GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS

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ADOPT (2008)

Chapter 15

OFF-HIGHWAY MOTOR VEHICLE RECREATION GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS

ARTICLE 1 – GENERAL PROVISIONS

4970.00. APPLICATION OF CHAPTER

California Code of Regulations (CCR), Title 14, Division 3, Chapter 15 applies only to Grant and Cooperative Agreement Applications received by the Off-Highway Motor Vehicle Recreation (OHMVR) Division on or after January 1, 2018.

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

4970.01. DEFINITIONS

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

(a) "Act" means the Off-Highway Motor Vehicle Recreation Act of 2003, as amended, commencing at PRC Section 5090.01, or any subsequent amended versions.

(b) "Applicant" means any entity identified in Section 4970.03.

(c) "Application" means a compilation of required information submitted in conformance with these regulations to support a request for funding from the OHMVR Division's Grants program for proposed Project(s).

(d) "Audit" means a comprehensive review in accordance with Generally Accepted Auditing Standards (GAAS), developed by the American Institute of Certified Public Accountants (AICPA) and the Government Auditing Standards issued by the United States (U.S.) General Accounting Office. The Audit is a review of the Grantee's relevant financial records by the Department of Parks and Recreation Audit Office staff or other Department designee to determine that they support the expenditures authorized in the Project Agreement.

(e) "CEQA" means the California Environmental Quality Act, Public Resource Code (PRC) Section 21000 et seq.; Title 14, CCR, Division 6, Chapter 3, Article 20.

(f) "Conservation" means activities, practices, and programs developed and/or implemented in connection with ongoing OHV Recreation that sustain and preserve soils, plants, wildlife and their habitat, and natural and Cultural Resources as referenced in or required by PRC Sections 5090.10, 5090.35, 5090.50, and 5090.53.

(g) "Cooperative Agreement" means an agreement between the OHMVR Division and a federal agency or a Federally Recognized Native American Tribe for the purposes authorized and defined in PRC Section 5090.50 and these regulations.

(h) "Cultural Resources" are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; are associated with the lives of persons important in our past; embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or have yielded, or may be likely to yield, information important in prehistory or history. Cultural Resources also include historical resources. Historical resources include, but are not limited to, any object, building, structure, site, area, place, record, or manuscript that is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. A resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR, Section 4852).

(i) "Deliverables" means the specific tangible outcomes or work products to be provided, acquired, or produced with the funds made available pursuant to the Project Agreement. Examples include the purchase of a specified property, installation of specified erosion control measures, construction of a restroom, construction of a specified length of fencing, production of a specified number of maps, purchase of specified Equipment, Restoration of a specific area, maintenance of a specific length of trail, completion of research resulting in a written report, and planning that results in a report or reports including any related specified documents.

(j) "Development" means the construction of new, and/or improvement of existing Facilities to improve existing or provide additional opportunities, experiences, or services for OHV Recreation.

(k) "District" means a public or quasi-public governmental entity formed according to law whose mission includes clear legal responsibility for open space, recreation, parks, and resource-related activities that are land based.

(l) "Division Website" means the internet page of the OHMVR Division located at www.ohv.parks.ca.gov.

(m) "Due Diligence" means to conduct or cause to be conducted an investigation of all aspects of property proposed to be acquired and/or developed using OHV Trust Funds, including investigating the suitability of the property for the intended use, and all critical facts and assumptions used in developing the proposed Project that would assist in evaluating the success of the Project in providing OHV Recreational opportunities and to avoid and/or minimize potential risks that could impair the future sustainability of OHV Recreation.

(n) "Ecological" means the interdependence of living organisms within the ecosystem in which the OHV use exists, including the interrelationship and interactions between and among the natural and Cultural Resources and the human activities relating to or affected by OHV use.

(o) "Ecological Restoration" means an intentional activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity and sustainability.

(p) "Education" means comprehensive programs that teach OHV safety, environmental responsibility, and respect for private property.

(q) "Educational Institution" means a public or private preschool, elementary, or secondary school, college or university, or institution; the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

(r) "Equipment" means tangible property that has a normal useful life of at least one year and has a unit acquisition cost of at least $1,000 (e.g., four identical assets which cost $400 each, for a $1,600 total, would not meet the requirement). Equipment does not include expendable items such as personal safety gear, or tires.

(s) "Facility" means the assets of an organization that include: buildings, trails, roads, grounds, parking facilities, and structures such as shade structures, fences, trash enclosures, cattle guards, etc., and includes the systems that support facilities (fuel, electrical, sewer, water, waste, etc.).

(t) "Federally Recognized Native American Tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native Village pursuant to Title 25, Code of Federal Regulations (CFR) Section 83.5(a).

(u) “Good Standing” means that the Grantee is at all times adhering to the statues and regulations governing the Grants and Cooperative Agreements Program.

(v) "Grant" means a local agency grant between the OHMVR Division and a city, county, District, State Agency, Educational Institution, or Nonprofit organization for the purposes as authorized and defined in PRC Section 5090.50 and these regulations or a Cooperative Agreement between a federal agency, or a Federally Recognized Native American Tribe, and the OHMVR Division.

(w) "Grantee" means a recipient of a Grant.

(x) "Ground Disturbing Activity" means any earth moving Project-related activity.

(y) "Habitat Management Program (HMP)" means an animal and plant wildlife habitat protection program designed to sustain a Viable Species Composition for the Project Area, pursuant to PRC Sections 5090.35, 5090.50, and 5090.53.

(z) "Inconsequential Defect" means a defect that, when corrected, does not provide the Applicant an unfair advantage.

(aa) "Indirect Costs" means the cost of any activity that does not directly result in the completion of the project and/or the management or administration of a project (e.g., utility costs, accounting services, contract administration, postage, management personnel, telephone bills, etc.)

(bb) "Land Manager" means an entity legally responsible for the proposed Project Area.

(cc) "Medical" means a person requested medical aid and was treated by emergency service personnel.

(dd) "NEPA" means the National Environmental Policy Act pursuant to United States Code Title 42, Section 4371; 40 CFR part 1500.1 et seq.

(ee) "Nonprofit" means an organization having tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code (IRC).

(ff) "OHV" means an off-highway motor vehicle as specified in California Vehicle Code (CVC) Section 38006.

(gg) "OHV Opportunities" means roads, trails, or areas on lands that are open to legal OHV Recreation.

(hh) "OHV Recreation" means the activity of driving or riding motorized vehicles, on lands to which CVC Division 16.5 applies, for leisure purposes including motorized off-highway access to non-motorized recreation activities.
(ii) "On-line Grant Application (OLGA)" means the OHMVR Division's web-based application system.
(jj) "Project" means the activities and Deliverables described in the Project Application to be accomplished with funding through, which includes both Grant funds and matching funds, a Project Agreement.
(kk) "Project Agreement" means a contract executed to formally implement a Project.
(ll) "Project Area" means the physical boundaries within which the activities will be performed and Deliverables will be accomplished as described in the Project Agreement.
(mm) "Project Description" means the work plan that details the activities to be conducted by the Applicant.
(nn) "Repair" means to fix, mend, make new, or revitalize to the condition of the habitat that existed prior to authorized or unauthorized OHV use and related damage.
(oo) "Restoration" means upon closure of the unit or any portion thereof, the return of land to the contours, the plant communities, and the plant covers comparable to those on surrounding lands or at least those which existed prior to OHV use.
(pp) "Restoration Planning" means identifying appropriate restoration techniques, strategies, and Project implementation, including environmental review associated with the Project.
(qq) "Viable Species Composition" means that species found in the Project Area have populations with the estimated numbers and distribution of reproductive individuals to enable their continued existence.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5020.1(j), 5024.1, 5090.07, 5090.10, 5090.11, 5090.32, 5090.35, 5090.50, 5090.53, Public Resources Code; Sections 38001 and 38006, Vehicle Code, 25 CFR Section 83.5(a); Sections 210.3 and 66010.4, Education Code; and U. S. IRC Section 501(c)(3).

4970.02. PROGRAM PURPOSE

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

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

4970.03. DETERMINING APPLICANT ELIGIBILITY

(a) Eligibility to apply for funding under the OHMVR Grants program requires the Applicant to meet one (1) of the following organizational definitions:

(1) For a city or county: a department or comparable subdivision,
(2) A District,
(3) For the U.S. Forest Service: a Forest or Regional Office, except for law enforcement Projects for which the Applicant is defined as a Patrol District,
(4) For the U.S. Bureau of Land Management: a Field, District, or State Office,
(5) For other Federal Agencies: a Field, District, Regional or State Office, or similar subdivision,
(6) A Federally or State Recognized Native American Tribe,
(7) An Educational Institution,
(8) A Nonprofit organization,
(9) A State Agency or department, Commission, Conservancy, Board or other comparable subdivision within the government of the State of California.
(10) Certified Community Conservation Corps

(b) Applicants are limited to certain Project types. Applications received from entities that do not comply with this requirement will not be considered. See Table 1 for a list of eligible Project types by Applicant.

Table 1 – Eligible Applicants by Project Types

	Acquisition	Development	Education & Safety	Ground Operations	Law Enforcement	Planning	Restoration
Cities and Counties	X	X	X	X	X	X	X
U.S. Forest Service	X	X	X	X	X	X	X
U.S. Bureau of Land Management	X	X	X	X	X	X	X
Other Federal Agencies	X	X	X	X		X	X
State and Federally Recognized Native American Tribes	X	X	X	X		X	X
Educational Institutions			X	X			X
Nonprofit organizations			X	X			X
State Agencies							X
Districts	X	X	X	X		X	X
Certified Community Conservation Corps			X	X			X

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

4970.04. GRANTS PROGRAM CYCLE

(a) Grants shall be awarded on an annual basis provided funding is appropriated by the Legislature. The awarding of a Grant does not guarantee ongoing or future funding in any Project category.

(b) Prior to the start of each Grants program cycle (Grants Cycle), the OHMVR Commission shall conduct a public meeting to collect public input concerning the Grants program. The OHMVR Commission may provide general guidance to the

OHMVR Division prior to the start of each Grants Cycle. See Table 2 for an overview of the Grants Cycle.

Table 2 – Grants Cycle

Activity	Date
Application materials available on the Division Website.	The second Monday in January
Application workshops	May be held for potential Applicants. Information will be posted annually on the Division Website.
Preliminary Application filing	The first Monday in March. Applications due no later than 5:00 pm Pacific time.
Public review and comment period: (1) The OHMVR Division shall post preliminary Applications on the Division Website. (2) Applicants shall notice the public.	The first Tuesday following the first Monday in March through the first Monday in April. Public comments received due no later than 5:00 pm Pacific time.
Application final filing date	The first Monday in May. Applications due no later than 5:00 pm Pacific time.
OHMVR Division final Application review	May.
Application Results Intent to Award will be posted on the Division Website.	The first Monday in June.
Appeal Period Applicants have the right to appeal the OHMVR Division's Intent to Award.	Thirty (30) calendar days from the Intent to Award posting of the notice on the OHMVR Division Website.
OHMVR Division and Grantees Execute Project Agreements	Upon resolution of any appeals.

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

4970.05. GENERAL APPLICATION REQUIREMENTS

(a) The 2008 Grants and Cooperative Agreements Program Regulations – Appendix (Rev. 1/18) (hereinafter Appendix) and all of its contents and subsequent revisions adopted through the rulemaking process are hereby incorporated by reference.

(b) Applications shall establish how each proposed Project is directly related to OHV Recreation in the Project Area specified in the Application. Proposed Projects will

be screened by the OHMVR Division prior to scoring. Those Applications that do not establish a direct relation to OHV Recreation shall be rejected.

(c) Subject to the discretion of the OHMVR Division as specified in Section 4970.07.2, any Application determined by the OHMVR Division to be non-compliant with these requirements may be disqualified.

(d) Each Applicant may submit only one (1) Application for each Grants Cycle. The Application may contain multiple Projects.

(e) Applicants shall undertake a public review process of their Application.

(1) All preliminary Applications shall be available on the Division Website the day following the Application deadline for public review and comment.

(2) Applicant shall notify the public of the opportunity to review and comment on the Preliminary Application no later than the first Tuesday following the first Monday in March. The notice shall include instructions for accessing the Division Website for Application review and public comments. Public notification efforts shall include at least one of the following:

(A) Notice mailed and/or emailed to those persons the Applicant determines most likely to have an interest in or be affected by the Application, and to those who have requested notice,

(B) Publication on Applicant's website,

(C) Publication in local newspaper,

(D) News release,

(E) Public meeting or hearing conducted by the Applicant.

(3) Public comments shall be submitted to the Applicant and the OHMVR Division.

(4) Public comments shall be received no later than 5:00 pm Pacific standard time on the first Monday in April.

(f) All Applicants shall provide matching funds or the equivalent value of services, or material, in an amount not less than twenty-five percent (25%) of the total Project cost as identified on the Project Cost Estimate, except for the category of Restoration, which shall not be less than ten percent (10%) percent of the total project cost (rev.1/18).

(1) All items of expense applied towards match-must directly further the activities and Deliverables described in the Project Application and be accomplished with funding through a Project Agreement and shall be documented the same as any other item of expense.

(2) The same match expenses shall not be duplicated for multiple Projects.

(3) Cash value for volunteer time shall be determined using the agency's hourly reimbursement rate for the paid classification that most closely matches the duties performed by the volunteer. Cash value for salaried employee time shall be based on the agency's hourly reimbursement rate for the classification.

(4) Any item of expense that would be eligible as a Project cost is also eligible as a match.

(g) All Applicants shall provide a Project Cost Estimate (see Appendix) for each requested Project.

(h) All Applicants shall complete an inventory of Equipment for items purchased with OHV Trust Funds within the last five years.

(i) All Applicants except those applying solely for law enforcement shall complete the Applicant Certifications.

(j) Additional requirements within the Appendix, incorporated by reference, shall be completed as applicable.

(k) Nonprofit organizations shall provide documentation, in the form of an Internal Revenue Service (IRS) letter of determination or publication on the official IRS website, verifying current IRC, Section 501(c)(3) status.

(l) An Applicant applying for a Grant involving activities on any public lands not managed by the Applicant shall include written permission from the Land Manager authorizing the Applicant to conduct the proposed Project and a description of how the Project fits with the land management goals of the area.

  (1) The written permission must be on Land Manager's letterhead and signed by the authorized representative of the Land Manager.

  (2) The written permission shall contain a current signature and date. The date of required letter must not be more than six (6) months prior to the beginning of the grant cycle for that Project in which the Project will be applied for.

  (3) The written permission must specifically identify the proposed Project(s) and a description of how the Project(s) fits with the land management goals of the area.

(m) All city, county and District Applicants shall submit a governing body resolution providing approval to receive for grant funding from the OHV Trust Fund.

(n) All Applicants shall comply with the environmental application requirements contained in Section 4970.06.

(o) Nonprofit organizations shall provide IRS Form 990 (or something to the equivalent) from the previous year.

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

Sub article 1. ENVIRONMENTAL REQUIREMENTS

4970.06.1. California Environmental Quality Act (CEQA) Requirements

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

(b) When a Project request is for 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 phase funds the CEQA and/or NEPA activities, and

  (2) The second 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 Division gives approval .

  (3) Other than from 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, and Nonprofit organization Applicants only:

(1) All city, county, District, State Agency, Educational Institution 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 (ERDS) documenting the Project is phased pursuant to 4970.06.1(b). A subsequent ERDS shall be prepared prior to 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 4970.06(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 4970.06.1(b)(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) 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) 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) 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) 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.

(B) Reference sections 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(b) prior to implementing the remaining Project Deliverables, the Applicant shall submit an ERDS documenting the Project is phased pursuant to 4970.06.1(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, 5090.35, 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.

(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.
(d) When a HMP implementation is required, the Grantee shall implement the HMP regardless of whether the Grantee received funds specifically for HMP implementation.

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

4970.06.3. Soil Conservation

(a) The 2008 Soil Conservation Standard and supporting 2008 Soil Conservation Guidelines are by this reference incorporated into and adopted as a part of these Regulations. Definitions governing soil conservation are contained in the Soil 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 its Application, all Applicants submitting proposed Project(s) involving Ground Disturbing Activity shall submit a Soil Conservation Plan that achieves the Soil Conservation Standard with regard to the proposed Project(s). Applicants shall submit only one Soil Conservation Plan for each Application. The Soil Conservation Plan shall encompass all Project Areas for every Project with Ground Disturbing Activities for which funding is requested.
(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 the following components:
   (1) Protocol for assessment and maintenance
      To receive funding all OHV Projects involving Ground Disturbing Activities shall have a protocol for assessment and maintenance which considers:
      (A) Water, wind, and mechanical erosion,
      (B) Water and sediment control,
      (C) Tread condition,

(D) Off-site impacts, and
(E) Watercourse crossings.

(2) Protocol for monitoring
(A) To receive funding Applicants shall have a protocol for monitoring change detection of features, trails, and facilities which describes:
1. Objectives,
2. Monitoring parameters,
3. Monitoring site selection,
4. Monitoring schedule,
5. Data collection, including Quality Assurance/Quality Control measures, and
6. Data management.

(B) The plan shall also incorporate one or more of the following:
1. Photography (ground based and/or aerial),
2. Field Control Plots,
3. Transects, and
4. Sampling Points.

(3) Monitoring and soil conservation standard compliance report
(A) The compliance report provides information, gathered using the methodologies outlined in the Applicant's answers to (2) above, that demonstrates the Applicant has sufficient knowledge of the Project Area to plan and implement activities that will result in sustainable practices and compliance with the Soil Conservation Standard.
(B) The compliance report shall address the following:
1. Historical conditions,
2. Change analysis,
3. Findings,
4. Conclusions, and
5. A compliance action plan describing activities to be implemented and a schedule of those activities.
a. Upon determination that the Soil Conservation Standard is not being met in any Project Area, the compliance action plan shall describe the steps taken to temporarily close and repair that area or portion thereof funded from the OHV Trust Fund in order to meet the Soil Conservation Standard.
b. If the OHV Opportunity has not been repaired, the Applicant will explain the reasons therefore and its plan to repair or close the OHV Opportunity, including any current or future request for OHV funding to meet the Soil Conservation Standard.

(4) Development Projects for new facilities
The Soil Conservation documentation for Development Projects resulting in new facilities shall also include the following components:
(A) A Project Description that includes the Project purpose, documentation of the proposed Project design, and proposed construction methods.

(B) A review of the Project's potential effects on local hydrology and adjacent infrastructure.

(f) 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.

(g) When Soil Conservation Plan implementation is required, the Grantee shall implement the Soil Conservation Plan regardless of whether the Grantee received funds specifically for Soil Conservation Plan implementation.

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

(1) The OLGA is an interactive database that will guide Applicants through the Application process. OHMVR Division staff will provide additional support for Applicants as needed.

(2) All Applications shall be submitted via the OLGA.

(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,

(3) Evaluation criteria,

(4) For Nonprofit organizations, verification of 501(c)(3) status pursuant to Section 4970.05(k), and

(5) For Applicants proposing projects/activities on property which they do not legally own, a written agreement pursuant to Section 4970.05(l).

(c) Applicants for law enforcement Projects shall submit the following preliminary Application items:

(1) Project Cost Estimate,

(2) Law Enforcement Needs Assessment, and

(3) Law Enforcement Project Certification.

(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(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.

4970.07.1. Application Process – Question and Answers

(a) Questions concerning the Application process and the interpretation of these regulations may be directed to a Grant Administrator. Contact may be by phone, or by email to the OHMVR Division. Refer to Section 4970.26 for contact information.
(b) Responses to these questions will be posted via the Division Website within seven (7) calendar days of submission. The last date for submitting questions to the OHMVR Division is eight (8) calendar days prior to the final Application deadline.
(c) Applicants shall not rely on answers to questions unless placed on the Division Website, Questions and Answers section, by the OHMVR Division.

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

4970.07.2. Final Application Defects

(a) The OHMVR Division may, but has no obligation, to waive or correct Inconsequential Defects in the final Application.
(b) The OHMVR Division may contact an Applicant in order to clarify Inconsequential Defects submitted in the Application.
(c) Projects submitted as the incorrect Project type shall be rejected. Applicants unsure of the correct Project type should contact the OHMVR Division for assistance.
(d) If duplicate Projects are submitted, the Project(s) with the lower evaluation criteria score will be rejected.
(e) Applications or Projects not in compliance with applicable statute and/or these regulations will be rejected by the OHMVR Division.
(f) The OHMVR Division shall review the Application and may, at its sole discretion, decrease the requested amount and eliminate activities based on the following considerations:
    (1) Comparable activities from previous OHV grant projects,
    (2) Proposed project activities or cost items not compliant with these regulations,

(3) Comparisons with similar proposed Project activities, and
(4) Generally accepted Equipment purchase/lease costs.
(5) Any element(s) of the Application the OHMVR Division is unable to determine as eligible.

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

4970.08. ELIGIBLE PROJECT COSTS

(a) Eligible Project costs are the costs directly related to the work identified in the Project Description. Additionally, the Applicant may receive reimbursement up to fifteen percent (15%) of the requested amount for Indirect Costs.

(b) Examples of eligible costs include but are not limited to:

(1) For acquisition projects only, preliminary acquisition costs for contract preparation, acquisition appraisal, and negotiation,

(2) Costs for an employee directly engaged in OHV Project implementation, or the first level supervisor of said employee, subject to the following:

(A) Costs shall be computed according to the prevailing wage (for contracted services) or salary scale (for Applicant's staff), and may include benefits (i.e., vacation, sick leave, and social security contribution) that are customarily charged by the Grantee or contractor. Personnel benefit charges shall be calculated in proportion to the actual time worked on an OHV Project.

(B) Costs charged to an OHV Project shall be computed on actual time worked on the Project and supported by timesheets and attendance records or comparable documentation describing the work performed on the OHV Project.

(C) Costs for overtime are allowed under the Grantee's established overtime policy.

(D) Costs for direct Project supervision.

(3) Stipends paid as per diem costs to volunteers only when a volunteer is working at a remote location for three or more consecutive days. A remote location is considered to be further than 50 miles from volunteer's headquarters. Per diem allowances shall be as stated in Section 4970.08(b)(4).

(4) Travel expenses and per diem for federal agencies shall follow the policies of the federal agency requesting the funds with regard to travel reimbursement and shall not exceed the established federal rates. All non-federal agency Applicants shall follow the policy established by the State of California for its employees with regard to travel reimbursement and shall not exceed the rates paid to Exempt, Excluded, and Represented State of California employees. The rates are posted at http://www.dpa.ca.gov/ personnel-policies/travel/hr-staff.htm.

(5) Costs associated with Equipment acquired with Grantee's funds and used for an OHV Project shall be charged on a use basis in accordance with the Applicant's local fair market rental rates but shall never exceed the

Grantee's actual cost. The Grantee may not charge a use fee for vehicles or Equipment purchased with OHV Trust Funds, except for fuel and minor maintenance costs,

(6) Supplies and materials, including personal safety items, may be purchased for a specific OHV Project or may be drawn from a central stock, provided the items are claimed at a cost no higher than the original purchase price paid by the Grantee,

(7) Construction activities, from site preparation (e.g., demolition, excavation, grading, etc.) through completion of the structure or Facility,

(8) Relocation costs that result from the displacement of a person and/or business, in accordance with California Government Code Sections 7260-7277 or the agency's applicable law if different from California law,

(9) Grantee insurance premiums for hazard and liability insurance for an OHV Facility,

(10) Transportation costs for moving Equipment, material, and personnel from base of operations to project sites (excluding moving and relocation expenses resulting from changes in assignments),

(11) Preparation and publication of maps, videos, and/or handouts may be included as part of any related Project. Maps, videos and/or handouts that display the OHV trust fund logo shall be reviewed by the OHMVR Division prior to publication,

(12) Rent or lease of facilities or Equipment to directly complete the Project, provided that the lease shall be fair market value or Grantee's actual cost, whichever is less and shall be proportionate to the area of the facility used for the Project. Utilities to operate these facilities are eligible provided the utilities are documented separately from any rent or lease costs. Facilities not required in order to directly complete the Project shall only be eligible as an indirect cost.

(13) (A) Equipment purchase or repair shall be requested as part of the Application for a specific Project.

(B) Equipment repair shall be due to normal wear and tear and may include major mechanical overhaul or replacement of parts if it is shown by a financial analysis in the Application that repair is more cost effective than the purchase of a new piece of Equipment.

(C) Equipment shall be used for OHV related purposes unless the Applicant is funding the portion of the purchase price not dedicated to OHV purposes, and

(D) For Nonprofit Applicants, the maximum grant request for Equipment purchases shall not exceed $15,000 per item and the cumulative Equipment purchase total shall not exceed $30,000 per Applicant.

(E) The cost of equipment by a Grantee shall be necessary for the Project and shall not exceed the minimum requirements necessary to successfully accomplish the Project.

(14) Costs associated with site-specific Project planning such as design, permitting, or CEQA or NEPA analysis.

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

4970.09. INELIGIBLE PROJECT COSTS

(a) Costs not associated with the Project Description are not eligible for reimbursement.

(b) Examples of ineligible Project costs include but are not limited to:

(1) Expenditures outside the Project performance period as specified in the Project Agreement,

(2) Work or services performed outside of the Project Description in the Project Agreement,

(3) Any interest expense, discount not taken, deficit or overdraft, or bonus payment,

(4) Charges for a contingency reserve or other similar reserve,

(5) A damage judgment against the Grantee,

(6) Workers' compensation claims,

(7) Travel claims not related to the Project,

(8) Employee relocation (moving expenses resulting from duty station or assignment change),

(9) Charges incurred contrary to the policies and practices of the Grantee,

(10) Any Project cost more appropriately funded by other Division programs or reimbursed by any other funding source. No grant funds and/or match funds shall be expended at any property owned and/or managed by the Department of Parks and Recreation,

(11) Awards, trophies, or plaques,

(12) Replacement or repair of Equipment not properly used, secured or maintained; or, where the OHMVR Division determines that the cause of the damage was the fault of the Grantee,

(13) Use fee for Equipment purchased with moneys from the OHV Trust Fund and,

(14) Restoration Project funds shall not be used for the Development or maintenance of trails for motorized use.

(c) If costs are in question, the Applicant should seek clarification from the OHMVR Division.

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

ARTICLE 2 – TYPES OF PROJECTS AND SPECIFIC APPLICATION REQUIREMENTS

4970.10. OPERATION AND MAINTENANCE (O&M)

(a) Purpose

Operation and maintenance of Facilities; Conservation; Development; planning; or acquisition associated with the use of OHVs for Recreation or motorized access to non-motorized recreation.

(b) Available Funding

Fifty percent (50%) of the funds appropriated by the Legislature for the Grants program shall be expended for Projects within the O&M category.

(c) The minimum and maximum funding requests are as follows:

(1) The minimum Project request is $10,000,
(2) The maximum amount requested per Project type is $1,000,000, and
(3) The maximum Applicant request in this category is $1,500,000.

(d) Projects that affect lands identified as inventoried roadless areas by the U.S. Forest Service shall certify that the Project complies with PRC Section 5090.50(b)(1)(C).

(e) Project Types
The O&M category is divided into the following four sub-categories:
(1) Ground Operations,
(2) Development,
(3) Planning, and
(4) Acquisition.

(f) Eligible Applicants
Applicants may apply for Project types as shown in Table 3:

Table 3 – Eligible Applicant by Project Type

	Ground Operations	Development	Planning	Acquisition
Cities, Counties, and Districts	X	X	X	X
Federal Agencies	X	X	X	X
Federally or State Recognized Native American Tribes	X	X	X	X
Educational Institutions	X			
Nonprofit organizations	X			
Certified Community Conservation Corps	X			

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5024.1, 5090.32, 5090.35, 5090.50 and 5090.53, Public Resources Code.

4970.10.1 Ground Operations (GO)

(a) Purpose
Maintenance and/or Conservation of Facilities; compliance with soil standards and HMP; and protection of natural and/or Cultural Resources.

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

(c) Examples of Deliverables
GO Deliverables include, but are not limited to the following:
(1) Maintenance of OHV Opportunity including necessary rerouting of roads and trails to address operational concerns,
(2) Facility servicing, including, but not limited to painting, cleaning restrooms, re-roofing, repairing of electrical systems, and maintaining kiosks,

(3) Regulatory and directional/trail signs,
(4) Repaving existing parking lots,
(5) Implementation of best management practices including erosion and/or sediment control measures and stream crossing improvements,
(6) HMP implementation including monitoring the effectiveness of prior and ongoing Conservation activities, and
(7) Soil Conservation Plan implementation.

(d) Project-Specific Application Requirements
In addition to the common requirements listed in Section 4970.05, Applications for GO Projects shall include:
(1) Project Description
The Project Description shall provide sufficient clarity such that those not familiar with the Applicant or Project can understand what the Applicant intends to do. The Project Description shall include:
(A) A statement of the GO activity the Applicant proposes to undertake such as scraping, grading, planting; erosion control; irrigation system installation and maintenance or other follow-up,
(B) How the proposed Project relates to OHV Recreation and will add to, enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the Project Area,
(C) The size of the specific Project Area(s) in acres and/or miles, and
(D) The locations and descriptions of existing OHV Opportunities in and around the Project Area.
(2) Necessary rerouting of roads and trails to address operational concerns requires submission of a Project timeline, conceptual drawings and site plans. See Section 4970.10.2(d)(2) for instructions.
(3) Project-Specific Maps
Project-specific maps shall include:
A map(s) showing the location of trails and other Facilities along with related OHV Opportunities, or other lands being served by the facilities.

(e) Optional Project-Specific Application Documents
If Applicants deem it helpful to support their specific Project Application, they may submit up to two (2) pages of Project-specific photos.

(f) Evaluation Criteria
See Appendix, incorporated by reference, for GO evaluation criteria.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5024.1, 5090.32, 5090.35, 5090.50 and 5090.53, Public Resources Code.

4970.10.2 Development

(a) Purpose
Construction of, or improvements to, Facilities to sustain or enhance OHV recreational opportunity and experiences.

(b) Available Funding
From the O&M category, at least ten percent (10%) of the funds will be available for Development Projects.

(c) Examples of Deliverables

Development Deliverables include, but are not limited to the following:

(1) Trail and trailhead/staging area construction,
(2) Access road and parking lot construction,
(3) Picnic, restrooms, kiosks, and camping facilities construction,
(4) Infrastructure for OHV related Facilities such as electricity, water, sewage treatment,
(5) Conservation practices with regard to environmental protection, and
(6) Discretionary rerouting of roads or trails.

(d) Project-Specific Application Requirements

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

(1) Project Description

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

(A) A statement of the Development activity the Applicant proposes to undertake such as trail building, erosion control, construction, irrigation system installation, and maintenance or other follow-up,
(B) How the proposed Project relates to OHV Recreation and will add to, enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the Project Area,
(C) The size of the proposed development ,
(D) The timeline for Project completion, and
(E) The location(s) of existing OHV Opportunities in and around the Development and how the Project will affect or relate to those opportunities.

(2) Conceptual Drawings and Site Plans

Provide conceptual drawings of the site depicting proposed improvements and the location of those improvements. If the Project includes construction of a building, indicate floor plans and square footage.

(3) Land Tenure Certification

Local agencies shall certify to the OHMVR Division that they have adequate tenure to, and site control of, the properties to be improved. Tenure includes:

(A) Ownership,
(B) Lease,
(C) Easement, and
(D) Joint powers (or similar agreement).

(4) Project-Specific Maps

Project-specific maps shall include:

A map(s) containing enough detail to provide someone unfamiliar with the area the ability to locate the site. Map(s) shall show existing Facilities and proposed Facilities as part of this Project or other existing plans.

(e) Warranty for OHV use:

(1) The Applicant shall warrant that the Facility will be used for OHV Recreation,
(2) If the Facility is not used for the purpose of OHV Recreation for a period of 25 years following completion of the Project, the Division may seek

reimbursement of the Grant amount on a prorated basis, to the extent allowable by law.

(f) Optional Project-Specific Application Documents
If Applicants deem it helpful to support their specific Project Application, they may submit up to two (2) pages of Project-specific photos.

(g) Evaluation Criteria
See Appendix, incorporated by reference, for Development evaluation criteria.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5024.1, 5090.32, 5090.35, 5090.50 and 5090.53, Public Resources Code.

4970.10.3. Planning

(a) Purpose
Development and preparation of plans for future Projects which propose organization, Development, operation, Conservation and/or maintenance to sustain long-term OHV Recreational use.

(b) Available Funding
From the O&M category, at least ten percent (10%) of the funds will be available for planning Projects.

(c) Examples of Deliverables
Planning Deliverables include, but are not limited to the following:
(1) Identifying trails or other Facilities for OHV Recreation, including inventories and mapping of roads, trails, and areas,
(2) Developing a plan to protect and conserve soils, water, plants, animals, and/or Cultural or other natural resources affected by OHV Recreation, and
(3) Preparing an OHV component of a recreation management plan, OHV Plan, or the OHV portion of a general plan.

(d) Project-Specific Application Requirements
In addition to the common requirements listed in Section 4970.05, Applications for planning Projects shall include a Project Description. The Project Description shall provide sufficient clarity such that those not familiar with the Applicant or Project can understand what the Applicant intends to do. The Project Description shall include:
(1) A statement of the planning objective(s),
(2) How the proposed Project relates to OHV Recreation and will add to, enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the Project Area,
(3) A statement of the activity(ies) the Applicant proposes to undertake,
(4) A list of all reports, interim or final, or other documents to be produced, and
(5) A timeline for completion of all planning activities.

(e) Optional Project-Specific Application Documents
If Applicants deem it helpful to support their specific Project Application, the following documents may be submitted:
(1) Project-specific photos – up to two (2) pages, and/or

(2) Project-specific map(s).

(f) Evaluation Criteria

See Appendix, incorporated by reference, for planning evaluation criteria.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code. Reference: Sections 5024.1, 5090.32, 5090.35, 5090.50 and 5090.53, Public Resources Code.

4970.10.4 Acquisition

(a) Purpose

Secure interests in land to sustain and/or expand OHV Recreation access and OHV Opportunities.

(b) Available Funding

From the O&M category, at least ten percent (10%) of the funds will be available for acquisition Projects.

(c) Examples of Deliverables

Acquisition Deliverables include, but are not limited to the following:

(1) Purchase of right-of-way or easement,
(2) Lease of twenty-five (25) years or more,
(3) Purchase of land in fee title,
(4) Purchase of an option, and
(5) Rights to use real property, such as permits or licenses.

(d) Project-Specific Application Requirements

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

(1) Project Description

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

(A) A statement of the procurement activity the Applicant proposes to undertake,
(B) How the proposed Project relates to OHV Recreation and will add to, enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the Project Area,
(C) Identification of the needs the Project will address,
(D) Location of the land to be acquired,
(E) The total acreage to be acquired,
(F) The easements affecting the property,
(G) The number of parcels,
(H) The location(s) of existing OHV Opportunities in and around the acquisition property and how the Project will affect or relate to that existing OHV Recreation,
(I) The total estimated cost of land to be acquired. The estimate shall be based on a competitive market analysis provided by a real estate professional to substantiate the value of the property, and
(J) The status of Due Diligence.

(2) Acquisition Plan

The plan shall describe the process for accomplishing the acquisition Project. An acquisition plan shall include the following:

(A) Acquisition timeline, which shows the steps and timeline for completing the Project, including the preparation and delivery of any reports to be prepared with the funds as a Deliverable,

(B) Discussion of the Applicant's ability to accomplish the acquisition Project. The Applicant shall demonstrate the ability to complete the acquisition within the proposed Applicant's timeline, and

(C) The Due Diligence undertaken, or to be undertaken, to determine the property is usable for its intended purpose (e.g., preliminary title report and underlying documents under Schedule B, zoning information, Phase 1 Environmental Site Assessment, biotic assessment).

(3) Project-Specific Maps

Project-specific maps shall include:

(A) A map(s) identifying the specific roads, trails, areas, and/or related Facilities to be acquired under the Project. The map(s) shall contain enough detail to provide someone unfamiliar with the area the ability to locate the site, and

(B) Assessors parcel maps, including Assessor Parcel Number (APN), of each parcel to be purchased.

(e) Warranty for OHV use:

(1) The Applicant shall warrant that the acquired property will be used for OHV Recreation,

(2) With the exception of federal agencies, the Applicant shall cause to be inserted in the acquisition deed or other recorded transfer of title document a condition that the property shall be used for OHV Recreation purposes as defined in these Regulations and that the State of California is granted Power of Termination pursuant to California Civil Code Section 885.010 et seq. providing that, in the event the property is not used for OHV Recreation, title to the property shall be transferred to the State of California. Federal agencies, to the maximum extent consistent with federal law, shall use and manage the property for OHV Recreation in accordance with the controlling Federal Agency's land use plan; if the property is not used for the purpose of OHV Recreation, the Federal Agencies shall use reasonable efforts to request appropriations necessary to reimburse the State its pro-rata share of the acquisition costs of the property.

(3) Funds awarded for acquisition shall only be released into an escrow account established for the acquisition. Applicant shall submit all acquisition documentation, including the escrow instructions, to the OHMVR Division for review prior to close of escrow. OHMVR Division shall have no obligation to release grant funds unless the acquisition transaction conforms to these regulations.

(f) Optional Project-Specific Application Documents

If Applicants deem it helpful to support their specific Project Application, they may submit up to two (2) pages of Project-specific photos.

(g) Evaluation Criteria

See Appendix, incorporated by reference, for acquisition evaluation criteria.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5024.1, 5090.32, 5090.35, 5090.50 and 5090.53, Public Resources Code.

4970.11. RESTORATION

(a) Purpose
- (1) To provide Ecological Restoration or Repair to habitat damaged by authorized or unauthorized OHV use.
- (2) The goal of the Restoration Program is to aid the return of natural resource systems to their natural state when:
  - (A) Unauthorized motor vehicle use has damaged an area off limits to OHV Recreation;
  - (B) It is determined that areas shall be closed because soil or HMP standards cannot be achieved while sustaining OHV use;
  - (C) Areas formerly used by motor vehicles for OHV Recreation have not been designated and authorized for OHV use or;
  - (D) Natural resource systems in areas affected by ongoing OHV Recreation require restoration to sustain viable plant and wildlife species populations or other systems such as watersheds.
- (3) Restoration Projects also include scientific and cultural studies regarding OHV impacts and Restoration Planning efforts.

(b) Available Funding

Twenty-five percent (25%) of the funds appropriated by the Legislature for the Grants program shall be expended for Projects within the Restoration category.

(c) The minimum and maximum funding requests are as follows:
- (1) The minimum Project request shall be no less than $10,000, and
- (2) No maximum request amount within the Restoration category.

(d) Eligible Applicants

Refer to Table 1 in Section 4970.03(b).

(e) Examples of Deliverables

Restoration Deliverables include, but are not limited to the following:
- (1) Restoring a closed trail including stabilizing land contours and revegetation,
- (2) Removal of roads or trails and the Restoration of damaged habitats in areas not designated for motorized vehicle use,
- (3) The removal of closed roads or trails, or a portion of a closed road or trail, that will help to prevent OHV access to closed areas,
- (4) Restoration Projects that generally improve and restore the function of natural resource systems damaged by recreational motorized activities,
- (5) Protection of restored areas through the placement of physical barriers, patrols, and vertical mulching,
- (6) Scientific study not otherwise required by state or federal laws that addresses the impact of OHV Recreation on natural and Cultural Resources,

(7) Mitigation measures required by CEQA or NEPA for the Restoration Project, and

(8) Site specific Project planning such as a Restoration design or an initial study.

(f) Project-Specific Application Requirements

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

(1) A Project Description

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

(A) Restoration activity(ies) the Applicant proposes to undertake such as grading, planting, and vertical mulching,

(B) How the proposed Project relates to OHV Recreation and how OHV Recreation caused the damage,

(C) The size of the specific Project Area(s) in acres and/or miles,

(D) Except for scientific and cultural studies or planning Projects, the monitoring that will be implemented, including the methodology that will be used to determine the successful outcome of the Restoration Project,

(E) If the Project involves planning for Restoration, a list of all reports, interim or final, or other documents to be produced, and

(F) Restoration Projects involving scientific and cultural studies shall include in the description:

(i) Goals, objectives, and methodologies to be employed, and

(ii) Peer reviews conducted by at least three (3) qualified experts from the scientific discipline or field related to the proposed Project.

(G) Except for scientific and cultural studies or planning Projects, a plan to insure the restored area will be protected. This may include law enforcement patrols to prevent intrusion into the Project Area, signs, barriers, or other proactive measures to prevent damage to restored lands.

(H) Except for scientific and cultural studies or planning Projects, erosion control efforts that will be utilized to prevent erosion or sedimentation that significantly affects resource values beyond the Project Area.

(2) Project-Specific Maps

Project-specific maps shall include:

A map(s) containing enough detail to provide someone unfamiliar with the area the ability to locate the site(s). The map(s) shall contain the Global Positioning System (GPS) coordinates for the project site(s).

(3) Project-Specific Photos

Project-specific photos shall include:

"Before" photos of the site(s) to be restored. Photos are limited to five (5) pages. "After" photos are required Deliverables for Restoration Projects which include on-the-ground work.

(g) Evaluation Criteria

See Appendix, incorporated by reference, for Restoration evaluation criteria.

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

4970.12. LAW ENFORCEMENT

(a) Purpose
Law enforcement Projects provide financial assistance to local and federal agencies for protection of life and property, including natural and Cultural Resources, related to OHV Recreation and motorized access to non-motorized recreation.

(b) Available Funding and Eligible Applicants
Twenty percent (20%) of the funds appropriated by the Legislature for the Grants program shall be expended for law enforcement Projects. These funds shall be allocated as follows:
(1) Forty percent (40%) for local law enforcement Applicants,
(2) Thirty percent (30%) for the U.S. Bureau of Land Management Applicants, and
(3) Thirty percent (30%) for the Patrol Districts of the U.S. Forest Service.

(c) Law Enforcement Projects have a minimum request amount of $10,000. The maximum request amount is $600,000 per Applicant within the law enforcement category.

(d) Eligible Project Costs
Eligible Project costs include, but are not limited to the following:
(1) Law enforcement patrol, including aircraft support,
(2) OHV training,
(3) Purchase of Equipment for OHV law enforcement, and
(4) Purchase and installation of signs (e.g. regulatory, educational), placement of barriers, and other means of traffic control.

(e) Project-Specific Application Requirements
In addition to the common requirements listed in Section 4970.05, Applicants for law enforcement Projects shall complete the following:
(1) Law Enforcement Needs Assessment, and
(2) Law Enforcement Project Certification.

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

4970.13. EDUCATION AND SAFETY

(a) Purpose
Provide public awareness for responsible OHV Recreation and/or provide safety programs.

(b) Available Funding
Five percent (5%) of the funds appropriated by the Legislature for the Grants program shall be expended for Projects within the Education and safety category.

(c) The minimum and maximum funding requests are as follows:
  (1) The minimum Project request shall be no less than $10,000, and
  (2) The maximum request per Applicant is $200,000 within the Education and safety category.

(d) Eligible Applicants
  Refer to Table 1 in Section 4970.03(b).

(e) Examples of Deliverables
  (1) Education program Deliverables may include, but are not limited to the following:
    (A) Classroom or field training,
    (B) Maps and brochures,
    (C) Internet website, trail and interpretive signage, and
    (D) Voluntary sound testing station.
  (2) Safety program Deliverables may include, but are not limited to the following:
    (A) Search and rescue,
    (B) Safety equipment loan program, and
    (C) First aid stations.

(f) Project-Specific Application Requirements
  In addition to the common requirements listed in Section 4970.05, Applications for Education and safety Projects shall include a Project Description. The Project Description shall provide sufficient clarity such that those not familiar with the Applicant or Project can understand what the Applicant intends to do. The description shall include:
  (1) A statement of the activity or product the Applicant proposes to create or undertake, including the primary message of Education projects,
  (2) How the proposed Project relates to OHV Recreation and will add to, enhance, or otherwise sustain OHV Recreation or OHV Opportunity in the Project Area,
  (3) Identification of the needs the Project will address,
  (4) Location where training/services will be conducted, and
  (5) If the proposed Project contains an Education element, a description of how the Project teaches OHV safety, environmental responsibility, and respect for private property.

(g) Optional Project-Specific Application Documents
  If Applicants deem it helpful to support their specific Project Application, the following documents may be submitted:
  (1) Project-specific photos – up to two (2) pages, and/or
  (2) Project-specific maps.

(h) Evaluation Criteria
  See Appendix, incorporated by reference, for Education and safety evaluation criteria.

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

ARTICLE 3 – APPLICATION EVALUATION SYSTEM AND FUNDING

4970.14. EVALUATION CRITERIA

Each Application, other than those solely for law enforcement and/or Education and safety, shall answer general criteria found in the Appendix, incorporated by reference. In addition, all Project types, except law enforcement, shall have Project-specific criteria.

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

4970.14.1. General Criteria

(a) If general criteria are required as part of the Application, only one (1) set shall be completed. General criteria measure the quality of the Land Manager's overall OHV program. The Applicants shall answer these questions with respect to the entirety of the OHV operation, including all trails and areas available for OHV Recreation, not just specific Projects or Project Areas.

(b) General criteria includes but are not limited to the following:
   (1) OHV Opportunity and services provided,
   (2) Agency contribution to the overall cost of managing and delivering the OHV Opportunity,
   (3) Management of natural and Cultural Resources,
   (4) Effective education of rules/regulations, and
   (5) Past performance in completing and administering Grant funded Projects.

(c) Non-land manager Applicants required to complete the general criteria shall cooperate with the Land Manager(s) to obtain the information necessary to complete the general criteria section of the Application.

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

4970.14.2 Project-Specific Criteria

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

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

4970.14.3 Factual Documentation

(a) The responses shall be based on and reference factual conditions or statistics documented by information contained in documents officially published, maintained, and/or used in the ordinary course of the Applicant's operations. Published, for purposes of this requirement, means issued in report or other form officially prepared, maintained, and/or used in the ordinary course of the Applicants' administration of its programs. Examples of factual documentation include, without limitation, management reports, general or management plans, environmental documents, visitor counts, or other documentation the Applicant has officially adopted for use in its operations.

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

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

4970.15. FUNDING DISTRIBUTION

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

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

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

4970.15.1. Operation and Maintenance (O&M)

(a) Within the O&M category, the funds shall be available as follows, except as provided in Sections 4970.15.1(c):
    (1) At least seventy percent (70%) for GO,
    (2) At least ten percent (10%) for Development,
    (3) At least ten percent (10%) for planning, and
    (4) At least ten percent (10%) for acquisition.

(b) A panel of not less than three (3) individuals shall score each Application deemed compliant with these regulations. The panel shall use the Applicant's responses to general criteria and Project-specific criteria to determine a Project score. The steps for determining the final score are as follows (see Table 4 for an example):
    (1) Calculate the sum of the points received on the general criteria and the points received on the Project-specific criteria. Divide that number by the sum of the total possible points for the general criteria and the total possible points for the Project specific criteria, and
    (2) Convert the result of the calculation to a percentage which is the final score.

Table 4 – Example of Score Calculation for GO Projects

Final Score = Actual Score/ Possible Score

General Criteria	90 of 120
Project-specific Criteria	52 of 55

(90 + 52) / (120 + 55) = 0.8114

0.8114 x 100 = 81.14% = Final Score

(c) Eligible Projects shall be ranked by score. Projects shall be funded in order of score from highest to lowest until available funds are exhausted, taking into account the Project type funding restrictions in Section 4970.15.1(a). If there are not sufficient funding requests to consume the percentages specified in Section 4970.15.1(a)(1-4), the other O&M sub-category Projects shall receive funding in order of score.

(d) In the event Projects have the same score, Projects will be funded in the order of request amount starting with the smallest request amount. If more than one Project has the same request amount, the OHMVR Division will utilize a "random selection" method to break ties and determine which Project will receive funding.

(e) Projects at the funding cut-off line may require modifications to the Project Description and Project Cost Estimate to reflect reduced available funding. The modification shall be completed prior to the OHMVR Division preparing and executing the Project Agreement.

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

4970.15.2. Restoration

(a) A panel of not less than three (3) individuals shall score Applications deemed compliant with these regulations. The panel shall use the Applicant's responses to general criteria and Project-specific criteria to determine a Project score. The steps for determining the final score are as follows (see Table 5 for an example):

(1) Calculate the sum of the points received on the general criteria and the points received on the Project-specific criteria. Divide that number by the sum of the total possible points for the general criteria and the total possible points for the Project specific criteria, and

(2) Convert the result of the calculation to a percentage which is the final score.

Table 5 – Example of Score Calculation for Restoration Projects

Final Score = Actual Score/ Possible Score	
General Criteria	90 of 120
Project-specific Criteria	78 of 83
(90 + 78) / (120 + 83) = 0.8276	
0.8276 x 100 = 82.76% = Final Score	

(b) Eligible Projects shall be ranked by score. Projects shall be funded in order of score from highest to lowest until available funds are exhausted.

(c) In the event Projects have the same score, Projects will be funded in the order of request amount starting with the smallest request amount. If more than one Project has the same request amount, the OHMVR Division will utilize a "random selection" method to break ties and determine which Project will receive funding.

(d) Projects at the funding cut-off line may require modifications to the Project Description and Project Cost Estimate to reflect reduced available funding. The modification shall be completed prior to the OHMVR Division preparing and executing the Project Agreement.

(e) The OHMVR Division will consult with staff from the Wildlife Conservation Board during the evaluation and scoring process.

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

4970.15.3. Law Enforcement

(a) Law enforcement Grants funding shall be distributed in the following entity categories:
   (1) Forty percent (40%) for local law enforcement,
   (2) Thirty percent (30%) for U.S. Bureau of Land Management, and
   (3) Thirty percent (30%) for Patrol Districts of the U.S. Forest Service.

(b) Law enforcement Projects are awarded on a non-competitive basis. The relative need of an Applicant is established by the Project request amount identified on the Project Cost Estimate and the Applicant's responses to the Law Enforcement Needs Assessment. The OHMVR Division shall review the Project request amounts and may, at its sole discretion, increase or decrease the requested amount based on the following conditions:
   (1) Failure to follow program regulations,
   (2) The Applicant has remaining funds from previous OHV law enforcement Grants,
   (3) Comparisons with similar jurisdictions,
   (4) Law Enforcement Needs Assessment, and
   (5) Applicant's historical law enforcement Grant request amounts.

(c) All compliant law enforcement Applicants will receive base funding in the amount of $10,000 per Application. The remaining funds in each entity category will be distributed on a proportional basis. The proportional funding is determined by dividing the total funding available within the entity category (less base funding) by the total request amounts within each entity category (less base funding). The resulting percentage is applied to the individual Project request amounts (less base funding) to determine the additional award amount. The total of the base award and additional award, if applicable, is the final Project award amount.

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

4970.15.4. Education and Safety

(a) A panel of not less than three (3) individuals shall score each Application deemed compliant with these regulations. The panel shall use the Applicant's responses to the Project-specific criteria to determine a Project score.

(b) Eligible Projects shall be ranked by score. Projects shall be funded in order of score from highest to lowest until available funds are exhausted.
(c) In the event Projects have the same score, Projects will be funded in the order of request amount starting with the smallest request amount. If more than one Project has the same request amount, the OHMVR Division will utilize a "random selection" method to break ties and determine which Project will receive funding.
(d) Projects at the funding cut-off line may require modifications to the Project Description and Project Cost Estimate to reflect reduced available funding. The modification shall be completed prior to the OHMVR Division preparing and executing the Project Agreement.

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

4970.16. NOTICE OF INTENT TO AWARD

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

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

4970.17. APPEAL PROCESS

(a) Applicants have the right to appeal the Intent to Award. The grounds for appeal are limited to the following:
    (1) The OHMVR Division failed to follow these regulations, and/or
    (2) The OHMVR Division lacked sufficient evidence to support or deny the award of a Grant(s).
(b) The steps for submitting an appeal are outlined in Table 6. An appeal must be received no later than 5:00 pm Pacific standard time on the last day of the appeal process.
(c) Applicants may not seek legal remedies through the courts until this appeal process has been completed.
(d) The receipt of an appeal by the OHMVR Division may delay the execution of Project Agreements within all project categories until the appeal is resolved.

Table 6 - Appeal Process

Action	Timeframe
An Applicant may file an appeal of the Intent to Award by submitting a detailed narrative that clearly articulates the reason(s) for the appeal including referencing the applicable statute and/or regulation section(s), and other documentation that supports the appeal and how the Intent to Award should be modified.	Within thirty (30) calendar days from the posting of the Intent to Award on the OHMVR Division Web site.

The appeal shall be submitted to the OHMVR Division Deputy Director by email to ohvinfo@parks.ca.gov.	
The OHMVR Division Deputy Director shall respond to the Applicant in writing with a decision to uphold or deny the appeal.	Within sixty (60) calendar days following the filing of an appeal.
The Applicant may file a second appeal by submitting a detailed narrative that articulates the reason for the appeal and addresses the reason(s) why the OHMVR Division Deputy Director's denial shall be vacated. No new documentation or issues may be introduced during this second appeal. The appeal shall be sent to the Director of the Department of Parks and Recreation by email to ohvinfo@parks.ca.gov.	Within seven (7) calendar days of receipt of written notification denying the appeal.
The Director of the Department of Parks and Recreation shall respond to the Applicant in writing with a decision to uphold or deny the appeal.	Within thirty (30) calendar days following the filing of a second appeal.

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

4970.18. AWARD OF GRANTS

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

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

ARTICLE 4 – PROJECT ADMINISTRATION PROCEDURES

4970.19. PROJECT AGREEMENT

(a) Upon approval of Projects by the Director of the Department of Parks and Recreation, the OHMVR Division shall prepare and execute the Project Agreement with the Grantee. The Project Agreement sets forth the terms and conditions of the Project. With consent of the OHMVR Division and the Grantee, Project Agreements may be amended as necessary, to comply with law.

(b) The Grantee may not submit claims for reimbursement or for advance payments until a fully executed Project Agreement is on file.

(c) Project Agreements may not be executed for Grantees that have refunds due to the State from previous Grant Project(s).

(d) Project Agreements will not be executed for Grantees that are delinquent in closing out previous Projects pursuant to Section 4970.24.
(e) With consent of the OHMVR Division and the Grantee, the Project Agreement may be executed using electronic signatures permissible under the Uniform Electronic Transactions Act(Civil Code section 1633.1, et seq.).

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

4970.19.1. Project Performance Period

(a) The Project performance period is the time between the start date and the end date in which the work under the Project Agreement shall be completed. The Grantee shall not charge expenditures prior to the start date or subsequent to the end date. The start date shall be no later than January 1 of the year following the year of the Intent to Award posting, except for Projects identified as needing additional documentation or information to complete CEQA requirements.
(b) The Project performance period shall be as follows:
    (1) Three (3) years for acquisition, Development, planning, and Restoration Projects, and
    (2) One (1) year for GO, law enforcement, and Education and safety Projects.

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

4970.19.2. Project Amendments

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

(a) Modifications to the Project Description may include but are not limited to:
    (1) Different techniques are employed to achieve the original outcome, and
    (2) Acquisition of a different type of equipment.
(b) Reasons for time extensions may include but are not limited to:
    (1) Fires,
    (2) Earthquakes, and
    (3) Floods.
(c) Grantees requesting a Project amendment shall submit to the OHMVR Division in writing the following:
    (1) An explanation of the reasons/circumstances that justify the change,
    (2) A description of the potential implications if the amendment is not approved,
    (3) A progress/status report of the Project to date, and
    (4) If the Amendment requires an extension of the Project performance period, specification of the length of additional time required to complete the Project.

(d) A written request shall be submitted to the OHMVR Division at least thirty (30) calendar days prior to the end date specified in the Project Agreement.
(e) Unspent funds that remain at the end of the Project performance period are not in themselves sufficient justification for time extensions.
(f) The OHMVR Division shall review the requested amendment and make a determination for approval/disapproval. If the amendment is disapproved, the OHMVR Division will provide written notification to the Grantee with an explanation why the request was denied. If the amendment is approved, the OHMVR Division will process an amendment to the Project Agreement specifying modifications and the revised Project performance period (if applicable). The amendment becomes effective when the OHMVR Division returns the executed amendment to Project Agreement to the Grantee. The OHMVR Division and the Grantee shall retain copies of the amendment to the Project Agreement on file.

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

4970.19.3. Project Withdrawal

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

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

4970.19.4. Project Breach-Termination

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

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

4970.19.5. Failure to Perform

If a Grantee does not complete a Project within the Project performance period specified in the Project Agreement, the Grantee shall:

(a) Provide written notification to the OHMVR Division describing the issues, reasons, or problems that prevent the Grantee from completing the Project and return any remaining OHV Trust Funds, or

(b) Request an amendment pursuant to Section 4970.19.2.

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

4970.19.6. Financial Responsibilities

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

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

4970.20. EQUIPMENT MANAGEMENT REQUIREMENTS

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

(a) Equipment shall be used for OHV related purposes unless the Grantee is funding the portion of the purchase price not dedicated to OHV purposes,

(b) Grantees shall keep Equipment purchased with OHV Trust Funds stored securely and maintained in safe working order,

(c) Equipment 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,

(d) Equipment that is no longer in useable condition may be used as a trade-in for replacement Equipment to be used for OHV purposes,

(e) Surplus Equipment may be transferred or traded within the agency, giving preference to those areas that provide OHV Opportunities or disposed of via the agency's standard equipment disposition procedures, and

(f) 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.

4970.21. DEVELOPMENT PROJECT PROCEDURES

(a) Plans and specifications shall be prepared for each Development Project as identified in the Project Agreement. A registered civil or structural engineer or a licensed architect shall sign plans for structural items. Prior to the start of the Project, the OHMVR Division may choose to review plans, specifications, and bid documents for each component of the Project.

(b) The Grantee shall follow all laws that pertain to public works projects, including the Americans with Disabilities Act and Title 24 Disability Codes (for local agencies), prevailing wages, and local health and safety requirements. For all sub-contracted work, a Notice of Completion is required.

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

4970.22. ACCOUNTING PRACTICES

(a) Record Keeping
Grantees are responsible for maintaining fiscal controls and fund accounting procedures based on Generally Accepted Accounting Principles approved by the AICPA, the Securities and Exchange Commission, the Financial Accounting Standards Board, and the American Accounting Association. Bill of Sale, Bill of Lading, or Collection Agreements are some examples of proof that materials or Equipment was received. Invoices are also considered valid proof that materials or Equipment was received. Purchase orders are not considered valid proof that materials or Equipment have been received.

(b) Labor Costs
The Grantee shall document all labor, including all force account, match and volunteer time, on time sheets, or reports produced by an electronic timekeeping system.

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

(d) Record Retention
The Grantee shall retain all financial accounts, documents, and records pertinent to the Project:
(1) For three (3) years from the expiration date of the Project Agreement, or
(2) Until an Audit started during the three (3) years following the expiration of the Project Agreement has been completed; a report is published; and any Audit findings are resolved and/or payment or other correction made with regard to any Audit findings contained in the final Audit report.

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

(f) Matching Funds
(1) Matching funds may include actual cash contributions toward the Project, cash value for volunteers or salaried employee hours, Indirect Costs,

grants from sources other than this Grant Program, and expenditures of the OHV in-lieu of property tax funds. The match shall be directly related to the Project and must occur within the project performance period. The same match may not be used for more than one (1) Project.

(2) Project costs identified as match shall be documented the same way as other Project expenditures. Volunteer hours of work and salaried employees shall be documented through a log or report identifying dates, hours worked, and duties performed.

(3) Cash value for volunteer time may be determined using the hourly reimbursement rate for the paid classification that most closely matches the duties performed by the volunteer. Cash value for salaried employee time shall be based on the agency's hourly reimbursement rate for the classification.

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

4970.23. PAYMENT REQUESTS

Grantees are required to request payments for advances or reimbursements by submitting a current Payment Request form to the OHMVR Division. The OHMVR Division is responsible for approving and processing payment requests. Grantees may submit payment requests to the OHMVR Division at any time after the execution of the Project Agreement. The OHMVR Division reserves the right to withhold approving and/or processing payment requests if the Grantee is not in Good Standing.

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

4970.23.1. Advances

(a) Generally advances are not allowed, however if extenuating circumstances exist the Division may consider granting an advance. To request an advance, the Grantee shall submit to the OHMVR Division written justification to explain the need for the advance. The OHMVR Division will provide written notification to the Grantee of approval/disapproval for the advance. Requests for an advance typically may not be more than half the total amount of the Grant and shall include a summary list of proposed expenditures, along with GPS coordinates and photos of Project areas where activities will be conducted, as applicable. The sum of the proposed expenditures shall match the amount indicated on the Payment Request form.

(b) Subsequent requests for advances shall document how previous advance funds were expended as follows:

(1) Purchases: paid invoices and/or receipts,

(2) Services: paid invoices and/or receipts,

(3) Timekeeping and equipment logs: transaction register or other electronically generated reports, and

(4) Training and travel: paid invoices and/or receipts.

(5) A statement of activities/accomplishments,

(6) GPS coordinates and photos of Project areas where activities were conducted, as applicable, and
(7) Maps and/or any electronic data (such as .shp, .gpx or .kml files) of Project areas where activities were conducted, as applicable.

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

4970.23.2. Reimbursements

Requests for reimbursement shall include the following documentation:

(a) Purchases: paid invoices and/or receipts,
(b) Services: paid invoices and/or receipts,
(c) Timekeeping and equipment logs: transaction register or other electronically generated reports,
(d) Training and Travel: paid invoices and/or receipts.
(e) A statement of activities/accomplishments,
(f) GPS coordinates and photos of Project area(s) where activities were conducted, as applicable, and
(g) Maps and/or any electronic data (such as .shp, .gpx or .kml files) of Project area(s) where activities were conducted, as applicable.

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

4970.24. PROJECT CLOSEOUT

4970.24.1 Project Documentation

(a) The Grantee shall submit a payment request form marked "FINAL" to the OHMVR Division within one hundred twenty (120) calendar days after the completion of the Project, or the end date as specified in the Project Agreement or amendment to the Project Agreement, whichever comes first. The Grantee shall include the following documentation with the final payment request:
    (1) A report of deliverables completed,
    (2) All documents supporting the expenditures claimed under the payment request,
    (3) A summary of costs, including match requirements, that provides detailed information regarding staff, contracts, materials/supplies, Equipment purchases, Equipment use expenses, and other expenses,
    (4) Two (2) copies of all reports as indicated in the Project Agreement for any Project that requires a report or reports as part of its Project Description. Monitoring results shall be reported to the OHMVR Division at the end of the Project,
    (5) For all sub-contracted work, a Notice of Completion,
    (6) Photos of Equipment purchased through the Project, and
    (7) Photos of completed Projects, as applicable.
(b) Final payment requests cannot be processed until the OHMVR Division has received all supporting documentation to support expenditures claimed, including documentation that the Grantee has fulfilled its match commitment. An amount equal to any unmet match commitment will be withheld from the final payment.

(c) Any request for final payment received after one hundred twenty (120) calendar days, may be ineligible for payment or result in suspension of future payments and reimbursement to the State of any advances or other payments made. The OHMVR Division may also deem the Project closed and forward the Project file to the Department's Audits Office for an Audit.

(d) When the OHMVR Division determines there is a refund due to the State, the Grantee shall remit the refund due within sixty (60) calendar days from the written notification to the Grantee by the OHMVR Division.

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

4970.24.2 Project Performance Review

(a) OHMVR Division staff shall conduct a project performance review. Project performance reviews may include, but are not limited to, review of a Project to determine progress toward its completion, review of the implementation of HMP and Soil Conservation Plan, or other requirements contained in the Project Agreement.

(b) Project performance reviews may be accomplished by, but are not limited to, desk reviews, questionnaires and other standards of inquiry, site visits, and other means consistent with these regulations.

(c) Project performance reviews may be conducted prior to the end of the Project performance period.

(d) Failure to cooperate with performance review requests made pursuant to these regulations may result in denial of payment requests and/or refund to the State of amounts already paid or advanced.

(e) OHMVR Division staff may conduct a site visit to review the Grantee's Project(s). The site visit may include review of progress towards the accomplishment of Deliverables.

(1) The OHMVR Division shall provide the Grantee adequate notice prior to the visit and the Grantee shall make its Project Areas, applicable documentation, and staff who are knowledgeable about or oversee the Project available to the OHMVR Division for site visits. The Grantee shall also make any reports or plans developed, as a result of a Project Agreement, available for review. In the event the OHMVR Division is not able to provide its own transportation to survey a Project, the Grantee shall make every effort to provide Equipment that may be necessary to conduct the site visit and include a person dedicated to providing a tour of the Project.

(2) When the OHMVR Division staff conducts a site visit, staff shall develop a report containing any comments and recommendations with regard to the performance of the Grantee's Project. A copy of the report shall be available to the Grantee upon request.

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

Subarticle 1. AUDITS

4970.25.1. Financial Audits of Grantees

(a) The Department of Parks and Recreation, Audits Office shall conduct an Audit of at least twenty percent (20%) of the Grantees annually. A Project is subject to Audit at any time within three years following the end of the project performance period.

(b) The OHMVR Division will forward Grant Projects to the Department of Parks and Recreation, Audits Office for a financial Audit as appropriate. The Grantee shall cooperate with the Audits Office during an Audit. Requested records, documents, and files pertaining to the expenditures or other fiscal and/or programmatic elements of the Grant shall be provided.

(c) Failure to fully complete Project Deliverables as agreed in the Project Agreement; and/or to maintain records supporting the expenditures made pursuant to the Project Agreement, these regulations, and any other applicable law; and/or failure of such records to support expenditures claimed and payments received, shall be grounds for an Audit exception requiring refund of amounts paid.

(d) The Department of parks and Recreation, Audits Office will coordinate with the OHMVR Division in order to confirm the completion of Deliverables. The Department may inspect and/or make copies of any books, records, or reports of the Grantee pertaining to all Projects.

(e) Upon completion of an audit, if there is a refund due to the State, the Grantee shall remit the refund due within sixty (60) calendar days from the written notification to the Grantee by the OHMVR Division.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code. !
Reference: Sections 5090.32, 5090.35, 5090.50, and 5090.53, Public Resources Code. !

4970.25.2. Final Audit Report

(a) Upon completion of the Audit, the OHMVR Division shall provide the Grantee a copy of the final Audit report that shall contain the results of the Audit including all Audit exceptions and any refunds found to be due.

(b) If the Audit results identify exceptions resulting in refunds due to the State, the Grantee shall have sixty (60) calendar days from receipt of the Audit report to refund the overpayment to the State unless the Grantee elects to request review of the Audit results.

(c) A Grantee may request review of the Audit report. The Grantee shall request the review in writing to the OHMVR Division within thirty (30) calendar days of receipt of the Audit report. When a Grantee requests such review the OHMVR Division will have final authority to determine what, if any, amount is due back to the State. The OHMVR Division will have thirty (30) calendar days to respond to the request. If the OHMVR Division does not provide a response within thirty (30) calendar days, the final Audit report will be deemed accepted.

(d) The Grantee shall have sixty (60) calendar days from the date Audit results are deemed final to remit payment. Failure to remit payment within the sixty (60) calendar days may result in the withholding or commensurate reduction of future reimbursement payments or advances on other Grantee Projects or such other remedies to collect the money as may be available by law.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5090.32, 5090.35, 5090.50, and 5090.53, Public Resources Code.

ARTICLE 5 – CONTACTING THE OHMVR DIVISION

4970.26. HOW TO CONTACT THE OHMVR DIVISION

(a) All inquiries and correspondence related to the Grant program shall be addressed to:

Mailing Address:
(Name), Grant Administrator
California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation (OHMVR) Division
1725 23rd Street, Suite 200
Sacramento, CA 95816-7100

(b) Inquiries may also be made directly by phone or e-mail to a Grant Administrator. Consult the Division Website at http://www.ohv.parks.ca.gov for a list of Grant Administrators.

(c) General inquiries should be directed to:
Phone: (916) 324-4442 or
Fax (916) 324-1610 or
E-mail: ohvinfo@parks.ca.gov.

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