

**California Code of Regulations
Title 14. Natural Resources
Division 3. Department of Parks and Recreation
Chapter 15. Off-Highway Motor Vehicle Recreation Grants and Cooperative
Agreements Program Regulations**

*The 45-day proposed text is shown with single underlining for new text and single
strikethrough for deleted text.*

*Modifications to the 45-day proposed text are shown with double underline for new text
and double strikethrough for deleted text.*

Article 1. General Provisions

Subarticle 1. Environmental Requirements

**4970.06.1. California Environmental Quality Act (CEQA) and National
Environmental Policy Act (NEPA) Requirements.**

- (a) The OHMVR Division is required to comply with CEQA before approving each Grant.
- (b) When a Project request is funding both CEQA and/or NEPA requirements and actual Project Deliverables, the Project shall be undertaken and funded in two phases as follows:
 - (1) The first Project phase funds the CEQA and/or NEPA activities, and
 - (2) The second Project phase will fund the Deliverables, as approved and conditioned by the outcome of the CEQA and/or NEPA document, once the CEQA and/or NEPA conclusions result in a decision to proceed with the Project Deliverables and the OHMVR Division gives prior approval.
 - (3) Other than CEQA and NEPA activities, no Project Deliverables will be funded until a CEQA review has been completed for the entire Project.
- (c) For city, county, District, State Agency, Educational Institution, State Recognized Native American Tribes, Certified Community Conservation Corps, and Nonprofit organization Applicants only:
 - (1) All city, county, District, State Agency, Educational Institution, State Recognized Native American Tribes, Certified Community Conservation Corps, and Nonprofit organization Applicants shall provide the required documentation for the OHMVR Division to determine that CEQA compliance has been met for each Project. CEQA compliance shall be determined by submitting one of the following for each Project:
 - (A) An Environmental Review Data Sheet (Rev. 1/22) (ERDS) (refer to Appendix, incorporated by reference) documenting the Project is phased pursuant to ~~Section 4970.06.4 subdivision~~ (b). A subsequent ERDS shall be prepared prior to OHMVR Division approval of the second Project phase if a Notice of Determination (NOD) has not been filed at that time, or

- (B) A Notice of Exemption (NOE) finding that the Project is exempt from CEQA that has been filed for the Project consistent with CEQA Guidelines Section 15062, together with responses to questions required in the ERDS, or
 - (C) An Initial Study/Negative Declaration (IS/ND) or an Initial Study/Mitigated Negative Declaration (IS/MND) for activities that are not categorically exempt, but fit within the definition of activities that may be covered by a Negative Declaration (ND) under CEQA, together with a copy of the NOD filed for the Project, or
 - (D) An Environmental Impact Report (EIR) if the proposed activity poses a potentially significant impact as defined in an IS/ND checklist, or meets any of the tests for mandatory findings of significance under CEQA (PRC Section 21083; CEQA Guidelines Section 15065), together with a copy of the NOD filed for the Project, or
 - (E) Other documentation indicating the requirements of CEQA have been satisfied or the reasons the Applicant believes the Project is categorically exempt or not subject to the CEQA review (CEQA Guidelines Sections 15061(b)(3) or 15378).
- (2) Within 45 calendar days of the final Application submission, the OHMVR Division shall review the Application for environmental compliance.
- (A) If the OHMVR Division needs to clarify information provided pursuant to ~~Section 4970.06.4 subdivision~~ Section 4970.06.1 subdivision (c)(1), the OHMVR Division shall submit in writing a request for such information from the Applicant. The OHMVR Division shall request the Applicant provide the additional information in writing to the OHMVR Division within ten (10) calendar days of receipt of the request.
 - (B) Applicants that do not return the requested additional information within the ten (10) calendar day limit may have their Applications returned without further processing.
- (3) Notwithstanding ~~Section 4970.06.4 subdivision~~ Section 4970.06.1 subdivision (c)(1), where the Applicant is not a lead agency and CEQA compliance has not otherwise been met, the Applicant shall provide responses to questions required in the ERDS for each Project, and shall also provide adequate information to the OHMVR Division to make a sufficient Project review to determine the appropriate level of CEQA compliance and any additional environmental documentation required.
- (A) Within 45 calendar days of the final Application submission, the OHMVR Division shall review all Projects to determine what additional documentation or information is required for the OHMVR Division to complete the requirements for CEQA, with an assessment of the amount of further CEQA analysis and compliance that may be required. The OHMVR Division cannot commit to completing the added CEQA work needed if the time and resources required exceed the time and resources available to complete the Application selection process.

- ~~(B)~~1. If the OHMVR Division determines that it cannot complete the necessary additional CEQA work, it reserves the right to inform the Applicant in writing and return the Application and supporting materials.
- ~~(C)~~2. If the OHMVR Division determines that additional information is required for the Project to comply with CEQA and that such work may be completed with existing resources and within the timeframe for the Application process, it will request such additional documentation from the Applicant be returned within ten (10) calendar days of the written request.
- ~~(1)~~3. Applicants who do not return the requested additional information within the ten (10) day time limit may have their Applications returned without further processing.
- ~~(2)~~4. For those Applications that are accepted for further CEQA compliance, the OHMVR Division shall use its best efforts to cause the CEQA compliance work to be completed. However, the OHMVR Division cannot guarantee the Project will be certified as CEQA compliant. Also, the OHMVR Division reserves the right to cease CEQA compliance work if it determines the Project may not be funded in light of the Project evaluation and scoring process and submission of the Project to the OHMVR Division for review and approval.

(d) For federal agencies or Federally Recognized Native American Tribe Applicants only:

- (1) All federal agencies and Federally Recognized Native American Tribe Applicants shall submit an analysis of the environmental impacts of the proposed Project comparable with the requirements of CEQA.
 - (A) Completed Project-related NEPA, which must include a signed decision memo, finding of no significant impact, or record of decision, must be submitted.
 - (B) Clearly identify which sections are relevant to the Project.
 - (C) Submit responses to the ERDS.
 - (D) If the Applicant is requesting funding for NEPA or other comparable document preparation per ~~Section 4970.06.1~~subdivision (b) prior to implementing the remaining Project Deliverables, the Applicant shall submit an ERDS documenting the Project is phased pursuant to ~~Section 4970.06.1~~subdivision (b). A subsequent ERDS shall be prepared prior to OHMVR Division approval of the second Project phase if a NOD has not been filed, by the OHMVR Division or other CEQA lead agency, at that time.
- (2) Within 45 calendar days of the final Application submission, the OHMVR Division shall review all Projects to determine what additional documentation or information is required for the OHMVR Division to complete the requirements for CEQA, with an assessment of the amount of further CEQA analysis and compliance that may be required. The OHMVR Division cannot commit to completing the added CEQA work

needed if the time and resources required exceed the time and resources available to complete the Application selection process.

- (A) If the OHMVR Division determines that it cannot complete the necessary additional CEQA work, it reserves the right to inform the Applicant in writing and return the Application and supporting materials.
 - (B) If the OHMVR Division determines that additional information is required for the Project to comply with CEQA and such work may be completed with existing resources and within the timeframe for the Application process, it will request such additional documentation from the Applicant be returned within ten (10) calendar days of the written request.
 - (C) Applicants who do not return the requested additional information within the ten (10) day time limit may have their Applications returned without further processing.
 - (D) For those Applications that are accepted for further CEQA compliance, the OHMVR Division will use its best efforts to cause the CEQA compliance work to be completed. However, the OHMVR Division cannot guarantee the Project will be certified as CEQA compliant. Also, the OHMVR Division reserves the right to cease CEQA compliance work if it determines the Project may not be funded in light of the Project evaluation and scoring process and submission of the Project to the OHMVR Division for review and approval.
- (e) An agency may not rely on mitigation measures as a basis for concluding a Project is categorically exempt.
 - (f) When an ERDS is required, one ERDS shall be provided for each individual Project, even if more than one (1) Project falls under the same Project type. If an individual Project addresses more than one (1) site, every site under that Project shall be clearly addressed in the ERDS.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code. Reference: Sections 5090.02, 5090.32, 5090.50(d)(4), 5090.53 and 21000 et seq., Public Resources Code; USC Title 42, Section 4371; and 40 CFR part 1500.1 et seq.

4970.06.2. Habitat Management Program (HMP).

- (a) In order to qualify for consideration of its Application, all Applicants submitting a proposed Project involving Ground Disturbing Activity shall submit a HMP Habitat Management Program Part 1 (Rev. 1/22) form (refer to Appendix, incorporated by reference) at preliminary Application submission and Habitat Management Program Part 1 ~~and Part 2 (Rev. 1/22) form (refer to Appendix, incorporated by reference), and if required, Habitat Management Program Part 2 (Rev. 1/22) form if required,~~ (refer to Appendix, incorporated by reference) at final Application submission. Applicants submitting CEQA and/or NEPA documentation pursuant to Section 4970.06.1(b) as part of a funding request for a second Project phase

that includes Ground Disturbing Activity shall also submit the Habitat Management Program (HMP), as defined in Section 4907.01(x).

- (b) Applicants shall submit only one HMP for each Application. The HMP shall encompass all Project Areas for every Project with Ground Disturbing Activities for which funding is requested.
- (c) Within 45 calendar days of the final Application submission, the OHMVR Division shall review all Applications to ensure that all required HMP components are addressed.
 - (1) If the OHMVR Division needs to clarify information provided and has determined that such clarification may be completed within the timeframe for the Application process, it shall request such additional documentation from the Applicant be returned within ten (10) calendar days of the written request.
 - (2) Applicants who do not return the requested additional information within the ten (10) day time limit may have their Applications returned without further processing.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code. Reference: Sections 5090.02, 5090.32, 5090.50(e)(4) and 5090.53, Public Resources Code.

4970.06.3. Soil Conservation.

- (a) The 2008 Soil Conservation Standard and Guidelines are by this reference incorporated into and adopted as a part of these Regulations. Definitions governing soil conservation are contained in the 2008 Soil Conservation Standard and Guidelines.
- (b) In accordance with the Soil Conservation Standard, "Off-highway vehicle (OHV) recreation facilities [receiving Grant funding] shall be managed for sustainable long-term prescribed use without generating soil loss that exceeds restorability, and without causing erosion or sedimentation which significantly affects resource values beyond the facilities. Management of OHV facilities shall occur in accordance with PRC, Sections 5090.02, 5090.35, and 5090.53."
- (c) In order to qualify for consideration of Grant funding, all Applicants submitting a proposed Project involving Ground Disturbing Activity shall submit a the Soil Conservation Plan (Rev. 1/22) form (refer to Appendix, incorporated by reference) at preliminary Application submission and a Soil Conservation Plan, in accordance with this Section, at final Application submission that achieves the Soil Conservation Standard with regard to the proposed Project.
- (d) The Soil Conservation Plan shall reference, adopt, and utilize the methods, considerations, and other suggestions contained in the Soil Guidelines or other comparable methods or considerations that demonstrate how the Soil Conservation Standard is being or will be met in the Project Area.
- (e) The Soil Conservation Plan shall include:
 - (1) A map or maps clearly defining the Project Area where Ground Disturbing Activities related to the project will take place.

- (2) An initial, map-based assessment of existing conditions within the Project Area that quantifies or otherwise identifies Grant-funded work to be performed within the Project Area. Examples include, but are not limited to:
 - (A) Color-Coded trail evaluations that identify and quantify trail lengths to be repaired and/or maintained,
 - (B) Boundaries of OHV riding areas to be repaired and/or maintained, and
 - (C) Watercourse crossings and drainage control features used to disperse runoff and minimize sedimentation.
- (3) A maintenance plan for the Project Area that describes:
 - (A) The current trail maintenance schedule,
 - (B) The type of maintenance conducted,
 - (C) Equipment used for maintenance within the Project Area, and
 - (D) Procedures for documenting maintenance activities.
- (4) A description of monitoring procedures to be used for ensuring Grant-funded work within the Project Area is adhering to the Soil Conservation Standard. The description shall include:
 - (A) Monitoring methods to be employed,
 - (B) A monitoring schedule, and
 - (C) Anticipated management of collected monitoring data, such as the use of a Geographic Information System (GIS) database.
- (f) Suggested monitoring methodologies are provided in the soil conservation guidelines, including:
 - (1) Implementation monitoring, which is used to determine whether activities were conducted as planned,
 - (2) Effectiveness monitoring, used to determine if design, construction, and maintenance practices are adequate, and
 - (3) Assessment monitoring, used to characterize existing conditions and quantifiably contrast with conditions of a previous assessment.
- (g) Within 45 calendar days of the final Application submission, the OHMVR Division shall review all Applications to ensure all required Soil Conservation components are addressed.
 - (1) If the OHMVR Division needs to clarify information provided and has determined that such clarification may be completed within the timeframe for the Application process, it shall request such additional documentation from the Applicant be returned within ten (10) calendar days of the written request.
 - (2) Applicants who do not return the requested additional information within the ten (10) day time limit may have their Applications returned without further processing.
- (h) At the Project closeout of an awarded Grant, a Compliance Report shall be submitted. The Compliance Report provides documentation demonstrating that the Grant-funded work proposed within the Project Area has been completed consistent with the Project Agreement. Compliance Report documentation includes:

- (1) Change analysis, such as quantifying trail condition improvements by contrasting initial and subsequent trail assessments,
- (2) Documentation of maintenance activities within the Project Area,
- (3) Documentation of Project Area infrastructure improvements, such as the repair of a trail watercourse crossing proposed in the initial Grant Application, and
- (4) A Compliance Action Plan, which includes:
 - (A) A list of planned actions to be taken at an OHV Facility in consideration of continued adherence to the Soil Conservation Standard and the Grant-funded work identified as completed in the Project Area, and
 - (B) A description of an area or areas within an OHV Facility where future Projects are to be performed, including a brief description of the planned work.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code. Reference: Sections 5090.02, 5090.32, 5090.35, 5090.50~~(e)(4)~~ and 5090.53, Public Resources Code.

4970.07. Application Submission.

- (a) Applications shall be submitted via the internet through the OHMVR Division's OLGA. The OHMVR Division will not accept Applications after the published deadlines pursuant to Table 2 in Section 4970.04.
- (b) All Applicants shall submit preliminary and final Applications by the due date pursuant to Table 2, Section 4970.04. Applicants shall submit a preliminary and final Application to be considered for Grant award. The preliminary Application, shall include for each Project, with the exception of law enforcement Projects, at a minimum:
 - (1) Project Description,
 - (2) Project Cost Estimate (Rev. 1/11) (refer to Appendix, incorporated by reference),
 - (3) Evaluation criteria (refer to Appendix, incorporated by reference),
 - (4) For Nonprofit organizations, all required documents pursuant to Section 4970.05.2, and
 - (5) For Applicants proposing Projects/activities on property which they do not legally own, a written agreement pursuant to Section 4970.05.1(k), and
 - (6) For Applicants proposing Projects with Ground Disturbing Activity, a Habitat Management Program Part 1 (Rev. 1/22) form (refer to Appendix, incorporated by reference) and a Soil Conservation Plan (Rev. 1/22) form (refer to Appendix, incorporated by reference).
- (c) Applicants for law enforcement Projects shall submit the following preliminary Application items:
 - (1) Project Cost Estimate (Rev. 1/11) (refer to Appendix, incorporated by reference),

- (2) Law Enforcement Needs Assessment (refer to Appendix, incorporated by reference), and
- (3) Law Enforcement Project Certification (refer to Appendix, incorporated by reference).
- (d) Preliminary Applications will be reviewed by the OHMVR Division. The OHMVR Division may provide comments to the Applicants, relative to compliance with the Application requirements. Comments submitted by the OHMVR Division to Applicants do not guarantee success within the competitive process and are not a commitment of funding. Additionally, the OHMVR Division, at its sole discretion, may choose to perform a preliminary Application site visit.
- (e) All Applicants shall comply with Section 4970.05_1(d).
- (f) Prior to the final Application submittal, Applicants may only modify their Application as a result of OHMVR Division preliminary review and/or public comments.

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

Article 4. Project Administration Procedures

4970.20. Equipment Management Requirements.

The following requirements apply to all Equipment acquired with funds from this Grants program:

- (a) Equipment and trailers shall be kept as part of Grantee's Equipment inventory for the duration of its useful life,
- (b) Equipment shall only be used on Project activities that are applicable to the Project category for which the Equipment was acquired, except
 - (1) Equipment may be used for non-Project activities, provided the Grantee is funding the portion of the acquisition price, not including matching funds, for the non-Project activities,
 - (2) Equipment may be used for other OHV purposes, not directly associated with Project activities, provided the Grantee obtains prior written approval from the OHMVR Division.
- (c) Grantees shall keep Equipment stored securely and maintained in safe working order,
- (d) Equipment and trailers shall display an approved version of the OHMVR Division "OHV Trust Funds at Work" insignia. Grantees may obtain insignias free of charge from the OHMVR Division,
- (e) Grantee must submit an Equipment Disposition Request (New 1/22) (refer to Appendix, incorporated by reference) and obtain prior written approval from the OHMVR Division prior to disposition of any Equipment, and
- (f) Equipment ownership and title belongs to the Grantee.

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