Public Resources Code.  
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215 **4970.04. GRANTS PROGRAM CYCLE**

- 216 (a) Grants shall be awarded on an annual basis provided funding is appropriated by  
 217 the Legislature. The awarding of a Grant does not guarantee ongoing or future  
 218 funding in any Project category.  
 219 (b) Prior to the start of each Grants program cycle (Grants Cycle), the OHMVR  
 220 Commission shall conduct a public meeting to collect public input concerning the  
 221 Grants program. The OHMVR Commission may provide general guidance to the  
 222 OHMVR Division prior to the start of each Grants Cycle. See Table 2 for an  
 223 overview of the Grants Cycle.  
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**Table 2 – Grants Cycle**

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

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Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
Reference: Sections 5090.24(b), 5090.32, and 5090.50, Public Resources Code.

**4970.05. GENERAL APPLICATION REQUIREMENTS**

- (a) The 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.

- 240 (c) Subject to the discretion of the OHMVR Division as specified in Section  
241 4970.07.2, any Application determined by the OHMVR Division to be non-  
242 compliant with these requirements may be disqualified.
- 243 (d) Each Applicant may submit only one (1) Application for each Grants Cycle. The  
244 Application may contain multiple Projects.
- 245 (e) Applicants shall undertake a public review process of their Application.
- 246 (1) Preliminary Applications shall be available on the Division Website the day  
247 following the preliminary Application deadline for public review and  
248 comment.
- 249 (2) The Applicant shall publish instructions in their newsletter and/or on their  
250 website regarding accessing the Division Website for Application review  
251 and public comments. This notice shall also be mailed and/or emailed to  
252 those persons the agency or organization determines most likely to have  
253 an interest in or be affected by the Project.
- 254 (3) Public comments shall be submitted to the Applicant and the OHMVR  
255 Division.
- 256 (4) Public comments shall be submitted no later the first Monday in April.
- 257 (f) All Applicants shall provide matching funds or the equivalent value of services, or  
258 material, in an amount not less than twenty-five percent (25%) per Project.
- 259 (1) All items of expense applied towards matching funds shall be applicable to  
260 the Project and shall be documented the same as any other item of  
261 expense.
- 262 (2) The same match expenses shall not be duplicated for multiple Projects.
- 263 (3) Cash value for volunteer time shall be determined using the hourly  
264 reimbursement rate for the paid classification that most closely matches  
265 the duties performed by the volunteer. Cash value for salaried employee  
266 time shall be based on the agency's hourly reimbursement rate for the  
267 classification.
- 268 (4) Any item of expense that would be eligible as a Project cost is also eligible  
269 as a match.
- 270 (g) All Applicants shall provide a Project Cost Estimate for each requested Project.
- 271 (h) All Applicants shall complete an inventory of Equipment for items purchased with  
272 OHV Trust Funds.
- 273 (i) All Applicants except those applying solely for law enforcement shall complete  
274 the Application Certification.
- 275 (j) Additional requirements within the Appendix shall be completed as applicable.
- 276 (k) Nonprofit organizations shall demonstrate current 501(c)(3) status.
- 277 (l) Educational Institutions and Nonprofit organizations applying for a Grant involving  
278 activities on any public lands shall include a written agreement from the  
279 appropriate land manager authorizing the Applicant to conduct the proposed  
280 Project and a description of how the Project fits with the land management goals  
281 of the area.
- 282 (m) All city, county, District, Educational Institution, Nonprofit organizations, and  
283 Federally Recognized Native American Tribe Applicants shall submit a Governing  
284 Body Resolution, authorizing the Application, certified by the clerk of the  
285 governing body.
- 286 (n) All Applicants shall comply with the environmental application requirements  
287 contained in Section 4970.06.  
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289 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
290 Reference: Sections 5090.32 and 5090.50, Public Resources Code.

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292 **4970.06. ENVIRONMENTAL REQUIREMENTS**

293 **4970.06.1. California Environmental Quality Act (CEQA) Requirements**

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

296 (b) Where a Project request is for funding both CEQA and/or NEPA requirements  
297 and actual Project Deliverables, the project will be undertaken and funded in two  
298 phases as follows:

299 (1) The first phase will fund the CEQA or NEPA activities, and

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

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

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

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

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

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

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

331 (2) Prior to the Application final filing date, the OHMVR Division shall review  
332 the Application for environmental compliance.

333 (A) If the OHMVR Division needs to clarify information provided  
334 pursuant to 4970.06(c)(1), the OHMVR Division shall submit in  
335 writing a request for such information from the Applicant by the  
336 Application final filing date. The OHMVR Division shall request the

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

386 for each Project to allow the OHMVR Division to make a sufficient Project  
387 review to determine the appropriate level of CEQA compliance and any  
388 additional environmental documentation required.

389 (2) Prior to the Application final filing date, the OHMVR Division shall review  
390 all Projects to determine what additional documentation or information is  
391 required for the OHMVR Division to complete the requirements for CEQA,  
392 with an assessment of the amount of further CEQA analysis and  
393 compliance that may be required. The OHMVR Division cannot commit to  
394 completing the added CEQA work needed if the time and resources  
395 required exceed the time and resources available to complete the  
396 Application selection process.

397 (A) If the OHMVR Division determines that it cannot complete the  
398 necessary additional CEQA work, it reserves the right to inform the  
399 Applicant in writing and return the Application and supporting  
400 materials.

401 (B) If the OHMVR Division determines that additional information is  
402 required for the Project to comply with CEQA and such work may  
403 be completed with existing resources and within the timeframe for  
404 the Application process, it will request such additional  
405 documentation from the Applicant be returned within ten (10)  
406 calendar days of the written request.

407 (C) Applicants who do not return the requested additional information  
408 within the ten (10) day time limit may have their Applications  
409 returned without further processing.

410 (D) For those Applications that are accepted for further CEQA  
411 compliance, the OHMVR Division will use its best efforts to cause  
412 the CEQA compliance work to be completed in sufficient time for  
413 final review and approval of the Applications for the Project(s).  
414 However, the OHMVR Division cannot guarantee the Project will be  
415 certified as CEQA compliant. Also, the OHMVR Division reserves  
416 the right to cease CEQA compliance work if it determines the  
417 Project may not be funded in light of the Project evaluation and  
418 scoring process and submission of the Project to the OHMVR  
419 Division for review and approval.

420 (e) An agency may not rely on mitigation measures as a basis for concluding a  
421 project is categorically exempt.

422 (f) When an ERDS is required, one ERDS shall be provided for each individual  
423 Project, even if more than one (1) Project falls under the same Project type. If an  
424 individual Project addresses more than one (1) site, every site under that Project  
425 shall be clearly addressed in the ERDS.

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427 **4970.06.2. Habitat Management Program (HMP)**

428 (a) All Applicants submitting a proposed Project that would involve Ground Disturbing  
429 Activity must submit a HMP by completing the HMP section within OLGA.

430 (b) Applicants shall submit only one HMP for each Application. The HMP shall  
431 encompass all Project Areas for every project with Ground Disturbing Activities  
432 for which funding is requested.

433 (c) Prior to the Application final filing date, the OHMVR Division shall review all  
434 Applications to ensure that all required HMP components are 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 HMP implementation is required, the Grantee shall implement the HMP  
444 regardless of whether the Grantee received funds specifically for HMP  
445 implementation.  
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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 Public Resources Code, Sections 5090.2, 5090.35, and  
458 5090.53."
- 459 (c) All Applicants submitting proposed Project(s) that would involve Ground  
460 Disturbing Activity shall complete the Soil Conservation section within OLGA  
461 demonstrating and agreeing that the applicant has, or will implement, a Soil  
462 Conservation Plan that achieves the Soil Conservation Standard with regard to  
463 the proposed Project(s). Applicants shall submit only one Soil Conservation Plan  
464 for each Application. The Soil Conservation Plan shall encompass all Project  
465 Areas for every project with Ground Disturbing Activities for which funding is  
466 requested.
- 467 (d) The Soil Conservation Plan shall reference, adapt, and utilize the methods,  
468 considerations, and other suggestions contained in the Soil Guidelines or other  
469 comparable methods or considerations that demonstrate how the Soil  
470 Conservation Standard is being or will be met in the Project Area.
- 471 (e) The Soil Conservation Plan shall include the following components:
- 472 (1) Protocol for assessment and maintenance  
473 To receive funding all OHV projects shall have a protocol for assessment  
474 and maintenance which considers:  
475 (A) Water, wind, and mechanical erosion,  
476 (B) Water and sediment control,  
477 (C) Tread condition,  
478 (D) Off-site impacts, and  
479 (E) Watercourse crossings.
- 480 (2) Protocol for monitoring  
481 (A) To receive funding applicants shall have a protocol for monitoring  
482 change detection of features, trails, and facilities which describes:  
483 (i) Objectives,

- 484 (ii) Monitoring parameters,  
485 (iii) Monitoring site selection,  
486 (iv) Monitoring schedule,  
487 (v) Data collection, including Quality Assurance/Quality Control  
488 measures, and  
489 (vi) Data management.
- 490 (B) The plan shall also incorporate one or more of the following:  
491 (i) Photography (ground based and/or aerial),  
492 (ii) Field Control Plots,  
493 (iii) Transects, and  
494 (iv) Sampling Points.
- 495 (3) Monitoring and soil conservation standard compliance report
- 496 (A) The compliance report provides information, gathered using the  
497 methodologies outlined in the Applicant's answers to (2) above, that  
498 demonstrates the Applicant has sufficient knowledge of the Project  
499 Area to plan and implement activities that will result in sustainable  
500 practices and compliance with the Soil Conservation Standard.
- 501 (B) Using the form provided in OLGA, the compliance report shall  
502 address the following:  
503 (i) Historical conditions,  
504 (ii) Change analysis,  
505 (iii) Findings,  
506 (iv) Conclusions, and  
507 (v) A compliance action plan describing activities to be  
508 implemented and a schedule of those activities.
- 509 (A) Upon determination that the Soil Conservation  
510 Standard is not being met in any Project Area, the  
511 compliance action plan shall describe the steps taken  
512 to temporarily close and repair that area or portion  
513 thereof funded from the OHV Trust Fund in order to  
514 meet the Soil Conservation Standard.
- 515 (B) If the OHV Opportunity has not been repaired, the  
516 Applicant will explain the reasons therefore and its  
517 plan to repair or close the OHV Opportunity, including  
518 any current or future request for OHV funding to meet  
519 the Soil Conservation Standard.
- 520 (4) Development projects for new facilities  
521 The Soil Conservation documentation for Development projects resulting  
522 in new facilities shall also include the following components:
- 523 (A) A Project Description that includes the project purpose,  
524 documentation of the proposed project design, and proposed  
525 construction methods.
- 526 (B) A review of the project's potential effects on local hydrology and  
527 adjacent infrastructure.
- 528 (f) Prior to the Application final filing date, the OHMVR Division shall review all  
529 Applications to ensure all required Soil Conservation components are addressed.
- 530 (1) If the OHMVR Division needs to clarify information provided and has  
531 determined that such clarification may be completed within the timeframe  
532 for the Application process, it shall request such additional documentation

- 533 from the Applicant be returned within ten (10) calendar days of the written  
534 request.
- 535 (2) Applicants who do not return the requested additional information within  
536 the ten (10) day time limit may have their Applications returned without  
537 further processing.
- 538 (g) When Soil Conservation Program implementation is required, the Grantee shall  
539 implement the Soil Conservation Plan regardless of whether the Grantee  
540 received funds specifically for Soil Conservation Program implementation..  
541

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

543 Reference: Sections 5090.32, 5090.35, 5090.50(d)(4), 5090.53, 15000 et seq., and  
544 21000 et seq., Public Resources Code; USC Title 42, Section 4371; and 40 CFR part  
545 1500.1 et seq.  
546

#### 547 **4970.07. APPLICATION SUBMISSION**

- 548 (a) Applications shall be submitted via the Internet through the OHMVR Division's  
549 OLGA. The OHMVR Division will not accept Applications after the published  
550 deadlines pursuant to Table 2 in Section 4970.04.
- 551 (1) OLGA is an interactive database that will guide Applicants through the  
552 Application process. OHMVR Division staff will provide additional support  
553 for Applicants as needed.
- 554 (2) All Applications shall be submitted via OLGA.
- 555 (b) All Applicants shall submit preliminary and final Applications by the due date  
556 pursuant to Table 2, Section 4970.04. Applicants shall submit a preliminary and  
557 final Application to be considered for Grant award. The preliminary Application,  
558 shall include for each project, with the exception of law enforcement Projects, at a  
559 minimum:
- 560 (1) Project description,  
561 (2) Project Cost Estimate, and  
562 (3) Evaluation criteria
- 563 (c) Applicants for law enforcement Projects shall submit the following preliminary  
564 Application items:
- 565 (1) Project Cost Estimate, and  
566 (2) Law Enforcement Project Certification.
- 567 (d) Preliminary Applications will be reviewed by the OHMVR Division. The OHMVR  
568 Division, at its sole discretion, may choose to perform a preliminary Application  
569 site visit.
- 570 (e) All Applicants shall comply with Section 4970.05(d).
- 571 (f) Prior to the final Application submittal, Applicants may modify their Application as  
572 a result of OHMVR Division preliminary review and/or public 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 will be 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, Public Resources Code

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

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, Public Resources Code.

665 Reference: Sections 5090.32, 5090.50, Public Resources Code; Government Code  
666 Sections 7260 – 7277; Sections 15000 et seq., and 21000 et seq., Public Resource  
667 Code; USC Title 42, Section 4371; and 40 CFR part 1500.1 et seq.  
668

669 **4970.09. INELIGIBLE PROJECT COSTS**

- 670 (a) Costs not associated with the Project Description will not be 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 and  
690 (13) Use fee for Equipment purchased with moneys from the OHV Trust Fund.  
691 (c) If costs are in question, the Applicant should seek clarification from the OHMVR  
692 Division.  
693

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

695 Reference: Sections 5090.32 and 5090.50, Public Resources Code.  
696

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

### 700 **4970.10. OPERATION AND MAINTENANCE (O&M)**

- 701 (a) Purpose  
702 Operation and maintenance of Facilities, Conservation, Development, planning or  
703 acquisition associated with the use of OHVs for Recreation or motorized access  
704 to non-motorized recreation.  
705 (b) Available Funding  
706 Fifty percent (50%) of the funds appropriated by the Legislature for the Grants  
707 program shall be expended for Projects within the O&M category.  
708 (c) The minimum and maximum funding requests are as follows:  
709 (1) The minimum Project request is \$10,000,  
710 (2) The maximum amount requested per Project type is \$1,000,000, and  
711 (3) The maximum Applicant request in this category is \$1,500,000.  
712 (d) Projects that affect lands identified as inventoried roadless areas by the United  
713 States Forest Service, shall certify that the project complies with PRC  
714 5090.50(b)(1)(C).  
715 (e) Project Types  
716 The O&M category is divided into the following four sub-categories:  
717 (1) Ground Operations,  
718 (2) Development,  
719 (3) Planning, and  
720 (4) Acquisition.  
721 (f) Eligible Applicants  
722 Applicants may apply for project types as shown in Table 3:  
723  
724  
725  
726  
727

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

729

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

730

731 **4970.10.1 Ground Operations (GO)**

732 (a) Purpose

733 Maintenance and/or Conservation of Facilities; compliance with soil standards  
734 and HMP; and protection of natural and/or Cultural Resources.

735 (b) Available Funding

736 From the O&M category, at least seventy percent (70%) of the funds will be  
737 available for GO Projects.

738 (c) Examples of Deliverables

739 GO Deliverables include, but are not limited to the following:

- 740 (1) Trail maintenance,
- 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) Necessary rerouting of roads and trails to address operational concerns,
- 748 (7) HMP development and/or implementation including monitoring the  
749 effectiveness of prior and ongoing Conservation activities, and
- 750 (8) Soil Conservation Program development and/or implementation.

751 (d) Project-Specific Application Requirements

752 In addition to the common requirements listed in Section 4970.05, Applications  
753 for GO Projects shall include:

754 (1) Project Description

755 The Project Description shall provide sufficient clarity such that those not  
756 familiar with the agency or Project can understand what the Applicant  
757 intends to do. The Project Description shall include:

- 758 (A) A statement of the GO activity the Applicant proposes to undertake  
759 such as scraping, grading, planting; erosion control; irrigation  
760 system installation and maintenance or other follow-up,
- 761 (B) How the proposed Project relates to OHV Recreation and will add  
762 to, enhance, or otherwise sustain OHV Recreation or OHV  
763 Opportunity in the Project Area,
- 764 (C) The size of the Project site(s) in acres and/or miles, and

- 765 (D) Location and description of existing OHV Opportunities in and  
766 around the Project Area.
- 767 (2) Necessary rerouting of roads and trails to address operational concerns  
768 requires submission of a Project timeline, conceptual drawings and site  
769 plans. See Section 4970.10.2(d)(2) for instructions.
- 770 (3) Project-Specific Maps  
771 Project-specific maps shall include:  
772 A map(s) showing the location of trails and other Facilities along with  
773 related OHV Opportunities, or other lands being served by the facilities.
- 774 (e) Optional Project-Specific Application Documents  
775 If Applicants deem it helpful to support their specific Project Application, they may  
776 submit up to two (2) pages of Project-specific photos.
- 777 (f) Evaluation Criteria  
778 See Appendix for GO evaluation criteria.  
779

#### 780 **4970.10.2 Development**

- 781 (a) Purpose  
782 Construction of, or improvements to, Facilities to sustain or enhance OHV  
783 recreational opportunity and experiences.
- 784 (b) Available Funding  
785 From the O&M category, up to ten percent (10%) of the funds will be available for  
786 Development Projects.
- 787 (c) Examples of Deliverables  
788 Development Deliverables include, but are not limited to the following:  
789 (1) Trail and trailhead/staging area construction,  
790 (2) Access road and parking lot construction,  
791 (3) Picnic, restrooms, kiosks, and camping facilities construction,  
792 (4) Infrastructure for OHV related Facilities such as electricity, water, sewage  
793 treatment,  
794 (5) Conservation practices with regard to environmental protection, and  
795 (6) Discretionary rerouting of roads or trails.
- 796 (d) Project-Specific Application Requirements  
797 In addition to the common requirements listed in Section 4970.05, Applications  
798 for Development Projects shall include:  
799 (1) Project Description  
800 The Project Description shall provide sufficient clarity such that those not  
801 familiar with the agency or Project can understand what the Applicant  
802 intends to do. The Project Description shall include:  
803 (A) A statement of the Development activity the Applicant proposes to  
804 undertake such as trail building, erosion control, construction,  
805 irrigation system installation, and maintenance or other follow-up,  
806 (B) How the proposed Project relates to OHV Recreation and will add  
807 to, enhance, or otherwise sustain OHV Recreation or OHV  
808 Opportunity in the Project Area,  
809 (C) Size of the proposed development,  
810 (D) The timeline for Project completion, and  
811 (E) The location(s) of existing OHV Opportunities in and around the  
812 Development and how the Project will affect or relate to those  
813 opportunities.

- 814 (2) Conceptual Drawings and Site Plans  
815 Provide conceptual drawings of the site depicting proposed improvements  
816 and the location of those improvements. If the Project includes  
817 construction of a building, indicate floor plans and square footage.
- 818 (3) Land Tenure Certification  
819 Local agencies shall certify to the OHMVR Division that they have  
820 adequate tenure to, and site control of, the properties to be improved.  
821 Tenure includes:  
822 (A) Ownership,  
823 (B) Lease,  
824 (C) Easement, and  
825 (D) Joint powers (or similar agreement)
- 826 (4) Project-Specific Maps  
827 Project-specific maps shall include:  
828 A map(s) containing enough detail to provide someone unfamiliar with the  
829 area the ability to locate the site. Map(s) shall show existing Facilities and  
830 proposed Facilities as part of this Project or other existing plans.
- 831 (e) Optional Project-Specific Application Documents  
832 If Applicants deem it helpful to support their specific Project Application, they may  
833 submit up to two (2) pages of Project-specific photos.
- 834 (f) Evaluation Criteria  
835 See Appendix for Development evaluation criteria.

### 836 **4970.10.3. Planning**

- 838 (a) Purpose  
839 Development and preparation of plans for future Projects which propose  
840 organization, Development, operation, Conservation and/or maintenance to  
841 sustain long-term OHV Recreational use.
- 842 (b) Available Funding  
843 From the O&M category, up to ten percent (10%) of the funds will be available for  
844 planning Projects.
- 845 (c) Examples of Deliverables  
846 Planning Deliverables include, but are not limited to the following:  
847 (1) Identifying trails or other Facilities for OHV Recreation, including  
848 inventories and mapping of roads, trails, and areas,  
849 (2) Develop a plan to protect and conserve soils, water, plants, animals,  
850 and/or Cultural or other natural resources affected by OHV Recreation,  
851 and  
852 (3) Preparing an OHV component of a Recreation Management Plan, OHV  
853 Plan, or the OHV portion of a General Plan.
- 854 (d) Project-Specific Application Requirements  
855 In addition to the common requirements listed in Section 4970.05, Applications  
856 for planning Projects shall include a Project Description. The Project Description  
857 shall provide sufficient clarity such that those not familiar with the agency or  
858 Project can understand what the Applicant intends to do. The Project Description  
859 shall include:  
860 (1) A statement of the planning objective(s),

- 861 (2) How the proposed Project relates to OHV Recreation and will add to,
- 862 enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the
- 863 Project Area,
- 864 (3) A statement of the activity(ies) the Applicant proposes to undertake,
- 865 (4) A list of all reports, interim or final, or other documents to be produced, and
- 866 (5) A timeline for completion of all planning activities.
- 867 (e) Optional Project-Specific Application Documents
- 868 If Applicants deem it helpful to support their specific Project Application, the
- 869 following documents may be submitted:
- 870 (1) Project-specific photos – up to two (2) pages, and/or
- 871 (2) Project-specific map(s).
- 872 (f) Evaluation Criteria
- 873 See Appendix for planning evaluation criteria.

874  
875 **4970.10.4 Acquisition**

- 876 (a) Purpose
- 877 Secure interests in land to sustain and/or expand OHV Recreation access and
- 878 OHV Opportunities.
- 879 (b) Available Funding
- 880 From the O&M category, up to ten percent (10%) of the funds will be available for
- 881 acquisition Projects.
- 882 (c) Examples of Deliverables
- 883 Acquisition Deliverables include, but are not limited to the following:
- 884 (1) Purchase of right-of-way or easement,
- 885 (2) Lease of twenty-five (25) years or more,
- 886 (3) Purchase of land in fee title,
- 887 (4) Purchase of an option, and
- 888 (5) Rights to use real property, such as permits or licenses.
- 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) Identify the needs the Project will address,
- 902 (D) Location of the land to be acquired,
- 903 (E) 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) Total estimated cost of land to be acquired. The estimate shall be  
 910 based on an appraisal by a certified appraiser to substantiate the  
 911 value of the property, and  
 912 (J) 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 (e) Optional Project-Specific Application Documents  
 936 If Applicants deem it helpful to support their specific Project Application, they may  
 937 submit up to two (2) pages of Project-specific photos.
- 938 (f) Evaluation Criteria  
 939 See Appendix for acquisition evaluation criteria.

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

942 Reference: Sections 5024.1, 5090.32, 5090.35, 5090.50 and 5090.53, Public Resources  
 943 Code.

944  
 945 **4970.11. RESTORATION**

- 946 (a) Purpose  
 947 (1) To provide Ecological Restoration or Repair to habitat damaged by legal  
 948 and/or illegal OHV use to return as nearly as possible and feasible natural  
 949 resource systems to their natural state.  
 950 (2) The goal of the Restoration Program is to return as nearly as possible and  
 951 feasible natural resource systems to their natural state when:  
 952 (A) Unauthorized motor vehicle use has damaged an area off limits to  
 953 OHV Recreation;  
 954 (B) It is determined that areas must be closed because soil or HMP  
 955 standards cannot be achieved while sustaining OHV use;  
 956 (C) Areas formerly used by motor vehicles for OHV Recreation have not  
 957 been designated and authorized for OHV use or;

- 958 (D) Natural resource systems in areas affected by ongoing OHV  
959 Recreation require restoration to sustain viable plant and wildlife  
960 species populations or other systems such as watersheds.
- 961 (3) Restoration Projects also include scientific and cultural studies regarding  
962 OHV impacts and Restoration Planning efforts.
- 963 (b) Available Funding  
964 Twenty-five percent (25%) of the funds appropriated by the Legislature for the  
965 Grants program shall be expended for Projects within the Restoration category.
- 966 (c) The minimum and maximum funding requests are as follows:  
967 (1) The minimum Project request shall be no less than \$10,000, and  
968 (2) No maximum request amount within the Restoration category.
- 969 (d) Eligible Applicants  
970 Refer to Table 1 in Section 4970.03(b).
- 971 (e) Examples of Deliverables  
972 Restoration Deliverables include, but are not limited to the following:  
973 (1) Restoring a closed trail including stabilizing land contours and  
974 revegetation,  
975 (2) Removal of roads or trails and the Restoration of damaged habitats in  
976 areas not designated for motorized vehicle use,  
977 (3) The removal of closed roads or trails, or a portion of a closed road or trail,  
978 that will help to prevent OHV access to closed areas,  
979 (4) Restoration Projects that generally improve and restore the function of  
980 natural resource systems damaged by recreational motorized activities,  
981 (5) Protection of restored areas through the placement of physical barriers,  
982 patrols, and vertical mulching,  
983 (6) Scientific study not otherwise required by state or federal laws that  
984 addresses the impact of OHV Recreation on natural and Cultural  
985 Resources,  
986 (7) Mitigation measures required by CEQA or NEPA for the Restoration  
987 Project, and  
988 (8) Site specific Project planning such as a Restoration design or an initial  
989 study.
- 990 (f) Project-Specific Application Requirements  
991 In addition to the common requirements listed in Section 4970.05, Applications  
992 for Restoration Projects shall include:  
993 (1) A Project Description  
994 The Project Description shall provide sufficient clarity such that those not  
995 familiar with the agency or Project can understand what the Applicant  
996 intends to do. The Project Description shall include:  
997 (A) Restoration activity(ies) the Applicant proposes to undertake such  
998 as grading, planting, and vertical mulching,  
999 (B) How the proposed Project relates to OHV Recreation and will add  
1000 to, enhance, or otherwise sustain OHV Recreation or OHV  
1001 Opportunity in the Project Area,  
1002 (C) The size of the Project site(s) in acres and/or miles,  
1003 (D) Except for scientific and cultural studies or planning Projects, the  
1004 monitoring that will be implemented, including the methodology that  
1005 will be used to determine the successful outcome of the Restoration  
1006 Project,

- 1007 (E) If the Project involves planning for Restoration, a list of all reports,  
 1008 interim or final, or other documents to be produced, and  
 1009 (F) Restoration Projects involving scientific and cultural studies shall  
 1010 include in the description:  
 1011 (i) Goals, objectives, and methodologies to be employed, and  
 1012 (ii) Peer reviews conducted by at least three (3) qualified  
 1013 experts from the scientific discipline or field related to the  
 1014 proposed Project.  
 1015 (G) Except for scientific and cultural studies or planning Projects, a plan  
 1016 to insure the restored Area will be protected. This may include law  
 1017 enforcement patrols to prevent intrusion into the Project Area, signs,  
 1018 barriers, or other proactive measures to prevent damage to restored  
 1019 lands.  
 1020 (2) Project-Specific Maps  
 1021 Project-specific maps shall include:  
 1022 A map(s) containing enough detail to provide someone unfamiliar with the  
 1023 area the ability to locate the site(s).  
 1024 (3) Project-Specific Photos  
 1025 Project-specific photos shall include:  
 1026 "Before" photos of the site(s) to be restored. Photos are limited to five (5)  
 1027 pages. "After" photos will be required Deliverables for Restoration Projects  
 1028 which include on-the-ground work.  
 1029 (g) Evaluation Criteria  
 1030 See Appendix for Restoration evaluation criteria.  
 1031

1032 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1033 Reference: Sections 5024.1, 5090.32, 5090.50, 15000 et seq, and 21000 et seq, Public  
 1034 Resource Code; 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 \$1,000,000 per Applicant.  
 1052 (d) Eligible Project Costs  
 1053 Eligible Project costs include, but are not limited to the following:  
 1054 (1) Law enforcement patrol, including aircraft support, and  
 1055 (2) OHV training,

- 1056 (3) Purchase of Equipment for OHV law enforcement, and  
1057 (4) Purchase and installation of signs (e.g. regulatory, educational),  
1058 placement of barriers, and other means of traffic control.  
1059 (e) Project-Specific Application Requirements  
1060 In addition to the common requirements listed in Section 4970.05, Applicants for  
1061 law enforcement Projects shall complete the Law Enforcement Project  
1062 Certification.  
1063

1064 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
1065 Reference: Sections 5024.1, 5090.32, and 5090.50, Public Resources Code.  
1066

### 1067 **4970.13. EDUCATION AND SAFETY**

- 1068 (a) Purpose  
1069 Provide public awareness for responsible OHV Recreation and/or provide safety  
1070 programs.  
1071 (b) Available Funding  
1072 Five percent (5%) of the funds appropriated by the Legislature for the Grants  
1073 program shall be expended for Projects within the Education and safety category.  
1074 (c) The minimum and maximum funding requests are as follows:  
1075 (1) The minimum Project request shall be no less than \$10,000, and  
1076 (2) The maximum request per Applicant is \$200,000 within the Education and  
1077 safety category.  
1078 (d) Eligible Applicants  
1079 Refer to Table 1 in Section 4970.03(b).  
1080 (e) Examples of Deliverables  
1081 (1) Education program Deliverables include, but are not limited to the  
1082 following:  
1083 (A) Classroom or field training,  
1084 (B) Maps and brochures,  
1085 (C) Internet website, and  
1086 (D) Trail and interpretive signage.  
1087 (2) Safety program Deliverables include, but are not limited to the following:  
1088 (A) Search and rescue,  
1089 (B) Safety equipment loan program, and  
1090 (C) First aid stations.  
1091 (f) Project-Specific Application Requirements  
1092 In addition to the common requirements listed in Section 4970.05, Applications  
1093 for Education and safety Projects shall include a Project Description. The Project  
1094 Description shall provide sufficient clarity such that those not familiar with the  
1095 agency or Project can understand what the Applicant intends to do. The  
1096 description shall include:  
1097 (1) A statement of the activity or product the Applicant proposes to create or  
1098 undertake,  
1099 (2) How the proposed Project relates to OHV Recreation and will add to,  
1100 enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the  
1101 Project Area,  
1102 (3) Identify the needs the Project will address,  
1103 (4) Location where training/services will be conducted, and

- 1104 (5) If the proposed Project contains an Education element, describe how the  
1105 Project teaches OHV safety, environmental responsibility, and respect for  
1106 private property.
- 1107 (g) Optional Project-Specific Application Documents  
1108 If Applicants deem it helpful to support their specific Project Application, the  
1109 following documents may be submitted:  
1110 (1) Project-specific photos – up to two (2) pages, and/or  
1111 (2) Project-specific maps.
- 1112 (h) Evaluation Criteria  
1113 See Appendix for Education and safety evaluation criteria.  
1114

1115 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
1116 Reference: Sections 5090.32 and 5090.50, Public Resources Code.  
1117

## 1118 **ARTICLE 3 – APPLICATION EVALUATION SYSTEM AND FUNDING**

1119

### 1120 **4970.14. EVALUATION CRITERIA**

1121 Each Application, other than those solely for law enforcement and/or Education and  
1122 safety, shall answer general criteria. In addition, all project types, except law  
1123 enforcement, shall have project-specific criteria.  
1124

#### 1125 **4970.14.1. General Criteria**

- 1126 (a) If general criteria are required as part of the Application, only one (1) set shall be  
1127 completed. General criteria measure the quality of the land manager's overall  
1128 OHV program. Applicants shall answer these questions with respect to the  
1129 entirety of the OHV operation, including all trails and areas available for OHV  
1130 Recreation, not just specific Projects or Project Areas.
- 1131 (b) General criteria includes but are not limited to the following:  
1132 (1) Opportunity and services provided,  
1133 (2) Agency contribution to the overall cost of managing and delivering the  
1134 OHV Opportunity,  
1135 (3) Management of natural and Cultural Resources,  
1136 (4) Effective education of rules/regulations, and  
1137 (5) Past performance in completing and administering Grant funded Projects.
- 1138 (c) Non-land manager Applicants required to complete the general criteria shall  
1139 cooperate with the land manager to obtain the information necessary to complete  
1140 the general criteria section of the Application.  
1141

#### 1142 **4970.14.2 Project-Specific Criteria**

1143 Applicants shall complete Project-specific criteria for each Project, except law  
1144 enforcement Projects, contained within the Application. Each Project within the  
1145 Application will be given a score based on the specific benefits of the individual Project.  
1146 The responses in this section shall be specific to the particular Project proposed for  
1147 funding.  
1148

#### 1149 **4970.14.3 Factual Documentation**

- 1150 (a) The responses shall be based on factual conditions or statistics referenced to and  
1151 documented by information contained in documents officially published,  
1152 maintained, and/or used in the ordinary course of the Applicant's operations.

1153 Published, for purposes of this requirement, means issued in report or other form  
1154 officially prepared, maintained, and/or used in the ordinary course of the  
1155 Applicants' administration of its programs. Examples of factual documentation  
1156 would include, without limitation, management reports, general or management  
1157 plans, Environmental Documents, visitor counts, or other documentation the  
1158 Applicant has officially adopted for use in its operations.

1159 (b) Members of the evaluation panel may investigate referenced documents or other  
1160 documents on file at the OHMVR Division to check the accuracy of the  
1161 information provided. If the evaluation panel concludes the information provided  
1162 is incorrect or the conclusions stated are not supported, the panel shall use its  
1163 discretion to clarify the response, reduce the points accordingly, or reject the  
1164 Project Application. If points are reduced or the Application is rejected, the panel  
1165 will cite the documents used to support its actions.  
1166

1167 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
1168 Reference: Sections 5024.1, 5090.32, and 5090.50, Public Resources Code.  
1169

1170 **4970.15. FUNDING DISTRIBUTION**

1171 Funds appropriated by the Legislature for the Grants program are identified in PRC  
1172 5090.50 as the following percentages:

- 1173 (a) Fifty percent (50%) for O&M,
- 1174 (b) Twenty-five percent (25%) for Restoration,
- 1175 (c) Twenty percent (20%) for Law Enforcement, and
- 1176 (d) Five percent (5%) for Education and Safety.

1177  
1178 **4970.15.1. Operation and Maintenance (O&M)**

- 1179 (a) Within the O&M category, the funds shall be distributed as follows:
  - 1180 (1) At least seventy percent (70%) for GO,
  - 1181 (2) Up to ten percent (10%) for Development,
  - 1182 (3) Up to ten percent (10%) for planning, and
  - 1183 (4) Up to ten percent (10%) for acquisition.
- 1184 (b) A panel of not less than three (3) individuals shall score Applications deemed  
1185 compliant with these regulations. The panel shall use the Applicants' responses  
1186 to general criteria and Project-specific criteria to determine a Project score. The  
1187 steps for determining the final score are as follows (see Table 4 for an example):
  - 1188 (1) Calculate the sum of the points received on the general criteria and the  
1189 points received on the Project-specific criteria. Divide that number by the  
1190 sum of the total possible points for the general criteria and the total  
1191 possible points for the project specific criteria, and
  - 1192 (2) The result of the calculation will be converted to a percentage which is the  
1193 final score.

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1202 **Table 4 – Example of Score Calculation for GO Projects**

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

- 1203
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- 1214 (c) Eligible Projects shall be ranked by score. Projects shall be funded in order of
- 1215 score from highest to lowest until available funds are exhausted, taking into
- 1216 account the project type funding restrictions in Section 4970.15.1. If there are not
- 1217 sufficient GO Project funding requests to consume 70% of the available O&M
- 1218 funding category, the other O&M sub-category Projects shall receive funding in
- 1219 order of score.
- 1220 (d) In the event Projects have the same score, Projects will be funded in the order of
- 1221 request amount starting with the smallest request amount. If more than one
- 1222 Project has the same request amount, the OHMVR Division will utilize a “random
- 1223 selection” method to break ties and determine which Project will receive funding.
- 1224 (e) Projects at the funding cut-off line may require modifications to the Project
- 1225 Description and Project Cost Estimate to reflect reduced available funding. The
- 1226 modification shall be completed prior to the OHMVR Division preparing and
- 1227 executing the Project Agreement.

1228

1229 **4970.15.2. Restoration**

- 1230 (a) A panel of not less than three (3) individuals shall score Applications deemed
- 1231 compliant with these regulations. The panel shall use the Applicants’ responses
- 1232 to general criteria and Project-specific criteria to determine a Project score. The
- 1233 steps for determining the final score are as follows (see Table 5 for an example):
- 1234 (1) Calculate the sum of the points received on the general criteria and the
- 1235 points received on the Project-specific criteria. Divide that number by the
- 1236 sum of the total possible points for the general criteria and the total
- 1237 possible points for the project specific criteria, and
- 1238 (2) The result of the calculation will be converted to a percentage which is the
- 1239 final score.

1240

1241 **Table 5 – Example of Score Calculation for Restoration Projects**

Final Score = Actual Score/ Possible Score	
General Criteria	90 of 103
Project-specific Criteria	78 of 85
$(90 + 78) / (103 + 85) = 0.8936$	
$0.8936 \times 100 = 89.36\% = \text{Final Score}$	

- 1251 (b) Eligible Projects shall be ranked by score. Projects shall be funded in order of  
1252 score from highest to lowest until available funds are exhausted.
- 1253 (c) In the event Projects have the same score, Projects will be funded in the order of  
1254 request amount starting with the smallest request amount. If more than one  
1255 Project has the same request amount, the OHMVR Division will utilize a “random  
1256 selection” method to break ties and determine which Project will receive funding.
- 1257 (d) Projects at the funding cut-off line may require modifications to the Project  
1258 Description and Project Cost Estimate to reflect reduced available funding. The  
1259 modification shall be completed prior to the OHMVR Division preparing and  
1260 executing the Project Agreement.
- 1261 (e) The OHMVR Division will consult with staff from the Wildlife Conservation Board  
1262 during the evaluation and scoring process.
- 1263

1264 **4970.15.3. Law Enforcement**

- 1265 (a) Law enforcement Grants funding shall be distributed in the following entity  
1266 categories:
- 1267 (1) Forty percent (40%) for local law enforcement,  
1268 (2) Thirty percent (30%) for U.S. Bureau of Land Management, and  
1269 (3) Thirty percent (30%) for Patrol Districts of the U.S. Forest Service.
- 1270 (b) Law enforcement Projects are awarded on a non-competitive basis. The relative  
1271 need of an Applicant is established by the Project request amount identified on  
1272 the Project Cost Estimate. The OHMVR Division shall review the Project request  
1273 amounts and may at its sole discretion, increase or decrease the requested  
1274 amount based on the following conditions:
- 1275 (1) Failure to follow program regulations,  
1276 (2) The Applicant has remaining funds from previous OHV law enforcement  
1277 Grants,  
1278 (3) Comparisons with similar jurisdictions,  
1279 (4) Applicant’s historical law enforcement Grant request amounts, and  
1280 (5) Circumstances unique to the Applicant.
- 1281 (c) All compliant law enforcement Projects requesting \$25,000 or less will be funded  
1282 at the rate of one hundred percent (100%). The remaining compliant law  
1283 enforcement Projects will be funded on a proportional basis.
- 1284 (1) The proportional funding distributes the remaining funds within the three  
1285 entity categories (BLM, USFS, and local law enforcement). The total  
1286 remaining funds for each entity category are divided by the total remaining  
1287 requests for each entity category. The resulting percentage will be applied  
1288 to the individual project request amounts in that entity category to  
1289 determine the award.
- 1290 (2) If the result of this equation is less than \$25,000, then the award will be  
1291 \$25,000.
- 1292

1293 **4970.15.4. Education and Safety**

- 1294 (a) A panel of not less than three (3) individuals shall score Applications deemed  
1295 compliant with these regulations. The panel shall use the Applicants’ responses  
1296 to the Project-specific criteria to determine a Project score.
- 1297 (b) Eligible Projects shall be ranked by score. Projects shall be funded in order of  
1298 score from highest to lowest until available funds are exhausted.

- 1299 (c) In the event Projects have the same score, Projects will be funded in the order of  
1300 request amount starting with the smallest request amount. If more than one  
1301 Project has the same request amount, the OHMVR Division will utilize a “random  
1302 selection” method to break ties and determine which Project will receive funding.  
1303 (d) Projects at the funding cut-off line may require modifications to the Project  
1304 Description and Project Cost Estimate to reflect reduced available funding. The  
1305 modification shall be completed prior to the OHMVR Division preparing and  
1306 executing the Project Agreement.  
1307

1308 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1309 Reference: Sections 5090.32 and 5090.50, Public Resources Code.  
1310

1311 **4970.16. NOTICE OF INTENT TO AWARD**

1312 Upon completion of the evaluation and scoring process, the OHMVR Division shall post a  
1313 notice of Intent to Award on the Division Website pursuant to Table 2 in Section 4970.04.  
1314

1315 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1316 Reference: Section 5090.32, Public Resources Code.  
1317

1318 **4970.17. APPEAL PROCESS**

1319 (a) Applicants have the right to appeal the Notice of Intent to Award. The grounds for  
1320 appeal are limited to the following:

- 1321 (1) The OHMVR Division failed to follow these regulations, and/or  
1322 (2) The OHMVR Division lacked sufficient evidence to support or deny the  
1323 award of the Grant.

1324 (b) The steps for submitting an appeal are outlined in Table 6.

1325 (c) Applicants may not seek legal remedies through the courts until this appeal  
1326 process has been completed.

1327  
1328

**Table 6 - Appeal Process**

<b>Action</b>	<b>Timeframe</b>
<p>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.</p> <p>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>.</p>	<p>Within thirty (30) calendar days from the posting of the Intent to Award on the OHMVR Division Web site.</p>
<p>The OHMVR Division Deputy Director shall respond to the Applicant in writing with a decision to uphold or deny the appeal.</p>	<p>Within sixty (60) calendar days following the filing of an appeal.</p>
<p>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 must be vacated. No new documentation or issues may be introduced during this second appeal.</p> <p>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>.</p>	<p>Within seven (7) calendar days of receipt of written notification denying the appeal.</p>
<p>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.</p>	<p>Within thirty (30) calendar days following the filing of a second appeal.</p>

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

**4970.18. AWARD OF GRANTS**

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

1337 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
1338 Reference: Sections 5090.32 and 5090.50(j), Public Resources Code.

1339

## 1340 **ARTICLE 4 – PROJECT ADMINISTRATION PROCEDURES**

1341

### 1342 **4970.19. PROJECT AGREEMENT**

- 1343 (a) Upon approval of Projects by the Director, the OHMVR Division shall prepare and  
1344 execute the Project Agreement with the Grantee. The Project Agreement sets  
1345 forth the terms and conditions of the Project.
- 1346 (b) The Grantee may not submit claims for reimbursement or for advance payments  
1347 until a fully executed Project Agreement is on file.

1348

#### 1349 **4970.19.1. Project Performance Period**

- 1350 (a) The Project performance period is the time between the start date and the end  
1351 date in which the work under the Project Agreement shall be completed. The  
1352 Grantee shall not charge expenditures prior to the start date or subsequent to the  
1353 end date.
- 1354 (b) The Project performance period shall be as follows:
- 1355 (1) Three (3) years for acquisition, Development, planning, and Restoration  
1356 Projects, and
  - 1357 (2) One (1) year for GO, law enforcement, and Education and safety Projects.

1358

#### 1359 **4970.19.2. Project Amendments**

1360 An amendment is required if a modification to the Project Description or extension of the  
1361 Project performance period (time extension) is needed to accomplish the intent of the  
1362 original Project Agreement. Time extensions for programmatic Project Agreements (e.g.,  
1363 GO, law enforcement, and Education and safety) may be denied. Requests may be  
1364 approved when circumstances exist beyond the Grantee's control that would otherwise  
1365 result in the Project not being completed.

- 1366 (a) Modifications to the Project Description may include but are not limited to:
- 1367 (1) Different techniques are employed to achieve the original outcome, and
  - 1368 (2) Acquisition of a different type of equipment.
- 1369 (b) Reasons for time extensions may include but are not limited to:
- 1370 (1) Fires,
  - 1371 (2) Earthquakes, and
  - 1372 (3) Floods.
- 1373 (c) Grantees requesting a Project amendment shall submit to the OHMVR Division in  
1374 writing the following:
- 1375 (1) An explanation of the reasons/circumstances that justify the change,
  - 1376 (2) A description of the potential implications if the amendment is not  
1377 approved,
  - 1378 (3) A progress/status report of the Project to date, and
  - 1379 (4) If the Amendment requires an extension of the Project performance period,  
1380 specify the length of additional time required to complete the Project.
- 1381 (d) A written request shall be submitted to the OHMVR Division at least thirty (30)  
1382 calendar days prior to the end date specified in the Project Agreement,
- 1383 (e) Unspent funds that remain at the end of the Project performance period are not in  
1384 themselves sufficient justification for time extensions,

1385 (f) The OHMVR Division shall review the requested amendment and make a  
1386 determination for approval/disapproval. If the amendment is disapproved, the  
1387 OHMVR Division will provide written notification to the Grantee with an  
1388 explanation why the request was denied. If the amendment is approved, the  
1389 OHMVR Division will process an Amendment to the Project Agreement specifying  
1390 modifications and the revised Project performance period (if applicable). The  
1391 amendment becomes effective when the OHMVR Division returns the executed  
1392 amendment to Project Agreement to the Grantee. The OHMVR Division and the  
1393 Grantee shall retain copies of the amendment to Project Agreement on file.  
1394

1395 **4970.19.3. Project Withdrawal**

- 1396 (a) An Applicant or Grantee may at any time unilaterally cancel or withdraw an  
1397 approved Project by written notification to the OHMVR Division.
- 1398 (b) If the Project work has not commenced and the Grantee received advanced  
1399 funds for the cancelled Project, the Grantee shall return the advanced funds plus  
1400 accrued interest to the State.
- 1401 (c) If the Grantee has commenced the Project, eligible costs will be allowed to the  
1402 date the Grantee ceases work on the Project. The cost of goods purchased on a  
1403 reimbursement basis, but not consumed for the Project as of the date of work  
1404 cessation, will not be reimbursed, or shall be returned if advance payment was  
1405 made. The Project will be subject to all record keeping and Audit requirements  
1406 contained in these regulations.  
1407

1408 **4970.19.4. Project Breach-Termination**

1409 Failure of a Grantee to comply with the terms and conditions of the Project Agreement  
1410 may be treated by the OHMVR Division as a breach of contract. If the OHMVR Division  
1411 determines there is a breach of the Project Agreement, the OHMVR Division shall give  
1412 the Grantee written notification that the Grantee has thirty (30) calendar days to cure the  
1413 breach. If the Grantee has not cured the breach or commenced actions to cure the  
1414 breach within thirty (30) calendar days or shown diligent progress to cure the breach, the  
1415 OHMVR Division may terminate the Project Agreement and void the OHMVR Division's  
1416 obligations. If the OHMVR Division determines breach was due to no fault of the  
1417 Grantee, the OHMVR Division may waive reimbursement of funds paid or advanced or  
1418 make payment for any work performed up to the date of termination. In the event of a  
1419 breach that the OHMVR Division waives, such waiver shall not serve to excuse the  
1420 future performance of the breached term that was waived or performance of any other  
1421 term of the Project Agreement. The Project shall remain subject to all record keeping  
1422 and Audit requirements contained in these regulations.  
1423

1424 **4970.19.5. Failure to Perform**

1425 If a Grantee has not completed a Project within the Project performance period specified  
1426 in the Project Agreement, the Grantee shall:

- 1427 (a) Provide written notification to the OHMVR Division describing the issues,  
1428 reasons, or problems that prevented the Grantee from completing the Project and  
1429 return any remaining OHV Trust Funds, or
- 1430 (b) Request an amendment pursuant to Section 4970.19.2.  
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1432  
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1434 **4970.19.6. Financial Responsibilities**

1435 The acceptance of a Project Agreement creates a legal duty on the part of the Grantee's  
1436 organization to use the funds made available in accordance with the terms and  
1437 conditions of the Grant.

1438

1439 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1440 Reference: Sections 5090.32 and 5090.50, Public Resources Code.

1441

1442 **4970.20. EQUIPMENT MANAGEMENT REQUIREMENTS**

1443 The following requirements apply to all Equipment purchased with OHV Trust Funds:

- 1444 (a) Equipment shall be used for OHV related purposes unless the Applicant is  
1445 funding the portion of the purchase price not dedicated to OHV purposes,  
1446 (b) Grantees shall keep Equipment purchased with OHV Trust Funds stored securely  
1447 and maintained in safe working order,  
1448 (c) Equipment shall display an approved version of the OHMVR Division "OHV Trust  
1449 Funds at Work" insignia. Grantees may obtain insignias free of charge from the  
1450 OHMVR Division,  
1451 (d) Equipment that is no longer in useable condition may be used as a trade-in for  
1452 replacement Equipment to be used for OHV purposes,  
1453 (e) Surplus Equipment may be transferred or traded within the agency, giving  
1454 preference to those areas that provide OHV Opportunities or disposed of via the  
1455 agency's standard equipment disposition procedures, and  
1456 (f) Ownership and title belongs to the Grantee.

1457

1458 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1459 Reference: Sections 5090.32 and 5090.50, Public Resources Code.

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1461 **4970.21. DEVELOPMENT PROJECT PROCEDURES**

- 1462 (a) Plans and specifications shall be prepared for each Development Project as  
1463 identified in the Project Agreement. A registered civil or structural engineer or a  
1464 licensed architect shall sign plans for structural items. Prior to the start of the  
1465 Project, the OHMVR Division may choose to review plans, specifications, and bid  
1466 documents for each component of the Project.  
1467 (b) The Grantee shall follow all laws that pertain to public works projects, including  
1468 the Americans with Disabilities Act (ADA) and Title 24 Disability Codes (for local  
1469 agencies), prevailing wages, and local health and safety requirements. For all  
1470 sub-contracted work, a Notice of Completion is required.

1471

1472 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1473 Reference: Sections 5090.32, and 5090.50, Public Resources Code; Public Law 101-  
1474 336, July 26, 1990, 104 Stat. 327; and Title 24, California Building Standards Code.

1475

1476 **4970.22. ACCOUNTING PRACTICES**

- 1477 (a) Record Keeping

1478 Grantees are responsible for maintaining fiscal controls and fund accounting  
1479 procedures based on Generally Accepted Accounting Principles (GAAP)  
1480 approved by the American Institute of Certified Public Accountants (AICPA), the  
1481 Securities and Exchange Commission (SEC), the Financial Accounting Standards  
1482 Board (FASB), and the American Accounting Association (AAA). Bill of Sale, Bill

1483 of Lading, or Collection Agreements are some examples of proof that materials or  
1484 Equipment was received. Invoices are also considered valid proof that materials  
1485 or Equipment was received. Purchase orders are not considered valid proof that  
1486 materials or Equipment have been received.

1487 (b) Labor Costs

1488 The Grantee shall document all labor, including all Force Account, match and  
1489 volunteer time, on time sheets, or reports produced by an electronic timekeeping  
1490 system.

1491 (c) Equipment Use

1492 Costs associated with Equipment used for a Project will be paid on a use basis in  
1493 accordance with the Applicant's local fair market rental rates, but shall never  
1494 exceed the Grantee's actual cost. The Grantee may not charge a use fee for  
1495 vehicles or Equipment purchased with OHV Trust Funds, except for fuel and  
1496 minor maintenance costs. A logbook or source document shall identify the  
1497 operator, work performed, and hours or miles charged to the Project.

1498 (d) Record Retention

1499 The Grantee shall retain all financial accounts, documents, and records pertinent  
1500 to the Project:

- 1501 (1) For a three (3) years from the expiration date of the Project Agreement, or
- 1502 (2) Until an Audit started during the three (3) years following the expiration of  
1503 the Project Agreement has been completed; a report is published; and any  
1504 Audit findings are resolved and/or payment or other correction made with  
1505 regard to any Audit findings contained in the final Audit report.

1506 (e) Advances

1507 Advances shall be placed in a separate interest-bearing account (if the Grantee is  
1508 legally able to do so). The interest accrued from this account shall be  
1509 documented and shall only be expended in accordance with the project  
1510 agreement. The unspent interest earned on the OHV Trust Funds shall be  
1511 returned to the OHMVR Division at the end of the Project.

1512 (f) Matching Funds

- 1513 (1) Matching funds may include actual cash contributions toward the Project,  
1514 cash value for volunteers or salaried employee hours, Administrative  
1515 Costs, grants from sources other than this Grant Program, and  
1516 expenditures of the OHV in-lieu of property tax funds. The match shall be  
1517 directly related to the Project, and the same match may not be used for  
1518 more than one (1) Project.
- 1519 (2) Project costs identified as match shall be documented the same way as  
1520 other Project expenditures. Volunteer hours of work and salaried  
1521 employees shall be documented through a log or report identifying dates,  
1522 hours worked, and duties performed.
- 1523 (3) Cash value for volunteer time may be determined using the hourly  
1524 reimbursement rate for the paid classification that most closely matches  
1525 the duties performed by the volunteer. Cash value for salaried employee  
1526 time shall be based on the agency's hourly reimbursement rate for the  
1527 classification.

1528

1529 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1530 Reference: Sections 5090.32 and 5090.50, Public Resources Code.

1531

1532 **4970.23. PAYMENT REQUESTS**

1533 Grantees are required to request payments for advances or reimbursements by  
1534 submitting a current Payment Request form to the OHMVR Division. The OHMVR  
1535 Division is responsible for approving and processing payment requests. Grantees may  
1536 submit payment requests to the OHMVR Division at any time after the execution of the  
1537 Project Agreement.

1538  
1539 **4970.23.1. Advances**

- 1540 (a) Generally advances are not allowed, however if extenuating circumstances exist  
1541 the Division would consider granting an advance. To request an advance, the  
1542 Grantee shall submit to the OHMVR Division written justification to explain the  
1543 need for the advance. The OHMVR Division will provide written notification to the  
1544 Grantee of approval/disapproval for the advance. Requests for an advance  
1545 typically may not be more than half the total amount of the Grant and shall  
1546 include a summary list of proposed expenditures. The sum of the proposed  
1547 expenditures shall match the amount indicated on the Payment Request form.
- 1548 (b) Subsequent requests for advances shall document how previous advance funds  
1549 were expended as follows:
- 1550 (1) Purchases: paid invoices and/or receipts,
  - 1551 (2) Services: paid invoices and/or receipts,
  - 1552 (3) Timekeeping and equipment logs: transaction register or other  
1553 electronically generated reports, and
  - 1554 (4) Training and travel: paid invoices and/or receipts.

1555  
1556 **4970.23.2. Reimbursements**

1557 Requests for reimbursement shall include the following documentation:

- 1558 (a) Purchases: paid invoices and/or receipts,
- 1559 (b) Services: paid invoices and/or receipts,
- 1560 (c) Timekeeping and equipment logs: transaction register or other electronically  
1561 generated reports,
- 1562 (d) Training and Travel: paid invoices and/or receipts.

1563  
1564 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1565 Reference: Sections 5090.32 and 5090.50, Public Resources Code.

1566  
1567 **4970.24. PROJECT CLOSEOUT**

- 1568 (a) The Grantee shall submit a payment request form marked "FINAL" within one  
1569 hundred twenty (120) calendar days after the completion of the Project, or the  
1570 end date as specified in the Project Agreement or amendment to the Project  
1571 Agreement, whichever comes first. The Grantee shall include the following  
1572 documentation with the final payment request:
- 1573 (1) A report of deliverables completed,
  - 1574 (2) All documents supporting the expenditures claimed under the payment  
1575 request,
  - 1576 (3) A summary of costs, including match requirements, that provides detailed  
1577 information regarding staff, contracts, materials/supplies, Equipment  
1578 purchases, Equipment use expenses, and other expenses,
  - 1579 (4) Any Project that requires a report or reports as part of its Project  
1580 Description will provide the OHMVR Division with two (2) copies of all

- 1581 reports as indicated in the Project Agreement. Monitoring results shall be  
1582 reported to the OHMVR Division at the end of the Project, and  
1583 (5) For all sub-contracted work, a Notice of Completion.
- 1584 (b) Final payment requests cannot be processed until the OHMVR Division has  
1585 received all supporting documentation to support expenditures claimed, including  
1586 documentation that the Grantee has fulfilled its match commitment. An amount  
1587 equal to any unmet match commitment will be withheld from the final payment.
- 1588 (c) If a request for final payment is received after one hundred twenty (120) calendar  
1589 days, it may be ineligible for payment or result in suspension of future payments  
1590 and reimbursement to the State of any advances or other payments made. The  
1591 OHMVR Division may also deem the Project closed and forward to the  
1592 Department's Audits Office for an Audit.

1593  
1594 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.  
1595 Reference: Sections 5090.32 and 5090.50, Public Resources Code.

1596  
1597 **4970.25. AUDITS**

1598 **4970.25.1. Performance Audits**

- 1599 (a) Performance Audits may include, but are not limited to, review of a Project to  
1600 determine progress toward the completion of the Project, review of  
1601 implementation of HMP and Soil Conservation Plan, or other requirements  
1602 contained in the Project Agreement. Performance Audits may be accomplished  
1603 by, but are not limited to, desk reviews, questionnaires and other standards of  
1604 inquiry, site visits, and other means consistent with these regulations.
- 1605 (b) Failure to cooperate with Performance Audit requests made pursuant to these  
1606 regulations may result in denial of payment requests and/or refund to the State of  
1607 amounts already paid or advanced.
- 1608 (c) OHMVR Division staff may conduct a site visit to review the Grantee's Project(s).  
1609 The site visit may include review of progress towards the accomplishment of  
1610 Deliverables.
- 1611 (d) Upon twenty-one (21) calendar days notice by OHMVR Division, Grantees shall  
1612 make their Project Areas, applicable documentation, and staff who are  
1613 knowledgeable about or oversee the Project available to the OHMVR Division for  
1614 site visits. The Grantee shall also make any reports or plans developed, as a  
1615 result of a Project Agreement, available for review. In the event the OHMVR  
1616 Division is not able to provide its own transportation to survey a Project, the  
1617 Grantee shall make every effort to provide Equipment that may be necessary to  
1618 conduct the site visit and include a person dedicated to providing a tour of the  
1619 Project.
- 1620 (e) When the OHMVR Division staff conducts a site visit, staff shall develop a report  
1621 containing any comments and recommendations with regard to the performance  
1622 of the Grantee's Project. A copy of the report shall be provided to the Grantee.

1623  
1624 **4970.25.2. Financial Audits**

- 1625 (a) Public Resources Code (PRC) Chapter 541, Section 5090.50(h) requires the  
1626 Department to "Conduct an annual financial audit of the Grants program. During  
1627 each year, the Department shall also conduct, or cause to be conducted, an audit  
1628 of the performance of a minimum of twenty percent (20%) of Grants and

- 1629 Cooperative Agreement recipients.” Law enforcement Grantees shall be subject  
1630 to a financial and performance Audit at least once every five years.
- 1631 (b) The OHMVR Division will forward Projects to the Department’s Audit Office for a  
1632 financial Audit as appropriate. The Grantee is required to cooperate with the  
1633 Audits Office during an Audit. Requested records, documents, and files pertaining  
1634 to the expenditures or other fiscal and/or programmatic elements of the Grant  
1635 shall be provided.
- 1636 (c) Failure to fully complete Projects as agreed in the Project Agreement; and/or to  
1637 maintain records supporting the expenditures made pursuant to the Project  
1638 Agreement, these regulations, and any other applicable law; and/or failure of  
1639 such records to support expenditures claimed and payments received, shall be  
1640 grounds for an Audit exception requiring refund of amounts paid.
- 1641 (d) The Department shall have the right to visit Project Areas to confirm the  
1642 completion of Deliverables and inspect and/or make copies of any books,  
1643 records, or reports of the Grantee pertaining to all Projects.

1644  
1645 **4970.25.3. Final Audit Report**

- 1646 (a) Upon completion of the Audit, the Grantee shall be provided a copy of the final  
1647 Audit report that shall contain the results of the Audit including all Audit  
1648 exceptions and any refunds found to be due.
- 1649 (b) If the Audit results identify exceptions resulting in refunds due to the State, the  
1650 Grantee shall have sixty (60) calendar days from receipt of the Audit report to  
1651 refund the overpayment to the State unless the Grantee elects to request review  
1652 of the Audit results.
- 1653 (c) A Grantee may request review of the Audit report. The Grantee shall request the  
1654 review in writing to the OHMVR Division within thirty (30) calendar days of receipt  
1655 of the Audit report. Where a Grantee has requested such review, the OHMVR  
1656 Division will have final authority to determine what, if any, amount is due back to  
1657 the State. The OHMVR Division will have thirty (30) calendar days to respond to  
1658 the request. If the OHMVR Division does not provide a response within thirty (30)  
1659 calendar days, the final Audit report will be deemed accepted.
- 1660 (d) The Grantee shall have sixty (60) calendar days from the date Audit results are  
1661 deemed final to remit payment. Failure to remit payment within the sixty (60)  
1662 calendar days may result in the withholding or commensurate reduction of future  
1663 reimbursement payments or advances on other Grantee Projects or such other  
1664 remedies to collect the money as may be available by law.

1665  
1666 Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.

1667 Reference: Sections 5090.32, 5090.35, 5090.50, and 5090.53, Public Resources Code.

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

- (a) All inquiries and correspondence related to the Grant program shall be addressed to:  
Mailing Address:  
(Name), Grant Administrator  
California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation (OHMVR) Division  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, CA 95816-7100
- (b) Inquiries may also be made directly by phone or e-mail to a Grant Administrator. Consult the OHMVR Division’s Website at <http://www.ohv.parks.ca.gov> for a list of Grant Administrators.
- (c) General inquiries should be directed to:  
Phone: (916) 324-4442 or  
Fax (916) 324-1610 or  
E-mail: [ohvinfo@parks.ca.gov](mailto:ohvinfo@parks.ca.gov).

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