

1 **ADOPT ~~(2003)~~ (2005)**

2  
3 **OFF-HIGHWAY MOTOR VEHICLE RECREATION**  
4 **OHV- LOCAL ASSISTANCE GRANTS, GRANTS TO NONPROFIT ORGANIZATIONS AND**  
5 **EDUCATIONAL INSTITUTIONS, AND COOPERATIVE AGREEMENTS PROGRAM**  
6 **REGULATIONS**

7 **CCR Title 14, Division 3, Chapter 15, Sections 4970.00 - 4970.3222.**

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 101 **ARTICLE 1 – GENERAL PROVISIONS**  
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 103 **4970.00 DEFINITIONS**  
 104 The words used in this chapter have the following meanings:  
 105 (a) “Adaptive Management” means a process of adjusting management over time and in a  
 106 timely manner based on new information derived from scientific experimentation, field  
 107 observations, monitoring data collected, and professional experience or judgment.  
 108 (ab) “Allocation” means a distribution of funds, or an expenditure limit established for an  
 109 organizational unit or function.  
 110 (b) ~~“Amendment to a Project Agreement” means a change or clarification in the scope of a~~  
 111 ~~project that is within the original intent and purpose of the project, not requiring Commission~~  
 112 ~~approval (e.g., change in project performance period, purchase of previously unidentified~~  
 113 ~~equipment, or redirection of funds between conservation and enforcement).~~  
 114 (c) “Annual Performance Review” means elements to be reviewed by OHMVR Division staff as  
 115 part of a comprehensive program review conducted of grantees.  
 116 (d) “Application” means a compilation of required documents to support a request for funding  
 117 for proposed an OHV grant or cooperative agreement project(s).  
 118 (e) “Application Instructions” means directions for completing an application for an OHV grant or  
 119 cooperative agreement in a format provided by the Division.  
 120 (f) “Appropriate district” means one that has clear legal responsibility for open space,  
 121 recreation, parks, and resource related activities that are land based.  
 122 (eg) “Appropriation” means a legislative act authorizing the expenditure of a designated amount  
 123 of public funds for a specific purpose. budget authorization from a specific fund to an  
 124 applicant or program to make expenditures or incur obligations for a specific purpose and  
 125 period of time.  
 126 (fh) ~~“An all-terrain vehicle (ATV)” is any vehicle as defined by California Vehicle Code section~~  
 127 ~~111. ATV” means an all-terrain vehicle, a vehicle designed for operation off the highway by~~  
 128 ~~an operator with no passengers; 50 inches or less in width; 900 pounds or less unladen~~  
 129 ~~weight; suspended on three or more low-pressure tires; has a single seat designed to be~~  
 130 ~~straddled by the operator, and has handlebars for steering control.~~  
 131 (gj) “Buffer” refers to lands or physical barriers acquired or established contiguous to, or in the  
 132 vicinity of, existing or proposed off-highway motor vehicle recreational activities to protect  
 133 plant and wildlife habitat, soils, view sheds, or reduce noise and other effects on  
 134 development in the surrounding area with the purpose of sustaining off-highway motor  
 135 vehicle recreation use. land or physical obstacles used to protect plant and wildlife habitat,  
 136 soils, view sheds, or reduce off-site noise impacts.  
 137 (hj) “CEQA” means the California Environmental Quality Act, Public Resources Code (PRC)  
 138 Section 21000 et seq.; Title 14, California Code of Regulations (CCR) Article 20. Section  
 139 15000 et seq.–

- 140 (ik) "C&E" means a specific account that includes conservation, restoration, and enforcement  
 141 activities as defined in PRC Sections 5090.64 (a) and (b)(1) and (2).
- 142 (jl) "Casual" means non-competitive OHV recreation.
- 143 (km) "Certified" means a document that has been reviewed, approved, and signed by both the  
 144 grantee and the Division representative.
- 145 (ln) "Commission" means the Off-Highway Motor Vehicle Recreation (OHMVR) Commission.
- 146 ~~(m) "Conflicts" means new or ongoing OHV issues involving agencies, principal, or interested~~  
 147 ~~parties.~~
- 148 (no) "Conservation" means activities, practices, and programs that sustain soil, plants, wildlife  
 149 and their habitat, and natural and cultural resources as referenced in PRC Sections  
 150 5090.10, 5090.35, and 5090.50.
- 151 (p) "Construction" means the act of building or assembling using different parts, materials, or  
 152 elements in an ordered manner including, but not limited to physical barriers, trail work,  
 153 restoration planting, roads, facilities, soils restoration, hardening of stream crossings,  
 154 fencing, sediment control structures, and facilities landscaping.
- 155 ~~(o) "Control Language" means conditions added to the scope of an OHV project by the~~  
 156 ~~Commission.~~
- 157 (pq) "Cooperative Agreement" means an agreement between the Division and a federal agency,  
 158 or a federally recognized Native American tribe.
- 159 (qr) "Cultural Resources" are associated with events that have made a significant contribution to  
 160 the broad patterns of California's history and cultural heritage; are associated with the lives  
 161 of persons important in our past; embodies the distinctive characteristics of a type, period,  
 162 region, or method of construction, or represents the work of an important creative individual,  
 163 or possesses high artistic values; or has yielded, or may be likely to yield, information  
 164 important in prehistory or history. Cultural resources also include Historical Resources. A  
 165 resource shall be considered by the lead agency to be "historically significant" if the  
 166 resource meets the criteria for listing on the California Register of Historical Resources  
 167 (PRC Section 5024.1, Title 14 CCR, Section 4852).
- 168 (rs) "Deliverables" means the specific proposed tasks or accomplishments contained within  
 169 each application.
- 170 ~~(s) "Department" means California Department of Parks and Recreation (DPR).~~
- 171 (t) "Development" means the construction of new facilities, trails, or trail segments.
- 172 (u) "Director" means Director of the California ~~DPR~~Department of Parks and Recreation.
- 173 (v) "Division" means the Division of Off-Highway Motor Vehicle Recreation (OHMVR) of the  
 174 California ~~DPR~~Department of Parks and Recreation.
- 175 (w) "Educational institution" means a public or private preschool, elementary, or secondary  
 176 school or institution; the governing board of a school district; or any combination of school  
 177 districts or counties recognized as the administrative agency for public elementary or  
 178 secondary schools in accordance with Section 210.1 of the Education Code.
- 179 (wx) "Enforcement" means the employing, equipping, and supervising of law enforcement  
 180 personnel for the purpose of protecting natural and cultural resources; enforcement of  
 181 Division 16.5 (commencing with Section 38000) of the California Vehicle Code (CVC);  
 182 enforcement of PRC Sections 4442 and 4442.5 and the enforcement of other laws  
 183 regulating the equipment and use of off-highway motor vehicles.
- 184 (xy) "Environmental Document" means a document prepared in accordance with NEPA or  
 185 CEQA.

- 186 (yz) “Federal Agency” means a unit of the federal government excluding federally recognized  
 187 Native American tribes.
- 188 (jja) “Federally recognized Native American tribe” means any tribe, band, nation, or other  
 189 organized group or community of Indians, including any Alaska Native village (60 Federal  
 190 Register (FR) 9250). ~~(as defined in, or established pursuant to, the Alaska Native Claims~~  
 191 ~~Settlement Act), which the Secretary of the Interior recognizes as eligible for the special~~  
 192 ~~programs and services provided by the United States to Indians because of their status as~~  
 193 ~~Indians.~~
- 194 (zbb) “Fiscal Audit” means elements to be reviewed by Audit Division staff as part of a  
 195 comprehensive project agreement review conducted of grantees.
- 196 ~~(aa) “Force Account” means work performed by grantee personnel.~~
- 197 ~~(b) “Fund” means the Off-Highway Vehicle Trust Fund as created by subdivision (c) of Section~~  
 198 ~~38225, CVC.~~
- 199 (dd) “Grant” means an award of funding to a local agency, educational institution, or nonprofit  
 200 organization.
- 201 ~~(eee) “Grantee” means the recipient of OHV funding from a grant or cooperative agreement.~~
- 202 ~~(dff) “Law Enforcement Personnel” include officers or employees of the grantee who have the~~  
 203 ~~authority and duty to enforce statutes or ordinances, issue citations, or arrest persons for~~  
 204 ~~violations. For purposes of this section, “ordinance” includes an order, rule, or regulation~~  
 205 ~~enforceable under the authority of the grantee.~~
- 206 ~~(egg) “Local Agency” means a city, county, or special district.~~
- 207 (hh) “Long Term” means at a minimum, 25 years.
- 208 ~~(ffi) “Maintenance” means the work required to ensure effective and efficient use of physical~~  
 209 ~~facilities, the protection of natural and cultural resources, and OHV recreation opportunities.~~
- 210 ~~(gg) “Major Maintenance” means the reconstruction and repair of existing facilities, trails or trail~~  
 211 ~~segments, or reroutes over 1/4 mile in length and associated restoration. Major~~  
 212 ~~maintenance requires environmental documentation, typically a categorical exemption or~~  
 213 ~~negative declaration. All maintenance and development projects that require an~~  
 214 ~~Environmental Impact Statement (EIS) or Environmental Impact Report (EIR) to be~~  
 215 ~~compliant with environmental laws will also be considered major maintenance or~~  
 216 ~~development. Repairs that do not require environmental documentation, but have costs that~~  
 217 ~~meet or exceed \$5,000, are also defined as major maintenance.~~
- 218 ~~(hh) “Minor Trail Relocation” means the closure and restoration of an existing trail and the~~  
 219 ~~construction of a replacement as close as possible to the original trail (not to exceed 1/4~~  
 220 ~~mile in length) and located so that the problems necessitating the closure will be eliminated.~~
- 221 (jj) “Monitoring” means data collection used by a land-management agency and the Division to  
 222 make appropriate decisions.
- 223 ~~(jj) “Native American tribes” means any tribe, band, nation, or other organized group or~~  
 224 ~~community of Indians, including any Alaska Native village (as defined in, or established~~  
 225 ~~pursuant to, the Alaska Native Claims Settlement Act), which the Secretary of the Interior~~  
 226 ~~recognizes as eligible for the special programs and services provided by the United States~~  
 227 ~~to Indians because of their status as Indians.~~
- 228 (kk) “NEPA” means the National Environmental Policy Act pursuant to United States Code  
 229 (U.S.C.) Title 42, Section 4371; 40 Code of Federal Regulations (CFR) part 1500.1 et seq.
- 230 (ll) “Non-profit Nonprofit” means an organization having tax-exempt status pursuant to Section  
 231 501(c) (3) of the Internal Revenue Code.

- 232 (mm) "Off-highway Vehicle Operation" means the operation of motorized vehicles on lands, roads,  
 233 and trails, or private property that is approved for OHV use, that is open, and accessible to  
 234 the public, and has been designated for motor vehicle use.
- 235 (nn) "OHV" means an off-highway motor vehicle as specified in CVC Section 38006 and street  
 236 licensed motor vehicles while being used off highway.
- 237 ~~(oo) "OHV Grant" means an agreement between the Division and a local agency or non-profit  
 238 organization to perform a project.~~
- 239 (ppoo) "OHV Opportunities" means providing areas that allow legal OHV recreation.
- 240 (qqpp) "Operation" means the staff and equipment required for site administration, visitor services,  
 241 supervision, and assistance.
- 242 ~~(rr) "PAR" means Project Accomplishment Report (4/2000), a form defined in Section 4970.12  
 243 of these regulations.~~
- 244 (ssqq) "Project" means the work to be accomplished, either proposed or approved, with funding  
 245 through an OHV Grant or Cooperative Agreement.
- 246 ~~(tt) "Project Agreement" means a contract executed to formally implement an approved project.  
 247 This term is used interchangeably with an OHV Grant or Cooperative Agreement.~~
- 248 (uu) ~~"Project Performance Period" means the time period that the Project Agreement is in effect  
 249 and the time in which the project must be completed.~~
- 250 (vrrr) "Regional OHV Facility" means a facility, primarily for casual usage, and providing a wide  
 251 variety of OHV opportunities for a wide range of OHV interests, that is generally 500 or more  
 252 acres, and generally with a population of 500,000 within a 150-mile radius or three-hour  
 253 travel time, and with the potential to become financially self-sustaining per that meets the  
 254 criteria adopted by the Commission per PRC Section 5090.51(b).
- 255 (wwss) "Repair of trails, roads, and areas" means, upon determination that the soil loss standards  
 256 and habitat protection plans are not being met in any area in the system, the Division shall  
 257 direct the grant or cooperative agreement recipient to repair that area, or portion thereof  
 258 funded by OHV funds, to prevent accelerated erosion until soil loss standards and/or habitat  
 259 protection plans are met. This includes requiring temporary closure of areas for repair  
 260 purposes.
- 261 ~~(xx) "Re-scope" means a change in the scope of a Project Agreement that is different from the  
 262 intent of the original certified Project Agreement.~~
- 263 (tt) "Reroute," means the closure of an existing segment of a trail or road and replacing with a  
 264 new alignment that is superior from an environmental, maintenance, access, and/or visitor  
 265 safety standpoint.
- 266 (uu) "Restoration" means, upon closure of an OHV unit or any portion thereof, the restoration of  
 267 land to the contours, the plant communities, and plant covers comparable to those on  
 268 surrounding lands, or at least those that existed prior to off-highway motor vehicle use.
- 269 (vv) "Roads" include: logging roads, service roads, and other roughly graded roads upon which  
 270 vehicular travel is permitted (CVC 38000).
- 271 (ww) "Scientific Research" means research into questions posed by scientific theories and  
 272 hypotheses and defined by measurable steps or operations (e.g., sample design,  
 273 methodology, statistical inferences).
- 274 (xx) "Wildlife Habitat Protection Program (WHPP)/Habitat Management Program (HMP) is  
 275 defined in Section 4970.17(c) of these regulations.

276  
 277 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

278 Reference cited: Sections 4442, 4442.5, 5024.1, 5090.04, 5090.05, 5090.06, 5090.07, 5090.10,  
279 5090.11, 5090.35, 5090.50, 5090.51(b) and 5090.64(b)(1) and (2), and 21000 et seq., PRC; CCR,  
280 Title 14, Section 4852 and Sections 15000 et seq.; CVC Sections 38000, 38006, 38012, and  
281 38225(c); 25 U.S.C. 479a and 479a-2; 42 U.S.C. 4371; CFR part 1500.1 et seq.; 43 U.S.C. 1601-  
282 et seq.; Education Code Section 210.1; U.S. Internal Revenue Code, Section 501(c)(3).  
283

#### 284 **4970.01 PROGRAM PURPOSE**

285 The purpose of the ~~OHV~~ Off-Highway Motor Vehicle Recreation (OHMVR) grants and cooperative  
286 agreements program is to provide financial assistance to agencies and organizations, as set forth  
287 in 4970.10(a), and to develop, and maintain, expand and manage high quality OHV programs that  
288 recreation areas and trails, and to responsibly maintain the wildlife, soils, and habitat of areas in a  
289 manner that will sustain long term OHV recreation in accordance with the legislative intent of Public  
290 Resources Code (PRC) Section 5090.02. Land managers will attempt to prevent OHV trespass  
291 onto private lands, or public lands not designated for OHV operation, and to minimize conflicts with  
292 other users.  
293

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

295 Reference cited: Sections 5090.02 5090.10, 5090.32(d), 5090.35, 5090.50, and 5090.53(b)(4),  
296 PRC.  
297

#### 298 **4970.02. COMMISSION'S GUIDING POLICIES**

299 (a) There have been significant changes in the California OHMVR Program since its inception.  
300 The population of the State continues to grow at a rapid rate, resulting in increased demand  
301 for OHV recreation. This demand creates further concern for the environment and the need  
302 to effectively manage areas, expand recreational opportunities, and realize ecologically  
303 balanced recreation programs. The following guiding policies adopted by the Commission  
304 seek to:

- 305 (1) Inform and educate applicants in the importance of understanding these issues, and  
306 (2) Guide the Director and the Division in implementing the OHV Grant and Cooperative  
307 Agreement Program and its laws and regulations.

308 (b) The Commission envisions a balanced approach to off-highway motor vehicle recreation  
309 that shall include facility operation and maintenance, restoration, conservation, and law  
310 enforcement activities designed to protect the environment and sustain OHV recreational  
311 opportunity. To obtain funding and support to develop or enhance opportunities, grant and  
312 cooperative agreement applicants shall demonstrate a compelling need and the technical  
313 ability to develop new or maintain existing opportunities in a manner that exhibits sound  
314 resource practices and care for the environment.

315 (c) Grant or cooperative agreement applications may include, but shall not be limited to the  
316 following key elements, but shall comply with the requirements within Sections 4970.05-  
317 4970.15:

- 318 (1) A designated system of well-maintained and well-managed roads, trails, and areas or  
319 the goal of completing a designation process;  
320 (2) Sufficient environmental documentation to meet CEQA compliance;  
321 (3) Restoration of permanently closed routes and damaged areas;  
322 (4) Reopening of adequately repaired routes;  
323 (5) Management to prevent the closure of areas and trails;

- 324 (6) Restriction of cross-country travel of wheeled vehicles to designated roads, trails, and  
325 areas;
- 326 (7) Guide maps and ground markers that clearly define boundaries of open areas;
- 327 (8) Improvement of wildlife habitat protection and monitoring;
- 328 (9) Resolution or minimization of conflicts with residents, landowners, and non-motorized  
329 users;
- 330 (10) Protection of air and water quality;
- 331 (11) Repair and maintenance of a system of routes designed to encourage and promote  
332 responsible use while providing quality recreation for all OHV skill levels; and
- 333 (12) Development of new areas for OHV recreation.
- 334 (d) The following priorities within each type of grant and cooperative agreement project listed  
335 demonstrate methods of accomplishing the balanced approach to OHV recreation the  
336 Commission envisions:
- 337 (1) Priorities within acquisition projects include:
- 338 (A) Reduction of conflicts with non-motorized recreationists regarding proposed  
339 OHV recreational areas;
- 340 (B) Protection of residents, private property, and landowners adjacent to the  
341 proposed OHV area from noise, trespass, and property damage;
- 342 (C) Purchase of lands contributing to mitigation and buffers needed to reduce the  
343 deleterious effects to OHV opportunity due to urban encroachment;
- 344 (D) Purchase of lands to preserve existing and future OHV opportunity; and
- 345 (E) Purchase of contiguous lands to protect the important habitat.
- 346 (2) Priorities within development projects include:
- 347 (A) Construction of roads and trails in a manner that conserves soil, prevents  
348 erosion, protects water quality, reduces potential resource damage, and  
349 sustains or enhances OHV recreation;
- 350 (B) Reduction of dense trail networks and replacement with a trail system  
351 designed to disperse use and extend the distance between the recreation  
352 activity and urban interface areas.
- 353 (C) Construction of destination trails and/or extended loop trails;
- 354 (D) Construction of long distance motorized corridors designed with a minimum  
355 degree of challenge for a heightened outdoor recreational experience; and
- 356 (E) Rerouting, where feasible alternatives exist, of steep, poorly located and  
357 eroding trails.
- 358 (3) Priorities within law enforcement projects include:
- 359 (A) Sufficient provision of patrol presence and signage to keep riders on legally  
360 designated routes and/or within limited use of designated open areas;
- 361 (B) Provision of a high number of user contacts emphasizing environmental  
362 education, user safety, and the ethics of responsible riding;
- 363 (C) Provision of clear and informative route maps of the area at staging areas and  
364 trailheads, as well as, during the law enforcement contacts;
- 365 (D) Effective enforcement of closed areas;
- 366 (E) Protection of soils and watersheds; and
- 367 (F) Demonstration of the ability to adapt law enforcement efforts to the changing  
368 needs of the area.
- 369 (4) Priorities within OHV safety or education program projects include:

- 370 (A) Education of current and future riders about the ethics of responsible riding,  
371 rider safety, environmental knowledge and responsibility, and compliance with  
372 appropriate laws and regulations;  
373 (B) Trails that have an educational and interpretive component;  
374 (5) Priorities within resource management projects include:  
375 (A) Inventories and surveys of natural and cultural resources to aid in the  
376 accomplishment of route designation;  
377 (B) Monitoring and repair of existing resource damage and prevention of  
378 future damage; and  
379 (C) Implementation of appropriate measures to protect wildlife and cultural sites  
380 when studies or monitoring indicate a route is having an adverse impact.  
381 (6) Priorities within restoration projects include:  
382 (A) Restoration of off route impacts to minimize and/or eliminate resource damage  
383 and maintain the integrity of the route;  
384 (B) Restoration of routes and areas that are causing significant resource damage;  
385 and  
386 (C) Restoration of closed routes or damaged areas within inventoried road less  
387 areas.  
388 (7) Priorities within trail maintenance, trail conservation, and trail reroute projects include:  
389 (A) Consistent trail maintenance to prevent unauthorized creation of alternative  
390 routes;  
391 (B) Maintenance of roads and trails to conserve soil, prevents erosion, protect  
392 water quality, reduce potential resource damage, and sustain or enhance OHV  
393 recreation;  
394

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

396 Reference cited: Section 5090.23, PRC

### 397 **4970.03. COMMISSION'S ANNUAL PROGRAM REVIEW MEETING**

398 Prior to the start of each grant cycle, the Commission shall conduct one public meeting to collect  
399 public input concerning the OHV grant and cooperative agreement program, recommendations for  
400 program improvements, and specific project needs for and cooperative agreement program areas.  
401 At the same meeting the Division shall request that the Commission provide priorities for funding to  
402 the Division for the upcoming grant cycle. The Division shall disseminate this information to provide  
403 priorities to grant and cooperative agreement applicants for upcoming grant cycle funding.  
404

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

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

### 407 **4970.04. GENERAL APPLICATION REQUIREMENTS**

- 408
- 409 (a) For each grant cycle, the Division shall provide application instructions for completing an  
410 application for funds.  
411
- 412 (b) All single or multiple applications that do not meet the deadline set by the Division for the  
413 grant cycle shall be returned to the applicant without consideration.

- 414 (c) Applications, whether for single or multiple projects, studies, or scientific research shall meet  
415 all the General Application Requirements. Applications that do not meet these requirements  
416 shall be returned to the applicant without consideration.
- 417 (d) The Division shall establish a time line for the submission of applications and post the time  
418 line on the California State Parks web site each year.
- 419 (e) Documentation of the public review process shall be included. The process shall include:  
420 (1) Public review. Grant and cooperative agreement applications shall be made  
421 available for public review and comment prior to submission of the application to the  
422 OHV Division for consideration. At a minimum, applicants shall make available to the  
423 public for the purpose of this review, the application face sheet, project description,  
424 project costs and deliverables, and, if applicable, project accomplishments.  
425 (2) Public notice. Not later than 30 days prior to submitting the final application,  
426 applicants shall notice to the public notice of the opportunity to submit comments on  
427 the draft application. The notice shall be placed at a minimum in a local newspaper  
428 with additional notification in the agency newsletter and/or web site.  
429 (3) Public comments. All comments received by the final application filing date along  
430 with the final responses, if any, shall be included with the application package.  
431 Include applicant's statement of how the public input was incorporated into the  
432 development of the application.  
433 (4) The applicant shall forward to the Division any public comments received after  
434 submittal of the application. A response by the applicant to a forwarded comment  
435 may not be required.
- 436 (f) All local agency, educational institution, and nonprofit organization applications, and any  
437 federally recognized Native American tribe cooperative agreement applications shall include  
438 a completed Governing Body Resolution certified by the clerk of the governing body. The  
439 Division shall provide a sample form.
- 440 (g) Administrative costs shall be identified in the application, not to exceed 10% of the total  
441 amount requested.
- 442 (h) If a project will require more than one year to complete, an explanation of the timeline for  
443 completing the project shall be provided in the application.
- 444 (i) Certify that the project is not in conflict with applicable planning documents.
- 445 (j) Grantees shall include a report that describes project accomplishments in accordance with  
446 application instructions provided by the Division, if applicable.
- 447 (k) Include a map of California identifying the general project location.
- 448 (l) Document environmental compliance consistent with Sections 4970.16 and 4970.17.
- 449 (m) Awarding a grant or cooperative agreement does not guarantee ongoing OHV funding in  
450 any category.
- 451 (n) Each piece of equipment or tool in excess of \$500 with the exception of education projects  
452 which shall be \$250, and up to \$5,000 purchased with OHV Grant Trust Funds shall be  
453 identified as a line item in the OHV grant or cooperative agreement application, as  
454 applicable.
- 455 (o) Applicant shall identify the match to be used, if applicable, in accordance with Section  
456 4970.18.

457  
458 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

459 Reference cited: Sections: 5090.32 and 5090.50, PRC

460

461 **ARTICLE 2- TYPES OF PROJECTS AND SPECIFIC APPLICATION**  
462 **AND CONTENT REQUIREMENTS**

463  
464 **4970.05. ACQUISITION PROJECTS**

- 465 (a) Acquisition projects expand and sustain adequate OHV recreation access or opportunities,  
466 eliminate trespass, and provide appropriate buffers.
- 467 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native  
468 American tribes are eligible to apply for acquisition projects.
- 469 (c) Acquisition projects include, but are not limited to:  
470 (1) Purchase of right-of-way or easement.  
471 (2) Long-term lease.  
472 (3) Purchase of land in fee title.  
473 (4) Purchase of an option.  
474 (5) Other interests in real property, such as permits or licenses.
- 475 (d) Eligible costs for projects may include, but are not limited to the following:  
476 (1) Purchase price.  
477 (2) Appraisal.  
478 (3) Escrow fees.  
479 (4) Title insurance.  
480 (5) Title report.  
481 (6) Land survey.  
482 (7) Due diligence to determine that the property can may be used for its intended  
483 purpose, including wildlife, habitat, soils, and cultural surveys, hazardous substance  
484 assessments, and title searches.
- 485 (e) Applications for acquisition projects shall include all the information required under Section  
486 4970.04 plus the following:  
487 (1) Due diligence to determine that the property can may be used for its intended  
488 purpose.  
489 (2) Description and location of existing OHV use in and around the acquisition property.  
490 (3) An acquisition schedule.  
491 (4) Project specific map(s).  
492 (5) Parcel maps.  
493 (6) A project description that identifies the total acreage involved, average cost per acre,  
494 easements, and the number of parcels.  
495 (7) A needs description that shall include the following:  
496 (A) How the project offers efficient use of funds.  
497 (B) An estimate of development and ongoing operation and maintenance costs  
498 associated with the project and the applicant's ability to cover those costs.  
499 (C) Implications of not funding the project.  
500 (D) How the acquisition improves existing, future, or unique OHV uses in the  
501 region.  
502 (E) How the acquisition will meet visitor needs.  
503 (F) Any other factors related to the project need not covered by the above.
- 504 (f) All acquisitions shall be acquired in compliance with Chapter 16 (commencing with Section  
505 7260), Division 7, Title 1, Government Code, "Relocation Assistance".  
506

507 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
508 Reference cited: Section 5090.32, 5090.35, 5090.50, and 5090.53, PRC; Title 1, Division 7,  
509 Chapter 16 Section 7260 et seq., Government Code.

510  
511 **4970.06. DEVELOPMENT PROJECTS**

- 512 (a) Development projects provide new facilities or trails for sustained OHV use and/or visitor  
513 facilities.
- 514 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native  
515 American tribes are eligible to apply for development projects.
- 516 (c) Development projects include, but are not limited to:
- 517 (1) Trail construction.
- 518 (2) Trailhead/staging area construction.
- 519 (3) Restroom construction.
- 520 (4) Access road and parking lot construction.
- 521 (5) Picnic and camping facilities construction.
- 522 (6) Construction projects to reduce use conflicts.
- 523 (7) Competition and spectator facilities.
- 524 (8) Other related improvements, such as visitor centers, kiosks, facility fencing,  
525 greenhouses, utilities installation (i.e., water, electrical, sewer), and storage buildings.
- 526 (d) Public Casual use of facilities shall not be less than 60% of the total use in areas funded  
527 with OHV grant funds.
- 528 (e) Applications for development projects shall include all the information required under  
529 Section 4970.04 plus the following:
- 530 (1) Project specific map(s).
- 531 (2) At a minimum, conceptual drawings and site plans for the project.
- 532 (3) A needs description that shall include the following:
- 533 (A) How the project offers efficient use of funds.
- 534 (B) An estimate of recurring maintenance costs associated with the project and  
535 the applicant's ability to cover those costs.
- 536 (C) Implications of not funding the project.
- 537 (D) How the project supports a unique opportunity or experience.
- 538 (E) How the project will meet visitor needs.
- 539 (F) How the project extends the useful life of existing facilities.
- 540 (G) When volunteers are utilized, the extent and benefit of their expected  
541 participation.
- 542 (H) Any other factors related to the project need not covered by the above.
- 543 (f) Grantees are required to meet all appropriate access requirements under State or Federal  
544 law as applicable, including, without limitation, the Americans with Disabilities Act of 1990  
545 (Public Law 101-336, July 26, 1990, 104 Stat 327).

546  
547 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
548 Reference cited: Sections 5090.32, 5090.35, 5090.50, and 5090.53, PRC; Public Law 101-336,  
549 July 26, 1990, 104 Stat. 327.

550

550 **4970.07. EQUIPMENT**

- 551 (a) Equipment applications are for the purchase or repair due to normal wear and tear of single  
552 or multiple items exceeding \$5,000 (excluding tax).
- 553 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native  
554 American tribes, educational institutions, and nonprofit organizations are eligible to apply for  
555 equipment purchases.
- 556 (c) Examples of equipment repair include, but are not limited to, the following:  
557 (1) Engine replacement.  
558 (2) Track replacement.  
559 (3) Major mechanical overhaul.
- 560 (d) Applications for equipment purchase projects shall include all the information required under  
561 Section 4970.04 plus the following:  
562 (1) An equipment inventory list identifying all equipment previously purchased (over  
563 \$5,000) using OHV funds, and any items to be replaced or repaired. The list shall  
564 include the item, model number, registration number, and mileage or hours.  
565 (2) A brief description of how the equipment will be maintained and stored.  
566 (3) A needs description that shall include the following:  
567 (A) How the equipment purchase or repair offers efficient use of funds.  
568 (B) Implications of not funding the equipment purchase or repair.  
569 (C) How the project addresses a unique need.  
570 (D) Any other factors related to the equipment purchase or repair need not  
571 covered by the above.
- 572 (e) Equipment purchased exclusively with OHV funds shall be used only on OHV projects.
- 573 (f) The purchase of tools or equipment exceeding \$500 not identified in a certified project  
574 agreement shall have written approval from the Division prior to purchase.
- 575 (g) Any equipment and implements with a total cost equal to or greater than \$30,000 purchased  
576 using OHV funds for at least one half of the total cost of the item shall be registered in the  
577 Division's name, used for an OHV program during the normal life of the equipment, and then  
578 returned at the discretion of the Division for disposal or sale. Notification to the Division that  
579 an equipment item is eligible for surplus is the responsibility of the grantee. The Division  
580 shall respond to the grantee within 60 days of receipt of the notice of eligibility for the  
581 surplus and shall provide guidance to the grantee for the sale or disposition of the  
582 equipment item.
- 583 (h) Grantee shall keep tools and equipment purchased with OHV funds maintained and in safe  
584 working order.
- 585 (i) All equipment and implements purchased with OHV funds must display an approved version  
586 of the Department of Parks and Recreation "OHV Funds at Work" insignia. Grantees may  
587 obtain insignias free of charge from the Division.
- 588 (j) For one time projects applicants shall consult with the Division to determine the most cost  
589 effective method of acquiring equipment for the proposed project or activity; whether rent,  
590 lease, or purchase. The Division retains the right to require the applicant to return  
591 purchased equipment to the Division at the end of the contract or project for reuse in the  
592 program.

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

595 Reference cited: Sections 5090.32 and 5090.50, PRC.

596

596 **4970.08. FACILITIES OPERATION AND MAINTENANCE (FO&M) PROJECTS**

597 (a) Facilities operation and maintenance projects are for work directed toward facilities, visitor  
598 assistance, and health and safety attributable to OHV recreation.

599 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native  
600 American tribes are eligible to apply for facilities operation and maintenance projects.

601 Educational institutions and nonprofit organizations are not eligible to apply for facilities  
602 operation and maintenance projects.

603 (c) Examples of facilities operation and maintenance include, but are not limited to, the  
604 following:

605 (1) Facility servicing, including, but not limited to painting, cleaning restrooms, and  
606 maintaining kiosks.

607 (2) Volunteer support and coordination.

608 (3) Visitor services (excluding law enforcement).

609 (4) Snow plowing.

610 (5) Trash collection.

611 (6) Purchase of first aid equipment and supplies.

612 (7) Map/brochure design and printing.

613 (8) Physical barriers and other means of traffic control.

614 (9) Purchase of tools and equipment, totaling up to \$5,000 (excluding tax).

615 (10) Sign boards, regulatory, and directional signs.

616 (11) Water system maintenance and testing.

617 (12) Site and program management.

618 (13) Repaving existing parking lots or roads.

619 (14) Repairs to staging areas or structures.

620 (15) Re-roofing.

621 (16) Electrical repairs.

622 (d) Applications for facilities operation and maintenance projects shall include all the  
623 information required under Section 4970.04 plus a needs description which shall include the  
624 following:

625 (1) Project specific map(s).

626 (2) How the project offers efficient use of funds.

627 (3) Implications of not funding the project.

628 (4) How the facilities support a unique opportunity or experience.

629 (5) How the level of service is adequate to meet visitor needs.

630 (6) How the work helps to extend the useful life of the facilities subject to recurring  
631 maintenance.

632 (7) When volunteers are utilized, their expected use and the extent of the volunteer  
633 program.

634 (8) Any other factors related to the project need not covered by the above.

635

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

637 Reference cited: Sections 5090.32 and 5090.50, PRC.

638

638 **4970.09. LAW ENFORCEMENT PROJECTS**

- 639 (a) Law enforcement projects provide assistance to local and federal agencies for enforcement  
640 of OHV laws, personnel support, placement of barriers and other means of traffic control,  
641 and training.
- 642 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native  
643 American tribes are eligible to apply for law enforcement projects.
- 644 (c) Applications for law enforcement projects shall include all the information required under  
645 Section 4970.04 plus the following:
- 646 (1) Project specific map(s) containing: 1) all areas to be patrolled, and 2) areas of special  
647 concern.
- 648 (2) A needs description that shall include the following:
- 649 (A) How the project offers efficient use of funds.
- 650 (B) Implications of not funding the project.
- 651 (C) How the project addresses a unique enforcement issue.
- 652 (D) How the level of law enforcement is adequate to address the issue(s).
- 653 (E) How the law enforcement efforts protect and improve the recreational  
654 experience, the environment, safety, or the opportunity, as applicable.
- 655 (F) When volunteers are utilized, their expected use and the extent of the  
656 volunteer program.
- 657 (G) Any other factors related to the project need not covered by the above.
- 658 (3) A law enforcement plan in a format provided by the Division.
- 659 (d) No environmental documentation as defined in Sections 4970.16 and 4970.17 of these  
660 regulations is required for a law enforcement project. Should specific circumstances exist  
661 that would indicate otherwise, the applicant shall seek further consultation with the Division.  
662

663 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
664 Reference cited: Sections 5090.32, 5090.50, and 5090.64(b)(2), PRC; CVC Section 38000.  
665

666 **4970.10. OHV SAFETY OR EDUCATION PROGRAM PROJECTS**

- 667 (a) OHV safety or education projects teach safe and environmentally responsible operation of  
668 OHVs.
- 669 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native  
670 American tribes, educational institutions, and nonprofit organizations are eligible to apply for  
671 safety education or education program projects.
- 672 (c) OHV safety or education projects include, but are not limited to development of the  
673 following:
- 674 (1) Orientation and training
- 675 (2) Site rental and insurance
- 676 (3) Program and schools outreach, including noise, responsible riding, public service  
677 announcements, ATV safety, etc.
- 678 (4) Curriculum development and media
- 679 (5) Safety and educational handbooks, including operations, towing, environmental  
680 education, etc.
- 681 (6) Internet site development and other electronic media supporting safety and  
682 educational programming

- 683 (d) Applications for safety education and education program projects shall include all the  
684 information required under Section 4970.04 plus the following:  
685 (1) If site specific, project specific map(s).  
686 (2) A description of the purpose and specific content of the educational material to be  
687 developed for the project.  
688 (3) A needs description that shall include the following:  
689 (A) How the project offers efficient use of funds.  
690 (B) Implications of not funding the project.  
691 (C) How the project provides unique and/or essential training, orientation, or  
692 education.  
693 (D) How the project serves the intended audience.  
694 (E) How the project improves the recreational experience, the environment,  
695 safety, or the opportunity, as applicable.  
696 (F) When volunteers are utilized, their expected use and the extent of the  
697 volunteer program.  
698 (G) Training locations.  
699 (4) Identification of how the deliverables will contribute to the instruction of safe and/or  
700 environmentally responsible operation of OHVs.  
701 (5) Describe any other factors related to the project need not covered by the above.  
702 (6) When applicable, nonprofit organization and educational institution applicants shall  
703 have a written agreement with the land management agency or landowner to perform  
704 the project Memorandum of Understanding/Memorandum of Agreement for public  
705 lands where activity will occur.  
706 (e) Environmental documentation as defined in Sections 4970.16 and 4970.17 of these  
707 regulations is not required for safety education and education program projects.  
708 (f) Safety and/or education projects do not require wildlife and soils monitoring programs.  
709

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

711 Reference cited: Sections 5090.32 and 5090.50, PRC.

#### 712 **4970.11. PLANNING PROJECTS**

- 713 (a) Planning projects design solutions for estimated impact of an area or project prior to the  
714 commitment of acquisition, development, or resource management funds.  
715 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native  
716 American tribes are eligible to apply for planning projects.  
717 (c) Examples of planning projects include, but are not limited to:  
718 (1) A plan to address features to aid in completing route designations, including:  
719 (A) Existing uses.  
720 (B) Plants.  
721 (C) Animals.  
722 (D) Cultural resources.  
723 (E) Roads.  
724 (F) Trails  
725 (G) Routes.  
726 (2) A WHPP/HMP (PRC Section 5090.35).  
727

- 728 (3) Plan to address toxic or hazardous waste within an area and adjacent property that  
729 may impact the site.
- 730 (4) A plan to address the potential effects of OHV recreation on:  
731 (A) Adjacent lands.  
732 (B) Residents.  
733 (C) Potential conflict with other recreational users.
- 734 (5) A plan to address OHV recreation impact on and strategy for air and water quality.  
735 (6) Environmental documents, including CEQA/NEPA, for potential OHV projects  
736 prepared in accordance with the requirements of Section 4970.16 of these  
737 regulations.
- 738 (7) A plan for restoration
- 739 (8) A Recreation Management Plan, OHV Plan, or the OHV portion of a General Plan.
- 740 (d) Applications for planning projects shall include all the information required under Section  
741 4970.04 plus a needs description that shall include the following:
- 742 (1) Project specific map(s).  
743 (2) How the project offers efficient use of funds.  
744 (3) Implications of not funding the project.  
745 (4) When volunteers are utilized, the extent and benefit of their expected participation.  
746 (5) Anticipated timeline for implementation of projects based on the completed plan (if  
747 applicable).

748

749 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
750 Reference cited: Sections 5024.1, 5090.32, 5090.35, 5090.50, and 5090.53, PRC.  
751

752 **4970.12. RESOURCE MANAGEMENT PROJECTS**

- 753 (a) Resource management projects conserve, protect, or repair natural or cultural resources  
754 that are affected by OHV activities, including monitoring those activities to provide data that  
755 will allow for appropriate management decisions related to the project.
- 756 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native American  
757 tribes, educational institutions and nonprofit organizations are eligible to apply for resource  
758 management projects.
- 759 (c) Resource management projects include, but are not limited to:
- 760 (1) Plans for conservation or repair of areas.  
761 (2) Construction projects related to conservation or repair of roads, trails, and areas,  
762 such as:  
763 (A) Habitat or cultural resource protection.  
764 (B) Habitat or cultural resource mitigation.  
765 (C) Habitat improvement.  
766 (D) Signing.  
767 (E) Best Management Practices Implementation, including sediment control  
768 structures and stream crossing improvements.
- 769 (3) WHPP/HMP implementation.  
770 (4) Monitoring.  
771 (5) Surveys.
- 772 (d) Applications for resource management projects shall include all the information required  
773 under Section 4970.04 plus a needs description that shall include the following:

- 774 (1) Project specific map(s).
- 775 (2) How the project offers efficient use of funds.
- 776 (3) Implications of not funding the project.
- 777 (4) How the project helps to protect, repair, or conserve significant resources.
- 778 (5) Innovative aspects of the project.
- 779 (6) How the project adequately addresses the resource concerns.
- 780 (7) When volunteers are utilized, their expected use and the extent of the volunteer
- 781 program.
- 782 (8) Any other factors related to the project need not covered by the above.

783  
784 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

785 Reference cited: Sections 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

786  
787 **4970.13. RESTORATION PROJECTS**

- 788 (a) Restoration projects restore land, plant communities, and plant covers comparable to
- 789 surrounding lands or at least those that existed prior to OHV use, upon closure of a unit or
- 790 portion of a unit.
- 791 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native
- 792 American tribes are eligible to apply for restoration projects.
- 793 (c) Examples of restoration include, but are not limited to:
- 794 (1) Construction in the form of restoring and stabilizing land contours.
- 795 (2) Reintroduction of native plants, shrubs, trees, or groundcovers.
- 796 (3) Construction of physical barriers and other means of traffic control to prevent use by
- 797 off-highway motor vehicles in order to achieve restoration.
- 798 (d) Eligible costs attributable to restoration projects may include, but are not limited to the
- 799 following:
- 800 (1) Restoration of areas and routes damaged by vehicle use.
- 801 (2) The closed trail portions of reroutes.
- 802 (3) Monitoring to assure success of closures, vegetation, and soils work.
- 803 (4) Signing associated with closures.
- 804 (5) Fencing or barriers used to close an area or trail, or road.
- 805 (6) CEQA/NEPA and planning for the restoration.
- 806 (7) Project engineering and project-level administration (not overhead).
- 807 (8) Public information and/or education directly tied to the specific restoration project.
- 808 (e) Applications for restoration shall include all the information required under Section 4970.04
- 809 plus the following:
- 810 (1) An explanation of what law enforcement efforts will be made to support restoration
- 811 sites/projects.
- 812 (2) A project specific map(s) and representative photographs of restoration sites.
- 813 (3) A description of the success criteria that will be used and of the monitoring that will
- 814 be implemented to document to the extent possible the success outcome of the
- 815 restoration project.
- 816 (4) A needs description that shall include the following:
- 817 (A) How the project offers efficient use of funds.
- 818 (B) Implications of not funding the project.

- 819 (C) How the project helps to protect, rehabilitate, or conserve significant  
820 resources.  
821 (D) Innovative aspects of the project.  
822 (E) When volunteers are utilized, their expected use and the extent of the  
823 volunteer program.  
824 (F) Any other factors related to the project need not covered by the above.  
825

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

827 Reference cited: Sections 5090.32, 5090.35, 5090.50, 5090.53, and 5090.64(a), PRC.

828  
829 **4970.14. STUDIES AND SCIENTIFIC RESEARCH**

- 830 (a) Studies and scientific research evaluate, estimate, and address the possible impacts on or  
831 of OHV recreation and the viability of an area or project, and develop responsive  
832 management recommendations prior to the commitment of acquisition, development, or  
833 resource management funds.  
834 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native  
835 American tribes, educational institutions, and nonprofit organizations are eligible to apply for  
836 studies.  
837 (c) Studies and scientific research on OHV recreation may include, but are not limited to those  
838 that address:  
839 (1) Potential effects of relationships of OHV recreation on natural and cultural resources.  
840 (2) Potential effects of OHV recreation on other recreation uses.  
841 (3) Potential effects of OHV recreation on adjacent lands.  
842 (4) Potential impact of relationships between OHV recreation and local residents.  
843 (5) Further technological advances to reduce noise, air, and water pollution from OHVs.  
844 (6) Development of route inventories.  
845 (7) Geologic survey and slope maps or topographic maps.  
846 (8) Toxic or hazardous waste site survey of the area and adjacent property that may  
847 impact the site.  
848 (9) Study of potential acquisitions to provide buffer for OHV facilities.  
849 (d) Applications for studies and scientific research shall include all the information required  
850 under Section 4970.04 plus the following:  
851 (1) Project specific map(s).  
852 (2) A listing and description of the study goals, objectives, and methodologies.  
853 (3) A timeline for completion of the study.  
854 (4) For scientific research studies, include documentation of peer review of the study  
855 plan by at least three qualified experts from the scientific discipline or related fields  
856 proposed to be studied.  
857 (5) A needs description that shall include the following:  
858 (A) How the project offers efficient use of funds.  
859 (B) Implications of not funding the project.  
860 (C) When volunteers are utilized, the extent and benefit of their expected  
861 participation.  
862 (6) When applicable, nonprofit organization and educational institution applicants shall  
863 have a written agreement with the land management agency or landowner to perform  
864 the study.

865 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
866 Reference cited: Sections 5024.1, 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

867  
868 **4970.15. TRAIL MAINTENANCE, TRAIL CONSERVATION, AND TRAIL REROUTE PROJECTS**

- 869 (a) These projects are made up of three separate categories: trail maintenance, trail  
870 conservation, and trail reroute.
- 871 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native  
872 American tribes are eligible to apply for trail maintenance, trail conservation, and trail  
873 reroute projects. Educational institutions and nonprofit organizations are only eligible to  
874 apply for trail conservation and trail reroute projects.
- 875 (c) Trail maintenance-related work is routine work on trails, including, but not limited to, the  
876 following:
- 877 (1) Brushing.
  - 878 (2) Trail signing.
  - 879 (3) Fallen tree removal.
  - 880 (4) Tread work related to safety or ease of passage.
  - 881 (5) Grooming (rock rakes).
- 882 (d) Trail conservation-related work involves repair tied directly to natural and cultural resource  
883 management for conservation purposes, such as:
- 884 (1) Erosion and/or sediment control.
  - 885 (2) Vegetation protection.
  - 886 (3) Cultural resource protection.
  - 887 (4) Habitat protection
- 888 (e) Trail reroute work includes:
- 889 (1) Closing the existing trail or trail segment, including restoration.
  - 890 (2) Replacement of the closed trail segment.
- 891 (f) Applications for trail maintenance, trail conservation, and trail reroute projects shall include  
892 all the information required under Section 4970.04 plus a needs description that shall  
893 include the following:
- 894 (1) Project specific map(s).
  - 895 (2) How the project offers efficient use of funds.
  - 896 (3) Implications of not funding the project.
  - 897 (4) How the project supports a unique opportunity or experience.
  - 898 (5) How the project adequately addresses the level and type of use.
  - 899 (6) How the project helps to extend the useful life of the trail system.
  - 900 (7) When volunteers are utilized, their expected use and the extent of the volunteer  
901 program.
  - 902 (8) For trail maintenance, include a proposed maintenance plan.
  - 903 (9) Any other factors related to the project need not covered by the above.

904  
905 NOTE: Authority cited: Sections 5001.5, and 5003, PRC.  
906 Reference cited: Sections 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

907  
908 **ARTICLE 3 – ENVIRONMENTAL AND MATCH REQUIREMENTS**

909  
910 **4970.16. CEQA REQUIREMENTS**

- 911 (a) All city, county, appropriate district, educational institution and nonprofit organization

912 applicants for projects that require California Environmental Quality Act (CEQA) compliance  
913 shall submit an environmental document to comply with CEQA per Title 14 CCR, Chapter 3,  
914 Article 20 Section 15378 (a)(2). If the environmental document does not meet the  
915 requirements of CEQA Division 13 commencing with Section 21000, or if an environmental  
916 document is not received with a grant or cooperative agreement application, Division staff  
917 shall not forward the application to the Commission, and no Project Agreement will be  
918 certified.

919 (b) All city, county, appropriate district, educational institution and nonprofit applicant projects  
920 and studies that require CEQA compliance shall provide the necessary documentation for  
921 the Division to determine that CEQA compliance has been met. Compliance shall be  
922 determined by one of the following:

- 923 (1) A Categorical Exemption (CE) or equivalent information that follows a project  
924 evaluation form and Notice of Exemption in a format provided by the Division, or  
925 (2) An Initial Study/Negative Declaration (IS/ND) for activities that are not categorically  
926 exempt, but fit within the definition of activities that may be covered by a ND under  
927 CEQA. The applicant may use an abbreviated checklist in a format provided by the  
928 Division, or  
929 (3) An Environmental Impact Report (EIR) or focused EIR if the proposed activity has  
930 any potentially significant impacts as defined in an IS/ND checklist in a format  
931 provided by the Division, or meets any of the tests for mandatory findings of  
932 significance in an IS/ND checklist provided by the Division, or  
933 (4) Other documentation that satisfies the requirements of CEQA.

934 (c) All federal agency and federally recognized Native American tribe applicants shall submit  
935 current project related NEPA compliance documentation, and other information as may be  
936 requested by the Division, to allow the Division to make a sufficient project review to  
937 determine the appropriate level of CEQA compliance.

938  
939 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
940 Reference cited: Sections 5090.32 and 5090.50(g), PRC.

941  
942 **4970.17. WILDLIFE HABITAT PROTECTION PROGRAM (WHPP) / HABITAT MANAGEMENT**  
943 **PROGRAM (HMP) AND SOIL CONSERVATION REQUIREMENTS**

944 (a) Prior to approval of a cooperative agreement, all federal agency and federally recognized  
945 Native American tribe applications for acquisition, development, equipment purchases,  
946 facilities operation and maintenance, OHV safety or education program, planning, resource  
947 management, restoration, study, and trail maintenance, trail conservation, trail reroute  
948 projects shall develop, in compliance with a format provided by the Division:

- 949 (1) A WHPP/HMP to sustain a viable species composition for the project area.  
950 (2) A soils conservation program for the project area.

951 (b) Prior to approval of a grant, all city, county, and appropriate district applicants for acquisition  
952 and development projects shall develop, in compliance with a format provided by the  
953 Division:

- 954 (1) A WHPP/HMP to sustain a viable species composition for the project area.  
955 (2) A soils conservation program for the project area.

- 956 (c) A Wildlife Habitat Protection Program (WHPP) is an animal and plant Habitat Management  
957 Program (HMP) designed to sustain a viable species composition for the project area, per  
958 PRC Sections 5090.35 (b) and 5090.50.
- 959 (d) An HMP shall follow a format provided by the Division, including the following components:  
960 (1) Species or habitats of concern related to OHV use.  
961 (2) Risk factors associated with OHV use.  
962 (3) Management objectives and actions, including success criteria.  
963 (4) Monitoring.  
964 (5) Management review and response.
- 965 (e) The soil conservation program shall comply with PRC 5090.35, 5090.50, and 5090.53 , and  
966 shall follow a format provided by the Division.

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

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

970

971 **4970.18 MATCH REQUIREMENTS**

- 972 (a) Cities, counties, and appropriate districts, nonprofit organizations, and educational  
973 institutions shall provide matching funds or the equivalent value of services, material, or  
974 property used, in an amount of not less than 25 percent of the total expense of the off-  
975 highway motor vehicle facility.
- 976 (b) All federal agencies and federally recognized Native American tribes are exempt from the  
977 matching funds requirement in accordance with PRC Section 5090.51(a).
- 978 (c) There shall be no matching fund requirement for grant applications that consist of funding  
979 for the planning, acquisition, development, or construction of a regional off-highway motor  
980 vehicle facility as defined in Section 4970.00(qq).
- 981 (d) Cities, counties, and appropriate districts must provide a match as follows:  
982 (1) For acquisition projects, in non-regional facilities only.  
983 (2) For development projects, in non-regional facilities only.  
984 (3) For equipment purchases, in all facilities.  
985 (4) For facilities operation and maintenance projects, in all facilities with the exception of  
986 construction activities in regional facilities.  
987 (5) For law enforcement projects, in all facilities.  
988 (6) For OHV safety or education program projects, in all facilities.  
989 (7) For planning projects, in non-regional facilities only.  
990 (8) For resource management projects, in all facilities with the exception of construction  
991 activities in regional facilities.  
992 (9) For restoration projects, in all facilities with the exception of construction activities in  
993 regional facilities.  
994 (10) For studies, in non-regional facilities only.  
995 (11) For trail maintenance, trail conservation, and trail reroute projects, in all facilities with  
996 the exception of construction activities in regional facilities.
- 997 (e) Nonprofit organizations and educational institutions must provide a match as follows:  
998 (1) For equipment purchases, in all facilities.  
999 (2) For OHV safety or education program projects, in all facilities.  
1000 (3) For resource management projects, in all facilities with the exception of construction  
1001 activities in regional facilities.

- 1002 (4) For studies, in non-regional facilities only.
- 1003 (5) For trail maintenance projects that involve conservation-related trail work in all
- 1004 facilities with the exception of construction activities in regional facilities.
- 1005

1006 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1007 Reference cited: Section 5090.51, PRC.

## 1008 **ARTICLE 4 – APPLICATION EVALUATION AND ALLOCATION OF OHV FUNDS**

### 1009 **4970.19. APPLICATION EVALUATION**

- 1010
- 1011
- 1012 (a) OHV grant and cooperative agreements shall be awarded on a competitive basis. At the
- 1013 Commission’s Annual Program Review Meeting (Section 4970.03), the priorities and funding
- 1014 criteria shall be established as follows:
- 1015 (1) The Division shall request that the Commission establish funding targets and
- 1016 priorities for the grant and cooperative agreement program based on anticipated
- 1017 budget appropriations, statutory requirements, and public input.
- 1018 (2) Division staff may present for Commission consideration and input, evaluation criteria
- 1019 for each type of project along with a point scoring system for the upcoming grant
- 1020 cycle.
- 1021 (b) Division staff shall ensure that all grant and cooperative agreement applications forwarded
- 1022 to the Commission shall, in formats provided by the Division, comply with:
- 1023 (1) Acquisition projects, Section 4970.05(e).
- 1024 (2) Development projects, Section 4970.06(e).
- 1025 (3) Equipment purchases, Sections 4970.07(d).
- 1026 (4) Facilities operation and maintenance (FO&M) projects, Section 4970.08(d).
- 1027 (5) Law enforcement projects, Section 4970.09(c).
- 1028 (6) OHV safety or education program projects, Section 4970.10(d).
- 1029 (7) Planning projects, Section 4970.11(d)
- 1030 (8) Resource management projects, Sections 4970.12(d).
- 1031 (9) Restoration projects, Section 4970.13(e).
- 1032 (10) Studies and scientific research, Section 4970.14(d).
- 1033 (11) Trail maintenance, trail conservation, and trail reroute projects, Section 4970.15(f).
- 1034 (c) For those grant and cooperative agreement program applications the Division determines to
- 1035 be complete as submitted, the Deputy Director in collaboration with the Commission
- 1036 Chairperson may designate an evaluation panel of not less than five persons to include two
- 1037 members from Division staff and the remaining members selected to represent the interests
- 1038 pursuant to Section 5090.15(b), PRC. The panel shall review and score each single or
- 1039 multiple project application using the application evaluation criteria and scoring process
- 1040 contained in application instructions provided by the Division at the beginning of each grant
- 1041 cycle for the type of project(s) proposed, and rank the applications from highest to lowest
- 1042 score. Applications determined to be incomplete shall be returned to the applicant.
- 1043 (d) The Division shall submit single or multiple project applications evaluated and scored by the
- 1044 panel to the Commission at meetings duly scheduled for Commission review, allocation of
- 1045 funds, and approval of the proposed terms for the grant or cooperative agreement program
- 1046 contract.
- 1047

1048 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1049 Reference cited: Sections 5090.24 and 5090.32, PRC.

1050  
1051 **4970.20. COMMISSION ALLOCATION OF FUNDS AND APPROVAL OF GRANT AND**  
1052 **COOPERATIVE AGREEMENT PROGRAM APPLICATIONS**

- 1053 (a) Grant and cooperative agreement applications forwarded to the Commission by the Division  
1054 shall be considered complete, thereby meeting all required application standards outlined in  
1055 Section 4970.04. Division staff shall ensure that all grant and cooperative agreement  
1056 applications forwarded to the Commission include the following:  
1057 (1) Application face sheet in a format provided by the Division;  
1058 (2) General description of the OHV program in a format provided by the Division;  
1059 (3) Project needs description;  
1060 (4) Description of public involvement in compliance with Section 4970.04(e)(1) through  
1061 (4) of these regulations;  
1062 (5) Project description, project cost and deliverables in a format provided by the Division.  
1063 (b) The Commission shall consider funding allocations for grants and cooperative agreement  
1064 programs after hearing public and applicant testimony.  
1065 (c) The Commission shall allocate grant and cooperative agreement program funds. The  
1066 Division shall process and administer those funds allocated by the Commission.  
1067 (d) The Division shall send to the Resources Agency and to the applicants a copy of the  
1068 Commission's funding allocations. Other organizations and interested parties may receive a  
1069 copy upon written request to the Division.  
1070 (e) Applications shall be considered once annually as long as funds are available.

1071  
1072 Note: Authority cited: Sections 5001.5 and 5003, PRC.  
1073 Reference cited: Sections 5090.32 and 5090.61, PRC.

1074  
1075 **ARTICLE 5 – APPLICATION INSTRUCTIONS AND PROJECT ADMINISTRATION**  
1076 **PROCEDURES**

1077  
1078 **4970.21. APPLICATION INSTRUCTIONS AND PROJECT ADMINISTRATION PROCEDURES**

- 1079 (a) The Division shall develop and update as necessary grant and cooperative agreement  
1080 program application instructions.  
1081 (b) The Division shall develop and update as necessary the administration procedures for  
1082 managing all approved grant and cooperative agreement program projects.

1083  
1084 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1085 Reference cited: Section 5090.32, PRC.

1086  
1087 **ARTICLE 6 – ACCOUNTING, AUDITS AND ANNUAL PERFORMANCE REVIEW**

1088  
1089 **4970.22. ACCOUNTING, AUDITS AND ANNUAL PERFORMANCE REVIEW**

- 1090 (a) The grantee shall maintain financial accounts, documents, and records for all projects and  
1091 shall make them available to the Division's auditor.  
1092 (b) The Division shall have the right to inspect and/or make copies of any books, records, or  
1093 reports of the grantee pertaining to all projects.

- 1094 (c) The grantee shall use generally accepted accounting methods for all projects.  
1095 (d) The grantee shall retain all financial accounts, documents, and records until any project has  
1096 been audited by the Department of Parks and Recreation, or notified in writing of an audit  
1097 waiver.  
1098 (e) The Department of Parks and Recreation may postpone, defer, or waive an audit and the  
1099 grantee shall be notified in writing of such a decision.  
1100 (f) Upon completion of the Department of Parks and Recreation audit, the grantee shall be  
1101 notified in writing and shall be provided with a copy of the audit report.  
1102 (g) Annual performance reviews shall be used to determine compliance with the terms and  
1103 conditions of the project agreement and list of deliverables.  
1104 (h) Upon completion of the annual performance review, the grant recipient shall be provided  
1105 with a copy of the final report that shall contain specific recommendations from the Division  
1106 designed to improve the OHV grant and cooperative agreement program.  
1107

1108 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1109 Reference cited: Section 5090.32, PRC.

## 1110 **ARTICLE 2 - TYPES OF PROJECTS**

### 1111 **4970.02. PLANNING PROJECTS AND STUDIES**

- 1112  
1113  
1114 ~~(a) Planning projects are intended to evaluate and determine the viability of an area or project~~  
1115 ~~prior to the commitment of acquisition, development, or resource management funds.~~  
1116 ~~(b) Planning projects will include, at a minimum, the following:~~  
1117 ~~(1) An inventory of features, including: plants, animals, cultural resources, roads, trails,~~  
1118 ~~and routes.~~  
1119 ~~(2) A wildlife habitat protection program (PRC 5090.35).~~  
1120 ~~(3) Geologic survey and slope maps or topographic maps.~~  
1121 ~~(4) Toxic or hazardous waste site survey of the area and adjacent property that may~~  
1122 ~~impact the site.~~  
1123 ~~(5) An analysis of the potential effects of OHV recreation on adjacent lands, residents,~~  
1124 ~~and potential conflict with other recreational users.~~  
1125 ~~(6) An evaluation of OHV recreation on air and water quality.~~  
1126 ~~(c) The preparation of an environmental document prepared in conformance with CEQA or~~  
1127 ~~NEPA will be considered a project.~~  
1128 ~~(d) The preparation of a Recreation Management Plan, OHV Plan, or the OHV portion of a~~  
1129 ~~General Plan will be considered a project. A General Plan, Recreation Management Plan,~~  
1130 ~~and OHV Plan are documents prepared by cities, counties, and agencies to guide the~~  
1131 ~~management of the land within their jurisdiction.~~  
1132 ~~(e) If the project scope is to prepare an environmental document, the Division shall receive a~~  
1133 ~~copy of the completed environmental document as proof of project fulfillment.~~  
1134 ~~(f) Studies on OHV recreation may include those that address:~~  
1135 ~~(1) Potential effects of OHV recreation on natural and cultural resources.~~  
1136 ~~(2) Potential effects between OHV recreation and other recreation uses.~~  
1137 ~~(3) Potential effects of OHV recreation on adjacent lands.~~  
1138 ~~(4) Potential effects between OHV recreation and local residents.~~  
1139 ~~(5) Further technological advances to reduce noise and air pollution from OHV's.~~

1140 (6) — Development of route inventories.

1141

1142 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1143 Reference cited: Sections 5090.32, 5090.35, and 5090.50, PRC.

1144

1145 **4970.03. ACQUISITION PROJECTS**

1146 (a) — Acquisition projects are intended to expand, assure, and maintain adequate OHV recreation  
1147 access or opportunities, eliminate trespass, and provide appropriate buffers to sustain OHV  
1148 opportunity.

1149 (b) — Acquisition projects may include any of the following:

1150 (1) — Purchase of right-of-way or easement.

1151 — (2) — Purchase of long-term lease.

1152 — (3) — Purchase of land in fee title.

1153 (c) — Eligible costs for projects may include, but are not limited to the following:

1154 (1) — Land purchase.

1155 (2) — Appraisal.

1156 (3) — Escrow fees.

1157 (4) — Title insurance.

1158 (5) — Title report.

1159 (6) — Land survey.

1160 (7) — Wildlife, habitat, soil, and cultural surveys.

1161 (d) — All acquisitions shall be acquired in compliance with Chapter 16 (commencing with Section  
1162 7260), Division 7, Title 1, Government Code.

1163 (e) — The grantee will provide the Division with the required acquisition certification.

1164 (f) — It is the applicant's responsibility to obtain an independent technical review of the appraisal  
1165 report.

1166 (g) — Appraisals will be prepared in accordance with standard state or federal appraisal practices.

1167 (h) — The Acquisition Certification Form shall be used by the grantee; a copy of the form is  
1168 included in the Grant Application Guide (June 2000).

1169 (i) — The Acquisition Certification Form (4/2000) will include the following certifications:

1170 (1) — The appraisal report was independently reviewed and approved.

1171 (2) — A statement of just compensation was provided to the property owner and the offer to  
1172 purchase was not less than the appraised value.

1173 (3) — If the offer/purchase was less than appraised value it was because the acquisition  
1174 was pursuant to voluntary sale provisions of state law and a just compensation offer  
1175 was not required.

1176 (4) — The title acquired is free and clear of any adverse title conditions.

1177 (5) — The legal description matches the appraised property and has been checked with the  
1178 Assessor's Parcel Map in the County Recorder's Office.

1179 (6) — The acquisition map and description are accurate as to the property boundaries and  
1180 known easements.

1181 (7) — Added exceptions or conditions have been considered in the value (revised  
1182 appraisal) as appropriate and are documented.

1183 (8) — For improved properties, a relocation assistance program is in place and a relocation  
1184 plan was prepared.

- 1185 (9) Occupants were provided with a brochure detailing benefits and eligibility  
1186 requirements for relocation assistance and payments.  
1187 (10) Agency certifies compliance with Government Code Sections 7260 et seq.  
1188 (j) The Acquisition Certification Form will be completed, signed, and dated by the grantee's  
1189 designated authority.  
1190 (k) For acquisition of land or facilities for OHV recreation, the Division shall disburse funds for  
1191 the purchase price and eligible acquisition costs, but not to exceed in any event the  
1192 allowable OHV grant costs set forth in the Project Agreement.  
1193

1194 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1195 Reference cited: Section 5090.32, 5090.35, and 5090.53, PRC; Chapter 16 (commencing with  
1196 Section 7260), Division 7, Title I, Government Code.  
1197

#### 1198 ~~4970.04. DEVELOPMENT AND MAJOR MAINTENANCE PROJECTS~~

- 1199 (a) Development and major maintenance projects are intended to provide sustained long-term  
1200 OHV use.  
1201 (b) Competition and spectator facilities are eligible for funding. Casual OHV use will constitute  
1202 the primary activity in all OHV grant and cooperative agreement funded areas; competitive  
1203 use shall not exceed 40% of the total use in areas maintained and managed with OHV grant  
1204 funds.  
1205 (c) The following are examples of development and major maintenance projects:  
1206 (1) Trail construction; reconstruction and repair of existing facilities, trails or trail  
1207 segments; or reroutes over ¼ mile in length and associated restoration.  
1208 (2) Trailhead/staging area construction.  
1209 (3) Restroom construction.  
1210 (4) Fencing.  
1211 (5) Signing.  
1212 (6) Road construction.  
1213 (7) Picnic and camping facilities construction.  
1214 (8) Facilities that will minimize conflict with other recreationists or private land owners.  
1215 (9) Major maintenance associated with existing facilities that were funded in the past with  
1216 OHV grant funding (i.e., repaving existing parking lots or roads, major repairs to  
1217 staging areas or structures).  
1218 (d) Development and major maintenance projects shall require Division approval of plans and  
1219 specifications before construction begins.  
1220 (e) Plans for structural items such as bridges, buildings, utilities, and parking lots shall be approved  
1221 by an engineer or architect duly licensed as required by the Business and Professions  
1222 Code.  
1223 (f) Local agencies or their contractors shall pay prevailing wages as listed by the California  
1224 Department of Industrial Relations.  
1225 (g) The grantee shall complete the development and major maintenance project in accordance with  
1226 the Division approved plans and specifications.  
1227 (h) The grantee shall submit to the Division for approval, any deviation of 10% or more in the cost  
1228 of the facility or a change in the size of the facility or structure.

1229 (i) ~~Grantees are required to meet all appropriate access requirements under State or Federal law as~~  
1230 ~~applicable including, without limitation, the Americans with Disabilities Act of 1990 (Public~~  
1231 ~~Law 101-336, July 26, 1990, 104 Stat 327).~~

1232  
1233 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1234 Reference cited: Sections 5090.32, and 5090.50, PRC; Public Law 101-336, July 26, 1990, 104  
1235 Stat. 327.

1236 **4970.05. OPERATION AND MAINTENANCE (O&M) PROJECTS**

1237 (a) ~~O&M projects are intended for annually recurring work directed toward facilities, natural and~~  
1238 ~~cultural resources, visitor assistance, and visitor safety directly attributable to OHV~~  
1239 ~~recreation.~~

1240 (b) ~~Examples of O&M activities include, without limitation, the following:~~

- 1241 (1) ~~Facility servicing.~~
- 1242 (2) ~~Volunteer use and coordination.~~
- 1243 (3) ~~Visitor services.~~
- 1244 (4) ~~Site and program administration.~~
- 1245 (5) ~~Law enforcement including employing, equipping, and supervising law enforcement~~  
1246 ~~personnel.~~
- 1247 (6) ~~Snow plowing.~~
- 1248 (7) ~~Trash collection.~~
- 1249 (8) ~~First aid equipment and supplies.~~
- 1250 (9) ~~Map/brochure design and printing.~~
- 1251 (10) ~~Construction of physical barriers and other means of traffic control.~~
- 1252 (11) ~~Trail maintenance.~~
- 1253 (12) ~~Routine monitoring and surveys.~~
- 1254 (13) ~~Minor trail relocation (trail segments that are under 1/4 mile in length).~~
- 1255 (14) ~~Cultural resource mitigation/protection.~~
- 1256 (15) ~~Purchase of tools and equipment under \$5,000 (excluding tax).~~
- 1257 (16) ~~Sign boards, regulatory, and directional signs.~~
- 1258 (17) ~~Minor maintenance for repair of facilities that does not require environmental~~  
1259 ~~documentation beyond a categorical exclusion or negative declaration, and the cost~~  
1260 ~~for the project is below \$5,000.~~

1261 (c) ~~O&M grants to Local Agencies require 25% in matching funds or equivalent value in services of~~  
1262 ~~the total expense of the project. Matching funds may be in the form of cash, equivalent~~  
1263 ~~value of services, material, or property used.~~

1264  
1265 NOTE: Authority cited: Sections 5001.5, and 5003, PRC.  
1266 Reference cited: Sections 5090.32, and 5090.50, PRC.

1267  
1268 **4970.06. RESOURCE MANAGEMENT PROJECTS**

1269 (a) ~~Resource management projects are intended to conserve, restore, or repair natural and cultural~~  
1270 ~~resources in an effort to maintain environmentally balanced OHV recreation, or to provide~~  
1271 ~~data that will allow for appropriate management decisions related to natural and cultural~~  
1272 ~~resource issues.~~

1273 (b) ~~Resource management is a one-time-only project made up of either one or more sub-activities:~~  
1274 (1) ~~conservation, (2) restoration, and (3) repair of trails, roads, and areas.~~

- 1275 (c) Conservation, restoration, and repair of trails, roads, and areas must be related to the impacts of  
1276 OHV activity.
- 1277 (d) Examples of resource management activities are as follows:
- 1278 (1) Conservation, restoration, or repair of roads, trails, and areas plans or projects.
- 1279 (2) Wildlife habitat protection plans or projects.
- 1280 (3) Soil monitoring plans.
- 1281 (4) Wildlife habitat surveys.
- 1282 (5) Soil surveys.
- 1283 (6) Sensitive habitat fencing, repair, and signing.
- 1284 (7) Sediment control structures.
- 1285 (8) Resource conservation education projects.
- 1286 (9) Hardening of stream crossings and/or the construction of bridges to improve or maintain  
1287 water quality, or to protect habitat or wildlife.
- 1288 (10) Trail or route closure, and subsequent restoration of natural soils and vegetation.
- 1289 (11) Studies to determine the possible effects of OHV recreation on wildlife, vegetation,  
1290 cultural resources, and soils for the purpose of implementing a resource  
1291 management project.

1292  
1293 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1294 Reference cited: Sections 5024.1, 5090.10, 5090.32, 5090.35, and 5090.50, PRC.

1295

1296 **4970.07. SAFETY AND/OR EDUCATION PROGRAM PROJECTS**

- 1297 (a) Safety and/or education projects are intended to teach safe and environmentally responsible  
1298 operation of OHVs; examples may involve development of the following types of education  
1299 materials:
- 1300 (1) Snowmobile safety checklists.
- 1301 (2) ATV safety video.
- 1302 (3) ATV safety handbook.
- 1303 (4) 4WD safety course.
- 1304 (5) Towing safety tips booklet.
- 1305 (6) Noise education documents.
- 1306 (b) A safety and/or education project requires 25% in matching funds, or the equivalent value of  
1307 services or materials, of the total expense of the program.
- 1308 (c) In awarding grants or entering into cooperative agreements or contracts for safety and/or  
1309 education projects, the Division shall give priority to applications that demonstrate the  
1310 following:
- 1311 (1) Cost efficiency.
- 1312 (2) Availability of capital, and the potential for the project to become financially self-  
1313 supporting for future safety programs.
- 1314 (3) Instruction involving a large number of enthusiasts.
- 1315 (4) A program involving a large geographical distribution.
- 1316 (5) A program that has user-group involvement and support.
- 1317 (6) An emphasis on junior operators and a variety of vehicle types.
- 1318 (d) Safety and/or education projects do not require soil and wildlife monitoring programs.

1319

1320 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1321 Reference cited: Section 5090.32, PRC.

1322

1323 **4970.08. EQUIPMENT PURCHASES**

- 1324 ~~(a) Equipment purchase applications are intended to clearly identify the purchase of large and~~  
1325 ~~expensive equipment items.~~
- 1326 ~~(b) Single equipment items to be purchased exceeding \$5,000 (excluding tax) shall be put in an~~  
1327 ~~equipment purchase application, rather than being included as part of an O&M application.~~
- 1328 ~~(c) Multiple equipment items (each exceeding \$5,000) shall be put on a single application with each~~  
1329 ~~item identified.~~
- 1330 ~~(d) Equipment purchased with OHV funds shall be used exclusively on OHV projects.~~
- 1331 ~~(e) Each item of equipment or tool in excess of \$250, purchased with OHV funds, shall be identified~~  
1332 ~~as a line item in the application.~~
- 1333 ~~(f) Any equipment and implements purchased with OHV funds (equal to or greater than \$30,000)~~  
1334 ~~shall be registered in the Division's name, used for an OHV program during the normal life~~  
1335 ~~of the equipment and then returned to the Division for disposal or sale. Notification to~~  
1336 ~~OHMVR Headquarters that an equipment item is eligible for surplus is the responsibility of~~  
1337 ~~the grantee.~~
- 1338 ~~(g) Grantee shall keep tools and equipment purchased with OHV funds maintained, and in safe~~  
1339 ~~working order.~~
- 1340 ~~(h) The purchase of tools or equipment exceeding \$250 not identified in the certified Project~~  
1341 ~~Agreement shall have written approval from the Division prior to purchase.~~
- 1342 ~~(i) All equipment and implements purchased with OHV funds must display an approved version of~~  
1343 ~~the Department of Parks and Recreation "OHV Funds at Work" insignia. Grantees may~~  
1344 ~~obtain insignias free of charge from the Division.~~

1345

1346 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1347 Reference cited: Section 5090.32, PRC.

1348

1349 **4970.09. LAW ENFORCEMENT PROJECTS**

- 1350 ~~(a) Law Enforcement projects are intended for annual assistance of local and federal agencies~~  
1351 ~~for enforcement of OHV laws, personnel support, and training. Enforcement of OHV~~  
1352 ~~registration, vehicle operation, vehicle equipment, noise laws, and other such laws under~~  
1353 ~~CVC Division 16.5 (commencing with Section 38000), are required to obtain a Law~~  
1354 ~~Enforcement grant or cooperative agreement.~~
- 1355 ~~(b) The level and extent of the Law Enforcement project as it applies to OHV recreation in the~~  
1356 ~~agency's jurisdiction must be identified.~~
- 1357 ~~(c) The construction of physical barriers and other means of traffic control regulating the use of~~  
1358 ~~off-highway motor vehicles must be discussed.~~

1359

1360 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1361 Reference cited: Sections 5090.32, 5090.50, and 5090.64(b)(2), PRC; CVC Section 38000.

1362

1363 **ARTICLE 3 - OHV GRANT APPLICATION REQUIREMENTS**

1364

1365 **4970.10. APPLICATION - GENERAL**

- 1366 (a) ~~OHV grants may be made to cities, counties, and appropriate districts, and cooperative~~
- 1367 ~~agreements may be made with agencies of the federal government and federally~~
- 1368 ~~recognized Native American tribes. Educational institutions and non-profit organizations (as~~
- 1369 ~~defined in Section 501(c)(3) of the Internal Revenue Code) are eligible for grants for~~
- 1370 ~~scientific research, natural resource conservation activities, (as defined in PRC, Section~~
- 1371 ~~5090.10), cultural resource conservation activities, and programs involving off-highway~~
- 1372 ~~motor vehicle safety or education.~~
- 1373 (b) ~~Applications shall be entertained once annually as long as funds are available.~~
- 1374 (c) ~~A complete application shall include the information identified in the Application Requirement~~
- 1375 ~~Matrix within the Grant Application Guide (June 2000).~~
- 1376 (d) ~~All local agency OHV grant applications must include a completed Governing Body Resolution~~
- 1377 ~~certified by the clerk of the governing body. A sample form is in the Grant Application~~
- 1378 ~~Guide.~~
- 1379 (e) ~~The Division shall establish a time line for the submission of applications; the time line may be~~
- 1380 ~~found in the OHV Grant Application Guide (June 2000).~~
- 1381 (f) ~~Funding for OHV safety and/or education programs may be awarded to federal agencies,~~
- 1382 ~~federally recognized Native American tribes, cities, counties, appropriate districts, nonprofit~~
- 1383 ~~organizations, and educational institutions.~~
- 1384 (g) ~~Grant and cooperative agreement applications shall be made available by grantee applicants for~~
- 1385 ~~public review and comment prior to submission of the application to the OHV Division for~~
- 1386 ~~consideration. Applicants will hold at least one public meeting to distribute their draft~~
- 1387 ~~applications, and receive comments on their draft applications, at least 30 days prior to~~
- 1388 ~~submitting the final application. The meetings shall be noticed at a minimum in a local~~
- 1389 ~~newspaper with additional notification in the agency newsletter and/or web site.~~
- 1390 (h) ~~A summary of comments received from the public meeting, and how they were responded to,~~
- 1391 ~~shall be included with the final application submitted to the Division.~~
- 1392 (i) ~~All letters related to the grant application shall be included at the time of submittal of the~~
- 1393 ~~final application to the Division.~~
- 1394 (j) ~~Applications shall include the appropriate environmental documentation with regard to~~
- 1395 ~~compliance with NEPA and CEQA requirements.~~
- 1396 (k) ~~Local agencies, non-profits, and educational institutions require a 25% match for the~~
- 1397 ~~following projects: equipment, operation and maintenance, resource management, and~~
- 1398 ~~safety and/or education programs.~~

1400 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1401 Reference cited: Sections 5024.1, 5090.10, 5090.32, 5090.50, and 5090.51 PRC U.S. Internal  
 1402 Revenue Code, Section 501(c)(3).

1403  
 1404 **4970.11. CONTENT**

- 1405 (a) ~~Applications for planning projects and studies will include the following:~~
- 1406 (1) ~~A description of the planning goals and process, including public involvement,~~
- 1407 ~~environmental setting, existing OHV opportunities, the need for expanded, managed~~
- 1408 ~~OHV opportunities and/or problems.~~
- 1409 (2) ~~A listing and description of the study goals, objectives, and methodologies.~~
- 1410 (3) ~~Identification of any matching funds to be used.~~
- 1411 (b) ~~Applications for acquisition projects will include the following:~~

- 1412 (1) ~~A summary of public input from affected stakeholders as it relates to the acquisition~~  
1413 ~~proposal.~~
- 1414 (2) ~~A constraints analysis including, but not limited to existing or potential conflicts and~~  
1415 ~~environmental constraints.~~
- 1416 (3) ~~Description of illegal OHV use in and around the acquisition property.~~
- 1417 (4) ~~An acquisition schedule.~~
- 1418 (5) ~~Parcel maps.~~
- 1419 (6) ~~A project description that identifies the total acreage involved, average cost per acre,~~  
1420 ~~easements, and the number of parcels.~~
- 1421 (7) ~~A completed environmental document must be included as part of the application.~~
- 1422 (8) ~~All agencies acquiring property under the OHV Grant Program must comply with~~  
1423 ~~PRC Section 5090.53 and complete the following:~~
- 1424 (A) ~~A Wildlife Habitat Protection Program to sustain viable species composition for~~  
1425 ~~the project area.~~
- 1426 (B) ~~Wildlife habitat, soil, plant, and cultural surveys.~~
- 1427 (C) ~~Recipient agrees to monitor the conditions of soil in the project area each year~~  
1428 ~~to determine whether the soil loss standard as found in the Soil Conservation~~  
1429 ~~Guidelines/Standards for Off-Highway Vehicle Recreation Management~~  
1430 ~~(11/14/91) is being met (see section 4970.14(d)).~~
- 1431 (c) ~~Applications for development and major maintenance projects will comply with PRC, Section~~  
1432 ~~5090.53 (include all items identified in Figure 4 — Application Requirement Matrix — OHV~~  
1433 ~~Grant Application Guide), and include the following:~~
- 1434 (1) ~~A description of the development and major maintenance project.~~
- 1435 (2) ~~Plans, specifications, and maps of the proposed project and area.~~
- 1436 (3) ~~All agencies must submit environmental documentation (as described under 4970.14).~~
- 1437 (4) ~~A detailed cost estimate.~~
- 1438 (5) ~~The specific dollar amount and breakdown of work that is defined as restoration (refer to~~  
1439 ~~the definition section of these regulations).~~
- 1440 (d) ~~Applications for O&M projects will include the following:~~
- 1441 (1) ~~A map identifying the specific areas/routes that will be maintained by OHV funds.~~
- 1442 (2) ~~Resource management activities performed within the O&M project shall identify the~~  
1443 ~~dollar amount and scope of the activity in the application.~~
- 1444 (3) ~~O&M grants to Local Agencies require a 25% match in funds or equivalent value in~~  
1445 ~~services. Local agencies must identify the source of the 25% match.~~
- 1446 (4) ~~Local and Federal Agencies with multiple OHV units shall prepare a master application~~  
1447 ~~supported by sub-applications for each individual OHV unit.~~
- 1448 (5) ~~Where multiple sites, parks, districts, or areas are being applied for within the required~~  
1449 ~~single application, the master application will summarize the information contained in~~  
1450 ~~the sub-applications.~~
- 1451 (6) ~~O&M activities must be in accordance with local or federal land management plans.~~
- 1452 (7) ~~Each piece of equipment or tool in excess of \$250 purchased with OHV Grant Trust~~  
1453 ~~Funds shall be identified as a line item in the OHV grant application.~~
- 1454 (8) ~~Monitoring summary from previous OHV funded O&M project.~~
- 1455 (9) ~~Applications will discuss, as applicable, the existing situation, the status of resources,~~  
1456 ~~problems, and the desired outcome or results.~~

- 1457 ~~(10)A map identifying known range of state or federally-designated endangered or~~  
1458 ~~threatened species and the extent of habitat for those species.~~
- 1459 ~~(11)A map in accordance with the Soil Conservation Guidelines/Standards for Off-Highway~~  
1460 ~~Vehicle Recreation Management (11/14/91) that identifies the types of soil and their~~  
1461 ~~erosion potential in the OHV areas funded by OHV funds.~~
- 1462 ~~(12) All federal cooperative agreements require environmental documentation (as~~  
1463 ~~described under 4970.14).~~
- 1464 ~~(13) A Law Enforcement Plan.~~
- 1465 (e) ~~The Law Enforcement Plans shall consist of the following:~~
- 1466 ~~(1)A map and description of existing law enforcement problems and areas, and a~~  
1467 ~~description of how the grant or cooperative agreement will solve those problems.~~  
1468 ~~Law enforcement tasks shall include, but not be limited to, enforcement of the~~  
1469 ~~following:~~
- 1470 ~~(A) Checking for spark arresters and current registration,~~  
1471 ~~(B) Compliance with noise requirements,~~  
1472 ~~(C) Prevention of illegal activity that may result in resource damage or trespass,~~  
1473 ~~(D) Enforcement of alcohol-related laws,~~  
1474 ~~(E) OHV-related search and rescue,~~  
1475 ~~(F) The Law Enforcement Plan shall identify what method the public will use to~~  
1476 ~~seek assistance for law enforcement problems or emergencies (e.g.,~~  
1477 ~~telephone number for District Office or County Sheriff's Department).~~
- 1478 ~~(2)A map of the OHV areas, routes, and corridors that will be patrolled and enforced with~~  
1479 ~~OHV funds.~~
- 1480 ~~(3)Identification of the number and classification of law enforcement personnel involved in~~  
1481 ~~implementing the OHV project.~~
- 1482 ~~(4)A schedule of patrols that will be conducted and the classification of law enforcement~~  
1483 ~~personnel used.~~
- 1484 ~~(5)The number, price, and type of enforcement signs to be purchased and installed.~~
- 1485 ~~(6)The cost of educational materials such as displays or brochures.~~
- 1486 ~~(7)All OHV grant applicants must identify whether the law enforcement problems are in~~  
1487 ~~areas that are identified for OHV use (as authorized by PRC 5090.50) or if the~~  
1488 ~~problems are occurring in areas where OHV operation is prohibited (as authorized by~~  
1489 ~~CVC Section 38225).~~
- 1490 (f) ~~Applications for resource management projects will include the following:~~
- 1491 ~~(1)A map identifying the specific areas/routes that will be monitored, repaired, restored, or~~  
1492 ~~surveyed using OHV funds.~~
- 1493 ~~(2)The dollar amount and scope of the activity in the application.~~
- 1494 ~~(3)The specific dollar amount and breakdown of work that is defined as restoration (refer to~~  
1495 ~~the definition section of these regulations).~~
- 1496 ~~(4)A monitoring program to determine the effectiveness of the measure implemented.~~
- 1497 ~~(5)Environmental documentation with regard to compliance with NEPA and CEQA~~  
1498 ~~requirements. A Wildlife Habitat Protection Program (WHPP) may also be applicable~~  
1499 ~~to this project.~~
- 1500 (g) ~~Applications for safety and/or education program projects will include the following:~~
- 1501 ~~(1)A description of the purpose and specific detail of the map, brochure, or educational~~  
1502 ~~material to be developed for the project.~~

- 1503 ~~(2) Identification of how the materials will contribute to the instruction of safe and~~  
 1504 ~~environmentally responsible operation of OHV's.~~
- 1505 ~~(3) A cost estimate identifying the agency's contribution of 25% in matching funds, including~~  
 1506 ~~in lieu contributions.~~
- 1507 ~~(4) No environmental documentation (NEPA, CEQA, or WHPP) is required as part of this~~  
 1508 ~~project.~~
- 1509 ~~(h) Applications for equipment Purchase projects will include:~~
- 1510 ~~(1) A cost estimate of the equipment to be purchased.~~
- 1511 ~~(2) A complete equipment inventory list identifying any equipment previously purchased~~  
 1512 ~~using OHV funds. The list will include a description of the item, the model number,~~  
 1513 ~~the registration number, and complete listing of mileage and hours used for OHV~~  
 1514 ~~projects.~~
- 1515 ~~(3) A list of equipment to be replaced with OHV grant funds, which includes a description of~~  
 1516 ~~the item, model number, the registration number, and complete listing of mileage and~~  
 1517 ~~hours used for OHV projects.~~
- 1518 ~~(4) No environmental documentation (NEPA, CEQA, or WHPP) is required as part of this~~  
 1519 ~~project.~~
- 1520 ~~(i) Applications for law enforcement projects will include:~~
- 1521 ~~(1) A description of how OHV funds will assist local and federal agencies with enforcement of~~  
 1522 ~~OHV laws, personnel support, and training.~~
- 1523 ~~(2) A Law Enforcement Plan as identified in 4970.11(e).~~
- 1524 ~~(3) Local agencies shall identify legal existing OHV opportunities, as well as potential areas~~  
 1525 ~~for OHV use.~~
- 1526 ~~(4) No environmental documentation (NEPA, CEQA, or WHPP) is required as part of this~~  
 1527 ~~project.~~
- 1528 ~~(j) Administrative costs shall be identified in the application, and not exceed 10% of the total~~  
 1529 ~~grant amount requested.~~
- 1530 ~~(k) If an OHV project will require more than one year to complete, an explanation shall be~~  
 1531 ~~provided in the application.~~

1532

1533 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1534 Reference cited: Sections 5024.1, 5090.10, 5090.32, 5090.50, and 5090.64, PRC.

1535

1536 **~~4970.12. PROJECT ACCOMPLISHMENT REPORT (4/2000) (PAR)~~**

- 1537 ~~(a) "Project Accomplishment Report" (4/2000) (PAR) is a form to be completed by the grantee that~~  
 1538 ~~provides information on an OHV project and is submitted to the Department.~~
- 1539 ~~(b) A grantee shall complete a PAR for each required OHV project, a list of the types of projects~~  
 1540 ~~that require a PAR is included in the guide.~~
- 1541 ~~(c) O&M applications shall include a completed PAR for the previously funded O&M project.~~
- 1542 ~~(d) Local agencies will annually seek to identify acquisition opportunities surrounding grant~~  
 1543 ~~funded OHV facilities for the purpose of providing a buffer from existing or future conflicting~~  
 1544 ~~land uses.~~
- 1545 ~~(e) A PAR form (4/2000) is included in the OHV Grant Application Guide (June 2000); all pages~~  
 1546 ~~of the form must be completed.~~

1547

1548 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1549 Reference cited: Section 5090.32(d), PRC.

1550

1551 ~~4970.13. CONSISTENCY WITH RESOURCE, RECREATION, GENERAL, OR MASTER~~  
1552 ~~PLANNING DOCUMENTS~~

1553 ~~(a) Consistency with applicable planning documents will be documented in the applications.~~

1554

1555 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1556 Reference cited: Sections 5090.32 and 5090.50, PRC.

1557

1558 ~~4970.14. ENVIRONMENTAL DOCUMENTATION~~

1559 ~~(a) Applications shall include completed environmental documentation, as applicable, as required in~~  
1560 ~~4970.11.~~

1561 ~~(b) When a federal agency submits a NEPA document, Division staff shall review it for~~  
1562 ~~comparability to CEQA. If the NEPA document does not meet the requirements of CEQA,~~  
1563 ~~Division staff will work with the federal agency to obtain the missing information and will~~  
1564 ~~complete the necessary CEQA documentation. If the information is not received from the~~  
1565 ~~federal agency, no CEQA document will be prepared and no Project Agreement will be~~  
1566 ~~certified.~~

1567 ~~(c) Federal agencies that have approved cooperative agreements shall develop a Wildlife Habitat~~  
1568 ~~Protection program in cooperation with the Division, with the exception of those applications~~  
1569 ~~that do not require environmental documentation according to 4970.11 of these regulations.~~  
1570 ~~The Wildlife Habitat Protection Program shall include the following:~~

1571 ~~(1) A map identifying the trails, roads, corridors, and areas that are open for use by~~  
1572 ~~OHVs and receive funding from the OHV fund.~~

1573 ~~(2) A baseline survey of the soils, and sensitive wildlife, and wildlife habitats found in the~~  
1574 ~~area that are open for use by OHVs and receive funding from the OHV fund.~~

1575 ~~(3) A monitoring program:~~

1576 ~~(A) The program shall be able to detect accelerated and unnatural erosion and the~~  
1577 ~~loss of wildlife habitat in the area that is open for use by OHVs and is~~  
1578 ~~maintained and managed with OHV Grant Program Funds. An annual~~  
1579 ~~monitoring program report shall be provided to the Division at the end of each~~  
1580 ~~implementation period.~~

1581 ~~(B) In order to assist in sustaining viable species composition, on the lands within their~~  
1582 ~~jurisdiction, grantees shall identify and monitor endangered, threatened, and~~  
1583 ~~other species of concern that are identified by the management agency,~~  
1584 ~~consistent with current laws and policies within the areas maintained and~~  
1585 ~~managed with OHV Grant Program Funds. The grantee shall also appraise the~~  
1586 ~~biological diversity of the areas receiving OHV Grant Program Funds as well~~  
1587 ~~as those factors that may contribute to the overall ecological health of the~~  
1588 ~~habitat within the bioregion and include this information with the annual~~  
1589 ~~monitoring program report.~~

1590 ~~(C) The Wildlife Habitat Protection Program shall specify management objectives for~~  
1591 ~~protecting identified species and their associated habitats. Utilizing the~~  
1592 ~~information gathered via the monitoring of these species and their associated~~  
1593 ~~habitats, the grantees shall evaluate and accordingly modify the management~~  
1594 ~~processes of the Program. Grantees shall discuss within the annual~~

1595 monitoring program report the changes to the Wildlife Habitat Protection  
1596 Program that were implemented as a result of this adaptive management  
1597 process.

1598 (4) ~~A resource protection program that includes but is not limited to law enforcement,  
1599 public education, signing, and barriers.~~

1600 (5) ~~A management component that uses the above information to resolve resource  
1601 issues.~~

1602 (6) ~~Federal land managers shall include in their grant application a list or map that  
1603 identifies all roads and trails maintained with OHV funds that have been identified as  
1604 non-compliant with the Soil Conservation Guidelines/Standards for Off-Highway  
1605 Vehicle Recreation Management (11/14/91). Beginning with the 2001/2002 grant  
1606 cycle, applications shall include a plan that identifies the roads and trails to be  
1607 repaired, relocated, or closed with a timeline when the projects are expected to be  
1608 completed. A report on the status of the implementation of the plan shall be included  
1609 with the annual monitoring program report.~~

1610 (d) ~~The Soil Conservation Guidelines/Standards for Off-Highway Vehicle Recreation Management  
1611 (11/14/91) is hereby incorporated by reference. The standards and guidelines that are  
1612 identified in the Soil Conservation Guidelines/Standards for Off-Highway Vehicle Recreation  
1613 Management are applicable to Federal agencies that are awarded cooperative agreements.~~

1614 (e) ~~Compliance with The Wildlife Habitat Protection Program and the Soil Conservation  
1615 Guidelines/Standards is required at areas maintained or managed with OHV funds from the  
1616 OHV Program and will be evaluated under the stewardship criteria provided in Section  
1617 4970.32 (c) (7) for applicants to receive future grants and cooperative agreements.~~

1618 (f) ~~The decision on whether to close an area, route, or trail shall comply with PRC 5090.35.~~

1619

1620 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1621 Reference cited: Sections 5090.10, 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

1622

#### 1623 **4970.15. GRANTEE OBLIGATIONS**

1624 (a) ~~The Project Agreement in no way restricts a grantee from cooperating with or receiving  
1625 cooperation from other public and private agencies, organizations, and individuals, or from  
1626 accepting contributions and gifts for development, administration, and operation of OHV  
1627 areas and facilities. The applicant must consider the cumulative impacts of other projects  
1628 that have been conducted or planned in the OHV funded areas when completing the  
1629 environmental documentation in compliance with NEPA and CEQA.~~

1630 (b) ~~The grantee and its employees, in the performance of an OHV project, shall act in an  
1631 independent capacity and not as officers or employees of the Department.~~

1632 (c) ~~The Project Agreement shall not obligate the grantee to expend or be a part of any contract or  
1633 other obligation of the fund in excess of the funds authorized by law and administratively  
1634 allocated by the Division.~~

1635 (d) ~~If a grantee does not complete a project within the time frame specified in the Project  
1636 Agreement, the grantee shall notify the Division in writing what issues, reasons, or problems  
1637 precluded the grantee from completing the project on schedule. The grantee will then  
1638 request, in writing, permission from the Division to: (1) drop the project, (2) proceed in a  
1639 second effort, or (3) proceed with a new course of action that assures completion.~~

1640 (e) — Any maps, brochures, or presentations developed by a grantee to discuss an OHV program  
1641 funded by the OHMVR Division, shall identify the partnership with the OHMVR Division and  
1642 California State Parks by displaying a current version of the OHV Funds at Work insignia.  
1643 The insignias shall be made available by the OHMVR Division.  
1644

1645 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1646 Reference cited: Section 5090.32, PRC.  
1647

#### 1648 **4970.16. INSPECTIONS**

1649 (a) — Property and facilities developed or managed with OHV funds shall be available for  
1650 inspections by the Division.  
1651

1652 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1653 Reference cited: Section 5090.32, PRC.  
1654

#### 1655 **ARTICLE 4 — PROJECT FUNDING**

#### 1656 **4970.17. FUNDING AMOUNTS AND RECOMMENDATIONS**

1657 (a) OHV grants and cooperative agreements shall be awarded on a competitive basis.  
1658 — The Division shall evaluate applications and provide recommendations to the Commission  
1659 on each application, including funding level, and any applicable evaluation criteria (refer to  
1660 Section 4970.32). —  
1661 (b) — The Commission shall review the applications annually and consider Division  
1662 recommendations, public input, and agency testimony as a basis to allocate funds.  
1663 (c) — The minimum amount of an application shall be \$5,000.00.  
1664

1665 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1666 Reference cited: Sections 5090.32, and 5090.50, PRC.  
1667

#### 1668 **4970.18. FUNDING PROCESS**

1669 (a) — The Commission shall allocate all funds approved by the Legislature for that fiscal year.  
1670

1671 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1672 Reference cited: Sections 5090.24(d) and (f), and 5090.32, PRC.  
1673

#### 1674 **4970.19. PAYMENTS**

1675 (a) The Division shall develop a Payment Request Form (1/4/2000), and all payment requests  
1676 submitted to the Division shall be on that form (See the OHV Grant Application Guide, June  
1677 2000). Categories of expenditures, including restoration, shall be identified on the payment  
1678 request form.  
1679 (b) The Division shall certify the Payment Request Form before any payment is made.  
1680 (c) The grantee shall submit a Payment Request Form to the Division within the Project  
1681 Performance Period as defined by the Project Agreement.  
1682 (d) All costs claimed by the grantee shall be supported by invoice, purchase order, canceled  
1683 warrant, time sheet, or by other such records.  
1684 (e) Grantees using Force Account labor shall document expenditures with timesheets.  
1685 (f) A cost is considered incurred at the time a purchase is delivered or a service is rendered.  
1686 (g) Grantees may be paid in advance or on a reimbursement basis.

- 1687 ~~(h)The Division may advance up to 100% of the OHV grant or cooperative agreement amount; the~~  
1688 ~~Division may fund advances in installments. Advances to all grant and cooperative~~  
1689 ~~agreement recipients shall be placed in a separate interest bearing account (if agency is~~  
1690 ~~legally able to do so). In order to spend the interest accrued from this account, the grantee~~  
1691 ~~must request written permission from the Division. The request must state how the funds will~~  
1692 ~~be spent and for what purpose. Otherwise, the interest accrued from this account must be~~  
1693 ~~returned to the fund.~~  
1694 ~~(i)For OHV Acquisition projects, the Division shall disburse funds for the purchase price and~~  
1695 ~~eligible acquisition costs when acquisition is through negotiated purchase, but not to exceed~~  
1696 ~~the allowable project costs set forth in the Project Agreement.~~

1698 ~~NOTE: Authority cited: Sections 5001.5 and 5003, PRC.~~  
1699 ~~Reference cited: Sections 5090.32, and 5090.50, PRC.~~

1700

### 1701 ~~4970.20. ELIGIBLE COSTS~~

- 1702 ~~(a) The following costs are eligible for payment from the fund:~~  
1703 ~~(1)Preliminary costs for contract preparation, acquisition appraisal, and negotiation.~~  
1704 ~~(2)Costs for an employee directly engaged in OHV project implementation, subject to the~~  
1705 ~~following restrictions:~~  
1706 ~~(A) Costs must be computed according to the prevailing wage or salary scale, and~~  
1707 ~~may include benefits (i.e., vacation, sick leave, and social security~~  
1708 ~~contribution) that are customarily charged by the grantee. Personnel benefit~~  
1709 ~~charges must be isolated and charged in proportion to the actual time an~~  
1710 ~~employee works on an OHV project.~~  
1711 ~~(B) Costs for salary and wages claimed for an employee, working on an OHV~~  
1712 ~~project, must not exceed the grantee's established rate for a like position.~~  
1713 ~~(C) Costs charged to an OHV project must be computed on actual time spent on~~  
1714 ~~the project and supported by timesheets and attendance records (describing~~  
1715 ~~the work performed on the OHV project).~~  
1716 ~~(D) Costs for overtime may be allowed under the grantee's established policy,~~  
1717 ~~provided that regular full-time work was devoted to the same project.~~  
1718 ~~(b)Costs for consultation service are reimbursable if paid according to the grantee's customary~~  
1719 ~~established method and rate.~~  
1720 ~~(c)Consultant fees may be paid to a grantee's own employee with prior written approval from the~~  
1721 ~~Division.~~  
1722 ~~(d)Equipment owned by the grantee, used on an OHV project, may be charged on a "use" basis.~~  
1723 ~~The "use" rate charged must be equal to that normally charged by the agency. Industry~~  
1724 ~~rental rates may be used as a guide, if the grantee does not have an established rate. If a~~  
1725 ~~grantee's equipment is used, a log or source document must describe work performed,~~  
1726 ~~"use" hours and the log or source document shall be signed by the operator and the~~  
1727 ~~operator's supervisor.~~  
1728 ~~(e)Supplies and materials may be purchased for a specific OHV project or may be drawn from a~~  
1729 ~~central stock, provided that they are claimed at a cost no higher than they were purchased~~  
1730 ~~by the grantee.~~  
1731 ~~(f)When supplies and/or materials are purchased with the intention of constructing a structure or~~  
1732 ~~part of a structure, the cost charged as supplies and materials are capitalized according to~~

- 1733 the grantee's normal practice or policy. If capitalized, only that cost reasonably attributed to  
1734 the OHV project may be charged to the OHV project.
- 1735 ~~(g)Construction activities, from site preparation (demolition, excavation, grading, etc.) through  
1736 completion of the structure or facility, are reimbursable.~~
- 1737 ~~(h)Acquisition costs incurred in the acquisition of real property, including the approved purchase  
1738 price of the property, appraisal, survey, preliminary title report, escrow fee, title insurance  
1739 fee, and court costs on condemnation, are reimbursable.~~
- 1740 ~~(i)Relocation costs that result from the displacement of a person and/or business, in accordance  
1741 with Government Code Sections 7260-7277, may be charged.~~
- 1742 ~~(j)Grantee insurance premiums for casual riding, hazard, and liability insurance for an OHV facility  
1743 may be reimbursed by the fund.~~
- 1744 ~~(k)Transportation costs for moving equipment, material, and personnel (excluding moving and  
1745 relocation expenses resulting from changes in assignments) are reimbursable.~~
- 1746 ~~(l)Work performed by another section or department within the grantee's agency is reimbursable.~~

1747  
1748 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1749 Reference cited: Sections 5090.32, and 5090.50, PRC.

1750  
1751 **~~4970.21. INELIGIBLE COSTS~~**

- 1752 The following costs are ineligible for payment from the fund:
- 1753 ~~(a)A cost incurred outside the project performance period as specified in the Project Agreement.~~
- 1754 ~~(b)An interest expense, discount not taken, deficit or overdraft, or bonus payment.~~
- 1755 ~~(c)Charges for a contingency reserve or other similar reserve.~~
- 1756 ~~(d)A damage judgment against the grantee arising from the operation, acquisition, construction, or  
1757 equipping of an area or trail whether determined by judicial process, arbitration, negotiation,  
1758 etc.~~
- 1759 ~~(e)Unapproved contract cost overruns that exceed the allowable amount identified in the Project  
1760 Agreement.~~
- 1761 ~~(f)Workers' compensation claims of grantee workers.~~
- 1762 ~~(g)Travel claimed when no work time was claimed for the same period.~~
- 1763 ~~(h)Employee relocation (moving expenses resulting from duty station or assignment change).~~
- 1764 ~~(i)Charges incurred contrary to the policies and practices of the grantee.~~
- 1765 ~~(j)Services, materials, or equipment obtained under any other state program.~~

1766  
1767 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1768 Reference cited: Section 5090.32, PRC.

1769  
1770 **~~4970.22. OPERATION AND MAINTENANCE OF OHV FUNDED FACILITIES~~**

- 1771 ~~(a)Local or federal agency shall maintain facilities at a level that will ensure sustained, long-term  
1772 OHV use, and conservation of natural values.~~
- 1773 ~~(b)OHV funded facilities shall be used primarily for casual OHV recreation.~~
- 1774 ~~(c)The grantee will operate the area or facility in accordance with the days and hours identified in  
1775 the application.~~

1776  
1777 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1778 Reference cited: Sections 5090.32, and 5090.51, PRC.

1779

1780 **4970.23. USE OF OHV FUNDED FACILITIES**

- 1781 ~~(a) Property acquired or developed by Local Agencies with OHV funds shall be used for the~~  
1782 ~~purpose and time period for which the OHV funds were requested. Any use of the property~~  
1783 ~~other than the original purpose stated by the grantee or a third party shall have prior written~~  
1784 ~~approval by the Division.~~  
1785 ~~(b) The grantee shall notify the Division immediately in writing of any pending land use plan that~~  
1786 ~~would result in the closure of land to OHV recreation that was purchased, developed, or~~  
1787 ~~maintained with OHV funds.~~  
1788 ~~(c) During the life of the grant, revenue generated by local agencies on land acquired or~~  
1789 ~~developed with OHV funds shall be used for OHV recreation activities or related activities, in~~  
1790 ~~the area where the revenues are generated.~~  
1791 ~~(d) Local Agencies shall obtain written approval from the Division to spend revenue generated~~  
1792 ~~from any OHV funded land acquisition or development project.~~  
1793 ~~(e) During the life of the grant, the grantee shall report annually to the Division the amount of~~  
1794 ~~revenue generated from each OHV funded land acquisition or development project and how~~  
1795 ~~and where the revenues were spent.~~  
1796 ~~(f) Local Agencies may use revenues generated by the facility toward the required 25% match~~  
1797 ~~for O&M projects.~~

1798  
1799 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1800 Reference cited: Sections 5090.32, 5090.50, and 5090.51, PRC.

1801  
1802 **ARTICLE 5 - PROJECT AGREEMENTS, AMENDMENTS, & RE-SCOPES**

1803  
1804 **4970.24. PROJECT AGREEMENT**

- 1805 ~~(a) A Project Agreement shall be prepared for each OHV grant or cooperative agreement; the~~  
1806 ~~Project Agreement sets forth the terms and conditions of the project.~~  
1807 ~~(b) OHV funds are not available for expenditure until they are appropriated in the state budget.~~  
1808 ~~(c) No funds shall be disbursed until a Project Agreement for the project has been certified.~~  
1809 ~~(d) The application shall be incorporated into and made part of the Project Agreement.~~

1810  
1811 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1812 Reference cited: Sections 5090.32, 5090.50, and 5090.53, PRC.

1813  
1814 **4970.25. AMENDMENT TO PROJECT AGREEMENT**

- 1815 ~~(a) Advanced written approval by the Division is required for changes to a Project Agreement.~~  
1816 ~~(b) An Amendment to the Project Agreement shall be certified to be effective.~~  
1817 ~~(c) Changes to a Project Agreement, prior to the advancement of all funds, shall be made through~~  
1818 ~~an Amendment to Project Agreement between the grantee and the Division.~~  
1819 ~~(d) If all funds have been advanced, minor changes shall be authorized through a letter from the~~  
1820 ~~Division to the grantee.~~

1821  
1822 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1823 Reference cited: Section 5090.32, PRC.

1824  
1825 **4970.26. RE-SCOPE OF PROJECT AGREEMENT**

- 1826 ~~(a)All requests for the re-scope of a project shall be in writing to the Division.~~  
1827 ~~(b)All re-scope requests shall include the following:~~  
1828 ~~— (1) — An explanation of why the re-scope is necessary.~~  
1829 ~~(2)An explanation of what will happen if the re-scope is not approved.~~  
1830 ~~— (3) — The financial impact of the re-scope.~~  
1831 ~~(c)All re-scope requests shall be brought before the Commission for public review, comment, and~~  
1832 ~~approval.~~  
1833 ~~(d)Once a re-scope is approved, an Amendment to the Project Agreement will be prepared by the~~  
1834 ~~Division.~~

1835  
1836 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1837 Reference cited: Section 5090.32, PRC.

1838

1839

## ~~ARTICLE 6 - OHMVR COMMISSION~~

1840

### ~~4970.27. ANNUAL APPLICATION REVIEW MEETINGS~~

- 1842 ~~(a) Prior to the start of each grant cycle, the Commission shall hold one public meeting to~~  
1843 ~~collect public input concerning the OHV grant program, recommendations for program~~  
1844 ~~improvements, and specific needs for grant program areas. The Commission shall provide~~  
1845 ~~guidance to the Division regarding the needs, interests, and general priorities identified by~~  
1846 ~~the Commission in the annual public review meeting. The Division will disseminate this~~  
1847 ~~information to provide guidance to grantees for future funding.~~  
1848 ~~(b)The Commission shall review the applications, the Division's recommendation, and public and~~  
1849 ~~agency testimony.~~  
1850 ~~(c)The Division shall provide the Commission and the Resources Agency with a complete list of~~  
1851 ~~grant applications; other organizations and interested parties may receive a copy upon~~  
1852 ~~written request to the Division.~~  
1853 ~~(d)The Division shall send to the applicants, the Commission, and the Resources Agency its~~  
1854 ~~funding recommendations. Other organizations and interested parties may receive a copy~~  
1855 ~~upon written request to the Division.~~  
1856 ~~(e)Commission meeting notices will be sent to those who have requested in writing that they be put~~  
1857 ~~on the mailing list. The mailing list will be updated annually.~~

1858

1859 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1860 Reference cited: Sections 5090.24, and 5090.32, PRC.

1861

## ~~ARTICLE 7 - OHV GRANT APPLICATION GUIDE~~

1862

### ~~4970.28. APPLICATION GUIDE - GENERAL~~

- 1865 ~~(a)The Division has developed and will make available to the public an OHV Grant Application~~  
1866 ~~Guide (June 2000), which is hereby incorporated by reference.~~  
1867 ~~(b)The guide shall be made available to the public in printed form and may be made available on~~  
1868 ~~the Off-Highway Motor Vehicle Recreation Division's Website.~~  
1869 ~~(c)The Division may make revisions to the guide as needed; revisions shall be subject to the~~  
1870 ~~Administrative Procedure Act (Government Code section 11340 et seq.).~~

1871

1872 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1873 Reference cited: Section 5090.32, PRC.

1874  
1875 **ARTICLE 8 – ACCOUNTING, AUDITS, AND ANNUAL PERFORMANCE REVIEW**  
1876

1877 **~~4970.29. ACCOUNTING, AUDITS, AND ANNUAL PERFORMANCE REVIEW – GENERAL~~**

- 1878 ~~(a)The grantee shall provide the Division a report showing total final project expenditures including~~  
1879 ~~state and all other moneys expended within 180 days of the completion of the project or the~~  
1880 ~~end of the project performance period, whichever is earlier. The report shall include a~~  
1881 ~~narrative of what has been accomplished with the OHV funds.~~  
1882 ~~(b)Funds advanced by the Division under the terms of the Project Agreement shall be used solely~~  
1883 ~~for the OHV project.~~  
1884 ~~(c)If funds are advanced to a federal agency, local agency, or nonprofit organization and not~~  
1885 ~~expended, the unused portion of the advance or that portion of the advance which is in~~  
1886 ~~excess of the actual project cost, whichever is the larger amount, shall be returned to the~~  
1887 ~~Division, with interest, within 60 days of project completion or end of the project~~  
1888 ~~performance period, whichever is earlier.~~  
1889 ~~(d)The grantee shall maintain financial accounts, documents, and records for the OHV project and~~  
1890 ~~shall make them available to the Division's auditor.~~  
1891 ~~(e)The Division shall have the right to inspect and make copies of any books, records, or reports of~~  
1892 ~~the other party pertaining to the OHV project.~~  
1893 ~~(f)The grantee shall use generally accepted accounting methods.~~  
1894 ~~(g)The grantee shall retain all financial accounts, documents, and records until the project has~~  
1895 ~~been audited by the Department or notified in writing of an audit waiver.~~  
1896 ~~(h)The Department may postpone, defer, or waive an audit; the grantee shall be notified in writing~~  
1897 ~~of such.~~  
1898 ~~(i)Upon completion of the Department audit, the grantee shall be notified in writing and will be~~  
1899 ~~provided a copy of the audit report.~~  
1900 ~~(j)If the audit report identifies a refund due to the Division, the grantee shall remit to the Division,~~  
1901 ~~within 60 days of the receipt of the audit report, the amount identified in the report.~~  
1902 ~~(k)If payment is not received within 60 days, the grantee shall be deemed delinquent. The Division~~  
1903 ~~shall notify the grantee in writing of its delinquent status and that future payments to the~~  
1904 ~~grantee may be withheld until the refund identified in the audit report has been paid in full.~~  
1905 ~~(l)When funds are advanced to local agencies, non-profit organizations, or educational institutions,~~  
1906 ~~the grantee shall place such funds in a separate interest bearing account, setting up and~~  
1907 ~~identifying such account prior to the advance. Interest earned on funds may be paid to the~~  
1908 ~~Division or used on the project with prior written approval from the Division and the OHMVR~~  
1909 ~~Commission.~~  
1910 ~~(m)Financial records shall clearly identify conservation activities such as: trail maintenance,~~  
1911 ~~restoration, and repair; wildlife, soils, or plant monitoring; or habitat protection activities that~~  
1912 ~~were financed with OHV funds. Enforcement activities shall also be clearly identified.~~  
1913 ~~(n)Annual performance reviews shall be conducted by the Division on all grants and cooperative~~  
1914 ~~agreements, and shall be conducted prior to the fiscal audit.~~  
1915 ~~(o)The annual performance review shall be used to determine compliance with the terms and~~  
1916 ~~conditions of the project agreement and list of deliverables.~~

- 1917 ~~(p) Upon completion of the annual performance review, the grant recipient shall be provided with a~~  
 1918 ~~copy of the final report.~~  
 1919 ~~(q) The annual performance review report shall contain specific recommendations from the Division~~  
 1920 ~~designed to improve the local and federal program.~~  
 1921 ~~(r) Elements to be evaluated as part of the annual performance review include the following (as~~  
 1922 ~~applicable):~~  
 1923 ~~(1) Grants Status~~  
 1924 ~~(2) Environmental Stewardship~~  
 1925 ~~(3) Facility Maintenance~~  
 1926 ~~(4) Law Enforcement~~  
 1927 ~~(5) Equipment~~  
 1928 ~~(6) Volunteer Program~~  
 1929 ~~(7) Signing~~  
 1930 ~~(8) Maps~~  
 1931 ~~(9) Trails~~  
 1932 ~~(10) Conflicts (including the potential for future conflicts associated with urban encroachment~~  
 1933 ~~and/or changes in adjoining land uses)~~  
 1934 ~~(11) Deliverables (attached to the project agreement)~~  
 1935 ~~(12) Public Outreach~~  
 1936 ~~(13) Staffing Accountability~~  
 1937 ~~(14) Overall Program Management~~  
 1938 ~~(15) Planning Consistency~~  
 1939 ~~(16) Partnership Recognition (the grantee recognizes the OHMVR Division and DPR as a~~  
 1940 ~~partner on all signage, equipment, and publications associated with the OHV~~  
 1941 ~~program).~~

1942  
 1943 ~~NOTE: Authority cited: Sections 5001.5 and 5003, PRC.~~  
 1944 ~~Reference cited: Sections 5090.32, and 5090.50, PRC.~~

1945  
 1946 **~~4970.30. PROJECT TERMINATION~~**

- 1947 ~~(a) A grantee may unilaterally rescind a project any time prior to the commencement of the project.~~  
 1948 ~~After commencement of the OHV project, the Project Agreement may be rescinded,~~  
 1949 ~~modified, or amended by mutual agreement in writing.~~  
 1950 ~~(b) Failure of a grantee to comply with the terms of the Project Agreement shall be cause for~~  
 1951 ~~suspension of all obligations of the Division if, in the judgment of the Division, such failure~~  
 1952 ~~was due to no fault of the grantee. In such case, any amount required to settle at minimum~~  
 1953 ~~cost any irrevocable obligations properly incurred may be eligible for payment out of the~~  
 1954 ~~fund.~~

1955  
 1956 ~~NOTE: Authority cited: Sections 5001.5 and 5003, PRC.~~  
 1957 ~~Reference cited: Sections 5090.32, and 5090.50, PRC.~~

1958  
 1959 **~~4970.31. CONSERVATION AND ENFORCEMENT SERVICES ACCOUNT~~**

- 1960 ~~(a) Funds allocated pursuant to Section 8352.8 of the Revenue & Taxation Code shall be expended~~  
 1961 ~~by the Division or by cities, counties, or appropriate districts, or by agencies of the United~~  
 1962 ~~States, solely for the following activities: (1) conservation activities carried out for the~~

- 1963 prevention or reduction of soil loss, wildlife loss, and habitat loss as defined in PRC Sections  
 1964 5090.35, 5090.50, and 5090.53, and (2) enforcement activities consisting of employing,  
 1965 equipping, and supervising law enforcement personnel for the purpose of protecting natural  
 1966 and cultural resources, enforcement of Division 16.5 (commencing with Section 38000)  
 1967 CVC, enforcement of PRC Sections 4442 and 4442.5, enforcement of other laws regulating  
 1968 the equipment and use of off-highway motor vehicles, and (3) the construction of physical  
 1969 barriers and other means of traffic control.
- 1970 (b)The Division shall review annual expenditures to ensure the requirements of PRC Section  
 1971 5090.64 are met.
- 1972 (c)The application shall identify the amount to be expended on C&E. The following must be  
 1973 provided:  
 1974 (1)A description and cost of the conservation activities with maps and photographs of the  
 1975 area involved.  
 1976 (2)A description and cost of the law enforcement activities.
- 1977 (d)Resource Management projects shall be considered 100% C&E.
- 1978 (e)Funds identified as C&E in the Project Agreement shall be spent only for C&E activities; C&E  
 1979 and non-C&E funds shall be accounted for separately.
- 1980 (f)The following activities are considered conservation:  
 1981 (1)Soil, habitat, and wildlife monitoring.  
 1982 (2)Activities to prevent soil erosion and activities to repair existing soil erosion.  
 1983 (3)Wildlife habitat enhancement projects.  
 1984 (4)Aerial photography.  
 1985 (5)Wildlife, habitat, and soil studies.  
 1986 (6)Temporary closure of trails or areas, or closure and restoration of unauthorized trails and  
 1987 trails not in compliance with PRC Section 5090.35(d), and (e).  
 1988 (7)Reduction of dust related to OHV recreation.  
 1989 (8)Reduction or prevention of siltation related to OHV recreation into streams.
- 1990 (g)The following are considered enforcement:  
 1991 (1)Law enforcement personnel, law enforcement officers (LEOs), and Federal technicians  
 1992 with citation authority who patrol the roads, trails, and areas that receive funds from  
 1993 the OHV Program.  
 1994 (2)Installation of barriers and signs to prevent resource damage.  
 1995 (3)Reduction of noise impacts of OHVs on people and wildlife through the enforcement of  
 1996 noise regulations found in CVC Section 38370.
- 1997
- 1998 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
 1999 Reference cited: Sections 5090.32, 5090.35, 5090.50, 5090.53, and 5090.64, PRC; Section  
 2000 8352.8, Revenue & Taxation Code; Sections 38000 and 38370, CVC.
- 2001
- 2002 **4970.32. EVALUATION CRITERIA**
- 2003 (a)OHV grants and cooperative agreements shall be awarded on a competitive basis.  
 2004 (b)Each application shall be evaluated by Division staff and the Commission based on established  
 2005 criteria.  
 2006 (c)The criteria used to evaluate applications shall include:  
 2007 (1)Past and/or Expected Use: Past OHV attendance figures (five years) shall be based on  
 2008 the PARs submitted by the applicant. Expected use shall be based on historic use

- 2009 plus any expected increase due to current or future conditions. A PAR for the  
 2010 previous funded year project shall be included in the application.
- 2011 ~~(2)Application Content and Quality: The application shall provide adequate information for~~  
 2012 ~~the Division, Commission, and public to evaluate the project. The information~~  
 2013 ~~provided is complete, current, clear, and concise.~~
- 2014 ~~(3)Public Input: All letters commenting on the grant received by the applying agency shall~~  
 2015 ~~be included in the application. Letters written to the Division regarding applications~~  
 2016 ~~shall be included in the Commission packet.~~
- 2017 ~~(4)Demand: Is there a demonstrated need for the project? Will the project sustain, expand,~~  
 2018 ~~or create OHV opportunity?~~
- 2019 ~~(5)Existing OHV Opportunity: The application shall identify the legal OHV opportunities that~~  
 2020 ~~exist within a 50-mile radius of the project area. Changes in OHV opportunity in the~~  
 2021 ~~last two years (e.g., miles of trails or acres of OHV riding opportunity) shall also be~~  
 2022 ~~identified.~~
- 2023 ~~(6)Types of Vehicles/Uses: Types of vehicles currently using the area. In addition, types~~  
 2024 ~~and extent of non-motorized use of OHV funded facilities, trails, and open areas.~~
- 2025 ~~(7)Stewardship: Previous grants and cooperative agreements shall have been completed on~~  
 2026 ~~time; payment requests have been submitted on time; and audits of completed~~  
 2027 ~~projects have found few, if any, problems or discrepancies.~~
- 2028 ~~(8)Environmental Stewardship: The applicant shall have a Forest Plan or Land Management~~  
 2029 ~~Plan in place. The applicant shall have developed a Wildlife Habitat Protection~~  
 2030 ~~Program, soil monitoring program, and the annual monitoring program report shall~~  
 2031 ~~have been provided to the Division (if applicable). The applicant shall have provided~~  
 2032 ~~an update of their route inventory and designation status (if applicable). Inspections~~  
 2033 ~~by the grant administrator have found few problems. The grantee has provided the~~  
 2034 ~~Division with maps of roads, trails, and areas that are funded with OHV funds.~~
- 2035 ~~(9)CEQA / NEPA: The application shall include completed environmental documentation~~  
 2036 ~~prepared for the project.~~
- 2037 ~~(10)Useful Life: The area or facility shall be available for long-term use. The application~~  
 2038 ~~shall identify known or anticipated threats to the longevity of OHV use (e.g.,~~  
 2039 ~~endangered species, urban expansion, wilderness expansion, or management~~  
 2040 ~~plans).~~
- 2041 ~~(11)Future Commitment: The commitment of applicant funds toward O&M of the new~~  
 2042 ~~acquisition or development, and the amount of funds that shall be required annually~~  
 2043 ~~for O&M shall be identified.~~
- 2044 ~~(12)Volunteer Programs: The application shall provide information on the expected use of~~  
 2045 ~~volunteers and the extent of the current volunteer program (e.g., number of active~~  
 2046 ~~participants, hours volunteered, and the amount of funds used to run the program).~~
- 2047 ~~(13)Program Effectiveness: Current, and anticipated future visitation, miles/acres of~~  
 2048 ~~opportunity, facilities, amount requested, and grantee contributions shall be taken~~  
 2049 ~~into consideration.~~
- 2050 ~~(14)Use Conflicts: The application shall have identified methods to address and reduce~~  
 2051 ~~conflicts between motorized uses and adjacent landowners and land uses.~~

2053 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

2054 Reference cited: Sections 5090.23, 5090.24(f), 5090.32, and 5090.50, PRC.