

ADOPT ~~(2003)~~ (2005)

OFF-HIGHWAY MOTOR VEHICLE RECREATION  
OHV LOCAL ASSISTANCE GRANTS, GRANTS TO NONPROFIT ORGANIZATIONS AND  
EDUCATIONAL INSTITUTIONS, AND COOPERATIVE AGREEMENTS PROGRAM  
REGULATIONS

CCR Title 14, Division 3, Chapter 15, Sections 4970.00 - 4970.3221.

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98 **ARTICLE 1 – GENERAL PROVISIONS**

99

100 **4970.00 DEFINITIONS**

101 The words used in this chapter have the following meanings:

- 102 (a) “Administrative Costs” means those costs and/or functions performed outside the  
103 direct scope of the project such as personnel, time keeping, accounting, fiscal  
104 management, records and purchasing.
- 105 (ab) “Allocation” means a distribution of funds, or an expenditure limit established for an  
106 organizational unit or function.
- 107 (c) “All-Terrain Vehicle (ATV)” means any vehicle as defined by California Vehicle Code  
108 Section 111.
- 109 ~~(b) “Amendment to a Project Agreement” means a change or clarification in the scope of a~~  
110 ~~project that is within the original intent and purpose of the project, not requiring~~  
111 ~~Commission approval (e.g., change in project performance period, purchase of~~  
112 ~~previously unidentified equipment, or redirection of funds between conservation and~~  
113 ~~enforcement).~~
- 114 (d) “Application” means a compilation of required documents to support a request for  
115 funding under the OHMVR Division’s grants and cooperative agreements program for  
116 proposed an OHV grant or cooperative agreement project(s).
- 117 (e) “Application Instructions” means directions for completing an application for an OHV  
118 grant or cooperative agreement found in Chapters 1, 2 and 3 of the Manual for Off-  
119 Highway Motor Vehicle Recreation Local Assistance Grants, Grants to Nonprofit  
120 Organizations and Educational Institutions, and Cooperative Agreements Program,  
121 dated April 2005.
- 122 (f) “Appropriate District” means one that has clear legal responsibility for open space,  
123 recreation, parks, and resource related activities that are land based.
- 124 (eg) “Appropriation” means a legislative act authorizing the expenditure of a designated  
125 amount of public funds for a specific purpose. ~~budget authorization from a specific~~  
126 ~~fund to an applicant or program to make expenditures or incur obligations for a specific~~  
127 ~~purpose and period of time.~~
- 128 (eh) “Audits and Annual Performance Review” means elements to be reviewed by the  
129 Department of Parks and Recreation staff as part of a comprehensive program review  
130 conducted of grantees.
- 131 ~~(f) “ATV” means an all-terrain vehicle, a vehicle designed for operation off the highway by~~  
132 ~~an operator with no passengers; 50 inches or less in width; 900 pounds or less~~  
133 ~~unladen weight; suspended on three or more low-pressure tires; has a single seat~~  
134 ~~designed to be straddled by the operator, and has handlebars for steering control.~~
- 135 (ej) “Buffer” refers to lands or physical barriers acquired or established contiguous to, or in  
136 the vicinity of, existing or proposed off-highway motor vehicle recreational activities to  
137 protect plant and wildlife habitat, soils, view sheds, or reduce noise and other effects  
138 on development in the surrounding area for the purpose of sustaining off-highway  
139 motor vehicle recreation use. ~~land or physical obstacles used to protect plant and~~  
140 ~~wildlife habitat, soils, view sheds, or reduce off-site noise impacts.~~
- 141 (ii) “C&E” means a specific account that includes conservation, restoration, and  
142 enforcement activities as defined in PRC Sections 5090.64 (a) and (b)(1) and (2).
- 143 (hk) “CEQA” means the California Environmental Quality Act, Public Resources Code  
144 (PRC) Section 21000 et seq.; Title 14, California Code of Regulations (CCR) Article  
145 20. ~~Section 15000 et seq.~~
- 146 (jl) “Casual” means non-competitive OHV recreation.

- 147 (km) "Certified" means a document that has been reviewed, approved, and signed by both  
 148 the grantee and the Division.
- 149 (ln) "Commission" means the Off-Highway Motor Vehicle Recreation (OHMVR)  
 150 Commission.
- 151 ~~(m) "Conflicts" means new or ongoing OHV issues involving agencies, principal, or~~  
 152 ~~interested parties.~~
- 153 (no) "Conservation" means activities, practices, and programs that sustain soil, plants,  
 154 wildlife and their habitat, and natural and cultural resources as referenced in PRC  
 155 Sections 5090.10, 5090.35, and 5090.50.
- 156 (p) "Construction" means the act of building or assembling using different parts, materials,  
 157 or elements in an ordered manner including, but not limited to physical barriers, trail  
 158 building, roads, facilities, hardening of stream crossings, fencing, sediment control  
 159 structures, and facilities landscaping.
- 160 ~~(e) "Control Language" means conditions added to the scope of an OHV project by the~~  
 161 ~~Commission.~~
- 162 (pq) "Cooperative Agreement" means an agreement between the Division and a federal  
 163 agency, or a federally recognized Native American tribe.
- 164 (qr) "Cultural Resources" are associated with events that have made a significant  
 165 contribution to the broad patterns of California's history and cultural heritage; are  
 166 associated with the lives of persons important in our past; embodies the distinctive  
 167 characteristics of a type, period, region, or method of construction, or represents the  
 168 work of an important creative individual, or possesses high artistic values; or has  
 169 yielded, or may be likely to yield, information important in prehistory or history. Cultural  
 170 resources also include Historical Resources. A resource shall be considered by the  
 171 lead agency to be "historically significant" if the resource meets the criteria for listing  
 172 on the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR,  
 173 Section 4852).
- 174 (rs) "Deliverables" means the specific proposed tasks, activities to be performed, or  
 175 accomplishments contained within each application.
- 176 ~~(s) "Department" means California Department of Parks and Recreation (DPR).~~
- 177 ~~(t) "Deputy Director" means the manager of the California Department of Parks and~~  
 178 ~~Recreation, Off-Highway Motor Vehicle Recreation Division.~~
- 179 (tu) "Development" means the construction of new, and/or improvement of, existing  
 180 facilities, trails, or areas to provide additional opportunity, experiences, or services.
- 181 (uv) "Director" means Director of the California ~~DPR~~Department of Parks and Recreation.
- 182 (vw) "Division" means the Division of Off-Highway Motor Vehicle Recreation (OHMVR) of  
 183 the California ~~DPR~~Department of Parks and Recreation.
- 184 ~~(x) "Educational Institution" means a public or private preschool, elementary, or secondary~~  
 185 ~~school, college or university, or institution; the governing board of a school district; or~~  
 186 ~~any combination of school districts or counties recognized as the administrative~~  
 187 ~~agency for public elementary or secondary schools in accordance with Section 210.1~~  
 188 ~~of the Education Code.~~
- 189 (xy) "Environmental Document" means a document prepared in accordance with NEPA or  
 190 CEQA.
- 191 (yz) "Federal Agency" means a unit of the federal government.
- 192 (aa) "Federally Recognized Native American Tribe" means any tribe, band, nation, or other  
 193 organized group or community of Indians, including any Alaska Native village pursuant  
 194 to Title 25, Code of Federal Regulations (CFR) Section 83.5(a).

- 195 (zbb) "Fiscal Audit" means elements to be reviewed by the Department of Parks and  
 196 Recreation Audit Division Office staff as part of a comprehensive project agreement  
 197 review conducted of grantees.
- 198 ~~(aa) "Force Account" means work performed by grantee personnel.~~
- 199 (bbcc) "Fund" means the Off-Highway Vehicle Trust Fund as created by subdivision (c) of  
 200 Section 38225, CVC.
- 201 ~~(dd) "Grant" means an award of funding to a local agency, educational institution, or~~  
 202 ~~nonprofit organization.~~
- 203 (eeee) "Grantee" means ~~the recipient of OHV funding from a grant or cooperative agreement.~~  
 204 ~~any city, county, appropriate district, nonprofit organization, educational institution,~~  
 205 ~~federal agency, or federally recognized Native American tribe receiving OHV grant or~~  
 206 ~~cooperative agreement funds.~~
- 207 (wff) "Law Enforcement" means the employing, equipping, and supervising of law  
 208 enforcement personnel for the purpose of protecting natural, ~~and~~ cultural, and human  
 209 resources; enforcement of Division 16.5 (commencing with Section 38000) of the  
 210 California Vehicle Code (CVC); enforcement of PRC Sections 4442 and 4442.5, off-  
 211 highway vehicle related search and rescue; and the enforcement of other laws  
 212 regulating the equipment and use of off-highway motor vehicles.
- 213 (edgg) "Law Enforcement Personnel" include officers or employees of the grantee who have  
 214 the authority and duty to enforce statutes or ordinances, issue citations, or arrest  
 215 persons for violations. For purposes of this section, "ordinance" includes an order, rule,  
 216 or regulation enforceable under the authority of the grantee.
- 217 (eehh) "Local Agency" means a city, county, or ~~special~~ appropriate district.
- 218 (ii) "Long Term" means at a minimum, 25 years.
- 219 (ffjj) "Maintenance" means the work required to ensure effective and efficient use of  
 220 physical facilities, OHV recreation opportunities, and the protection of natural and  
 221 cultural resources, ~~and OHV recreation opportunities.~~
- 222 ~~(gg) "Major Maintenance" means the reconstruction and repair of existing facilities, trails or~~  
 223 ~~trail segments, or reroute over 1/4 mile in length and associated restoration. Major~~  
 224 ~~maintenance requires environmental documentation, typically a categorical exemption~~  
 225 ~~or negative declaration. All maintenance and development projects that require an~~  
 226 ~~Environmental Impact Statement (EIS) or Environmental Impact Report (EIR) to be~~  
 227 ~~compliant with environmental laws will also be considered major maintenance or~~  
 228 ~~development. Repairs that do not require environmental documentation, but have~~  
 229 ~~costs that meet or exceed \$5,000, are also defined as major maintenance.~~
- 230 ~~(hh) "Minor Trail Relocation" means the closure and restoration of an existing trail and the~~  
 231 ~~construction of a replacement as close as possible to the original trail (not to exceed~~  
 232 ~~1/4 mile in length) and located so that the problems necessitating the closure will be~~  
 233 ~~eliminated.~~
- 234 (iikk) "Monitoring" means data collection used by a land management agency and/or the  
 235 Division to make appropriate decisions.
- 236 ~~(jj) "Native American tribes" means any tribe, band, nation, or other organized group or~~  
 237 ~~community of Indians, including any Alaska Native village (as defined in, or~~  
 238 ~~established pursuant to, the Alaska Native Claims Settlement Act), which the~~  
 239 ~~Secretary of the Interior recognizes as eligible for the special programs and services~~  
 240 ~~provided by the United States to Indians because of their status as Indians.~~
- 241 (kkll) "NEPA" means the National Environmental Policy Act pursuant to United States Code  
 242 (U.S.C.) Title 42, Section 4371; 40 Code of Federal Regulations (CFR) part 1500.1 et  
 243 seq.

- 244 (~~hmm~~) ~~“Non-profit-Nonprofit” means an organization having tax-exempt status pursuant to~~  
 245 ~~Section 501(c) (3) of the Internal Revenue Code.~~
- 246 (~~nn~~) ~~“Off-Highway Motorcycle” means any vehicle as defined in CVC 400 or 436, when~~  
 247 ~~such motor vehicle is operated on land to which this Division (CVC 38001) has~~  
 248 ~~application.~~
- 249 (~~mmoo~~) ~~“Off-Highway Vehicle Operation” means the operation of motorized vehicles on~~  
 250 ~~lands, roads, and trails, areas, or private property that is approved for OHV use that is~~  
 251 ~~open, and accessible to the public, and has been designated for motor vehicle use.~~
- 252 (~~mmpp~~) ~~“OHV” means an off-highway motor vehicle as specified in CVC Section 38006 and~~  
 253 ~~street licensed motor vehicles while being used off-highway.~~
- 254 (~~oo~~) ~~“OHV Grant” means an agreement between the Division and a local agency or non-~~  
 255 ~~profit organization to perform a project.~~
- 256 (~~ppqq~~) ~~“OHV Opportunities” means providing areas that allow legal OHV recreation.~~
- 257 (~~qqrr~~) ~~“Operation” means the staff and equipment required for site administration, visitor~~  
 258 ~~services, supervision, and assistance.~~
- 259 (~~rr~~) ~~“PAR” means Project Accomplishment Report (4/2000), a form defined in Section~~  
 260 ~~4970.12 of these regulations.~~
- 261 (~~ss~~) ~~“Project” means the work to be accomplished, either proposed or approved, with~~  
 262 ~~funding through an OHV grant or cooperative agreement.~~
- 263 (~~tt~~) ~~“Project Agreement” means a contract executed to formally implement an approved~~  
 264 ~~project. This term is used interchangeably with an OHV grant or cooperative~~  
 265 ~~agreement.~~
- 266 (~~uu~~) ~~“Project Performance Period” means the time period that the Project Agreement is in~~  
 267 ~~effect and the time in which the project must be completed.~~
- 268 (~~vvuu~~) ~~“Regional OHV Facility” means a facility, primarily for casual use, providing a wide~~  
 269 ~~variety of OHV opportunities for a wide range of OHV interests, that is 500 or more~~  
 270 ~~acres with a population of 500,000 within a 150-mile radius or three-hour travel time,~~  
 271 ~~and with the potential to become financially self-sustaining in accordance with that~~  
 272 ~~meets the criteria adopted by the Commission per pursuant to PRC Section~~  
 273 ~~5090.51(b).~~
- 274 (~~wwwv~~) ~~“Repair of trails, roads, and areas” means, upon determination that the soil loss~~  
 275 ~~standards and habitat protection plans are not being met in any areas of the system,~~  
 276 ~~the Division shall direct the grant recipient to repair that area, or portion thereof funded~~  
 277 ~~OHV funds, to prevent accelerated erosion until soil loss standards and habitat~~  
 278 ~~protection plans are met. This includes requiring temporary closure of areas for repair~~  
 279 ~~purposes. to fix, mend, make new, or revitalize to sound condition after being~~  
 280 ~~damaged.~~
- 281 (~~ww~~) ~~“Reroute” means the closure of an existing segment of a trail or road and replacement~~  
 282 ~~with a new alignment that is superior from an environmental, maintenance, and/or~~  
 283 ~~visitor safety standpoint.~~
- 284 (~~xx~~) ~~“Re-scope” means a change in the scope of a Project Agreement that is different from~~  
 285 ~~the intent of the original certified Project Agreement.~~
- 286 (~~yyxx~~) ~~“Restoration” means upon closure of an OHV unit or any portion thereof, the restoration~~  
 287 ~~of land to the contours, the plant communities, and plant covers comparable to those~~  
 288 ~~on surrounding lands, or at least those that existed prior to off-highway motor vehicle~~  
 289 ~~use.~~
- 290 (~~zzyy~~) ~~“Roads” include: logging roads, service roads, and other roughly graded roads upon~~  
 291 ~~which vehicular travel is permitted (CVC 38000).~~

292 (zz) “Scientific Research” means research into questions posed by scientific theories and  
293 hypotheses and defined by measurable steps or operations (e.g., sample design,  
294 methodology, statistical inferences).

295 (aaa) “Snowmobile” means any vehicle as defined in CVC 557.

296 (bbb) “Unique” means the proposed project meets a need that stands out or differs from  
297 routine situations encountered and/or services routinely provided.

298 (ccc) “Website” means the internet page of the Department of Parks and Recreation,  
299 OHMVR Division at (www.ohv.parks.ca.gov).

300 (ddd) “Wildlife Habitat Protection Program (WHPP)/Habitat Management Program (HMP)  
301 are defined in Section 4970.16(c) of these regulations.

302

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

304 Reference cited: Sections 4442, 4442.5, 5024.1, 5090.04, 5090.05, 5090.06, 5090.07,  
305 5090.10, 5090.11, 5090.32, 5090.35, 5090.50, 5090.51(b) and 5090.64(b)(1) and (2), and  
306 21000 et seq., PRC; CCR, Title 14, Section 4852 and Sections 15000 et seq.; CVC Sections  
307 111, 400, 436, 557, 38000, 38001, 38006, 38012, and 38225(c); 25 U.S.C. 479a and 479a-1;  
308 42 U.S.C. 4371; 43 U.S.C. 1601-1624 et seq.; 40 CFR part 1500.1 et seq.; 25 CFR 83.5(a);  
309 Education Code Section 210.1; U.S. Internal Revenue Code, Section 501(c)(3).

310

#### 311 **4970.01 PROGRAM PURPOSE**

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

320

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

322 Reference cited: Sections 5090.02 and 5090.10, 5090.32(d), 5090.35, 5090.50, and  
323 5090.53(b)(4), PRC.

324

#### 325 **4970.02. COMMISSION’S ANNUAL PROGRAM REVIEW MEETING**

326 Prior to the start of each grant cycle, the Commission shall conduct one public meeting to  
327 collect: 1) public input concerning the OHV grants and cooperative agreements program, 2)  
328 recommendations for program improvements, 3) public input for specific project needs for  
329 grants and cooperative agreements program areas. At the same meeting, the Division shall  
330 request the Commission provide priorities for funding and general guidance to the Division for  
331 the upcoming grant cycle. The Division shall disseminate this information to provide priorities  
332 to grant and cooperative agreement applicants for the upcoming grant cycle. If the OHMVR  
333 Commission does not identify funding amounts within the funding categories, the Division will  
334 identify priorities, based on statutory requirements and public input provided at the  
335 Commission Annual Review meeting, no later than 30 days after the meeting.

336

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

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

339

340

340 **4970.03. GENERAL APPLICATION REQUIREMENTS**

- 341 (a) The Application Instructions for completing a grant or cooperative agreement  
342 application for OHV Trust Funds is hereby incorporated by reference.
- 343 (b) All single applications, or applications with multiple project types, that do not meet the  
344 deadline set by the Division for the grant cycle shall be returned to the applicant  
345 without consideration.
- 346 (c) Applications, whether for single or multiple project types, shall include an application  
347 face sheet and application summary sheet in addition to meeting all of the  
348 requirements contained in the Application Instructions. Applications that do not meet  
349 these requirements shall be returned to the applicant without consideration.
- 350 (d) The Division shall establish a timeline for the submission of applications and post the  
351 timeline on the Division website at a minimum of 45 days after the Commission's  
352 annual program review meeting.
- 353 (e) The Division reserves the right to:
- 354 (1) Interpret the regulations.
- 355 (2) Modify the applications to conform with the regulations and the interpretation of  
356 the regulations.
- 357 (3) Request additional information of an applicant in order to clarify the application,  
358 project, or information submitted.
- 359 (f) Questions concerning the application process and the interpretation of these  
360 regulations shall be submitted in writing to the Division. Responses to these questions  
361 will be made in writing via the Division website. The cutoff for questions by the  
362 applicant to the Division will be five days prior to the final application deadline.
- 363 (g) All applications shall include documentation of the public review process. The process  
364 shall include:
- 365 (1) Public notice. Not later than 30 days prior to submitting the final application,  
366 applicants shall notice to the public of the opportunity to submit comments on  
367 the draft application. The notice shall be placed at a minimum in a local  
368 newspaper with additional notification in the applicant's newsletter and/or  
369 website.
- 370 (2) Public review. Draft applications shall be made available for public review and  
371 comment prior to the submission of the final application to the Division for  
372 consideration. At a minimum, applicants shall make available to the public for  
373 the purpose of this review, the application face sheet, project description,  
374 project costs and deliverables, and if applicable, past project accomplishments.
- 375 (3) Public comments. All public comments received by an applicant up to five days  
376 prior to the application deadline shall be included in the final application. In  
377 addition, all responses to comments made five days prior to the deadline shall  
378 be included in the application. An applicant shall also include a brief statement  
379 of how the public's comments were incorporated into the development of the  
380 application.
- 381 (4) Late public comments. The applicant shall not be required to include public  
382 comments received less than five days prior to the final application deadline.  
383 All comments received less than five days prior to the final application deadline  
384 shall be forwarded to the Division by the applicant.
- 385 (h) All local agency, educational institution, and nonprofit organization grant applications,  
386 and any federally recognized Native American tribe cooperative agreement  
387 applications shall include a completed Governing Body Resolution certified by the

- 388 clerk of the governing body. The Division shall provide a sample form in the  
389 Application Instructions.
- 390 (i) If a project will require more than one year to complete, an explanation of the timeline  
391 for completing the project shall be provided in the application.
- 392 (j) All applications shall contain certification that the project is not in conflict with  
393 applicable planning documents.
- 394 (k) Administrative costs may be requested as indicated in the Application Instructions not  
395 to exceed 10% of the total amount requested.
- 396 (l) Grantees shall, if applicable, fill out a Project Accomplishment Report (PAR)  
397 regardless of project type in accordance with the Application Instructions.
- 398 (m) All applications shall include a map of California identifying the general agency  
399 location.
- 400 (n) All applications shall meet the applicable requirements of Sections 4970.15, 4970.16,  
401 and 4970.17.
- 402 (o) For all projects, with the exception of education projects, each piece of equipment or  
403 tool in excess of \$500 and up to \$5,000 purchased with the OHV Trust Funds shall be  
404 identified as a line item within each application project type in the OHV grant or  
405 cooperative agreement application, as applicable. For all education projects, each  
406 piece of equipment or tool in excess of \$250 and up to \$5,000 purchased with OHV  
407 Trust Funds shall be identified as a line item in the grant application as applicable.
- 408 (p) All applicants shall identify the match to be used, if applicable, in accordance with  
409 Section 4970.18.
- 410 (q) Awarding a grant or cooperative agreement does not guarantee ongoing or future  
411 OHV funding in any project category.

412  
413 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

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

415

## 416 ARTICLE 2- TYPES OF PROJECTS AND SPECIFIC APPLICATION AND CONTENT 417 REQUIREMENTS

418

### 419 4970.04. ACQUISITION PROJECTS

- 420 (a) Acquisition projects expand and sustain adequate OHV recreation access,  
421 opportunities, eliminate trespass, and/or provide appropriate buffers.
- 422 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized  
423 Native American tribes are eligible to apply for acquisition projects.
- 424 (c) Examples of acquisition projects include, but are not limited to the following:  
425 (1) Purchase of right-of-way or easement.  
426 (2) Long-term lease.  
427 (3) Purchase of land in fee title.  
428 (4) Purchase of an option.  
429 (5) Other interests in real property, such as permits or licenses.
- 430 (d) Eligible costs attributable to acquisition projects may include, but are not limited to the  
431 following:  
432 (1) Purchase price.  
433 (2) Appraisal.  
434 (3) Escrow fees.  
435 (4) Title insurance.  
436 (5) Title report.

- 437 (6) Land survey.  
438 (e) Applications for acquisition projects shall include all the information required under  
439 Section 4970.03 plus the following:  
440 (1) All applications shall include a general project description that identifies the total  
441 acreage involved, average cost per acre, easements, the number of parcels,  
442 project costs, and activities to be performed (“deliverables”).  
443 (2) A description and location(s) of existing OHV use in and around the acquisition  
444 property.  
445 (3) Due diligence to determine if the property is usable for its intended purpose.  
446 (4) Project specific map(s).  
447 (5) An acquisition plan, including ability to accomplish projects.  
448 (6) Assessor parcel maps.  
449 (7) A needs description that shall include the following:  
450 (A) How the project is designed to provide for efficient use of funds.  
451 (B) The applicant’s ability to implement the program, cover future operational  
452 costs, and provide staffing.  
453 (C) Implications of not funding the project.  
454 (D) How the acquisition improves existing, future, or unique OHV use in the  
455 region.  
456 (E) How the acquisition will meet visitor needs.  
457 (8) An environmental review data sheet to assist the Division in determining the  
458 appropriate use of Categorical Exemptions as provided in the Application  
459 Instructions.  
460 (f) All acquisitions shall be acquired in compliance with Chapter 16 (commencing with  
461 Section 7260), Division 7, Title 1, Government Code, “Relocation Assistance.”  
462

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

464 Reference cited: Section 5090.32 and 5090.50, PRC; Title 1, Division 7, Chapter 16 Section  
465 7260 et seq., Government Code.  
466

#### 467 **4970.05. DEVELOPMENT PROJECTS**

- 468 (a) Development projects provide new OHV recreation opportunity or experience in the  
469 form of new facilities, trails, or areas.  
470 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized  
471 Native American tribes are eligible to apply for development projects.  
472 (c) Examples of development projects include, but are not limited to the following:  
473 (1) Trail construction.  
474 (2) Trailhead/staging area construction.  
475 (3) Restroom construction.  
476 (4) Access road and parking lot construction.  
477 (5) Picnic and camping facilities construction.  
478 (6) Construction projects to reduce use conflicts.  
479 (7) Competition and spectator facilities.  
480 (8) Other related improvements such as visitor centers, kiosks, facility fencing,  
481 greenhouses, utilities installation (i.e., water, electrical, sewer), and storage  
482 buildings.  
483 (d) Public casual use of facilities shall not be less than 60% of the total use in areas  
484 funded with OHV grant funds.

- 485 (e) Applications for development projects shall include all the information required under  
486 Section 4970.03 plus the following:  
487 (1) All applications shall include a general project description, project costs, and  
488 activities to be performed (“deliverables”).  
489 (2) At a minimum, conceptual drawings and site plans for the project.  
490 (3) Land tenure certification to the Division as indicated in the Application  
491 Instructions.  
492 (4) Project specific map(s) and, if applicable, trails map(s).  
493 (5) A needs description that shall include the following:  
494 (A) How the project is designed to provide for efficient use of funds.  
495 (B) An estimate of recurring maintenance costs associated with the project  
496 and the applicant’s ability to cover those costs.  
497 (C) Implications of not funding the project.  
498 (D) How the project supports a unique opportunity or experience.  
499 (E) How the project will meet visitor needs.  
500 (F) How volunteer participation enhances the project.  
501 (6) An environmental review data sheet to assist the Division in determining the  
502 appropriate use of Categorical Exemptions as provided in the Application  
503 Instructions.  
504 (f) Grantees are required to meet all appropriate access requirements under State or  
505 Federal law as applicable, including, without limitation, the Americans with Disabilities  
506 Act of 1990 (Public Law 101-336, July 26, 1990, 104 Stat 327).  
507

508 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
509 Reference cited: Sections 5090.32 and 5090.50, PRC; Public Law 101-336, July 26, 1990,  
510 104 Stat. 327.  
511

#### 512 **4970.06. EQUIPMENT PROJECTS**

- 513 (a) Equipment projects are for purchase or repair of single or multiple items exceeding  
514 \$5,000 (excluding tax).  
515 (b) Projects for repair shall be due to normal wear and tear.  
516 (c) Cities, counties, appropriate districts, federal agencies, federally recognized Native  
517 American tribes, educational institutions, and nonprofit organizations are eligible to  
518 apply for equipment purchases.  
519 (d) Examples of equipment purchase or repair include, but are not limited to the following:  
520 (1) Motorcycles.  
521 (2) All-terrain vehicles.  
522 (3) Four-wheel drive vehicles.  
523 (4) Snowmobiles.  
524 (5) Traildozers.  
525 (6) Mini excavators.  
526 (7) Sound testing equipment.  
527 (8) Engine replacement.  
528 (9) Track replacement.  
529 (10) Major mechanical overhaul if it is determined that repairs are more cost  
530 effective than the purchase of a new piece of equipment.  
531 (e) Applications for equipment shall include all the information required under Section  
532 4970.03 plus the following:

- 533 (1) All applications shall include a general project description, project costs, and  
534 activities to be performed (“deliverables”).
- 535 (2) A brief description of how the equipment will be maintained and stored.
- 536 (3) A needs description that shall include the following:  
537 (A) How the equipment purchase or repair provides for efficient use of funds.  
538 (B) Implications of not funding the equipment purchase or repair.  
539 (C) How the equipment to be purchased addresses a unique need.
- 540 (4) When applicable, nonprofit organization and educational institution applicants  
541 shall have a written agreement with the land management agency or landowner  
542 to use the equipment on the land.
- 543 (5) An equipment inventory list identifying all equipment previously purchased (over  
544 \$5,000) using OHV Trust Funds, and any items to be replaced or repaired. The  
545 list shall include the item, model number, vehicle identification number (VIN/ID),  
546 registration number, and mileage or hours.
- 547 (6) An environmental review data sheet to assist the Division in determining the  
548 appropriate use of Categorical Exemptions as provided in the Application  
549 Instructions.
- 550 (f) Equipment purchased exclusively with OHV Trust Funds shall be used only on OHV  
551 projects.
- 552 (g) The applicant shall have written approval from the Division prior to purchase of tools or  
553 equipment exceeding \$500 which are not identified in a certified project agreement.
- 554 (h) Applicants applying for one single off-highway motorcycle, ATV, or snowmobile may  
555 list that purchase, regardless of purchase price, as a single line item in one application  
556 project type.
- 557 (i) Applicants applying for multiple equipment purchases exceeding \$5,000 (excluding  
558 tax) shall submit an equipment application.
- 559 (j) Any single equipment purchase having a total cost equal to or greater than \$30,000,  
560 with at least half of the purchased costs paid from OHV Trust Funds, shall be  
561 registered in the Division’s name, used in the grantee’s OHV program for the normal  
562 life of the equipment, and then returned at the discretion of the Division for disposal or  
563 sale. Notification to the Division that an equipment item is eligible for surplus is the  
564 responsibility of the grantee. The Division shall respond to the grantee within 60 days  
565 of receipt of the notice of eligibility for the surplus and shall provide guidance to the  
566 grantee for the sale or disposition of the equipment item.
- 567 (k) Grantees shall keep tools and equipment purchased with OHV Trust Funds  
568 maintained and in safe working order.
- 569 (l) For one time purchases, applicants shall consult with the Division to determine the  
570 most cost effective method of acquiring equipment for the proposed project or activity;  
571 whether rent, lease, or purchase. The Division retains the right to require the grantee  
572 to return purchased equipment to the Division at the end of the contract or project for  
573 reuse in the program.
- 574 (m) All equipment purchased with OHV Trust Funds must display an approved version of  
575 the OHMVR Division “OHV Trust Funds at Work” insignia. Grantees may obtain  
576 insignias free of charge from the Division.

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

579 Reference cited: Sections 5090.32 and 5090.50, PRC.

580

581

- 581 **4970.07. FACILITIES OPERATION AND MAINTENANCE (FO&M) PROJECTS**
- 582 (a) Facilities operation and maintenance projects are for routine work directed toward
- 583 facilities, visitor assistance, and health and safety attributable to OHV recreation.
- 584 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized
- 585 Native American tribes are eligible to apply for facilities operation and maintenance
- 586 projects. Educational institutions and nonprofit organizations are not eligible to apply
- 587 for facilities operation and maintenance projects.
- 588 (c) Examples of facilities operation and maintenance activities include, but are not limited
- 589 to the following:
- 590 (1) Facility servicing, including, but not limited to painting, cleaning restrooms, and
- 591 maintaining kiosks.
- 592 (2) Volunteer support and coordination.
- 593 (3) Visitor services (excluding law enforcement).
- 594 (4) Snow plowing.
- 595 (5) Trash collection.
- 596 (6) Purchase of first aid equipment and supplies.
- 597 (7) Map/brochure design and printing.
- 598 (8) Physical barriers and other means of traffic control.
- 599 (9) Purchase of tools and equipment, totaling up to \$5,000 (excluding tax).
- 600 (10) Sign boards, regulatory, and directional signs.
- 601 (11) Water system maintenance and testing.
- 602 (12) OHV site management.
- 603 (13) OHV program management.
- 604 (14) Repaving existing parking lots or roads.
- 605 (15) Repairs to staging areas or structures.
- 606 (16) Re-roofing.
- 607 (17) Electrical repairs.
- 608 (d) Applications for facilities operation and maintenance projects shall include all the
- 609 information required under Section 4970.03 plus the following:
- 610 (1) All applications shall include a general project description, project costs, and
- 611 activities to be performed (“deliverables”).
- 612 (2) Project specific map(s).
- 613 (3) A needs description that shall include the following:
- 614 (A) How the project is designed to provide for efficient use of funds.
- 615 (B) Implications of not funding the project.
- 616 (C) How the level of service will be adequate to meet visitor needs.
- 617 (D) How the work helps to extend the useful life of the facilities subject to
- 618 recurring maintenance.
- 619 (E) How volunteer participation enhances the project.
- 620 (4) An environmental review data sheet to assist the Division in determining the
- 621 appropriate use of Categorical Exemptions as provided in the Application
- 622 Instructions.

623

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

625 Reference cited: Sections 5090.32 and 5090.50, PRC.

626

627

627 **4970.08. LAW ENFORCEMENT PROJECTS**

- 628 (a) Law enforcement projects provide assistance to local and federal agencies for  
629 enforcement of OHV laws, public safety, OHV related search and rescue, personnel  
630 support, placement of barriers and other means of traffic control, and training.
- 631 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized  
632 Native American tribes are eligible to apply for law enforcement projects.
- 633 (c) Examples of law enforcement projects include, but are not limited to the following:  
634 (1) Personnel for OHV related law enforcement patrol and search and rescue.  
635 (2) Training and equipment for OHV related law enforcement and search and  
636 rescue.  
637 (3) Contracts for OHV related law enforcement patrol, including air support.  
638 (4) Fuel and maintenance for off-highway or dual purpose OHV patrol vehicles.  
639 (5) Placement of physical barriers and other means to control illegal access.  
640 (6) Purchase and installation of signs related to OHV law enforcement.  
641 (7) OHV law enforcement outreach, including personnel and educational materials.
- 642 (d) Applications for law enforcement projects shall include all the information required  
643 under Section 4970.03 plus the following:  
644 (1) All applications shall include a general project description, project costs, and  
645 activities to be performed (“deliverables”).  
646 (2) Project specific map(s) and trails map(s) containing: 1) all areas to be patrolled,  
647 2) areas of special concern, and 3) areas with recurring law enforcement  
648 issues.  
649 (3) A law enforcement plan as described in the Application Instructions.  
650 (4) A needs description that shall include the following:  
651 (A) How the project is designed to provide for efficient use of funds.  
652 (B) Implications of not funding the project.  
653 (C) How the project addresses a unique enforcement issue.  
654 (D) How the level of law enforcement will be adequate to address the  
655 issue(s).  
656 (E) How the project protects and improves the recreational experience, the  
657 environment, safety, or the recreation opportunity.  
658 (F) How volunteer participation enhances the project.  
659 (5) An environmental review data sheet to assist the Division in determining the  
660 appropriate use of Categorical Exemptions as provided in the Application  
661 Instructions.

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 **4970.09. OHV SAFETY OR EDUCATION PROGRAM PROJECTS**

- 667 (a) OHV safety or education program projects teach safe and environmentally responsible  
668 operation of OHVs.
- 669 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native  
670 American tribes, educational institutions, and nonprofit organizations are eligible to  
671 apply for safety education or education program projects.
- 672 (c) OHV safety or education program projects include, but are not limited to the following:  
673 (1) Safety orientation and training.  
674 (2) Site rental and insurance.

- 675 (3) Program and school outreach, including noise restrictions, responsible riding,  
676 public service announcements, ATV safety, etc.
- 677 (4) Curriculum development.
- 678 (5) OHV safety or educational handbooks, including vehicle operations, towing,  
679 environmental education, etc.
- 680 (6) Website development and other electronic media supporting safety and  
681 educational program projects.
- 682 (d) Applications for OHV safety or education program projects shall include all the  
683 information required under Section 4970.03 plus the following:
- 684 (1) All applications shall include a general project description, project costs, and  
685 activities to be performed (“deliverables”).
- 686 (2) A general description of the purpose and specific content of the educational  
687 material to be developed for the project including training locations.
- 688 (3) Describe how the deliverables will contribute to the instruction of safe and/or  
689 environmentally responsible operation of OHVs.
- 690 (4) If site specific, project specific map(s).
- 691 (5) A needs description that shall include the following:
- 692 (A) How the project is designed to provide for efficient use of funds.
- 693 (B) Implications of not funding the project.
- 694 (C) How the project provides unique or required OHV training, orientation, or  
695 education.
- 696 (D) How the project serves the targeted population.
- 697 (E) How the project improves the recreational experience, the environment,  
698 safety, or the opportunity.
- 699 (F) How volunteer participation enhances the project.
- 700 (6) When applicable, nonprofit organization and educational institution applicants  
701 shall have a written agreement with the land management agency or landowner  
702 to perform the project.
- 703 (7) An environmental review data sheet to assist the Division in determining the  
704 appropriate use of Categorical Exemptions as provided in the Application  
705 Instructions.

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

708 Reference cited: Sections 5090.32 and 5090.50, PRC.

709

### 710 **4970.10. PLANNING PROJECTS**

- 711 (a) Planning projects are intended to determine the viability of an area and/or project, and  
712 design solutions for effected areas and/or projects prior to the commitment of  
713 acquisition, development, or other funds.
- 714 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized  
715 Native American tribes are eligible to apply for planning projects.
- 716 (c) Examples of planning projects include, but are not limited to the following:
- 717 (1) A plan to complete route designations, including, but limited to:
- 718 (A) Existing uses.
- 719 (B) Plants.
- 720 (C) Animals.
- 721 (D) Cultural resources.
- 722 (E) Roads.
- 723 (F) Inventories of roads, trails, and routes.

- 724 (2) A WHPP/HMP (PRC Section 5090.35).  
725 (3) A plan to address toxic or hazardous waste within an area and adjacent  
726 property that may impact the site.  
727 (4) A plan to address the potential effects of OHV recreation on:  
728 (A) Adjacent lands.  
729 (B) Residents.  
730 (C) Potential conflict with other recreational users.  
731 (5) A plan to address OHV recreation activity as it effects air and water quality,  
732 including a strategy for resolution.  
733 (6) Environmental documents, including CEQA or NEPA, for potential OHV projects  
734 prepared in accordance with the requirements of Section 4970.15 of these  
735 regulations.  
736 (7) The preparation of a Recreation Management Plan, OHV Plan, or the OHV  
737 portion of a General Plan.  
738 (d) Applications for planning projects shall include all the information required under  
739 Section 4970.03 plus the following:  
740 (1) All applications shall include a general project description, project costs, and  
741 activities to be performed (“deliverables”).  
742 (2) Project specific map(s) and trails map(s) (if applicable).  
743 (3) Anticipated timeline for implementation of projects based on the completed plan  
744 (if applicable).  
745 (4) A needs description that shall include the following:  
746 (A) Implications of not funding the project.  
747 (B) How volunteer participation enhances the project.  
748 (C) How the project will result in or sustain OHV opportunity.  
749 (D) The connection between the project and the OHV issue or problem the  
750 plan proposes to address, and the expected outcomes of the plan.  
751 (5) An environmental review data sheet to assist the Division in determining the  
752 appropriate use of Categorical Exemptions as provided in the Application  
753 Instructions.  
754

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

756 Reference cited: Sections 5024.1, 5090.32 and 5090.50, PRC.  
757

#### 758 **4970.11. RESOURCE MANAGEMENT PROJECTS**

- 759 (a) Resource management projects conserve, protect, or repair natural or cultural  
760 resources affected by OHV activities, including monitoring those activities to provide  
761 data that will allow for appropriate management decisions related to the project.  
762 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native  
763 American tribes, educational institutions and nonprofit organizations are eligible to  
764 apply for resource management projects.  
765 (c) Examples of resource management projects include, but are not limited to the  
766 following:  
767 (1) Conservation or repair of areas.  
768 (2) NEPA or CEQA for resource management projects.  
769 (3) Construction projects related to conservation such as:  
770 (A) Habitat or cultural resource protection.  
771 (B) Habitat or cultural resource mitigation.  
772 (C) Habitat improvement.

- 773 (D) Signing.
- 774 (E) Implementation of best management practices, including sediment
- 775 control structures and stream crossing improvements.
- 776 (4) WHPP/HMP implementation.
- 777 (5) Monitoring.
- 778 (6) Surveys.
- 779 (d) Applications for resource management projects shall include all the information
- 780 required under Section 4970.03 plus the following:
- 781 (1) All applications shall include a general project description, project costs, and
- 782 activities to be performed (“deliverables”).
- 783 (2) Project specific map(s) and, if applicable, trails map(s).
- 784 (3) A needs description that shall include the following:
- 785 (A) How the project is designed to provide for efficient use of funds.
- 786 (B) Implications of not funding the project.
- 787 (C) Innovative aspects of the project.
- 788 (D) How the project adequately addresses the resource concerns.
- 789 (E) How volunteer participation enhances the project.
- 790 (4) When applicable, nonprofit organization and educational institution applicants
- 791 shall have a written agreement with the land management agency or landowner
- 792 to perform the project.
- 793 (5) An environmental review data sheet to assist the Division in determining the
- 794 appropriate use of Categorical Exemptions as provided in the Application
- 795 Instructions.

796

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

798 Reference cited: Sections 5090.32 and 5090.50, PRC.

799

## 800 **4970.12. RESTORATION PROJECTS**

- 801 (a) Restoration projects restore land, plant communities, and plant covers comparable to
- 802 those of surrounding lands or at least those that existed prior to OHV use, upon
- 803 closure of a unit or portion of a unit.
- 804 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized
- 805 Native American tribes are eligible to apply for restoration projects.
- 806 (c) Examples of restoration include, but are not limited to the following:
- 807 (1) Restoring and stabilizing land contours.
- 808 (2) Planting and/or reintroduction of native plants, shrubs, trees, or groundcovers.
- 809 (3) Construction of physical barriers and other means of traffic control to prevent
- 810 use of the area by off-highway motor vehicles in order to achieve restoration.
- 811 (d) Eligible costs attributable to restoration projects may include, but are not limited to the
- 812 following:
- 813 (1) Restoration of areas and routes damaged by OHV use.
- 814 (2) The closed portions of reroutes.
- 815 (3) Monitoring to assure success of closures, vegetation, and soils work.
- 816 (4) Signing associated with closures.
- 817 (5) Fencing or barriers used to close an area, trail, or road.
- 818 (6) CEQA or NEPA for the restoration project.
- 819 (7) Project engineering and project-level (“on the ground”) administration (not
- 820 overhead) for the project.

- 821 (8) Public information and/or education directly tied to the specific restoration  
822 project.
- 823 (e) Applications for restoration projects shall include all the information required under  
824 Section 4970.03 plus the following:
- 825 (1) All applications shall include a general project description, project costs, and  
826 activities to be performed (“deliverables”).
- 827 (2) Project specific map(s) and representative photographs of restoration sites.
- 828 (3) An explanation of what law enforcement efforts will be performed to support the  
829 restoration sites/projects.
- 830 (4) Descriptions of the success criteria that will be used and the monitoring that will  
831 be implemented to measure, to the extent possible, the successful outcome of  
832 the restoration project. Where applicable, include an anticipated timeline for  
833 implementation of projects based on the completed plan.
- 834 (5) A needs description that shall include the following:
- 835 (A) How the project is designed to provide for efficient use of funds.
- 836 (B) Implications of not funding the project.
- 837 (C) How the project helps to protect, restore, or conserve resources.
- 838 (D) Innovative aspects of the project.
- 839 (E) How volunteer participation enhances the project.
- 840 (6) A restoration environmental review data sheet to assist the Division in  
841 determining the appropriate use of Categorical Exemptions as provided in the  
842 Application Instructions.

844 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
845 Reference cited: Sections 5090.32, 5090.50, and 5090.64(a), PRC.

### 847 **4970.13. STUDIES AND SCIENTIFIC RESEARCH PROJECTS**

- 848 (a) Studies and scientific research projects evaluate, estimate, analyze, and address the  
849 possible impact on, or of, OHV recreation and develop responsive management  
850 recommendations.
- 851 (b) Cities, counties, appropriate districts, federal agencies, federally recognized Native  
852 American tribes, educational institutions, and nonprofit organizations are all eligible to  
853 apply for studies and scientific research projects.
- 854 (c) Studies and scientific research projects on OHV recreation may include, but are not  
855 limited to those that address:
- 856 (1) Potential effects of OHV recreation on natural and cultural resources.
- 857 (2) Potential effects of OHV recreation on other recreation uses.
- 858 (3) Potential effects of OHV recreation on adjacent lands.
- 859 (4) Potential impact on relationships between OHV recreation and local residents.
- 860 (5) Further technological advances to reduce noise, air, and water pollution from  
861 OHVs.
- 862 (6) Geologic survey and slope maps or topographic maps.
- 863 (7) Site surveys for toxic or hazardous waste within an area and adjacent property  
864 that may impact the site.
- 865 (8) Study of potential acquisitions to determine the need to buffer the effects of  
866 OHV activities, and/or to provide future opportunity.
- 867 (d) Applications for studies and scientific research projects shall include all the information  
868 required under Section 4970.03 plus the following:

- 869 (1) All applications shall include a general project description, project costs, and  
870 activities to be performed (“deliverables”).
- 871 (2) Project specific map(s) and, if applicable, trails map(s).
- 872 (3) Study design and/or plan listing a description of the study goals, objectives, and  
873 methodologies.
- 874 (4) A timeline for completion of the study or scientific research project.
- 875 (5) For scientific research projects, include documentation of peer review of the  
876 study plan. The peer review shall be conducted by at least three qualified  
877 experts from the scientific discipline or related fields.
- 878 (6) A needs description that shall include the following:  
879 (A) How the project is designed to provide for efficient use of funds.  
880 (B) Implications of not funding the project.
- 881 (7) A history of past performance and experience conducting studies and scientific  
882 research projects.
- 883 (8) When applicable, nonprofit organization and educational institution applicants  
884 shall have a written agreement with the land management agency or landowner  
885 to perform the study or scientific research.
- 886 (9) An environmental review data sheet to assist the Division in determining the  
887 appropriate use of Categorical Exemptions as provided in the Application  
888 Instructions.

889  
890 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
891 Reference cited: Sections 5024.1, 5090.32, and 5090.50, PRC.

892  
893 **4970.14. TRAIL MAINTENANCE, TRAIL CONSERVATION, AND TRAIL REROUTE**  
894 **PROJECTS**

- 895 (a) These projects are made up of three components: trail maintenance, trail  
896 conservation, and trail reroute.
- 897 (b) Cities, counties, appropriate districts, federal agencies, and federally recognized  
898 Native American tribes are eligible to apply for trail maintenance, trail conservation,  
899 and trail reroute projects. Educational institutions and nonprofit organizations are only  
900 eligible to apply for trail conservation and conservation work related to trail reroute  
901 projects.
- 902 (c) Trail maintenance related work is routine work on trails or areas, including, but not  
903 limited to the following:  
904 (1) Brushing.  
905 (2) Trail signing.  
906 (3) Fallen tree removal.  
907 (4) Tread work related to safety or ease of passage.  
908 (5) Grooming (rock rakes).
- 909 (d) Trail conservation related work involves repair tied directly to natural or cultural  
910 resource conservation activities, such as:  
911 (1) Erosion and/or sediment control.  
912 (2) Vegetation protection.  
913 (3) Cultural resource protection.  
914 (4) Habitat protection.
- 915 (e) Trail reroute work includes:  
916 (1) Closing the existing trail or trail segment, including restoration activities.  
917 (2) Replacement of the closed trail segment with superior alignment.

- 918 (f) Applications for trail maintenance, trail conservation, and trail reroute projects shall  
919 include all the information required under Section 4970.03 plus the following:  
920 (1) All applications shall include a general project description, project costs, and  
921 activities to be performed (“deliverables”).  
922 (2) Project specific map(s) and trails map(s).  
923 (3) A needs description that shall include the following:  
924 (A) How the project is designed to provide for efficient use of funds.  
925 (B) Implications of not funding the project.  
926 (C) How the project supports a unique opportunity or experience.  
927 (D) How the project helps to extend the useful life of the trail system.  
928 (E) How volunteer participation enhances the project.  
929 (4) For trail maintenance, include a proposed maintenance plan.  
930 (5) When applicable, nonprofit organization and educational institution applicants  
931 shall have a written agreement with the land management agency or landowner  
932 to perform the project.  
933 (6) An environmental review data sheet to assist the Division in determining the  
934 appropriate use of Categorical Exemptions as provided in the Application  
935 Instructions.  
936

937 NOTE: Authority cited: Sections 5001.5, and 5003, PRC.  
938 Reference cited: Sections 5090.32 and 5090.50, PRC.  
939

## 940 **ARTICLE 3 – ENVIRONMENTAL AND MATCH REQUIREMENTS**

### 941 **4970.15. CEQA REQUIREMENTS**

- 942 (a) The Division is required to comply with the California Environmental Quality Act  
943 (CEQA) (PRC Section 21000 et seq.) prior to the approval of all grants and  
944 cooperative agreements under the OHMVR grants and cooperative agreements  
945 program.  
946 (b) All city, county, appropriate district, educational institution and nonprofit organization  
947 applicant projects shall provide the required documentation for the Division to  
948 determine that final CEQA compliance has been met. Compliance shall be determined  
949 by one of the following:  
950 (1) A Categorical Exemption (CE) or equivalent information that follows a project  
951 evaluation form and Notice of Exemption consistent with the Application  
952 Instructions, or  
953 (2) An Initial Study/Negative Declaration (IS/ND) or an Initial Study/Mitigated  
954 Negative Declaration (IS/MND) for activities that are not categorically exempt,  
955 but fit within the definition of activities that may be covered by a ND under  
956 CEQA, or  
957 (3) An Environmental Impact Report (EIR) or focused EIR if the proposed activity  
958 poses a potentially significant impact as defined in an IS/ND checklist, or meets  
959 any of the tests for mandatory findings of significance in an IS/ND checklist  
960 provided in the Application Instructions, or  
961 (4) Other documentation that satisfies the requirements of CEQA.  
962 (c) All federal agency and federally recognized Native American tribe applicants shall  
963 submit completed project-related NEPA compliance documentation, and the  
964 responses to questions required by Section VI of the Application Instructions, to allow  
965

- 966 the Division to make a sufficient project review to determine the appropriate level of  
967 CEQA compliance and any additional environmental documentation required.
- 968 (d) Within forty-five days (45) of receipt, the Division will review all applications for  
969 environmental compliance and return those applications that do not comply with the  
970 Application Requirements.
- 971 (e) Within forty-five days (45) of determining that Applications have complied with the  
972 Application Requirements, the Division will review those cooperative agreements that  
973 comply with the Application Requirements and determine what additional  
974 documentation or information is required for the Division to complete the requirements  
975 for CEQA, together with an assessment of the amount of further CEQA analysis and  
976 compliance that may be required. The Division cannot promise to complete the added  
977 CEQA work needed if the time and resources required exceed the time and resources  
978 available to complete the grant program selection process. If the Division determines  
979 that it cannot complete the necessary additional CEQA work, it reserves the right to  
980 inform the applicant in writing and return the application and supporting materials.
- 981 (f) If the Division determines that additional information is required for the cooperative  
982 agreement applications to comply with CEQA and that such work may be completed  
983 with existing resources and within the timeframe for the grant process, it will request  
984 such additional documentation from the applicant be returned within ten (10) days of  
985 the written data request.
- 986 (g) Applicants for cooperative agreements who do not return the requested additional  
987 information within the ten-day time limit will have their applications returned without  
988 further processing.
- 989 (h) For those applications for cooperative agreements that are accepted for further CEQA  
990 compliance by the Division, the Division will use its best efforts to cause the CEQA  
991 compliance work to be completed in sufficient time for final Commission allocation of  
992 funds and approval of the activities to be funded (“deliverables”) for the project(s).  
993 However, the Division cannot guarantee the project will be certified as CEQA  
994 compliant. Also, the Division reserves the right to cease CEQA compliance work if it  
995 determines the project may not be funded in light of the project evaluation and scoring  
996 process and submission of the project to the Commission grant subcommittee for  
997 preliminary review and funding allocations.

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

1000 Reference cited: Sections 5090.32 and 5090.50(g), PRC.

1001

1002 **4970.16. WILDLIFE HABITAT PROTECTION PROGRAM (WHPP)/HABITAT**  
1003 **MANAGEMENT PROGRAM (HMP)**

- 1004 (a) A Wildlife Habitat Protection Program (WHPP) is an animal and plant Habitat  
1005 Management Program (HMP) designed to sustain a viable species composition for the  
1006 project area, pursuant to PRC Sections 5090.35 (b) and 5090.50.
- 1007 (b) All federal agency and federally recognized Native American tribe applications for  
1008 acquisition, development, equipment, facilities operation and maintenance, OHV  
1009 safety or education program, planning, resource management, restoration, studies and  
1010 scientific research, and trail maintenance, trail conservation, trail reroute projects shall  
1011 submit a WHPP/HMP to sustain a viable species composition for the project area.
- 1012 (c) Prior to approval of a grant, all city, county, and appropriate district applicants for  
1013 acquisition and development projects shall develop, pursuant to PRC Section 5090.53,  
1014 a WHPP/HMP to sustain a viable species composition for the project area.

- 1015 (d) Law enforcement is exempt from a WHPP/HMP pursuant to PRC Sections 5090.50 (i)  
1016 and 5090.53 (b).
- 1017 (e) A WHPP/HMP shall follow the Application Instructions, and include the following  
1018 components as applicable:
- 1019 (1) Species or habitats of concern related to OHV use.
  - 1020 (2) Risk factors associated with OHV use.
  - 1021 (3) Management objectives and actions, including success criteria.
  - 1022 (4) Monitoring.
  - 1023 (5) Management review and response.

1024

1025 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1026 Reference cited: Section 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

1027

1028 **4970.17. SOIL CONSERVATION PROGRAM**

- 1029 (a) All federal agency and federally recognized Native American tribe applications for  
1030 acquisition, development, equipment, facilities operation and maintenance, OHV  
1031 safety or education program, planning, resource management, restoration, **studies and**  
1032 **scientific research**, and trail maintenance, trail conservation, and trail reroute projects  
1033 shall **submit evidence showing** that a soil conservation program for the project area  
1034 has been met.
- 1035 (b) Prior to approval of a grant, all city, county, and appropriate district applicants for  
1036 acquisition and development projects shall develop, pursuant to PRC Section 5090.53,  
1037 a soil conservation program for the project area.
- 1038 (c) Law enforcement is exempt from soil conservation program requirements pursuant to  
1039 PRC Sections 5090.50 (i) and 5090.53 (b).
- 1040 (d) The soil conservation program shall comply with PRC 5090.35, 5090.50, and **5090.53,**  
1041 and the **Application Instructions.**

1042

1043 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1044 Reference cited: Section 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

1045

1046 **4970.18. MATCH REQUIREMENTS**

- 1047 (a) Cities, counties, and appropriate districts, **nonprofit** organizations, and educational  
1048 institutions shall provide matching funds or the equivalent value of services, material,  
1049 or property used, in an amount of not less than 25 percent of the total expense of the  
1050 off-highway motor vehicle facility to be funded by the grant.
- 1051 (b) All federal agencies and federally recognized Native American tribes are exempt from  
1052 the matching funds requirement in accordance with PRC Section 5090.51(a).
- 1053 (c) There shall be no matching fund requirement for **grant** applications that **request**  
1054 **funding** for the planning, acquisition, development, or construction of a regional off-  
1055 highway **motor vehicle** facility as defined in Section 4970.00(uu).
- 1056 (d) Cities, counties, and appropriate districts must provide a match as follows:
- 1057 (1) For acquisition projects, in non-regional facilities only.
  - 1058 (2) For development projects, in non-regional facilities only.
  - 1059 (3) For equipment **projects**, in all facilities.
  - 1060 (4) For facilities operation and maintenance projects, in all facilities with the  
1061 exception of construction activities in regional facilities.
  - 1062 (5) For law enforcement projects, in all facilities.
  - 1063 (6) For OHV safety or education program projects, in all facilities.

- 1064 (7) For planning projects, in non-regional facilities only.
- 1065 (8) For resource management projects, in all facilities with the exception of
- 1066 construction activities in regional facilities.
- 1067 (9) For restoration projects, in all facilities with the exception of construction
- 1068 activities in regional facilities.
- 1069 (10) For studies and scientific research projects, in all facilities.
- 1070 (11) For trail maintenance, trail conservation, and trail reroute projects, in all facilities
- 1071 with the exception of construction activities in regional facilities.
- 1072 (e) Nonprofit organizations and educational institutions must provide a match as follows:
- 1073 (1) For equipment projects, in all facilities.
- 1074 (2) For OHV safety or education program projects, in all facilities.
- 1075 (3) For resource management projects, in all facilities with the exception of
- 1076 construction activities in regional facilities.
- 1077 (4) For studies and scientific research projects, in all facilities.
- 1078 (5) For trail conservation projects and conservation work related to trail reroute
- 1079 projects, in all facilities with the exception of construction activities in regional
- 1080 facilities.

1081

1082 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1083 Reference cited: Section 5090.51, PRC.

1084

## 1085 ARTICLE 4 – APPLICATION EVALUATION SYSTEM

1086

### 1087 4970.19. APPLICATION EVALUATION SYSTEM

1088 (a) OHMVR grants and cooperative agreements shall be awarded on a competitive basis.

1089 An evaluation system will be used to evaluate each type of project within an

1090 application.

1091 (b) The application evaluation system to be used by the Division for each single or

1092 multiple project application will consist of evaluation criteria, scoring, ranking and

1093 funding determinations as indicated in the Application Instructions, Chapter 2.

1094 (c) Division staff shall ensure that all grant and cooperative agreement applications

1095 forwarded to the Commission shall comply with the Application Instructions and the

1096 following sections:

1097 (1) Acquisition projects, Section 4970.04(e).

1098 (2) Development projects, Section 4970.05(e).

1099 (3) Equipment projects, Section 4970.06(e).

1100 (4) Facilities operation and maintenance (FO&M) projects, Section 4970.07(d).

1101 (5) Law enforcement projects, Section 4970.08(d).

1102 (6) OHV safety or education program projects, Section 4970.09(d).

1103 (7) Planning projects, Section 4970.10(d).

1104 (8) Resource management projects, Sections 4970.11(d).

1105 (9) Restoration projects, Section 4970.12(e).

1106 (10) Studies and scientific research projects, Section 4970.13(d).

1107 (11) Trail maintenance, trail conservation, and trail reroute projects, Section

1108 4970.14(f).

1109 (d) For those grants and cooperative agreements program applications that are complete

1110 as submitted, an evaluation panel of not less than five Division staff members shall

1111 use the evaluation system to evaluate, score, rank and provide funding determinations

1112 for each single or multiple project application. Applications determined to be

1113 incomplete shall be returned to the applicant without being processed through the  
1114 evaluation system and will not be forwarded to the Commission for consideration.

1115  
1116 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1117 Reference cited: Sections 5090.24 and 5090.32, PRC.

1118  
1119 **4970.20. COMMISSION ALLOCATION OF FUNDS AND APPROVAL OF GRANTS AND**  
1120 **COOPERATIVE AGREEMENTS PROGRAM APPLICATIONS**

1121 (a) Applications shall be considered once annually as long as OHV Trust Funds are  
1122 available.

1123 (b) Applications that have undergone the application evaluation system shall be  
1124 considered complete thereby meeting all required application standards outlined in  
1125 section 4970.03, as well as individual project sections, and be presented to the  
1126 Commission for consideration at duly scheduled Commission meetings.

1127 (c) Division staff shall ensure that all grant and cooperative agreement applications  
1128 forwarded to the Commission subcommittee or Commission as a whole include the  
1129 following:

1130 (1) Application face sheet in compliance with the Application Instructions;

1131 (2) General project description of the OHV program in compliance with the  
1132 Application Instructions;

1133 (3) Needs description;

1134 (4) Description of public involvement in compliance with Section 4970.03(g)(1)  
1135 through (4) of these regulations;

1136 (5) Project description and project costs and deliverables in compliance with the  
1137 Application Instructions.

1138 (d) The Commission may designate a grants and cooperative agreements program  
1139 subcommittee to hold public meetings for preliminary consideration of the grant or  
1140 cooperative agreement applications that have been evaluated, scored, ranked, and  
1141 have received funding determinations by the Division. The subcommittee may make  
1142 funding recommendations to be used as the basis for the consent calendar at the  
1143 Commission's final annual grant program allocation meeting(s).

1144 (e) The Commission shall allocate grants and cooperative agreement program funds and  
1145 approve the activities to be performed ("deliverables") of the grants or cooperative  
1146 agreement applications and/or project(s) after hearing public and applicant testimony,  
1147 Division input, and considering any other written comments. The Division shall  
1148 prepare and execute project agreements to implement the funding allocations and  
1149 approved activities ("deliverables") for the approved project agreements.

1150 (f) The Division shall send to the Resources Agency and to the applicants a copy of the  
1151 Commission's funding allocations. Other organizations and interested parties may  
1152 receive a copy of the Commission's funding allocations upon written request to the  
1153 Division or view the allocations on the Division website.

1154  
1155 Note: Authority cited: Sections 5001.5 and 5003, PRC.

1156 Reference cited: Sections 5090.32 and 5090.61, PRC.

1158 **ARTICLE 5 – ACCOUNTING, ANNUAL AUDITS AND PERFORMANCE REVIEWS, AND**  
1159 **SITE VISITS**

1160  
1161 **4970.21. ACCOUNTING, ANNUAL AUDITS AND PERFORMANCE REVIEWS, AND SITE**  
1162 **VISITS**

- 1163 (a) The grantee shall maintain financial accounts, documents, and records for all projects  
1164 and shall make them available to the Department of Parks and Recreation’s auditor.  
1165 (b) The Division shall have the right to inspect and/or make copies of any books, records,  
1166 or reports of the grantee pertaining to all projects.  
1167 (c) The grantee shall use generally accepted accounting methods.  
1168 (d) The grantee shall retain all financial accounts, documents, and records until a project  
1169 has been audited including the performance of expenditures of the grantee by the  
1170 Department of Parks and Recreation, to determine compliance with the project  
1171 agreement and deliverables.  
1172 (e) Upon completion of the Department of Parks and Recreation audit, the grant recipient  
1173 shall be provided with a copy of the final audit report that shall contain the results of  
1174 the audit including performance review.  
1175 (f) If the audit results identify an overpayment to the grantee, the grantee shall have sixty  
1176 (60) days to refund the overpayment to the State.  
1177 (g) The Division may at anytime, with a minimum of fourteen days notice, conduct site  
1178 visits to review the grantee’s program, taking into consideration past and current  
1179 performance.  
1180 (h) The Division, based on the site visit, shall develop a report containing comments and  
1181 recommendations designed to improve the grantee’s program.  
1182 (i) All comments and recommendations provided by Division staff while on a site visit,  
1183 and received by the applicant 60 days prior to the application filing deadline, must be  
1184 addressed by the grant applicant.

1185  
1186 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1187 Reference cited: Section 5090.32, PRC.  
1188

1189 **ARTICLE 2 – TYPES OF PROJECTS**

1190  
1191 **4970.02. PLANNING PROJECTS AND STUDIES**

- 1192 (a) ~~Planning projects are intended to evaluate and determine the viability of an area or~~  
1193 ~~project prior to the commitment of acquisition, development, or resource management~~  
1194 ~~funds.~~  
1195 (b) ~~Planning projects will include, at a minimum, the following:~~  
1196 (1) ~~An inventory of features, including: plants, animals, cultural resources, roads,~~  
1197 ~~trails, and routes.~~  
1198 (2) ~~A wildlife habitat protection program (PRC 5090.35).~~  
1199 (3) ~~Geologic survey and slope maps or topographic maps.~~  
1200 (4) ~~Toxic or hazardous waste site survey of the area and adjacent property that~~  
1201 ~~may impact the site.~~  
1202 (5) ~~An analysis of the potential effects of OHV recreation on adjacent lands,~~  
1203 ~~residents, and potential conflict with other recreational users.~~  
1204 (6) ~~An evaluation of OHV recreation on air and water quality.~~  
1205 (c) ~~The preparation of an environmental document prepared in conformance with CEQA~~  
1206 ~~or NEPA will be considered a project.~~

- 1207 ~~(d) The preparation of a Recreation Management Plan, OHV Plan, or the OHV portion of a~~  
 1208 ~~General Plan will be considered a project. A General Plan, Recreation Management~~  
 1209 ~~Plan, and OHV Plan are documents prepared by cities, counties, and agencies to~~  
 1210 ~~guide the management of the land within their jurisdiction.~~  
 1211 ~~(e) If the project scope is to prepare an environmental document, the Division shall~~  
 1212 ~~receive a copy of the completed environmental document as proof of project~~  
 1213 ~~fulfillment.~~  
 1214 ~~(f) Studies on OHV recreation may include those that address:~~  
 1215 ~~(1) Potential effects of OHV recreation on natural and cultural resources.~~  
 1216 ~~(2) Potential effects between OHV recreation and other recreation uses.~~  
 1217 ~~(3) Potential effects of OHV recreation on adjacent lands.~~  
 1218 ~~(4) Potential effects between OHV recreation and local residents.~~  
 1219 ~~(5) Further technological advances to reduce noise and air pollution from OHV's.~~  
 1220 ~~(6) Development of route inventories.~~

1221  
 1222 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
 1223 Reference cited: Sections 5090.32, 5090.35, and 5090.50, PRC.  
 1224

1225 **4970.03. ACQUISITION PROJECTS**

- 1226 ~~(a) Acquisition projects are intended to expand, assure, and maintain adequate OHV~~  
 1227 ~~recreation access or opportunities, eliminate trespass, and provide appropriate buffers~~  
 1228 ~~to sustain OHV opportunity.~~  
 1229 ~~(b) Acquisition projects may include any of the following:~~  
 1230 ~~(1) Purchase of right-of-way or easement.~~  
 1231 ~~(2) Purchase of long-term lease.~~  
 1232 ~~(3) Purchase of land in fee title.~~  
 1233 ~~(c) Eligible costs for projects may include, but are not limited to the following:~~  
 1234 ~~(1) Land purchase.~~  
 1235 ~~(2) Appraisal.~~  
 1236 ~~(3) Escrow fees.~~  
 1237 ~~(4) Title insurance.~~  
 1238 ~~(5) Title report.~~  
 1239 ~~(6) Land survey.~~  
 1240 ~~(7) Wildlife, habitat, soil, and cultural surveys.~~  
 1241 ~~(d) All acquisitions shall be acquired in compliance with Chapter 16 (commencing with~~  
 1242 ~~Section 7260), Division 7, Title 1, Government Code.~~  
 1243 ~~(e) The grantee will provide the Division with the required acquisition certification.~~  
 1244 ~~(f) It is the applicant's responsibility to obtain an independent technical review of~~  
 1245 ~~the appraisal report.~~  
 1246 ~~(g) Appraisals will be prepared in accordance with standard state or federal appraisal~~  
 1247 ~~practices.~~  
 1248 ~~(h) The Acquisition Certification Form shall be used by the grantee; a copy of the form is~~  
 1249 ~~included in the Grant Application Guide (June 2000).~~  
 1250 ~~(i) The Acquisition Certification Form (4/2000) will include the following certifications:~~  
 1251 ~~(1) The appraisal report was independently reviewed and approved.~~  
 1252 ~~(2) A statement of just compensation was provided to the property owner and the~~  
 1253 ~~offer to purchase was not less than the appraised value.~~

- 1254 ~~(3) If the offer/purchase was less than appraised value it was because the~~  
 1255 ~~acquisition was pursuant to voluntary sale provisions of state law and a just~~  
 1256 ~~compensation offer was not required.~~  
 1257 ~~(4) The title acquired is free and clear of any adverse title conditions.~~  
 1258 ~~(5) The legal description matches the appraised property and has been checked~~  
 1259 ~~with the Assessor's Parcel Map in the County Recorder's Office.~~  
 1260 ~~(6) The acquisition map and description are accurate as to the property boundaries~~  
 1261 ~~and known easements.~~  
 1262 ~~(7) Added exceptions or conditions have been considered in the value (revised~~  
 1263 ~~appraisal) as appropriate and are documented.~~  
 1264 ~~(8) For improved properties, a relocation assistance program is in place and a~~  
 1265 ~~relocation plan was prepared.~~  
 1266 ~~(9) Occupants were provided with a brochure detailing benefits and eligibility~~  
 1267 ~~requirements for relocation assistance and payments.~~  
 1268 ~~(10) Agency certifies compliance with Government Code Sections 7260 et seq.~~  
 1269 ~~(j) The Acquisition Certification Form will be completed, signed, and dated by the~~  
 1270 ~~grantee's designated authority.~~  
 1271 ~~(k) For acquisition of land or facilities for OHV recreation, the Division shall disburse funds~~  
 1272 ~~for the purchase price and eligible acquisition costs, but not to exceed in any event the~~  
 1273 ~~allowable OHV grant costs set forth in the Project Agreement.~~

1274  
 1275 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
 1276 Reference cited: Section 5090.32, 5090.35, and 5090.53, PRC; Chapter 16 (commencing  
 1277 with Section 7260), Division 7, Title I, Government Code.

1278  
 1279 **4970.04. DEVELOPMENT AND MAJOR MAINTENANCE PROJECTS**

- 1280 ~~(a) Development and major maintenance projects are intended to provide sustained long-~~  
 1281 ~~term OHV use.~~  
 1282 ~~(b) Competition and spectator facilities are eligible for funding. Casual OHV use will~~  
 1283 ~~constitute the primary activity in all OHV grant and cooperative agreement funded~~  
 1284 ~~areas; competitive use shall not exceed 40% of the total use in areas maintained and~~  
 1285 ~~managed with OHV grant funds.~~  
 1286 ~~(c) The following are examples of development and major maintenance projects:~~  
 1287 ~~(1) Trail construction; reconstruction and repair of existing facilities, trails or trail~~  
 1288 ~~segments; or reroutes over ¼ mile in length and associated restoration.~~  
 1289 ~~(2) Trailhead/staging area construction.~~  
 1290 ~~(3) Restroom construction.~~  
 1291 ~~(4) Fencing.~~  
 1292 ~~(5) Signing.~~  
 1293 ~~(6) Road construction.~~  
 1294 ~~(7) Picnic and camping facilities construction.~~  
 1295 ~~(8) Facilities that will minimize conflict with other recreationists or private land-~~  
 1296 ~~owners.~~  
 1297 ~~(9) Major maintenance associated with existing facilities that were funded in the~~  
 1298 ~~past with OHV grant funding (i.e., repaving existing parking lots or roads, major~~  
 1299 ~~repairs to staging areas or structures).~~  
 1300 ~~(d) Development and major maintenance projects shall require Division approval of plans~~  
 1301 ~~and specifications before construction begins.~~

- 1302 ~~(e) Plans for structural items such as bridges, buildings, utilities, and parking lots shall be~~  
1303 ~~approved by an engineer or architect duly licensed as required by the Business and~~  
1304 ~~Professions Code.~~  
1305 ~~(f) Local agencies or their contractors shall pay prevailing wages as listed by the~~  
1306 ~~California Department of Industrial Relations.~~  
1307 ~~(g) The grantee shall complete the development and major maintenance project in~~  
1308 ~~accordance with the Division approved plans and specifications.~~  
1309 ~~(h) The grantee shall submit to the Division for approval, any deviation of 10% or more in~~  
1310 ~~the cost of the facility or a change in the size of the facility or structure.~~  
1311 ~~(i) Grantees are required to meet all appropriate access requirements under State or~~  
1312 ~~Federal law as applicable including, without limitation, the Americans with Disabilities~~  
1313 ~~Act of 1990 (Public Law 101-336, July 26, 1990, 104 Stat 327).~~

1314  
1315 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1316 Reference cited: Sections 5090.32, and 5090.50, PRC; Public Law 101-336, July 26, 1990,  
1317 104 Stat. 327.

1318  
1319 **4970.05. OPERATION AND MAINTENANCE (O&M) PROJECTS**

- 1320 ~~(a) O&M projects are intended for annually recurring work directed toward facilities,~~  
1321 ~~natural and cultural resources, visitor assistance, and visitor safety directly attributable~~  
1322 ~~to OHV recreation.~~  
1323 ~~(b) Examples of O&M activities include, without limitation, the following:~~  
1324 ~~(1) Facility servicing.~~  
1325 ~~(2) Volunteer use and coordination.~~  
1326 ~~(3) Visitor services.~~  
1327 ~~(4) Site and program administration.~~  
1328 ~~(5) Law enforcement including employing, equipping, and supervising law~~  
1329 ~~enforcement personnel.~~  
1330 ~~(6) Snow plowing.~~  
1331 ~~(7) Trash collection.~~  
1332 ~~(8) First aid equipment and supplies.~~  
1333 ~~(9) Map/brochure design and printing.~~  
1334 ~~(10) Construction of physical barriers and other means of traffic control.~~  
1335 ~~(11) Trail maintenance.~~  
1336 ~~(12) Routine monitoring and surveys.~~  
1337 ~~(13) Minor trail relocation (trail segments that are under 1/4 mile in length).~~  
1338 ~~(14) Cultural resource mitigation/protection.~~  
1339 ~~(15) Purchase of tools and equipment under \$5,000 (excluding tax).~~  
1340 ~~(16) Sign boards, regulatory, and directional signs.~~  
1341 ~~(17) Minor maintenance for repair of facilities that does not require environmental~~  
1342 ~~documentation beyond a categorical exclusion or negative declaration, and the~~  
1343 ~~cost for the project is below \$5,000.~~  
1344 ~~(c) O&M grants to Local Agencies require 25% in matching funds or equivalent value in~~  
1345 ~~services of the total expense of the project. Matching funds may be in the form of~~  
1346 ~~cash, equivalent value of services, material, or property used.~~

1347  
1348 NOTE: Authority cited: Sections 5001.5, and 5003, PRC.

1349 Reference cited: Sections 5090.32, and 5090.50, PRC.

1350

1351 **4970.06. RESOURCE MANAGEMENT PROJECTS**

- 1352 (a) ~~Resource management projects are intended to conserve, restore, or repair natural~~  
1353 ~~and cultural resources in an effort to maintain environmentally balanced OHV~~  
1354 ~~recreation, or to provide data that will allow for appropriate management decisions~~  
1355 ~~related to natural and cultural resource issues.~~
- 1356 (b) ~~Resource management is a one-time-only project made up of either one or more sub-~~  
1357 ~~activities: (1) conservation, (2) restoration, and (3) repair of trails, roads, and areas.~~
- 1358 (c) ~~Conservation, restoration, and repair of trails, roads, and areas must be related to the~~  
1359 ~~impacts of OHV activity.~~
- 1360 (d) ~~Examples of resource management activities are as follows:~~
- 1361 ~~(1) Conservation, restoration, or repair of roads, trails, and areas plans or projects.~~  
1362 ~~(2) Wildlife habitat protection plans or projects.~~  
1363 ~~(3) Soil monitoring plans.~~  
1364 ~~(4) Wildlife habitat surveys.~~  
1365 ~~(5) Soil surveys.~~  
1366 ~~(6) Sensitive habitat fencing, repair, and signing.~~  
1367 ~~(7) Sediment control structures.~~  
1368 ~~(8) Resource conservation education projects.~~  
1369 ~~(9) Hardening of stream crossings and/or the construction of bridges to improve or~~  
1370 ~~maintain water quality, or to protect habitat or wildlife.~~  
1371 ~~(10) Trail or route closure, and subsequent restoration of natural soils and~~  
1372 ~~vegetation.~~  
1373 ~~(11) Studies to determine the possible effects of OHV recreation on wildlife,~~  
1374 ~~vegetation, cultural resources, and soils for the purpose of implementing a~~  
1375 ~~resource management project.~~

1376  
1377 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1378 Reference cited: Sections 5024.1, 5090.10, 5090.32, 5090.35, and 5090.50, PRC.

1379  
1380 **4970.07. SAFETY AND/OR EDUCATION PROGRAM PROJECTS**

- 1381 (a) ~~Safety and/or education projects are intended to teach safe and environmentally~~  
1382 ~~responsible operation of OHVs; examples may involve development of the following~~  
1383 ~~types of education materials:~~
- 1384 ~~(1) Snowmobile safety checklists.~~  
1385 ~~(2) ATV safety video.~~  
1386 ~~(3) ATV safety handbook.~~  
1387 ~~(4) 4WD safety course.~~  
1388 ~~(5) Towing safety tips booklet.~~  
1389 ~~(6) Noise education documents.~~
- 1390 (b) ~~A safety and/or education project requires 25% in matching funds, or the equivalent~~  
1391 ~~value of services or materials, of the total expense of the program.~~
- 1392 (c) ~~In awarding grants or entering into cooperative agreements or contracts for safety~~  
1393 ~~and/or education projects, the Division shall give priority to applications that~~  
1394 ~~demonstrate the following:~~
- 1395 ~~(1) Cost efficiency.~~  
1396 ~~(2) Availability of capital, and the potential for the project to become financially self-~~  
1397 ~~supporting for future safety programs.~~  
1398 ~~(3) Instruction involving a large number of enthusiasts.~~  
1399 ~~(4) A program involving a large geographical distribution.~~

1400 ~~(5) — A program that has user-group involvement and support.~~

1401 ~~(6) — An emphasis on junior operators and a variety of vehicle types.~~

1402 ~~(d) — Safety and/or education projects do not require soil and wildlife monitoring programs.~~

1403

1404 ~~NOTE: Authority cited: Sections 5001.5 and 5003, PRC.~~

1405 ~~Reference cited: Section 5090.32, PRC.~~

1406

1407 **~~4970.08. EQUIPMENT PURCHASES~~**

1408 ~~(a) — Equipment purchase applications are intended to clearly identify the purchase of large and expensive equipment items.~~

1409 ~~(b) — Single equipment items to be purchased exceeding \$5,000 (excluding tax) shall be put in an equipment purchase application, rather than being included as part of an O&M application.~~

1410 ~~(c) — Multiple equipment items (each exceeding \$5,000) shall be put on a single application with each item identified.~~

1411 ~~(d) — Equipment purchased with OHV funds shall be used exclusively on OHV projects.~~

1412 ~~(e) — Each item of equipment or tool in excess of \$250, purchased with OHV funds, shall be identified as a line item in the application.~~

1413 ~~(f) — Any equipment and implements purchased with OHV funds (equal to or greater than \$30,000) shall be registered in the Division's name, used for an OHV program during the normal life of the equipment and then returned to the Division for disposal or sale. Notification to OHMVR Headquarters that an equipment item is eligible for surplus is the responsibility of the grantee.~~

1414 ~~(g) — Grantee shall keep tools and equipment purchased with OHV funds maintained, and in safe working order.~~

1415 ~~(h) — The purchase of tools or equipment exceeding \$250 not identified in the certified Project Agreement shall have written approval from the Division prior to purchase.~~

1416 ~~(i) — All equipment and implements purchased with OHV funds must display an approved version of the Department of Parks and Recreation "OHV Funds at Work" insignia. Grantees may obtain insignias free of charge from the Division.~~

1417

1418 ~~NOTE: Authority cited: Sections 5001.5 and 5003, PRC.~~

1419 ~~Reference cited: Section 5090.32, PRC.~~

1420

1421 **~~4970.09. LAW ENFORCEMENT PROJECTS~~**

1422 ~~(a) — Law Enforcement projects are intended for annual assistance of local and federal agencies for enforcement of OHV laws, personnel support, and training. Enforcement of OHV registration, vehicle operation, vehicle equipment, noise laws, and other such laws under CVC Division 16.5 (commencing with Section 38000), are required to obtain a Law Enforcement grant or cooperative agreement.~~

1423 ~~(b) — The level and extent of the Law Enforcement project as it applies to OHV recreation in the agency's jurisdiction must be identified.~~

1424 ~~(c) — The construction of physical barriers and other means of traffic control regulating the use of off-highway motor vehicles must be discussed.~~

1425

1426 ~~NOTE: Authority cited: Sections 5001.5 and 5003, PRC.~~

1427 ~~Reference cited: Sections 5090.32, 5090.50, and 5090.64(b)(2), PRC; CVC Section 38000.~~

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1448 **ARTICLE 3 - OHV GRANT APPLICATION REQUIREMENTS**

1449  
1450 **4970.10. APPLICATION - GENERAL**

- 1451 ~~(a) OHV grants may be made to cities, counties, and appropriate districts, and~~  
1452 ~~cooperative agreements may be made with agencies of the federal government and~~  
1453 ~~federally recognized Native American tribes. Educational institutions and non-profit~~  
1454 ~~organizations (as defined in Section 501(c)(3) of the Internal Revenue Code) are~~  
1455 ~~eligible for grants for scientific research, natural resource conservation activities, (as~~  
1456 ~~defined in PRC, Section 5090.10), cultural resource conservation activities, and~~  
1457 ~~programs involving off-highway motor vehicle safety or education.~~
- 1458 ~~(b) Applications shall be entertained once annually as long as funds are available.~~
- 1459 ~~(c) A complete application shall include the information identified in the Application~~  
1460 ~~Requirement Matrix within the Grant Application Guide (June 2000).~~
- 1461 ~~(d) All local agency OHV grant applications must include a completed Governing Body~~  
1462 ~~Resolution certified by the clerk of the governing body. A sample form is in the Grant~~  
1463 ~~Application Guide.~~
- 1464 ~~(e) The Division shall establish a time line for the submission of applications; the time line~~  
1465 ~~may be found in the OHV Grant Application Guide (June 2000).~~
- 1466 ~~(f) Funding for OHV safety and/or education programs may be awarded to federal~~  
1467 ~~agencies, federally recognized Native American tribes, cities, counties, appropriate~~  
1468 ~~districts, nonprofit organizations, and educational institutions.~~
- 1469 ~~(g) Grant and cooperative agreement applications shall be made available by grantee~~  
1470 ~~applicants for public review and comment prior to submission of the application to the~~  
1471 ~~OHV Division for consideration. Applicants will hold at least one public meeting to~~  
1472 ~~distribute their draft applications, and receive comments on their draft applications, at~~  
1473 ~~least 30 days prior to submitting the final application. The meetings shall be noticed at~~  
1474 ~~a minimum in a local newspaper with additional notification in the agency newsletter~~  
1475 ~~and/or web site.~~
- 1476 ~~(h) A summary of comments received from the public meeting, and how they were~~  
1477 ~~responded to, shall be included with the final application submitted to the Division.~~
- 1478 ~~(i) All letters related to the grant application shall be included at the time of submittal of~~  
1479 ~~the final application to the Division.~~
- 1480 ~~(j) Applications shall include the appropriate environmental documentation with regard to~~  
1481 ~~compliance with NEPA and CEQA requirements.~~
- 1482 ~~(k) Local agencies, non-profits, and educational institutions require a 25% match for the~~  
1483 ~~following projects: equipment, operation and maintenance, resource management, and~~  
1484 ~~safety and/or education programs.~~

1485  
1486 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1487 Reference cited: Sections 5024.1, 5090.10, 5090.32, 5090.50, and 5090.51 PRC U.S.  
1488 Internal Revenue Code, Section 501(c)(3).

1489  
1490 **4970.11. CONTENT**

- 1491 ~~(a) Applications for planning projects and studies will include the following:~~
- 1492 ~~(1) A description of the planning goals and process, including public involvement,~~  
1493 ~~environmental setting, existing OHV opportunities, the need for expanded,~~  
1494 ~~managed OHV opportunities and/or problems.~~
- 1495 ~~(2) A listing and description of the study goals, objectives, and methodologies.~~  
1496 ~~Identification of any matching funds to be used.~~

- 1497 ~~(b) Applications for acquisition projects will include the following:~~  
1498 ~~(1) A summary of public input from affected stakeholders as it relates to the~~  
1499 ~~acquisition proposal.~~  
1500 ~~(2) A constraints analysis including, but not limited to existing or potential conflicts~~  
1501 ~~and environmental constraints.~~  
1502 ~~(3) Description of illegal OHV use in and around the acquisition property.~~  
1503 ~~(4) An acquisition schedule.~~  
1504 ~~(5) Parcel maps.~~  
1505 ~~(6) A project description that identifies the total acreage involved, average cost per~~  
1506 ~~acre, easements, and the number of parcels.~~  
1507 ~~(7) A completed environmental document must be included as part of the~~  
1508 ~~application.~~  
1509 ~~(8) All agencies acquiring property under the OHV Grant Program must comply~~  
1510 ~~with PRC Section 5090.53 and complete the following:~~  
1511 ~~(A) A Wildlife Habitat Protection Program to sustain viable species~~  
1512 ~~composition for the project area.~~  
1513 ~~(B) Wildlife habitat, soil, plant, and cultural surveys.~~  
1514 ~~(C) Recipient agrees to monitor the conditions of soil in the project area each~~  
1515 ~~year to determine whether the soil loss standard as found in the Soil~~  
1516 ~~Conservation Guidelines/Standards for Off-Highway Vehicle Recreation~~  
1517 ~~Management (11/14/91) is being met (see section 4970.14(d)).~~  
1518 ~~(c) Applications for development and major maintenance projects will comply with PRC,~~  
1519 ~~Section 5090.53 (include all items identified in Figure 4 Application Requirement~~  
1520 ~~Matrix OHV Grant Application Guide), and include the following:~~  
1521 ~~(1) A description of the development and major maintenance project.~~  
1522 ~~(2) Plans, specifications, and maps of the proposed project and area.~~  
1523 ~~(3) All agencies must submit environmental documentation (as described under~~  
1524 ~~4970.14).~~  
1525 ~~(4) A detailed cost estimate.~~  
1526 ~~(5) The specific dollar amount and breakdown of work that is defined as restoration~~  
1527 ~~(refer to the definition section of these regulations).~~  
1528 ~~(d) Applications for O&M projects will include the following:~~  
1529 ~~(1) A map identifying the specific areas/routes that will be maintained by OHV~~  
1530 ~~funds.~~  
1531 ~~(2) Resource management activities performed within the O&M project shall~~  
1532 ~~identify the dollar amount and scope of the activity in the application.~~  
1533 ~~(3) O&M grants to Local Agencies require a 25% match in funds or equivalent~~  
1534 ~~value in services. Local agencies must identify the source of the 25% match.~~  
1535 ~~(4) Local and Federal Agencies with multiple OHV units shall prepare a master~~  
1536 ~~application supported by sub-applications for each individual OHV unit.~~  
1537 ~~(5) Where multiple sites, parks, districts, or areas are being applied for within the~~  
1538 ~~required single application, the master application will summarize the~~  
1539 ~~information contained in the sub-applications.~~  
1540 ~~(6) O&M activities must be in accordance with local or federal land management~~  
1541 ~~plans.~~  
1542 ~~(7) Each piece of equipment or tool in excess of \$250 purchased with OHV Grant~~  
1543 ~~Trust Funds shall be identified as a line item in the OHV grant application.~~  
1544 ~~(8) Monitoring summary from previous OHV funded O&M project.~~

- 1545 ~~(9) Applications will discuss, as applicable, the existing situation, the status of~~  
 1546 ~~resources, problems, and the desired outcome or results.~~
- 1547 ~~(10) A map identifying known range of state or federally designated endangered or~~  
 1548 ~~threatened species and the extent of habitat for those species.~~
- 1549 ~~(11) A map in accordance with the Soil Conservation Guidelines/Standards for Off-~~  
 1550 ~~Highway Vehicle Recreation Management (11/14/91) that identifies the types of~~  
 1551 ~~soil and their erosion potential in the OHV areas funded by OHV funds.~~
- 1552 ~~(12) All federal cooperative agreements require environmental documentation (as~~  
 1553 ~~described under 4970.14).~~
- 1554 ~~(13) A Law Enforcement Plan.~~
- 1555 (e) ~~The Law Enforcement Plans shall consist of the following:~~
- 1556 ~~(1) A map and description of existing law enforcement problems and areas, and a~~  
 1557 ~~description of how the grant or cooperative agreement will solve those~~  
 1558 ~~problems. Law enforcement tasks shall include, but not be limited to,~~  
 1559 ~~enforcement of the following:~~
- 1560 ~~(A) Checking for spark arresters and current registration,~~  
 1561 ~~(B) Compliance with noise requirements,~~  
 1562 ~~(C) Prevention of illegal activity that may result in resource damage or~~  
 1563 ~~trespass,~~  
 1564 ~~(D) Enforcement of alcohol-related laws,~~  
 1565 ~~(E) OHV-related search and rescue,~~  
 1566 ~~(F) The Law Enforcement Plan shall identify what method the public will use~~  
 1567 ~~to seek assistance for law enforcement problems or emergencies (e.g.,~~  
 1568 ~~telephone number for District Office or County Sheriff's Department).~~
- 1569 ~~(2) A map of the OHV areas, routes, and corridors that will be patrolled and~~  
 1570 ~~enforced with OHV funds.~~
- 1571 ~~(3) Identification of the number and classification of law enforcement personnel~~  
 1572 ~~involved in implementing the OHV project.~~
- 1573 ~~(4) A schedule of patrols that will be conducted and the classification of law~~  
 1574 ~~enforcement personnel used.~~
- 1575 ~~(5) The number, price, and type of enforcement signs to be purchased and~~  
 1576 ~~installed.~~
- 1577 ~~(6) The cost of educational materials such as displays or brochures.~~
- 1578 ~~(7) All OHV grant applicants must identify whether the law enforcement problems~~  
 1579 ~~are in areas that are identified for OHV use (as authorized by PRC 5090.50) or~~  
 1580 ~~if the problems are occurring in areas where OHV operation is prohibited (as~~  
 1581 ~~authorized by CVC Section 38225).~~
- 1582 (f) ~~Applications for resource management projects will include the following:~~
- 1583 ~~(1) A map identifying the specific areas/routes that will be monitored, repaired,~~  
 1584 ~~restored, or surveyed using OHV funds.~~
- 1585 ~~(2) The dollar amount and scope of the activity in the application.~~
- 1586 ~~(3) The specific dollar amount and breakdown of work that is defined as restoration~~  
 1587 ~~(refer to the definition section of these regulations).~~
- 1588 ~~(4) A monitoring program to determine the effectiveness of the measure~~  
 1589 ~~implemented.~~
- 1590 ~~(5) Environmental documentation with regard to compliance with NEPA and CEQA~~  
 1591 ~~requirements. A Wildlife Habitat Protection Program (WHPP) may also be~~  
 1592 ~~applicable to this project.~~
- 1593 (g) ~~Applications for safety and/or education program projects will include the following:~~

- 1594 (1) ~~A description of the purpose and specific detail of the map, brochure, or~~  
 1595 ~~educational material to be developed for the project.~~
- 1596 (2) ~~Identification of how the materials will contribute to the instruction of safe and~~  
 1597 ~~environmentally responsible operation of OHV's.~~
- 1598 (3) ~~A cost estimate identifying the agency's contribution of 25% in matching funds,~~  
 1599 ~~including in lieu contributions.~~
- 1600 (4) ~~No environmental documentation (NEPA, CEQA, or WHPP) is required as part~~  
 1601 ~~of this project.~~
- 1602 (h) ~~Applications for equipment Purchase projects will include:~~
- 1603 (1) ~~A cost estimate of the equipment to be purchased.~~
- 1604 (2) ~~A complete equipment inventory list identifying any equipment previously~~  
 1605 ~~purchased using OHV funds. The list will include a description of the item, the~~  
 1606 ~~model number, the registration number, and complete listing of mileage and~~  
 1607 ~~hours used for OHV projects.~~
- 1608 (3) ~~A list of equipment to be replaced with OHV grant funds, which includes a~~  
 1609 ~~description of the item, model number, the registration number, and complete~~  
 1610 ~~listing of mileage and hours used for OHV projects.~~
- 1611 (4) ~~No environmental documentation (NEPA, CEQA, or WHPP) is required as part~~  
 1612 ~~of this project.~~
- 1613 (i) ~~Applications for law enforcement projects will include:~~
- 1614 (1) ~~A description of how OHV funds will assist local and federal agencies with~~  
 1615 ~~enforcement of OHV laws, personnel support, and training.~~
- 1616 (2) ~~A Law Enforcement Plan as identified in 4970.11(e).~~
- 1617 (3) ~~Local agencies shall identify legal existing OHV opportunities, as well as~~  
 1618 ~~potential areas for OHV use.~~
- 1619 (4) ~~No environmental documentation (NEPA, CEQA, or WHPP) is required as part~~  
 1620 ~~of this project.~~
- 1621 (j) ~~Administrative costs shall be identified in the application, and not exceed 10% of the~~  
 1622 ~~total grant amount requested.~~
- 1623 (k) ~~If an OHV project will require more than one year to complete, an explanation shall be~~  
 1624 ~~provided in the application.~~

1625

1626 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1627 Reference cited: Sections 5024.1, 5090.10, 5090.32, 5090.50, and 5090.64, PRC.

1628

1629 **~~4970.12. PROJECT ACCOMPLISHMENT REPORT (4/2000) (PAR)~~**

- 1630 (a) ~~"Project Accomplishment Report" (4/2000) (PAR) is a form to be completed by the~~  
 1631 ~~grantee that provides information on an OHV project and is submitted to the~~  
 1632 ~~Department.~~
- 1633 (b) ~~A grantee shall complete a PAR for each required OHV project, a list of the types of~~  
 1634 ~~projects that require a PAR is included in the guide.~~
- 1635 (c) ~~O&M applications shall include a completed PAR for the previously funded O&M~~  
 1636 ~~project.~~
- 1637 (d) ~~Local agencies will annually seek to identify acquisition opportunities surrounding~~  
 1638 ~~grant funded OHV facilities for the purpose of providing a buffer from existing or future~~  
 1639 ~~conflicting land uses.~~
- 1640 (e) ~~A PAR form (4/2000) is included in the OHV Grant Application Guide (June 2000); all~~  
 1641 ~~pages of the form must be completed.~~
- 1642

1643 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1644 Reference cited: Section 5090.32(d), PRC.

1645  
1646 ~~**4970.13. CONSISTENCY WITH RESOURCE, RECREATION, GENERAL, OR MASTER**~~  
1647 ~~**PLANNING DOCUMENTS**~~

1648 ~~(a) Consistency with applicable planning documents will be documented in the~~  
1649 ~~applications.~~

1650  
1651 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1652 Reference cited: Sections 5090.32 and 5090.50, PRC.

1653  
1654 ~~**4970.14. ENVIRONMENTAL DOCUMENTATION**~~

1655 ~~(a) Applications shall include completed environmental documentation, as applicable, as~~  
1656 ~~required in 4970.14.~~

1657 ~~(b) When a federal agency submits a NEPA document, Division staff shall review it for~~  
1658 ~~comparability to CEQA. If the NEPA document does not meet the requirements of~~  
1659 ~~CEQA, Division staff will work with the federal agency to obtain the missing information~~  
1660 ~~and will complete the necessary CEQA documentation. If the information is not~~  
1661 ~~received from the federal agency, no CEQA document will be prepared and no Project~~  
1662 ~~Agreement will be certified.~~

1663 ~~(c) Federal agencies that have approved cooperative agreements shall develop a Wildlife~~  
1664 ~~Habitat Protection program in cooperation with the Division, with the exception of~~  
1665 ~~these applications that do not require environmental documentation according to~~  
1666 ~~4970.14 of these regulations. The Wildlife Habitat Protection Program shall include the~~  
1667 ~~following:~~

1668 ~~(1) A map identifying the trails, roads, corridors, and areas that are open for use by~~  
1669 ~~OHVs and receive funding from the OHV fund.~~

1670 ~~(2) A baseline survey of the soils, and sensitive wildlife, and wildlife habitats found~~  
1671 ~~in the area that are open for use by OHVs and receive funding from the OHV~~  
1672 ~~fund.~~

1673 ~~(3) A monitoring program:~~

1674 ~~(A) The program shall be able to detect accelerated and unnatural erosion~~  
1675 ~~and the loss of wildlife habitat in the area that is open for use by OHVs~~  
1676 ~~and is maintained and managed with OHV Grant Program Funds. An~~  
1677 ~~annual monitoring program report shall be provided to the Division at the~~  
1678 ~~end of each implementation period.~~

1679 ~~(B) In order to assist in sustaining viable species composition, on the lands~~  
1680 ~~within their jurisdiction, grantees shall identify and monitor endangered,~~  
1681 ~~threatened, and other species of concern that are identified by the~~  
1682 ~~management agency, consistent with current laws and policies within the~~  
1683 ~~areas maintained and managed with OHV Grant Program Funds. The~~  
1684 ~~grantee shall also appraise the biological diversity of the areas receiving~~  
1685 ~~OHV Grant Program Funds as well as those factors that may contribute~~  
1686 ~~to the overall ecological health of the habitat within the bioregion and~~  
1687 ~~include this information with the annual monitoring program report.~~

1688 ~~(C) The Wildlife Habitat Protection Program shall specify management~~  
1689 ~~objectives for protecting identified species and their associated habitats.~~  
1690 ~~Utilizing the information gathered via the monitoring of these species and~~  
1691 ~~their associated habitats, the grantees shall evaluate and accordingly~~

- 1692 modify the management processes of the Program. Grantees shall  
1693 discuss within the annual monitoring program report the changes to the  
1694 Wildlife Habitat Protection Program that were implemented as a result of  
1695 this adaptive management process.
- 1696 (4) A resource protection program that includes but is not limited to law  
1697 enforcement, public education, signing, and barriers.
- 1698 (5) A management component that uses the above information to resolve resource  
1699 issues.
- 1700 (6) Federal land managers shall include in their grant application a list or map that  
1701 identifies all roads and trails maintained with OHV funds that have been  
1702 identified as non-compliant with the Soil Conservation Guidelines/Standards for  
1703 Off-Highway Vehicle Recreation Management (11/14/91). Beginning with the  
1704 2001/2002 grant cycle, applications shall include a plan that identifies the roads  
1705 and trails to be repaired, relocated, or closed with a timeline when the projects  
1706 are expected to be completed. A report on the status of the implementation of  
1707 the plan shall be included with the annual monitoring program report.
- 1708 (d) The Soil Conservation Guidelines/Standards for Off-Highway Vehicle Recreation  
1709 Management (11/14/91) is hereby incorporated by reference. The standards and  
1710 guidelines that are identified in the Soil Conservation Guidelines/Standards for Off-  
1711 Highway Vehicle Recreation Management are applicable to Federal agencies that are  
1712 awarded cooperative agreements.
- 1713 (e) Compliance with The Wildlife Habitat Protection Program and the Soil Conservation  
1714 Guidelines/Standards is required at areas maintained or managed with OHV funds  
1715 from the OHV Program and will be evaluated under the stewardship criteria provided  
1716 in Section 4970.32 (c) (7) for applicants to receive future grants and cooperative  
1717 agreements.
- 1718 (f) The decision on whether to close an area, route, or trail shall comply with PRC  
1719 5090.35.

1720  
1721 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1722 Reference cited: Sections 5090.10, 5090.32, 5090.35, 5090.50, and 5090.53, PRC.

1723  
1724 **4970.15. GRANTEE OBLIGATIONS**

- 1725 (a) The Project Agreement in no way restricts a grantee from cooperating with or receiving  
1726 cooperation from other public and private agencies, organizations, and individuals, or  
1727 from accepting contributions and gifts for development, administration, and operation  
1728 of OHV areas and facilities. The applicant must consider the cumulative impacts of  
1729 other projects that have been conducted or planned in the OHV funded areas when  
1730 completing the environmental documentation in compliance with NEPA and CEQA.
- 1731 (b) The grantee and its employees, in the performance of an OHV project, shall act in an  
1732 independent capacity and not as officers or employees of the Department.
- 1733 (c) The Project Agreement shall not obligate the grantee to expend or be a part of any  
1734 contract or other obligation of the fund in excess of the funds authorized by law and  
1735 administratively allocated by the Division.
- 1736 (d) If a grantee does not complete a project within the time frame specified in the Project  
1737 Agreement, the grantee shall notify the Division in writing what issues, reasons, or  
1738 problems precluded the grantee from completing the project on schedule. The grantee  
1739 will then request, in writing, permission from the Division to: (1) drop the project, (2)

1740 proceed in a second effort, or (3) proceed with a new course of action that assures  
1741 completion.  
1742 (e) ~~Any maps, brochures, or presentations developed by a grantee to discuss an OHV~~  
1743 ~~program funded by the OHMVR Division, shall identify the partnership with the~~  
1744 ~~OHMVR Division and California State Parks by displaying a current version of the~~  
1745 ~~OHV Funds at Work insignia. The insignias shall be made available by the OHMVR~~  
1746 ~~Division.~~

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

1750  
1751 **4970.16. INSPECTIONS**

1752 (a) ~~Property and facilities developed or managed with OHV funds shall be available for~~  
1753 ~~inspections by the Division.~~

1754  
1755 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1756 Reference cited: Section 5090.32, PRC.

1757  
1758 **ARTICLE 4 — PROJECT FUNDING**

1759  
1760 **4970.17. FUNDING AMOUNTS AND RECOMMENDATIONS**

1761 (a) ~~OHV grants and cooperative agreements shall be awarded on a competitive basis.~~  
1762 ~~The Division shall evaluate applications and provide recommendations to the~~  
1763 ~~Commission on each application, including funding level, and any applicable~~  
1764 ~~evaluation criteria (refer to Section 4970.32).~~  
1765 (b) ~~The Commission shall review the applications annually and consider Division~~  
1766 ~~recommendations, public input, and agency testimony as a basis to allocate funds.~~  
1767 (c) ~~The minimum amount of an application shall be \$5,000.00.~~

1768  
1769 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1770 Reference cited: Sections 5090.32, and 5090.50, PRC.

1771  
1772 **4970.18. FUNDING PROCESS**

1773 (a) ~~The Commission shall allocate all funds approved by the Legislature for that fiscal~~  
1774 ~~year.~~

1775  
1776 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
1777 Reference cited: Sections 5090.24(d) and (f), and 5090.32, PRC.

1778  
1779 **4970.19. PAYMENTS**

1780 (a) ~~The Division shall develop a Payment Request Form (1/4/2000), and all payment~~  
1781 ~~requests submitted to the Division shall be on that form (See the OHV Grant~~  
1782 ~~Application Guide, June 2000). Categories of expenditures, including restoration, shall~~  
1783 ~~be identified on the payment request form.~~  
1784 (b) ~~The Division shall certify the Payment Request Form before any payment is made.~~  
1785 (c) ~~The grantee shall submit a Payment Request Form to the Division within the Project~~  
1786 ~~Performance Period as defined by the Project Agreement.~~  
1787 (d) ~~All costs claimed by the grantee shall be supported by invoice, purchase order,~~  
1788 ~~canceled warrant, time sheet, or by other such records.~~

- 1789 ~~(e) Grantees using Force Account labor shall document expenditures with timesheets.~~  
1790 ~~(f) A cost is considered incurred at the time a purchase is delivered or a service is~~  
1791 ~~rendered.~~  
1792 ~~(g) Grantees may be paid in advance or on a reimbursement basis.~~  
1793 ~~(h) The Division may advance up to 100% of the OHV grant or cooperative agreement~~  
1794 ~~amount; the Division may fund advances in installments. Advances to all grant and~~  
1795 ~~cooperative agreement recipients shall be placed in a separate interest bearing~~  
1796 ~~account (if agency is legally able to do so). In order to spend the interest accrued from~~  
1797 ~~this account, the grantee must request written permission from the Division. The~~  
1798 ~~request must state how the funds will be spent and for what purpose. Otherwise, the~~  
1799 ~~interest accrued from this account must be returned to the fund.~~  
1800 ~~(i) For OHV Acquisition projects, the Division shall disburse funds for the purchase price~~  
1801 ~~and eligible acquisition costs when acquisition is through negotiated purchase, but not~~  
1802 ~~to exceed the allowable project costs set forth in the Project Agreement.~~  
1803

1804 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1805 Reference cited: Sections 5090.32, and 5090.50, PRC.

1806

#### 1807 **4970.20. ELIGIBLE COSTS**

- 1808 ~~(a) The following costs are eligible for payment from the fund:~~  
1809 ~~(1) Preliminary costs for contract preparation, acquisition appraisal, and~~  
1810 ~~negotiation.~~  
1811 ~~(2) Costs for an employee directly engaged in OHV project implementation, subject~~  
1812 ~~to the following restrictions:~~  
1813 ~~(A) Costs must be computed according to the prevailing wage or salary~~  
1814 ~~scale, and may include benefits (i.e., vacation, sick leave, and social~~  
1815 ~~security contribution) that are customarily charged by the grantee.~~  
1816 ~~Personnel benefit charges must be isolated and charged in proportion to~~  
1817 ~~the actual time an employee works on an OHV project.~~  
1818 ~~(B) Costs for salary and wages claimed for an employee, working on an~~  
1819 ~~OHV project, must not exceed the grantee's established rate for a like~~  
1820 ~~position.~~  
1821 ~~(C) Costs charged to an OHV project must be computed on actual time~~  
1822 ~~spent on the project and supported by timesheets and attendance~~  
1823 ~~records (describing the work performed on the OHV project).~~  
1824 ~~(D) Costs for overtime may be allowed under the grantee's established~~  
1825 ~~policy, provided that regular full-time work was devoted to the same~~  
1826 ~~project.~~  
1827 ~~(b) Costs for consultation service are reimbursable if paid according to the grantee's~~  
1828 ~~customary established method and rate.~~  
1829 ~~(c) Consultant fees may be paid to a grantee's own employee with prior written approval~~  
1830 ~~from the Division.~~  
1831 ~~(d) Equipment owned by the grantee, used on an OHV project, may be charged on a~~  
1832 ~~"use" basis. The "use" rate charged must be equal to that normally charged by the~~  
1833 ~~agency. Industry rental rates may be used as a guide, if the grantee does not have an~~  
1834 ~~established rate. If a grantee's equipment is used, a log or source document must~~  
1835 ~~describe work performed, "use" hours and the log or source document shall be signed~~  
1836 ~~by the operator and the operator's supervisor.~~

- 1837 ~~(e) — Supplies and materials may be purchased for a specific OHV project or may be drawn~~
- 1838 ~~from a central stock, provided that they are claimed at a cost no higher than they were~~
- 1839 ~~purchased by the grantee.~~
- 1840 ~~(f) — When supplies and/or materials are purchased with the intention of constructing a~~
- 1841 ~~structure or part of a structure, the cost charged as supplies and materials are~~
- 1842 ~~capitalized according to the grantee's normal practice or policy. If capitalized, only that~~
- 1843 ~~cost reasonably attributed to the OHV project may be charged to the OHV project.~~
- 1844 ~~(g) — Construction activities, from site preparation (demolition, excavation, grading, etc.)~~
- 1845 ~~through completion of the structure or facility, are reimbursable.~~
- 1846 ~~(h) — Acquisition costs incurred in the acquisition of real property, including the approved~~
- 1847 ~~purchase price of the property, appraisal, survey, preliminary title report, escrow fee,~~
- 1848 ~~title insurance fee, and court costs on condemnation, are reimbursable.~~
- 1849 ~~(i) — Relocation costs that result from the displacement of a person and/or business, in~~
- 1850 ~~accordance with Government Code Sections 7260-7277, may be charged.~~
- 1851 ~~(j) — Grantee insurance premiums for casual riding, hazard, and liability insurance for an~~
- 1852 ~~OHV facility may be reimbursed by the fund.~~
- 1853 ~~(k) — Transportation costs for moving equipment, material, and personnel (excluding moving~~
- 1854 ~~and relocation expenses resulting from changes in assignments) are reimbursable.~~
- 1855 ~~(l) — Work performed by another section or department within the grantee's agency is~~
- 1856 ~~reimbursable.~~

1857

1858 ~~NOTE: Authority cited: Sections 5001.5 and 5003, PRC.~~

1859 ~~Reference cited: Sections 5090.32, and 5090.50, PRC.~~

1860

1861 **~~4970.21. INELIGIBLE COSTS~~**

1862 ~~The following costs are ineligible for payment from the fund:~~

- 1863 ~~(a) — A cost incurred outside the project performance period as specified in the Project~~
- 1864 ~~Agreement.~~
- 1865 ~~(b) — An interest expense, discount not taken, deficit or overdraft, or bonus payment.~~
- 1866 ~~(c) — Charges for a contingency reserve or other similar reserve.~~
- 1867 ~~(d) — A damage judgment against the grantee arising from the operation, acquisition,~~
- 1868 ~~construction, or equipping of an area or trail whether determined by judicial process,~~
- 1869 ~~arbitration, negotiation, etc.~~
- 1870 ~~(e) — Unapproved contract cost overruns that exceed the allowable amount identified in the~~
- 1871 ~~Project Agreement.~~
- 1872 ~~(f) — Workers' compensation claims of grantee workers.~~
- 1873 ~~(g) — Travel claimed when no work time was claimed for the same period.~~
- 1874 ~~(h) — Employee relocation (moving expenses resulting from duty station or assignment~~
- 1875 ~~change).~~
- 1876 ~~(i) — Charges incurred contrary to the policies and practices of the grantee.~~
- 1877 ~~(j) — Services, materials, or equipment obtained under any other state program.~~

1878

1879 ~~NOTE: Authority cited: Sections 5001.5 and 5003, PRC.~~

1880 ~~Reference cited: Section 5090.32, PRC.~~

1881

1882 **~~4970.22. OPERATION AND MAINTENANCE OF OHV FUNDED FACILITIES~~**

- 1883 ~~(a) — Local or federal agency shall maintain facilities at a level that will ensure sustained,~~
- 1884 ~~long-term OHV use, and conservation of natural values.~~
- 1885 ~~(b) — OHV funded facilities shall be used primarily for casual OHV recreation.~~

1886 ~~(c) The grantee will operate the area or facility in accordance with the days and hours~~  
1887 ~~identified in the application.~~

1888

1889 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1890 Reference cited: Sections 5090.32, and 5090.51, PRC.

1891

1892 **4970.23. USE OF OHV FUNDED FACILITIES**

1893 ~~(a) Property acquired or developed by Local Agencies with OHV funds shall be used for~~  
1894 ~~the purpose and time period for which the OHV funds were requested. Any use of the~~  
1895 ~~property other than the original purpose stated by the grantee or a third party shall~~  
1896 ~~have prior written approval by the Division.~~

1897 ~~(b) The grantee shall notify the Division immediately in writing of any pending land use~~  
1898 ~~plan that would result in the closure of land to OHV recreation that was purchased,~~  
1899 ~~developed, or maintained with OHV funds.~~

1900 ~~(c) During the life of the grant, revenue generated by local agencies on land acquired or~~  
1901 ~~developed with OHV funds shall be used for OHV recreation activities or related~~  
1902 ~~activities, in the area where the revenues are generated.~~

1903 ~~(d) Local Agencies shall obtain written approval from the Division to spend revenue~~  
1904 ~~generated from any OHV funded land acquisition or development project.~~

1905 ~~(e) During the life of the grant, the grantee shall report annually to the Division the amount~~  
1906 ~~of revenue generated from each OHV funded land acquisition or development project~~  
1907 ~~and how and where the revenues were spent.~~

1908 ~~(f) Local Agencies may use revenues generated by the facility toward the required 25%~~  
1909 ~~match for O&M projects.~~

1910

1911 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1912 Reference cited: Sections 5090.32, 5090.50, and 5090.51, PRC.

1913

1914 **ARTICLE 5 -- PROJECT AGREEMENTS, AMENDMENTS, & RE-SCOPES**

1915

1916 **4970.24. PROJECT AGREEMENT**

1917 ~~(a) A Project Agreement shall be prepared for each OHV grant or cooperative agreement;~~  
1918 ~~the Project Agreement sets forth the terms and conditions of the project.~~

1919 ~~(b) OHV funds are not available for expenditure until they are appropriated in the state~~  
1920 ~~budget.~~

1921 ~~(c) No funds shall be disbursed until a Project Agreement for the project has been~~  
1922 ~~certified.~~

1923 ~~(d) The application shall be incorporated into and made part of the Project Agreement.~~

1924

1925 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1926 Reference cited: Sections 5090.32, 5090.50, and 5090.53, PRC.

1927

1928 **4970.25. AMENDMENT TO PROJECT AGREEMENT**

1929 ~~(a) Advanced written approval by the Division is required for changes to a Project~~  
1930 ~~Agreement.~~

1931 ~~(b) An Amendment to the Project Agreement shall be certified to be effective.~~

1932 ~~(c) Changes to a Project Agreement, prior to the advancement of all funds, shall be made~~  
1933 ~~through an Amendment to Project Agreement between the grantee and the Division.~~

1934 ~~(d) If all funds have been advanced, minor changes shall be authorized through a letter~~  
1935 ~~from the Division to the grantee.~~

1936

1937 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1938 Reference cited: Section 5090.32, PRC.

1939

1940 **4970.26. RE-SCOPE OF PROJECT AGREEMENT**

1941 ~~(a) All requests for the re-scope of a project shall be in writing to the Division.~~

1942 ~~(b) All re-scope requests shall include the following:~~

1943 ~~(1) An explanation of why the re-scope is necessary.~~

1944 ~~(2) An explanation of what will happen if the re-scope is not approved.~~

1945 ~~(3) The financial impact of the re-scope.~~

1946 ~~(c) All re-scope requests shall be brought before the Commission for public review,~~  
1947 ~~comment, and approval.~~

1948 ~~(d) Once a re-scope is approved, an Amendment to the Project Agreement will be~~  
1949 ~~prepared by the Division.~~

1950

1951 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1952 Reference cited: Section 5090.32, PRC.

1953

1954 **ARTICLE 6 - OHMVR COMMISSION**

1955

1956 **4970.27. ANNUAL APPLICATION REVIEW MEETINGS**

1957 ~~(a) Prior to the start of each grant cycle, the Commission shall hold one public meeting to~~  
1958 ~~collect public input concerning the OHV grant program, recommendations for program~~  
1959 ~~improvements, and specific needs for grant program areas. The Commission shall~~  
1960 ~~provide guidance to the Division regarding the needs, interests, and general priorities~~  
1961 ~~identified by the Commission in the annual public review meeting. The Division will~~  
1962 ~~disseminate this information to provide guidance to grantees for future funding.~~

1963 ~~(b) The Commission shall review the applications, the Division's recommendation, and~~  
1964 ~~public and agency testimony.~~

1965 ~~(c) The Division shall provide the Commission and the Resources Agency with a complete~~  
1966 ~~list of grant applications; other organizations and interested parties may receive a copy~~  
1967 ~~upon written request to the Division.~~

1968 ~~(d) The Division shall send to the applicants, the Commission, and the Resources Agency~~  
1969 ~~its funding recommendations. Other organizations and interested parties may receive~~  
1970 ~~a copy upon written request to the Division.~~

1971 ~~(e) Commission meeting notices will be sent to those who have requested in writing that~~  
1972 ~~they be put on the mailing list. The mailing list will be updated annually.~~

1973

1974 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1975 Reference cited: Sections 5090.24, and 5090.32, PRC.

1976

1977 **ARTICLE 7 - OHV GRANT APPLICATION GUIDE**

1978

1979 **4970.28. APPLICATION GUIDE - GENERAL**

1980 ~~(a) The Division has developed and will make available to the public an OHV Grant~~  
1981 ~~Application Guide (June 2000), which is hereby incorporated by reference.~~

- 1982 ~~(b) The guide shall be made available to the public in printed form and may be made~~  
1983 ~~available on the Off Highway Motor Vehicle Recreation Division's Website.~~  
1984 ~~(c) The Division may make revisions to the guide as needed; revisions shall be subject to~~  
1985 ~~the Administrative Procedure Act (Government Code section 11340 et seq.).~~  
1986

1987 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

1988 Reference cited: Section 5090.32, PRC.

1989

## 1990 ~~ARTICLE 8 — ACCOUNTING, AUDITS, AND ANNUAL PERFORMANCE REVIEW~~

1991

### 1992 ~~4970.29. ACCOUNTING, AUDITS, AND ANNUAL PERFORMANCE REVIEW — GENERAL~~

1993 ~~(a) The grantee shall provide the Division a report showing total final project expenditures~~  
1994 ~~including state and all other moneys expended within 180 days of the completion of~~  
1995 ~~the project or the end of the project performance period, whichever is earlier. The~~  
1996 ~~report shall include a narrative of what has been accomplished with the OHV funds.~~

1997 ~~(b) Funds advanced by the Division under the terms of the Project Agreement shall be~~  
1998 ~~used solely for the OHV project.~~

1999 ~~(c) If funds are advanced to a federal agency, local agency, or nonprofit organization and~~  
2000 ~~not expended, the unused portion of the advance or that portion of the advance which~~  
2001 ~~is in excess of the actual project cost, whichever is the larger amount, shall be~~  
2002 ~~returned to the Division, with interest, within 60 days of project completion or end of~~  
2003 ~~the project performance period, whichever is earlier.~~

2004 ~~(d) The grantee shall maintain financial accounts, documents, and records for the OHV~~  
2005 ~~project and shall make them available to the Division's auditor.~~

2006 ~~(e) The Division shall have the right to inspect and make copies of any books, records, or~~  
2007 ~~reports of the other party pertaining to the OHV project.~~

2008 ~~(f) The grantee shall use generally accepted accounting methods.~~

2009 ~~(g) The grantee shall retain all financial accounts, documents, and records until the project~~  
2010 ~~has been audited by the Department or notified in writing of an audit waiver.~~

2011 ~~(h) The Department may postpone, defer, or waive an audit; the grantee shall be notified~~  
2012 ~~in writing of such.~~

2013 ~~(i) Upon completion of the Department audit, the grantee shall be notified in writing and~~  
2014 ~~will be provided a copy of the audit report.~~

2015 ~~(j) If the audit report identifies a refund due to the Division, the grantee shall remit to the~~  
2016 ~~Division, within 60 days of the receipt of the audit report, the amount identified in the~~  
2017 ~~report.~~

2018 ~~(k) If payment is not received within 60 days, the grantee shall be deemed delinquent.~~  
2019 ~~The Division shall notify the grantee in writing of its delinquent status and that future~~  
2020 ~~payments to the grantee may be withheld until the refund identified in the audit report~~  
2021 ~~has been paid in full.~~

2022 ~~(l) When funds are advanced to local agencies, non-profit organizations, or educational~~  
2023 ~~institutions, the grantee shall place such funds in a separate interest bearing account,~~  
2024 ~~setting up and identifying such account prior to the advance. Interest earned on funds~~  
2025 ~~may be paid to the Division or used on the project with prior written approval from the~~  
2026 ~~Division and the OHMVR Commission.~~

2027 ~~(m) Financial records shall clearly identify conservation activities such as: trail~~  
2028 ~~maintenance, restoration, and repair; wildlife, soils, or plant monitoring; or habitat~~  
2029 ~~protection activities that were financed with OHV funds. Enforcement activities shall~~  
2030 ~~also be clearly identified.~~

- 2031 ~~(n) Annual performance reviews shall be conducted by the Division on all grants and~~  
2032 ~~cooperative agreements, and shall be conducted prior to the fiscal audit.~~
- 2033 ~~(o) The annual performance review shall be used to determine compliance with the terms~~  
2034 ~~and conditions of the project agreement and list of deliverables.~~
- 2035 ~~(p) Upon completion of the annual performance review, the grant recipient shall be~~  
2036 ~~provided with a copy of the final report.~~
- 2037 ~~(q) The annual performance review report shall contain specific recommendations from~~  
2038 ~~the Division designed to improve the local and federal program.~~
- 2039 ~~(r) Elements to be evaluated as part of the annual performance review include the~~  
2040 ~~following (as applicable):~~
- 2041 ~~(1) Grants Status~~  
2042 ~~(2) Environmental Stewardship~~  
2043 ~~(3) Facility Maintenance~~  
2044 ~~(4) Law Enforcement~~  
2045 ~~(5) Equipment~~  
2046 ~~(6) Volunteer Program~~  
2047 ~~(7) Signing~~  
2048 ~~(8) Maps~~  
2049 ~~(9) Trails~~  
2050 ~~(10) Conflicts (including the potential for future conflicts associated with urban~~  
2051 ~~encroachment and/or changes in adjoining land uses)~~
- 2052 ~~(11) Deliverables (attached to the project agreement)~~  
2053 ~~(12) Public Outreach~~  
2054 ~~(13) Staffing Accountability~~  
2055 ~~(14) Overall Program Management~~  
2056 ~~(15) Planning Consistency~~  
2057 ~~(16) Partnership Recognition (the grantee recognizes the OHMVR Division and DPR~~  
2058 ~~as a partner on all signage, equipment, and publications associated with the OHV~~  
2059 ~~program).~~

2060  
2061 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

2062 Reference cited: Sections 5090.32, and 5090.50, PRC.

2063

#### 2064 **4970.30. PROJECT TERMINATION**

- 2065 ~~(a) A grantee may unilaterally rescind a project any time prior to the commencement of~~  
2066 ~~the project. After commencement of the OHV project, the Project Agreement may be~~  
2067 ~~rescinded, modified, or amended by mutual agreement in writing.~~
- 2068 ~~(b) Failure of a grantee to comply with the terms of the Project Agreement shall be cause~~  
2069 ~~for suspension of all obligations of the Division if, in the judgment of the Division, such~~  
2070 ~~failure was due to no fault of the grantee. In such case, any amount required to settle~~  
2071 ~~at minimum cost any irrevocable obligations properly incurred may be eligible for~~  
2072 ~~payment out of the fund.~~

2073

2074 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

2075 Reference cited: Sections 5090.32, and 5090.50, PRC.

2076

#### 2077 **4970.31. CONSERVATION AND ENFORCEMENT SERVICES ACCOUNT**

- 2078 ~~(a) Funds allocated pursuant to Section 8352.8 of the Revenue & Taxation Code shall be~~  
2079 ~~expended by the Division or by cities, counties, or appropriate districts, or by agencies~~

2080 of the United States, solely for the following activities: (1) conservation activities  
2081 carried out for the prevention or reduction of soil loss, wildlife loss, and habitat loss as  
2082 defined in PRC Sections 5090.35, 5090.50, and 5090.53, and (2) enforcement  
2083 activities consisting of employing, equipping, and supervising law enforcement  
2084 personnel for the purpose of protecting natural and cultural resources, enforcement of  
2085 Division 16.5 (commencing with Section 38000) CVC, enforcement of PRC Sections  
2086 4442 and 4442.5, enforcement of other laws regulating the equipment and use of off-  
2087 highway motor vehicles, and (3) the construction of physical barriers and other means  
2088 of traffic control.

2089 (b) ~~The Division shall review annual expenditures to ensure the requirements of PRC~~  
2090 ~~Section 5090.64 are met.~~

2091 (c) ~~The application shall identify the amount to be expended on C&E. The following must~~  
2092 ~~be provided:~~

2093 (1) ~~A description and cost of the conservation activities with maps and photographs~~  
2094 ~~of the area involved.~~

2095 (2) ~~A description and cost of the law enforcement activities.~~

2096 (d) ~~Resource Management projects shall be considered 100% C&E.~~

2097 (e) ~~Funds identified as C&E in the Project Agreement shall be spent only for C&E~~  
2098 ~~activities; C&E and non-C&E funds shall be accounted for separately.~~

2099 (f) ~~The following activities are considered conservation:~~

2100 (1) ~~Soil, habitat, and wildlife monitoring.~~

2101 (2) ~~Activities to prevent soil erosion and activities to repair existing soil erosion.~~

2102 (3) ~~Wildlife habitat enhancement projects.~~

2103 (4) ~~Aerial photography.~~

2104 (5) ~~Wildlife, habitat, and soil studies.~~

2105 (6) ~~Temporary closure of trails or areas, or closure and restoration of unauthorized~~  
2106 ~~trails and trails not in compliance with PRC Section 5090.35(d), and (e).~~

2107 (7) ~~Reduction of dust related to OHV recreation.~~

2108 (8) ~~Reduction or prevention of siltation related to OHV recreation into streams.~~

2109 (g) ~~The following are considered enforcement:~~

2110 (1) ~~Law enforcement personnel, law enforcement officers (LEOs), and Federal~~  
2111 ~~technicians with citation authority who patrol the roads, trails, and areas that~~  
2112 ~~receive funds from the OHV Program.~~

2113 (2) ~~Installation of barriers and signs to prevent resource damage.~~

2114 (3) ~~Reduction of noise impacts of OHVs on people and wildlife through the~~  
2115 ~~enforcement of noise regulations found in CVC Section 38370.~~

2117 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.

2118 Reference cited: Sections 5090.32, 5090.35, 5090.50, 5090.53, and 5090.64, PRC; Section  
2119 8352.8, Revenue & Taxation Code; Sections 38000 and 38370, CVC.

### 2121 **4970.32. EVALUATION CRITERIA**

2122 (a) ~~OHV grants and cooperative agreements shall be awarded on a competitive basis.~~

2123 (b) ~~Each application shall be evaluated by Division staff and the Commission based on~~  
2124 ~~established criteria.~~

2125 (c) ~~The criteria used to evaluate applications shall include:~~

2126 (1) ~~Past and/or Expected Use: Past OHV attendance figures (five years) shall be~~  
2127 ~~based on the PARs submitted by the applicant. Expected use shall be based~~

- 2128 on historic use plus any expected increase due to current or future conditions. A  
2129 PAR for the previous funded year project shall be included in the application.
- 2130 (2) ~~Application Content and Quality: The application shall provide adequate~~  
2131 ~~information for the Division, Commission, and public to evaluate the project.~~  
2132 ~~The information provided is complete, current, clear, and concise.~~
- 2133 (3) ~~Public Input: All letters commenting on the grant received by the applying~~  
2134 ~~agency shall be included in the application. Letters written to the Division~~  
2135 ~~regarding applications shall be included in the Commission packet.~~
- 2136 (4) ~~Demand: Is there a demonstrated need for the project? Will the project sustain,~~  
2137 ~~expand, or create OHV opportunity?~~
- 2138 (5) ~~Existing OHV Opportunity: The application shall identify the legal OHV~~  
2139 ~~opportunities that exist within a 50-mile radius of the project area. Changes in~~  
2140 ~~OHV opportunity in the last two years (e.g., miles of trails or acres of OHV riding~~  
2141 ~~opportunity) shall also be identified.~~
- 2142 (6) ~~Types of Vehicles/Uses: Types of vehicles currently using the area. In addition,~~  
2143 ~~types and extent of non-motorized use of OHV funded facilities, trails, and open~~  
2144 ~~areas.~~
- 2145 (7) ~~Stewardship: Previous grants and cooperative agreements shall have been~~  
2146 ~~completed on time; payment requests have been submitted on time; and audits~~  
2147 ~~of completed projects have found few, if any, problems or discrepancies.~~
- 2148 (8) ~~Environmental Stewardship: The applicant shall have a Forest Plan or Land~~  
2149 ~~Management Plan in place. The applicant shall have developed a Wildlife~~  
2150 ~~Habitat Protection Program, soil monitoring program, and the annual monitoring~~  
2151 ~~program report shall have been provided to the Division (if applicable). The~~  
2152 ~~applicant shall have provided an update of their route inventory and designation~~  
2153 ~~status (if applicable). Inspections by the grant administrator have found few~~  
2154 ~~problems. The grantee has provided the Division with maps of roads, trails, and~~  
2155 ~~areas that are funded with OHV funds.~~
- 2156 (9) ~~CEQA / NEPA: The application shall include completed environmental~~  
2157 ~~documentation prepared for the project.~~
- 2158 (10) ~~Useful Life: The area or facility shall be available for long-term use. The~~  
2159 ~~application shall identify known or anticipated threats to the longevity of OHV~~  
2160 ~~use (e.g., endangered species, urban expansion, wilderness expansion, or~~  
2161 ~~management plans).~~
- 2162 (11) ~~Future Commitment: The commitment of applicant funds toward O&M of the~~  
2163 ~~new acquisition or development, and the amount of funds that shall be required~~  
2164 ~~annually for O&M shall be identified.~~
- 2165 (12) ~~Volunteer Programs: The application shall provide information on the expected~~  
2166 ~~use of volunteers and the extent of the current volunteer program (e.g., number~~  
2167 ~~of active participants, hours volunteered, and the amount of funds used to run~~  
2168 ~~the program).~~
- 2169 (13) ~~Program Effectiveness: Current, and anticipated future visitation, miles/acres of~~  
2170 ~~opportunity, facilities, amount requested, and grantee contributions shall be~~  
2171 ~~taken into consideration.~~
- 2172 (14) ~~Use Conflicts: The application shall have identified methods to address and~~  
2173 ~~reduce conflicts between motorized uses and adjacent landowners and land~~  
2174 ~~uses.~~

2175 NOTE: Authority cited: Sections 5001.5 and 5003, PRC.  
2176

2177 Reference cited: ~~Sections 5090.23, 5090.24(f), 5090.32, and 5090.50, PRC~~  
2178

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