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DRAFT

**OFF-HIGHWAY VEHICLE
LOCAL ASSISTANCE GRANTS AND COOPERATIVE AGREEMENT PROGRAM REGULATIONS
CCR Title 14, Division 3, Chapter 15, Sections 4970.00 - 4970.21.**

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ARTICLE 1 – GENERAL PROVISIONS

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4970.00. DEFINITIONS

The words used in this chapter have the following meanings:

- (a) “Adaptive Management” means a process, of adjusting management over time and in a timely manner based on new information derived from scientific experimentation, field observations, monitoring data collected, and professional experience or judgment.
- (b) “Allocation” means a distribution of funds, or an expenditure limit established for an organizational unit or function.
- (c) “Application” means a compilation of required documents to support a request for funding for an OHV local assistance grant or cooperative agreement.
- (d) “Application Instructions” means directions for completing an application for an OHV local assistance grant or cooperative agreement.
- (e) “Appropriate district” means one that has clear legal responsibility for open space, recreation, parks, and resource related activities that are land based.
- (f) “Appropriation” means a budget authorization from a specific fund to an applicant or program to make expenditures or incur obligations for a specific purpose and period of time.
- (g) “ATV” means an all-terrain vehicle, a vehicle factory-designed for operation off the highway by an operator with no more than one passenger; 50 inches or less in width; 900 pounds or less unladen weight; suspended on three or more low-pressure tires; has a single seat designed to be straddled by the operator, has handlebars for steering control by the operator, has a factory-designed passenger seat, and has factory-designed hand grips for the passenger.
- (h) “Buffer” refers to lands or physical obstacles used to protect plant and wildlife habitat, soils, view sheds, or reduce off-site noise impacts.
- (i) “CEQA” means the California Environmental Quality Act, Public Resources Code (PRC) Section 21000 et seq.; Title 14, CCR, Article 20,
- (j) “C&E” means a specific account that includes conservation, restoration, and enforcement activities as defined in PRC Sections 5090.64 (a) and (b)(1) and (2).
- (k) “Casual” means non-competitive OHV recreation.
- (l) “Certified” means a document that has been reviewed, approved, and signed by both the grantee and the Division.
- (m) “Commission” means the Off-Highway Motor Vehicle Recreation (OHMVR) Commission.
- (n) “Conflicts” means new or ongoing OHV issues involving agencies, principal, or interested parties.
- (o) “Conservation” means activities, practices, and programs that sustain soil, plants, wildlife and their habitat, and natural and cultural resources as referenced in PRC Sections 5090.10, 5090.35, and 5090.50.
- (p) “Construction” means the act of building or assembling using different parts, materials, or elements in an ordered manner including, but not limited to physical barriers, trails work of all kinds, restoration planting, roads, facilities, soils restoration, hardening of stream crossings, fencing, sediment control structures, and facilities landscaping.
- (q) “Cooperative Agreement” means an agreement between the Division and a federal agency, or a federally recognized Native American tribe.
- (r) “Cultural Resources” are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; are associated with the lives of persons important in our past; embodies the distinctive characteristics of a type, period,

- 93 region, or method of construction, or represents the work of an important creative individual,
94 or possesses high artistic values; or has yielded, or may be likely to yield, information
95 important in prehistory or history. Cultural resources also include Historical Resources. A
96 resource shall be considered by the lead agency to be "historically significant" if the resource
97 meets the criteria for listing on the California Register of Historical Resources (PRC Section
98 5024.1, Title 14 CCR, Section 4852).
- 99 (s) "Deliverables" means the specific proposed accomplishments contained within each
100 application.
- 101 (t) "Department" means California Department of Parks and Recreation (DPR).
- 102 (u) "Development" means the construction of new facilities, trails, or trail segments. Development
103 also includes major maintenance projects as defined in (ff) below for the purpose of
104 determining matching fund requirements defined in PRC Section 5090.51.
- 105 (v) "Director" means Director of the California DPR.
- 106 (w) "Division" means the Division of Off-Highway Motor Vehicle Recreation (OHMVR) of the
107 California DPR.
- 108 (x) "Educational institution" means a public or private preschool, elementary, or secondary
109 school or institution; the governing board of a school district; or any combination of school
110 districts or counties recognized as the administrative agency for public elementary or
111 secondary schools in accordance with Section 210.1 of the Education Code.
- 112 (y) "Enforcement" means the employing, equipping, and supervising of law enforcement
113 personnel for the purpose of protecting natural and cultural resources; enforcement of
114 Division 16.5 (commencing with Section 38000) of the California Vehicle Code (CVC);
115 enforcement of PRC Sections 4442 and 4442.5 and the enforcement of other laws regulating
116 the equipment and use of off-highway motor vehicles.
- 117 (z) "Environmental Document" means a document prepared in accordance with NEPA or CEQA.
- 118 (aa) "Federal Agency" means a unit of the federal government excluding Native American tribes.
- 119 (bb) "Fund" means the Off-Highway Vehicle Trust Fund as created by subdivision (c) of Section
120 38225, CVC.
- 121 (cc) "Grantee" means the recipient of OHV funding for a local assistance grant or cooperative
122 agreement.
- 123 (dd) "Law Enforcement Personnel" include officers or employees of the grantee who have the
124 authority and duty to enforce statutes or ordinances, issue citations, or arrest persons for
125 violations. For purposes of this section, "ordinance" includes an order, rule, or regulation
126 enforceable under the authority of the grantee.
- 127 (ee) "Local Agency" means a city, county, or special district.
- 128 (ff) "Local Assistance Grant" means a grant for a local agency, educational institution, or non-
129 profit organization.
- 130 (gg) "Long Term" means at a minimum, 25 years.
- 131 (hh) "Maintenance" means the work required to ensure effective and efficient use of physical
132 facilities, the protection of natural and cultural resources, and OHV recreation opportunities.
- 133 (ii) "Match Requirement" means a contribution of funds, or the equivalent value of services,
134 material, or property used, in an amount not less than 25 percent of the total expense of the
135 proposed project, which includes the contribution, or not less than one third of the total of the
136 local assistance grant request.

- 137 (jj) "Minor Trail Relocation" means the closure and restoration of an existing trail and the
138 construction of a replacement as close as possible to the original trail (not to exceed 1/4 mile
139 in length) and located so that the problems necessitating the closure will be eliminated.
- 140 (kk) "Monitoring" means data collection used by a land-management agency and the Division to
141 make appropriate decisions.
- 142 (ll) "Native American tribes" means any tribe, band, nation, or other organized group or
143 community of Indians, including any Alaska Native village (as defined in, or established
144 pursuant to, the Alaska Native Claims Settlement Act), which the Secretary of the Interior
145 recognizes as eligible for the special programs and services provided by the United States to
146 Indians because of their status as Indians. [Note: term "Indian" comes from USC 479a(2)]
- 147 (mm) "NEPA" means the National Environmental Policy Act pursuant to United States Code
148 (U.S.C.) Title 42, Section 4371; 40 Code of Federal Regulations (CFR) part 1500.1 et seq.
- 149 (nn) "Non-profit" means an organization having tax-exempt status pursuant to Section 501(c) (3)
150 of the Internal Revenue Code.
- 151 (oo) "Off-highway Vehicle Operation" means the operation of motorized vehicles on lands, roads,
152 and trails, or private property that is approved for OHV use, that is open, and accessible to
153 the public, and has been designated for motor vehicle use.
- 154 (pp) "OHV" means an off-highway motor vehicle as specified in CVC Section 38006 and street
155 licensed motor vehicles while being used off highway.
- 156 (qq) "OHV Grant" means an agreement between the Division and a local agency or non-profit
157 organization to perform a project.
- 158 (rr) "OHV Opportunities" means providing areas that allow legal OHV recreation.
- 159 (ss) "Operation" means the staff and equipment required for site administration, visitor
160 supervision, and assistance.
- 161 (tt) "Project" means the work to be accomplished, either proposed or approved, with funding
162 through an OHV Local assistance grant or Cooperative Agreement.
- 163 (uu) "Regional OHV Facility" means a facility, primarily for casual usage, and providing a wide
164 variety of OHV opportunities for a wide range of OHV interests, that is generally 500 or more
165 acres, and generally with a population of 500,000 within a 150-mile radius or three-hour travel
166 time, and with the potential to become financially self-sustaining per criteria adopted by the
167 Commission per PRC Section 5090.51(b).
- 168 (vv) "Repair of trails, roads, and areas" means, upon determination that the soil loss standards
169 and habitat protection plans are not being met in any area in the system, the Division shall
170 direct the grant recipient to repair that area, or portion thereof funded by OHV funds, to
171 prevent accelerated erosion until soil loss standards and habitat protection plans are met.
172 This includes requiring temporary closure of areas for repair purposes.
- 173 (ww) "Re-route" means the closure of an existing segment of a trail or road with a new alignment
174 that is superior from an environmental, maintenance, access, and/or visitor safety standpoint.
- 175 (xx) "Restoration" means, upon closure of a unit or any portion thereof, the restoration of land to
176 the contours, the plant communities, and plant covers comparable to those on surrounding
177 lands, or at least those that existed prior to off-highway motor vehicle use
- 178 (yy) "Roads" include: logging roads, service roads, and other roughly graded roads upon which
179 vehicular travel is permitted (CVC 38000).
- 180 (zz) "Wildlife Habitat Protection Program (WHPP)" is defined in 4970.17.
- 181

181 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
182 Reference cited: Sections 4442, 4442.5, 5024.1, 5090.04, 5090.05, 5090.06, 5090.07, 5090.10,
183 5090.11, 5090.35, 5090.50, 5090.51 and 5090.64(b)(1) and (2), and 21000 et seq., PRC; CCR, Title
184 14, Section 4852 and Sections 15000 et seq.; CVC Sections 38000, 38006, 38012, and 38225(c);
185 25 U.S.C. 479a and 479a-2; 42 U.S.C. 4371; 43 U.S.C. 1601 et seq.; 40 CFR part 1500.1 et seq;
186 U.S. Internal Revenue Code, Section 501(c)(3).

187

188 **4970.01. PROGRAM PURPOSE**

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

195

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

197 Reference cited: Sections 5090.02, 5090.32(d), 5090.35, 5090.50, and 5090.53(b)(1) through (4),
198 PRC.

199

200 **4970.02. COMMISSION'S GUIDING POLICIES**

- 201 (a) There have been significant changes in the California Off-Highway Motor Vehicle Recreation
202 (OHMVR) Program since its inception. The population of the State continues to grow at a
203 rapid rate, resulting in increased demand for OHV recreation. This demand creates further
204 concern for the environment and the need to effectively manage areas, expand recreational
205 opportunities, and ecologically balanced recreation programs. The following guiding policies
206 adopted by the Commission seek to:
- 207 (1) Inform and educate applicants in the importance of understanding these issues, and
 - 208 (2) Guide the Director and the Division in implementing the OHV Local assistance grant
209 and Cooperative Agreement Program and its laws and regulations.
- 210 (b) The Commission envisions a balanced approach to off-highway motor vehicle recreation that
211 shall include facility operation and maintenance, restoration, conservation, and law
212 enforcement activities designed to protect the environment and sustain OHV recreational
213 opportunity. To obtain funding and support to develop or enhance opportunities, local
214 assistance grant and cooperative agreement program applicants shall demonstrate a
215 compelling need and the technical ability to develop new or maintain existing opportunities in
216 a manner that exhibits sound resource practices and care for the environment.
- 217 (c) Local assistance grant or cooperative agreement program applications may include, but shall
218 not be limited to the following key elements, but shall comply with the requirements within
219 Sections 4970.05-4970.15:
- 220 (1) A designated system of well-maintained and well-managed roads, trails, and areas or
221 the goal of completing a designation process;
 - 222 (2) Sufficient environmental documentation to meet CEQA compliance;
 - 223 (3) Restoration of permanently closed routes and damaged areas;
 - 224 (4) Reopening of adequately repaired routes;
 - 225 (5) Management to prevent the closure of areas and trails;

- 226 (6) Restriction of cross-country travel of wheeled vehicles to designated roads, trails, and
227 areas;
- 228 (7) Guide maps and ground markers that clearly define boundaries of open areas;
- 229 (8) Improvement of wildlife habitat protection and monitoring;
- 230 (9) Resolution or minimizing of conflicts with residents, landowners, and non-motorized
231 users;
- 232 (10) Protection of air and water quality;
- 233 (11) Repair and maintenance of a system of routes designed to encourage and promote
234 responsible use while providing quality recreation for all OHV skill levels; and
- 235 (12) Development of new areas for OHV recreation.
- 236 (d) The following guiding policies provide examples of elements within each type of project that
237 demonstrate methods of accomplishing the balanced approach to OHV recreation that the
238 Commission envisions and shall form the basis for establishing criteria for the evaluation of
239 applications and allocations of funds per Sections 4970.05-4970.15:
- 240 (1) Policies within acquisition projects include:
- 241 (A) Reduction of conflicts with non-motorized recreationists regarding proposed
242 OHV recreational areas;
- 243 (B) Protection of residents, private property, and landowners adjacent to the
244 proposed OHV area from noise, trespass, and property damage;
- 245 (C) Purchase of lands contributing to mitigation and buffers needed to reduce the
246 deleterious effects to OHV opportunity due to urban encroachment;
- 247 (D) Purchase of lands to preserve existing and future OHV opportunity; and
- 248 (E) Purchase of contiguous lands to protect the important habitat.
- 249 (2) Policies within development projects include:
- 250 (A) Construction of roads and trails in a manner that conserves soil, prevents
251 erosion, protects water quality, reduces potential resource damage, and
252 sustains or enhances OHV recreation;
- 253 (B) Reduction of dense trail networks and replacement with a trail system designed
254 to disperse use and extend the distance between the recreation activity and
255 urban interface areas.
- 256 (C) Construction of destination trails and/or extended loop trails;
- 257 (D) Construction of long distance motorized corridors designed with a minimum
258 degree of challenge for a heightened outdoor recreational experience; and
- 259 (E) Rerouting, where feasible alternatives exist, of steep, poorly located and
260 eroding trails.
- 261 (3) Policies within law enforcement projects include:
- 262 (A) Sufficient provision of patrol presence and signage to keep riders on legally
263 designated routes and/or within limited use of designated open areas;
- 264 (B) Provision of a high number of user contacts emphasizing environmental
265 education, user safety, and the ethics of responsible riding;
- 266 (C) Provision of clear and informative route maps of the area at staging areas and
267 trailheads, as well as, during the law enforcement contacts;
- 268 (D) Effective enforcement of closed areas;
- 269 (E) Protection of soils and watersheds; and
- 270 (F) Demonstration of the ability to adapt law enforcement efforts to the changing
271 needs of the area.

- 272 (6) Policies within OHV safety or education program projects include:
273 (A) Education of current and future riders about the ethics of responsible riding,
274 rider safety, environmental knowledge and responsibility, and compliance with
275 appropriate laws and regulations;
276 (B) Trails that have an educational and interpretive component;
- 277 (7) Policies within resource management projects include:
278 (A) Inventories and surveys of natural and cultural resources to aid in the
279 accomplishment of route designation;
280 (B) Monitoring and repair of existing resource damage and prevention of
281 future damage; and
282 (C) Implementation of appropriate measures to protect wildlife and cultural sites
283 when studies or monitoring indicate a route is having an adverse impact.
- 284 (9) Policies within restoration projects include:
285 (A) Restoration of off route impacts to minimize and/or eliminate resource damage
286 and maintain the integrity of the route;
287 (B) Restoration of routes and areas that are causing significant resource damage;
288 and
289 (C) Restoration of closed routes or damaged areas within inventoried road less
290 areas.
- 291 (10) Policies within trail maintenance, trail repair, and trail reroute projects include:
292 (A) Consistent trail maintenance to prevent unauthorized creation of alternative
293 routes;
294 (B) Maintenance of roads and trails to conserve soil, prevent erosion, protect water
295 quality, reduce potential resource damage, and sustain or enhance OHV
296 recreation;
297

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

299 Reference cited: Section 5090.23, PRC

300

301 **4970.03. COMMISSION'S ANNUAL PROGRAM REVIEW MEETING**

302 Prior to the start of each grant cycle, the Commission shall conduct one public meeting to collect
303 public input concerning the OHV grant program, recommendations for program improvements, and
304 specific project needs for grant program areas. At the same meeting the Commission shall provide
305 priorities for funding to the Division for the current grant cycle. The Division shall disseminate this
306 information to provide priorities to local assistance grant and cooperative agreement program
307 applicants for current grant cycle funding.

308

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

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

311

312 **4970.04. GENERAL APPLICATION REQUIREMENTS**

- 313 (a) For each grant cycle, the Division shall provide application instructions for completing an
314 application for funds.
- 315 (b) All single or multiple applications that do not meet the deadline set by the Division for the
316 grant cycle shall be returned to the applicant without consideration.

- 317 (c) Applications, whether for single or multiple projects or studies, shall meet all the General
318 Application Requirements. Applications that do not meet these requirements shall be
319 returned to the applicant without consideration.
- 320 (d) The Division shall establish a time line for the submission of applications and post the time
321 line on the California State Parks web site each year.
- 322 (e) Documentation of the public review process shall be included. The process shall include:
323 (1) Public review. Local assistance grant and cooperative agreement program
324 applications shall be made available for public review and comment prior to
325 submission of the application to the OHV Division for consideration. At a minimum,
326 applicants shall make available to the public for the purpose of this review, the
327 application, project description, project deliverables, and, if applicable project
328 accomplishments.
- 329 (2) Public notice. Not later than 30 days prior to submitting the final application,
330 applicants shall notice to the public of the opportunity to submit comments on the draft
331 application. The notice shall be placed at a minimum in a local newspaper with
332 additional notification in the agency newsletter and/or web site.
- 333 (3) Public comments. All comments received by the date of the final application along
334 with the final responses, if any, shall be included with the application along with the
335 applicant's responses.
- 336 (4) The applicant shall forward to the Division any public comments received after
337 submittal of the application. A response by the applicant to a forwarded comment may
338 not be required.
- 339 (f) All local agency, educational institution, and non-profit organization applications, and any
340 federally-recognized Native American tribe cooperative agreement applications shall include
341 a completed Governing Body Resolution certified by the clerk of the governing body. The
342 Division shall provide a sample form.
- 343 (g) Administrative costs shall be identified in the application, not to exceed 10% of the total
344 amount requested.
- 345 (h) If a project will require more than one year to complete, an explanation of the timeline for
346 completing the project shall be provided in the application.
- 347 (i) Certify that the project is not in conflict with applicable planning documents.
- 348 (j) Grantees shall include a report that describes project accomplishments in accordance with
349 the Application Instructions, if applicable.
- 350 (k) A map of California identifying the general project location.
- 351 (l) Documentation of environmental compliance consistent with Sections 4970.16 and 4970.17.
- 352 (m) Awarding a local assistance grant or cooperative agreement program does not guarantee
353 ongoing OHV funding in any category.
- 354 (n) Each piece of equipment or tool in excess of \$500 with the exception of education projects
355 which shall be \$250, and up to \$5,000 purchased with OHV Local assistance grant Trust
356 Funds shall be identified as a line item in the OHV grant application, as applicable.
- 357 (o) Identification of the match to be used, if applicable, in accordance with Section 4970.18.
358

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

360 Reference cited: Sections: 5090.32, and 5090.50, PRC

361

361 **ARTICLE 2- TYPES OF PROJECTS AND SPECIFIC APPLICATION**
362 **AND CONTENT REQUIREMENTS**
363

364 **4970.05. ACQUISITION PROJECTS**

- 365 (a) Acquisition projects are intended to expand and sustain adequate OHV recreation access or
366 opportunities, eliminate trespass, and provide appropriate buffers.
- 367 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native
368 American tribes are eligible to apply for acquisition projects.
- 369 (c) Acquisition projects include, but are not limited to:
370 (1) Purchase of right-of-way or easement.
371 (2) Long-term lease.
372 (3) Purchase of land in fee title.
373 (4) Purchase of an option.
374 (5) Other interests in real property, such as permits or licenses.
- 375 (d) Eligible costs for projects may include, but are not limited to the following:
376 (1) Purchase price.
377 (2) Appraisal.
378 (3) Escrow fees.
379 (4) Title insurance.
380 (5) Title report.
381 (6) Land survey.
382 (7) Due diligence to determine that the property can be used for its intended purpose,
383 including wildlife, habitat, soils, and cultural surveys, hazardous substance
384 assessments, and title searches.
- 385 (e) Applications for acquisition projects shall include all the information required under Section
386 4970.04 plus the following:
387 (1) Due diligence to determine that the property can be used for its intended purpose.
388 (2) Description of existing OHV use in and around the acquisition property.
389 (3) An acquisition schedule.
390 (4) Project specific map(s).
391 (5) Parcel map(s).
392 (6) A project description that identifies the total acreage involved, average cost per acre,
393 easements, and the number of parcels.
394 (7) The needs description shall include the following:
395 (A) How the project offers efficient use of funds.
396 (B) An estimate of development and ongoing operation and maintenance costs
397 associated with the project and the applicant's ability to cover those costs.
398 (C) Implications of not funding the project.
399 (D) How the acquisition improves existing, future, or unique OHV uses in the
400 region.
401 (E) How the acquisition will meet visitor needs.
402 (F) Any other factors related to the project need not covered by the above.
- 403 (f) All acquisitions shall be acquired in compliance with Chapter 16 (commencing with Section
404 7260), Division 7, Title 1, Government Code, "Relocation Assistance".
405
406

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

407 Reference cited: Section 5090.32, 5090.35, 5090.50, 5090.51, and 5090.53, PRC; Title 1, Division
408 7, Chapter 16 Section 7260 et seq., Government Code.

409

410 **4970.06. DEVELOPMENT PROJECTS**

- 411 (a) Development projects provide new facilities or trails for sustained OHV use and/or visitor
412 facilities.
- 413 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native
414 American tribes are eligible to apply for development projects.
- 415 (c) Development projects include, but are not limited to:
- 416 (1) Trail construction.
- 417 (2) Trailhead/staging area construction.
- 418 (3) Restroom construction.
- 419 (4) Access road and parking lot construction.
- 420 (5) Picnic and camping facilities construction.
- 421 (6) Construction projects to reduce use conflicts.
- 422 (7) Competition and spectator facilities.
- 423 (8) Other related improvements, such as visitor centers, kiosks, facility fencing,
424 greenhouses, and storage buildings.
- 425 (d) Casual use of facilities shall not be less than 60% of the total use in areas funded with OHV
426 grant funds.
- 427 (e) Applications for development projects shall include all the information required under Section
428 4970.04 plus the following:
- 429 (1) Project specific map(s).
- 430 (2) At a minimum, conceptual drawings and site plans for the project.
- 431 (3) The needs description shall include the following:
- 432 (A) How the project offers efficient use of funds.
- 433 (B) An estimate of recurring maintenance costs associated with the project and the
434 applicant's ability to cover those costs.
- 435 (C) Implications of not funding the project.
- 436 (D) How the facilities support a unique opportunity or experience.
- 437 (E) How the project will meet visitor needs.
- 438 (F) How the project extends the useful life of existing facilities.
- 439 (G) When volunteers are utilized, the extent and benefit of their expected
440 participation.
- 441 (H) Any other factors related to the project need not covered by the above.
- 442

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

444 Reference cited: Sections 5090.32, 5090.35, 5090.50, 5090.51 and 5090.53, PRC; Public Law 101-
445 336, July 26, 1990, 104 Stat. 327.

446

447 **4970.07. EQUIPMENT**

- 448 (a) Equipment applications are for the purchase or repair due to normal wear and tear of single
449 or multiple items exceeding \$5,000 (excluding tax).
- 450 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native American
451 tribes, educational institutions, and non-profit organizations are eligible to apply for equipment
452 purchases.

- 453 (c) Examples of equipment repair include, but are not limited to, the following:
 454 (1) Engine replacement.
 455 (2) Track replacement.
 456 (3) Major mechanical overhaul.
- 457 (d) Applications for equipment purchase projects shall include all the information required under
 458 Section 4970.04 plus the following:
 459 (1) An equipment inventory list identifying all equipment previously purchased (over
 460 \$5,000) using OHV funds, and any items to be replaced or repaired. The list shall
 461 include the item, model number, registration number, and mileage or hours.
 462 (2) A brief description of how the equipment will be maintained and stored.
 463 (3) The needs description shall include the following:
 464 (A) How the equipment purchase or repair offers efficient use of funds.
 465 (B) Implications of not funding the equipment purchase or repair.
 466 (C) How the project addresses a unique need.
 467 (D) Any other factors related to the equipment purchase or repair need not covered
 468 by the above.
- 469 (e) Equipment purchased exclusively with OHV funds shall be used only on OHV projects.
 470 (f) The purchase of tools or equipment exceeding \$500 not identified in a certified project
 471 agreement shall have written approval from the Division prior to purchase.
- 472 (g) Any equipment and implements with a total cost equal to or greater than \$30,000 purchased
 473 using OHV funds for at least one half of the total cost of the item shall be registered in the
 474 Division's name, used for an OHV program during the normal life of the equipment, and then
 475 returned at the discretion of the Division for disposal or sale. Notification to the Division that
 476 an equipment item is eligible for surplus is the responsibility of the grantee. The Division
 477 shall respond to the grantee within 60 days of receipt of the notice of eligibility for the surplus
 478 and shall provide guidance to the grantee for the sale or disposition of the equipment item.
- 479 (h) Grantee shall keep tools and equipment purchased with OHV funds maintained and in safe
 480 working order.
- 481 (i) All equipment and implements purchased with OHV funds must display an approved version
 482 of the Department of Parks and Recreation "OHV Funds at Work" insignia. Grantees may
 483 obtain insignias free of charge from the Division.
- 484 (j) For one-time projects, the Division shall advise nonprofit organizations and educational
 485 institutions on whether to rent, lease, or rent to own the equipment and/or implements based
 486 on the nature of the project.
 487

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

489 Reference cited: Section 5090.32, 5090.50, and 5090.51, PRC.

490
 491 **4970.08. FACILITIES OPERATION AND MAINTENANCE PROJECTS**

- 492 (a) Facilities operation and maintenance projects are for work directed toward facilities, visitor
 493 assistance, and health and safety attributable to OHV recreation.
- 494 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native
 495 American tribes are eligible to apply for facilities operation and maintenance projects.
 496 Educational institutions and non-profit organizations are not eligible to apply for facilities
 497 operation and maintenance projects.
- 498 (c) Examples of facilities operation and maintenance include, but are not limited to, the following:

- 499 (1) Facility servicing, including, but not limited to painting, cleaning restrooms, and
- 500 maintaining kiosks.
- 501 (2) Volunteer support and coordination.
- 502 (3) Visitor services (excluding law enforcement).
- 503 (4) Snow plowing.
- 504 (5) Trash collection.
- 505 (6) Purchase of first aid equipment and supplies.
- 506 (7) Map/brochure design and printing.
- 507 (8) Physical barriers and other means of traffic control.
- 508 (9) Purchase of tools and equipment, totaling up to \$5,000 (excluding tax).
- 509 (10) Sign boards, regulatory, and directional signs.
- 510 (11) Water system maintenance and testing.
- 511 (12) Site and program management.
- 512 (13) Repaving existing parking lots or roads.
- 513 (14) Repairs to staging areas or structures.
- 514 (15) Re-roofing.
- 515 (16) Electrical repairs.
- 516 (d) Applications for facilities operation and maintenance projects shall include all the information
- 517 required under Section 4970.04 plus the needs description which shall include the following:
- 518 (1) Project specific map(s).
- 519 (2) How the project offers efficient use of funds.
- 520 (3) Implications of not funding the project.
- 521 (4) How the facilities support a unique opportunity or experience.
- 522 (5) How the level of service is adequate to meet visitor needs.
- 523 (6) How the work helps to extend the useful life of the facilities subject to recurring
- 524 maintenance.
- 525 (7) When volunteers are utilized, their expected use and the extent of the volunteer
- 526 program.
- 527 (8) Any other factors related to the project need not covered by the above.
- 528

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

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

531

532 **4970.09. LAW ENFORCEMENT PROJECTS**

- 533 (a) Law Enforcement projects are for assistance to local and federal agencies for enforcement of
- 534 OHV laws, personnel support, placement of barriers and other means of traffic control, and
- 535 training.
- 536 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native
- 537 American tribes are eligible to apply for law enforcement projects.
- 538 (c) Applications for law enforcement projects shall include all the information required under
- 539 Section 4970.04 plus the following:
- 540 (1) Project specific map(s).
- 541 (2) The needs description shall include the following:
- 542 (A) How the project offers efficient use of funds.
- 543 (B) Implications of not funding the project.
- 544 (C) How the project addresses a unique enforcement issue.

- 545 (D) How the level of law enforcement is adequate to address the issue(s).
- 546 (E) How the law enforcement efforts protect and improve the recreational
- 547 experience, the environment, safety, or the opportunity, as applicable.
- 548 (F) When volunteers are utilized, their expected use and the extent of the volunteer
- 549 program.
- 550 (G) Any other factors related to the project need not covered by the above.
- 551 (3) A law enforcement plan in a format provided by the Division.
- 552 (d) No environmental documentation as defined in Sections 4970.16 and 4970.17 of these
- 553 regulations is required for a law enforcement project.
- 554

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

556 Reference cited: Sections 5090.32, 5090.50, 5090.51, and 5090.64(b)(2), PRC; CVC Section 38000.

557 **4970.10. OHV SAFETY OR EDUCATION PROGRAM PROJECTS**

- 558 (a) OHV safety or education projects are intended to teach safe and environmentally responsible
- 559 operation of OHVs.
- 560 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native American
- 561 tribes, educational institutions, and non-profit organizations are eligible to apply for safety
- 562 education or education program projects.
- 563 (c) OHV safety or education projects include, but are not limited to development of the following:
- 564 (1) Orientation and training
- 565 (2) Site rental and insurance
- 566 (3) Program and school outreach, including noise, responsible riding, public service
- 567 announcements, ATV safety, etc.
- 568 (4) Curriculum development and media
- 569 (5) Safety and educational handbooks, including operations, towing, environmental
- 570 education, etc.
- 571 (6) Internet site development and other electronic media supporting safety and
- 572 educational programming
- 573 (d) Applications for safety education and education program projects shall include all the
- 574 information required under Section 4970.04 plus the following:
- 575 (1) If site specific, project specific map(s).
- 576 (2) A description of the purpose and specific content of the educational material to be
- 577 developed for the project.
- 578 (3) The needs description shall include the following:
- 579 (A) How the project offers efficient use of funds.
- 580 (B) Implications of not funding the project.
- 581 (C) How the project provides unique and/or essential training, orientation, or
- 582 education.
- 583 (D) How the project serves the intended audience.
- 584 (E) How the project improves the recreational experience, the environment, safety,
- 585 or the opportunity, as applicable.
- 586 (F) When volunteers are utilized, their expected use and the extent of the volunteer
- 587 program.
- 588 (4) Identification of how the deliverables will contribute to the instruction of safe and/or
- 589 environmentally responsible operation of OHVs.
- 590

- 591 (5) Describe any other factors related to the project need not covered by the above.
592 (6) When applicable, non-profit organization and educational institution applicants shall
593 have a written agreement with the land management agency or landowner to perform
594 the project.
595 (e) Environmental documentation as defined in Sections 4970.16 and 4970.17 of these
596 regulations is not required for safety education and education program projects.
597 (f) Safety and/or education projects do not require wildlife and soils monitoring programs.
598

599 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
600 Reference cited: Section 5090.32, 5090.50, and 5090.51, PRC.
601

602 **4970.11. PLANNING PROJECTS**

- 603 (a) Planning projects are intended to design solutions for estimated impact of an area or project
604 prior to the commitment of acquisition, development, or resource management funds.
605 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native
606 American tribes are eligible to apply for planning projects.
607 (c) Examples of planning projects include, but are not limited to:
608 (1) A plan to address features to aid in completing route designations, including:
609 (A) Existing uses.
610 (B) Plants.
611 (C) Animals.
612 (D) Cultural resources.
613 (E) Roads.
614 (F) Trails
615 (G) Routes,
616 (2) A WHPP/HMP (PRC Section 5090.35).
617 (3) Plan to address toxic or hazardous waste within an area and adjacent property that
618 may impact the site.
619 (4) A plan to address the potential effects of OHV recreation on:
620 (A) Adjacent lands.
621 (B) Residents.
622 (C) Potential conflict with other recreational users.
623 (5) A plan to address OHV recreation impact on and strategy for air and water quality.
624 (6) Environmental documents, including CEQA/NEPA, for potential OHV projects
625 prepared in accordance with the requirements of Section 4970.16 of these regulations.
626 (7) A plan for restoration
627 (8) A Recreation Management Plan, OHV Plan, or the OHV portion of a General Plan.
628 (d) Applications for planning projects shall include all the information required under Section
629 4970.04 plus the needs description shall include the following:
630 (1) Project specific map(s).
631 (2) How the project offers efficient use of funds.
632 (3) Implications of not funding the project.
633 (4) When volunteers are utilized, the extent and benefit of their expected participation.
634

635 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
636 Reference cited: Sections 5024.1, 5090.32, 5090.35, 5090.50, and 5090.51, PRC.

637 **4970.12. RESOURCE MANAGEMENT PROJECTS**

- 638 (a) Resource management projects conserve, protect, or repair natural or cultural resources that
639 are affected by OHV activities, including monitoring those activities to provide data that will
640 allow for appropriate management decisions related to the project.
- 641 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native American
642 tribes, educational institutions and non-profit organizations are eligible to apply for resource
643 management projects.
- 644 (c) Resource management projects include, but are not limited to:
- 645 (1) Plans for conservation or repair of areas.
 - 646 (2) Construction projects related to conservation or repair of roads, trails, and areas, such
647 as:
 - 648 (A) Habitat or cultural resource protection.
 - 649 (B) Habitat or cultural resource mitigation.
 - 650 (C) Habitat improvement.
 - 651 (D) Signing.
 - 652 (E) Best Management Practices, including sediment control structures and stream
653 crossing improvements.
 - 654 (3) WHPP/HMP implementation.
 - 655 (4) Monitoring.
 - 656 (5) Surveys.
- 657 (d) Applications for resource management projects shall include all the information required
658 under Section 4970.04 plus the needs description shall include the following:
- 659 (1) Project specific map(s).
 - 660 (2) How the project offers efficient use of funds.
 - 661 (3) Implications of not funding the project.
 - 662 (4) How the project helps to protect, repair, or conserve significant resources.
 - 663 (5) Innovative aspects of the project.
 - 664 (6) How the project adequately addresses the resource concerns.
 - 665 (7) When volunteers are utilized, their expected use and the extent of the volunteer
666 program.
 - 667 (8) Any other factors related to the project need not covered by the above.
- 668

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

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

671

672 **4970.13. RESTORATION PROJECTS**

- 673 (a) Restoration projects are intended to restore land, plant communities, and plant covers
674 comparable to surrounding lands or at least those that existed prior to OHV use, upon closure
675 of a unit or portion of a unit.
- 676 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native
677 American tribes are eligible to apply for restoration projects.
- 678 (c) Examples of restoration include, but are not limited to:
- 679 (1) Construction in the form of restoring and stabilizing land contours.
 - 680 (2) Reintroduction of native plants, shrubs, trees, or groundcovers.
 - 681 (3) Construction of physical barriers and other means of traffic control to prevent use by
682 off-highway motor vehicles in order to achieve restoration.

- 683 (d) Eligible costs for restoration may include, but are not limited to the following:
684 (1) Restoration of areas and routes damaged by vehicle use.
685 (2) The closed trail portions of re-routes.
686 (3) Monitoring to assure success of closures, vegetation, and soils work.
687 (4) Signing associated with closures.
688 (5) Fencing or barriers used to close an area or trail.
689 (6) CEQA/NEPA and planning for the restoration.
690 (7) Project engineering and project-level administration (not overhead).
691 (8) Public information and/or education directly tied to the specific restoration project.
- 692 (e) Applications for restoration shall include all the information required under Section 4970.04
693 plus the following:
694 (1) An explanation of what law enforcement efforts will be made to support restoration
695 sites/projects.
696 (2) Project specific map(s) and representative photographs of restoration sites.
697 (3) A description of the success criteria that will be used and of the monitoring that will be
698 implemented to document the outcome of the restoration project.
699 (4) The needs description shall include the following:
700 (A) How the project offers efficient use of funds.
701 (B) Implications of not funding the project.
702 (C) How the project helps to protect, rehabilitate, or conserve significant resources.
703 (D) Innovative aspects of the project.
704 (E) When volunteers are utilized, their expected use and the extent of the volunteer
705 program.
706 (F) Any other factors related to the project need not covered by the above.
707

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

709 Reference cited: Sections 5090.32, 5090.35, 5090.50, 5090.51, and 5090.64(a).
710

711 **4970.14. STUDIES**

- 712 (a) Studies are intended to evaluate, estimate, and address the possible impact on or of OHV
713 recreation and to develop responsive management recommendations.
- 714 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native American
715 tribes, educational institutions, and non-profit organizations are eligible to apply for studies.
- 716 (c) Studies on OHV recreation may include, but are not limited to those that address:
717 (1) Relationships between OHV recreation and natural and cultural resources.
718 (2) Relationships between OHV recreation and other recreation uses.
719 (3) Relationships between OHV recreation and adjacent lands.
720 (4) Relationships between OHV recreation and local residents.
721 (5) Further technological advances to reduce noise, air, and water pollution from OHVs.
722 (6) Development of route inventories.
723 (7) Geologic survey and slope maps or topographic maps.
724 (8) Toxic or hazardous waste site survey of the area and adjacent property that may
725 impact the site.
726 (9) Study of potential acquisitions to provide buffer for OHV facilities.
- 727 (d) In addition to the general application requirements, applications for studies shall include all
728 the information required under Section 4970.04 plus the following:

- 729 (1) Project specific map(s).
730 (2) A listing and description of the study goals, objectives, and methodologies.
731 (3) A timeline for completion of the study.
732 (4) For scientific studies, include documentation of peer review of the study plan by at
733 least three qualified experts from the scientific discipline proposed to be studied.
734 (5) The needs description shall include the following:
735 (A) How the project offers efficient use of funds.
736 (B) Implications of not funding the project.
737 (C) When volunteers are utilized, the extent and benefit of their expected
738 participation.
739 (6) When applicable, non-profit organization and educational institution applicants shall
740 have a written agreement with the land management agency or landowner to perform
741 the study.
742

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

744 Reference cited: Sections 5024.1, 5090.32, 5090.35, 5090.50, and 5090.51, PRC.
745

746 **4970.15. TRAIL MAINTENANCE, TRAIL CONSERVATION, AND TRAIL REROUTE PROJECTS**

- 747 (a) These projects are made up of three separate categories: trail maintenance, trail
748 conservation, and trail reroute.
749 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized Native
750 American tribes are eligible to apply for trail maintenance, trail repair, and trail reroute
751 projects. Educational institutions and non-profit organizations are only eligible to apply for
752 conservation-related trail maintenance work projects.
753 (c) Trail maintenance-related work is routine work on trails, including, but not limited to, the
754 following:
755 (1) Brushing.
756 (2) Trail signing.
757 (3) Fallen tree removal.
758 (4) Tread work related to safety or ease of passage.
759 (5) Grooming (rock rakes).
760 (d) Trail conservation-related work involves repair and maintenance tied directly to natural and
761 cultural resource management for conservation purposes, such as:
762 (1) Erosion and/or sediment control.
763 (2) Vegetation protection.
764 (3) Cultural resource protection.
765 (4) Habitat protection
766 (e) Trail reroute work includes:
767 (1) Closing the existing trail or trail segment, including restoration.
768 (2) Replacement of the closed trail segment.
769 (f) Applications for trail maintenance, trail conservation, and trail reroute projects shall include all
770 the information required under Section 4970.04 plus the needs description shall include the
771 following:
772 (1) Project specific map(s)
773 (2) How the project offers efficient use of funds.
774 (3) Implications of not funding the project.

- 775 (4) How the project supports a unique opportunity or experience.
776 (5) How the project adequately addresses the level and type of use.
777 (6) How the project helps to extend the useful life of the trail system.
778 (7) When volunteers are utilized, their expected use and the extent of the volunteer
779 program.
780 (8) For trail maintenance, include a proposed maintenance plan.
781 (9) Any other factors related to the project need not covered by the above.
782

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

784 Reference cited: Sections 5090.32, 5090.35, 5090.50, 5090.51 and 5090.53, PRC.
785

786 **ARTICLE 3 – ENVIRONMENTAL AND MATCH REQUIREMENTS** 787

788 **4970.16. CEQA REQUIREMENTS**

- 789 (a) All city, county, appropriate district, educational institution and non-profit organization
790 applicants for projects that require California Environmental Quality Act (CEQA) compliance
791 shall submit an environmental document to comply with CEQA per Title 14 CCR, Chapter 3,
792 Article 20 Section 15378 (a)(2). If the environmental document does not meet the
793 requirements of CEQA Division 13 commencing with Section 21000, or if an environmental
794 document is not received with a grant application, Division staff shall not forward the
795 application to the Commission, and no Project Agreement will be certified.
- 796 (b) All city, county, appropriate district, educational institution and non-profit applicant projects
797 and studies that require CEQA compliance shall provide the necessary documentation for the
798 Division to determine that CEQA compliance has been met. Compliance shall be determined
799 by one of the following:
- 800 (1) A Categorical Exemption (CE) or equivalent information that follows a project
801 evaluation form and Notice of Exemption in a format provided by the Division, or
 - 802 (2) An Initial Study/Negative Declaration (IS/ND) for activities that are not categorically
803 exempt, but fit within the definition of activities that may be covered by a ND under
804 CEQA. The applicant may use an abbreviated checklist in a format provided by the
805 Division, or
 - 806 (3) An Environmental Impact Report (EIR) or focused EIR if the proposed activity has any
807 potentially significant impacts as defined in an IS/ND checklist in a format provided by
808 the Division, or meets any of the tests for mandatory findings of significance in an
809 IS/ND checklist provided by the Division, or
 - 810 (4) Other documentation that satisfies the requirements of CEQA.
- 811 (c) All federal agency and Native American tribe applicants for project types that require CEQA
812 compliance shall submit current NEPA compliance documentation and other related
813 information requested by the Division to assist the Division in obtaining certification of
814 compliance with CEQA
815

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

817 Reference cited: Sections 5090.32 and 5090.50(g), PRC.
818

818 **4970.17. WHPP/HMP AND SOIL CONSERVATION STRATEGY REQUIREMENTS**

- 819 (a) A Wildlife Habitat Protection Program (WHPP) is defined as a Habitat Management Program
820 (HMP), which is designed to sustain a viable species composition for the project area, per
821 PRC Sections 5090.35 (b) and 5090.50.
- 822 (b) A HMP will include the following components:
823 (1)
824 (2)
- 825 (c) Prior to approval of a cooperative agreement, all federal agency and federally recognized
826 Native American tribe applications for acquisition, development, trail maintenance, trail
827 conservation, trail re-route, restoration, and resource management projects shall develop, in
828 compliance with a format provided by the Division:
829 (1) A WHPP/HMP to sustain a viable species composition for the project area.
830 (2) A Soils Conservation Strategy.
- 831 (d) Prior to approval of a local assistance grant, all city, county, and appropriate district
832 applications for acquisition and development projects shall develop, in compliance with a
833 format provided by the Division:
834 (1) A WHPP/HMP to sustain a viable species composition for the project area.
835 (2) A Soils Conservation Strategy.
- 836 (e) The decision whether to close an area, route, or trail temporarily may be part of adaptive
837 management as defined in a WHPP/HMP or soils conservation strategy, but also shall
838 comply with PRC Section 5090.35(d).
- 839 (f) The decision whether to close an area, route, or trail permanently shall comply with PRC
840 Section 5090.35(e).

841
842 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
843 Reference cited: Section 5090.32, 5090.35, 5090.50, and 5090.53, PRC.
844

845 **4970.18 MATCH REQUIREMENTS**

- 846 (a) Cities, counties, and appropriate districts, non-profit organizations, and educational
847 institutions shall provide matching funds or the equivalent value of services, material, or
848 property used, in an amount of not less than 25 percent of the total expense of the off-
849 highway motor vehicle facility.
- 850 (b) All federal agencies and federally recognized Native American tribes are exempt from the
851 matching funds requirement in accordance with PRC Section 5090.51(a).
- 852 (c) There shall be no matching fund requirement for local assistance grant applications that
853 consist of funding for the planning, acquisition, development, or construction of a regional off-
854 highway motor vehicle facility as defined in Section 4970.00(uu).
- 855 (d) Cities, counties, and appropriate districts must provide a match as follows:
856 (1) For acquisition projects, in non-regional facilities only.
857 (2) For development projects, in non-regional facilities only.
858 (3) For equipment purchases, in all facilities.
859 (4) For facilities operation and maintenance projects, in all facilities with the exception of
860 construction activities in regional facilities.
861 (5) For law enforcement projects, in all facilities.
862 (6) For OHV safety or education program projects, in all facilities.
863 (7) For planning projects, in non-regional facilities only.

- 864 (8) For resource management projects, in all facilities with the exception of construction
865 activities in regional facilities.
866 (9) For restoration projects, in all facilities with the exception of construction activities in
867 regional facilities.
868 (10) For studies, in non-regional facilities only.
869 (11) For trail maintenance, repair, and re-route projects, in all facilities with the exception of
870 construction activities in regional facilities.
871 (e) Non-profit organizations and educational institutions must provide a match as follows:
872 (1) For equipment purchases, in all facilities.
873 (2) For OHV safety or education program projects, in all facilities.
874 (3) For resource management projects, in all facilities with the exception of construction
875 activities in regional facilities.
876 (4) For studies, in non-regional facilities only.
877 (5) For trail maintenance projects that involve conservation-related trail work in all facilities
878 with the exception of construction activities in regional facilities.
879

880 NOTE: Authority cited: Sections
881 Reference cited: Sections

882

883 **ARTICLE 4 – APPLICATION EVALUATION AND ALLOCATION OF FUNDS**

884

885 **4970.19. APPLICATION EVALUATION**

- 886 (a) OHV local assistance grants and cooperative agreement programs shall be awarded on a
887 competitive basis. At the Commission's Annual Program Review Meeting (Section 4970.03),
888 the priorities and funding criteria shall be established as follows:
889 (1) The Commission shall establish funding targets and priorities for the local assistance
890 grant and cooperative agreement program based on anticipated budget
891 appropriations, statutory requirements, and public input.
892 (2) Division staff shall present for Commission consideration and input, evaluation criteria
893 for each type of project along with a point scoring system for the upcoming grant cycle.
894 (b) For those local assistance grant and cooperative agreement program applications the
895 Division determines to be complete as submitted, the Deputy Director in collaboration with
896 the Commission Chairperson shall designate an evaluation panel of not less than five
897 persons to include two members from Division staff and the remaining members selected to
898 represent the interest pursuant to Section 5090.15, PRC. The panel shall review and score
899 each single or multiple project application using the evaluation criteria and scoring process
900 contained in the Application Instructions for the type of project(s) proposed, and rank the
901 applications from highest to lowest score.
902 (d) The Division shall submit single or multiple project applications evaluated and scored by the
903 panel to the Commission at meetings duly scheduled for Commission review, allocation of
904 funds, and approval of the proposed terms of the grant contract.
905

906 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.
907 Reference cited: Sections 5090.24 and 5090.32, PRC.
908

909 **4970.20. COMMISSION ALLOCATION OF FUNDS AND APPROVAL OF LOCAL ASSISTANCE**
910 **GRANT AND COOPERATIVE AGREEMENT PROGRAM APPLICATIONS**

- 911 (a) Local assistance grant and cooperative agreement program applications forwarded to the
912 Commission by the Division shall be considered complete, thereby meeting all required
913 application standards outlined in Section 4970.18. Division staff shall ensure that all local
914 assistance grant and cooperative agreement program applications forwarded to the
915 Commission include the following:
- 916 (1) Application face sheet in a format provided by the Division;
 - 917 (2) General description of the OHV program in a format provided by the Division;
 - 918 (3) Project description;
 - 919 (4) Description of public involvement in compliance with Sections 4970.04(e)(1) through
920 (4) of these regulations;
 - 921 (5) Project scope, deliverables and cost estimates in a format provided by the Division.
- 922 (b) Division staff shall ensure that in addition to the requirements of Section 4970.18 (a), all local
923 assistance grant and cooperative agreement program applications forwarded to the
924 Commission shall, in formats provided by the Division, comply with:
- 925 (1) Acquisition projects, Section 4970.05(e).
 - 926 (2) Development projects, Section 4970.06(e).
 - 927 (3) Equipment purchases, Sections 4970.07(c), (d), and (g).
 - 928 (4) Facilities operation and maintenance projects, Section 4970.08(d).
 - 929 (5) Law enforcement projects, Section 4970.09(c).
 - 930 (6) OHV Safety or education program projects, Section 4970.10(d).
 - 931 (7) Planning projects, Section 4970.11(e)
 - 932 (8) Resource management projects, Sections 4970.12(d) and (e).
 - 933 (9) Restoration projects, Section 4970.13(e).
 - 934 (10) Studies, Section 4970.14(d).
 - 935 (11) Trail maintenance, trail conservation, and trail reroute projects, Section 4970.15(d)
- 936 (c) The Commission shall consider funding allocations for local assistance grants and
937 cooperative agreement programs after hearing public and applicant testimony.
- 938 (d) The Commission shall allocate local assistance grants and cooperative agreement program
939 funds. The Division shall process and administer those funds allocated by the Commission.
- 940 (e) The Division shall send to the Resources Agency and to the applicants a copy of the
941 Commission's funding allocations. Other organizations and interested parties may receive a
942 copy upon written request to the Division.

943
944 Note: Authority cited: Sections XXXX, PRC.

945 Reference cited: Sections XXXX, PRC.

946

947 **ARTICLE 5 – APPLICATION INSTRUCTIONS AND PROJECT ADMINISTRATION**
948 **PROCEDURES**

949

950 **4970.21. APPLICATION INSTRUCTIONS AND PROJECT ADMINISTRATION PROCEDURES**

- 951 (a) The Division shall develop and update as necessary local assistance grant and cooperative
952 agreement program application instructions.
- 953 (b) The Division shall develop and update as necessary the administration procedures for
954 managing all approved local assistance grant and cooperative agreement program projects.

955

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