

ADOPT (20067)

Chapter 15.5

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

ARTICLE 1 – GENERAL PROVISIONS

4970.49. APPLICATION OF CHAPTER

Chapter 15.5 applies only to ~~g~~Grant and ~~e~~Cooperative ~~a~~Agreement ~~a~~Applications received by the Off-Highway Motor Vehicle Recreation Division on or after January 1, 20067.

4970.50. DEFINITIONS

The words used in this chapter have the following meanings whenever the words are capitalized in this Chapter 15.5:

- (a) "Act" means the Off-Highway Motor Vehicle Recreation Act of 2003, as amended, commencing at Public Resources Code Section 5090.01, or any subsequent amended versions.
- (b) "Administrative Costs" means the costs of functions or activities directly performed in support of the Deliverables associated with scope of work or activities on the pProject. Examples of ~~a~~Administrative ~~e~~Costs include, but are not limited to, ~~costs of such activities such as~~ personnel providing administrative support directly related to the pProject, time keeping, accounting, fiscal management, record keeping and/or purchasing.
- (c) "Allocation" means a determination of ~~f~~Funds to be made available for, or an expenditure limit established for, an organizational unit or function, a ~~p~~Project or work activity or ~~d~~Deliverable.
- (d) "All-Terrain Vehicle (ATV)" means any vehicle as defined by California Vehicle Code Section 111.
- (e) "Applicant" means any of the following that are eligible to apply for funding under the Off-Highway Motor Vehicle Recreation (OHMVR) Division Grants and Cooperative Agreements program:
 - (1) For a city or county: a department or comparable subdivision;
 - (2) An Appropriate District;
 - (3) For the U.S. Forest Service: a Forest or Regional Office;
 - (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 Recognized Native American Tribe;
 - (7) An Educational Institution;
 - (8) A Nonprofit organization.
- (ef) "Application" means a compilation of required documents in conformance with these regulations to support a request for funding from the Off-Highway Motor

- Vehicle Recreation (OHMVR) Division's gGrants and eCooperative aAgreements program for proposed pProject(s).
- (fg) "Application Instructions" means directions for completing an aApplication for an OHV gGrant or eCooperative aAgreement found in Chapter 1 of the Off-Highway Motor Vehicle Recreation Division Manual for Grants and Cooperative Agreements dated ~~March~~ April 2006~~7~~.
- (gh) "Appropriate District" means one that has clear legal responsibility for open space, recreation, parks, and resource-related activities that are land based.
- (hi) "Appropriation" means a legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose and usually for a specific period of time.
- (ij) "Audits" means a comprehensive review in accordance with Generally Accepted Auditing Standards of ~~all expenditures or other fiscal and/or programmatic elements of expired project agreements funded pursuant to PRC Section 5090.50 for compliance with law, program objectives, and fiscal and/or programmatic soundness of contract, grant and/or cooperative agreement~~ (GAAS), developed by the American Institute of Certified Public Accountants (AICPA) and the Government Auditing Standards issued by the United States General Accounting Office (GAO). 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.
- (jk) "Buffer" refers to lands or physical barriers acquired or established contiguous to, ~~or in the vicinity of,~~ existing or proposed off-highway motor vehicle recreational activities areas to protect plant and wildlife habitat, soils, view sheds, or reduce noise and other effects ~~on real estate development in~~ to the surrounding area lands, for the purpose of sustaining OHV rRecreation.
- (l) "Casual" means non-competitive OHV rRecreation.
- (~~k~~m) "CEQA" means the California Environmental Quality Act, Public Resources Code (PRC) Section 21000 et seq.; Title 14, California Code of Regulations (CCR), Division 6, Chapter 3, Article 20.
- (m) ~~"Certified" means a document that has been reviewed, approved, and signed by both the grantee and the Division.~~
- (n) "Commission" means the Off-Highway Motor Vehicle Recreation (OHMVR) Commission.
- (o) "Conservation" means activities, practices, and programs developed and/or implemented in connection with ongoing OHV rRecreation that sustain and preserve soils, plants, wildlife and their habitat, and natural and eCultural rResources as referenced in or required by PRC Sections 5090.10, 5090.35, 5090.50, and 5090.53.
- (p) "Construction" means the act of building or assembling using different parts, materials, or elements in an ordered manner including, but not limited to, physical barriers, trails, rRoads, facilities, hardening of stream crossings, fencing, sediment control structures, and facilities landscaping.
- (q) "Cooperative Agreement" means an agreement between the Division and a fFederal aAgency, or a fFederally rRecognized Native American tTribe for the purposes authorized and defined in PRC 5090.50 and these regulations.

- (r) "Cultural Resources" are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; are associated with the lives of persons important in our past; embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses 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 ~~which~~ 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).
- (s) "Deliverables" means the specific ~~proposed tasks, activities to be performed, or accomplishments to be funded as defined within each project application and any resulting approved project agreement.~~ 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, specific hours or days of patrol, 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.
- (t) "Deputy Director" means the manager of the California Department of Parks and Recreation, OHMVR Division.
- (u) "Development Project" means the ~~e~~C~~onstruction~~ of new, and/or improvement of existing, ~~f~~F~~acilities~~, ~~r~~R~~oads~~, trails, or areas to improve existing or provide additional ~~e~~O~~pportunities~~, experiences, or services for OHV ~~r~~R~~ecreation~~.
- ~~(v)~~ "Director" means Director of the California Department of Parks and Recreation.
- ~~(wv)~~ "Division" means the ~~Division of~~ OHMVR Division of the California Department of Parks and Recreation.
- ~~(xw)~~ "Division Website" means the internet page of the Department of Parks and Recreation, OHMVR Division at (www.ohv.parks.ca.gov).
- ~~(yx)~~ "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 ~~grants~~ ~~f~~F~~unds~~, including ~~but not limited to: availability of utilities, waste disposal facilities, suitability of the property/project for intended use including applicable permits and other governmental approvals, presence or absence of any hazardous wastes on or under the property/project, presence of improvements on the property, environmental compliance, access easements~~ investigating the suitability of the property for the intended use, and all critical facts and assumptions used in developing the proposed p~~Project~~ that would assist in evaluating the success of the ~~p~~P~~roject~~ in providing OHV ~~r~~R~~ecreational~~ ~~e~~O~~pportunities~~ and to avoid and/or minimize potential risks ~~which that~~ could impair the future sustainability of OHV ~~r~~R~~ecreation~~.
- (zy) "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 in accordance with Section 210.1 of the Education Code.
- (aaz) "Environmental Document" means a document prepared in accordance with the National Environmental Policy Act (NEPA), or the California Environmental Quality Act (CEQA).
- (aa) "Equipment" means vehicles, tools, instruments, or apparatus. Equipment includes, but is not limited to: all vehicles, GPS units, sound meters, cameras, radios, first aid kits, computers and remote-sensing devices that are used in the implementation of a Project. Equipment does not include expendable items such as first aid kit refill supplies, personal safety gear, or tires.
- (bb) "Facility" means the assets of an organization that include: buildings, grounds, parking facilities, and structures other than buildings such as shade structures, fences, trash enclosures, cattle guards, etc., and includes the systems that support facilities (fuel, electrical, sewer, water, waste, etc.).
- (bbcc) "Federal Agency" means a unit of the ~~federal~~ United States government.
- (eedd) "Federally Recognized Native American Tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native ~~v~~Village pursuant to Title 25, Code of Federal Regulations (CFR) Section 83.5(a).
- (dd) ~~"Fiscal Audit" means a review of the grantee's relevant financial records by the Department of Parks and Recreation Audit Office staff or other Department designee.~~
- (ee) "Fund" means the Off-Highway Vehicle Trust Fund as created by subdivision (c) of Section 38225, CVC.
- (ff) "Grant" means an agreement between the Division and a city, county, ~~a~~Appropriate ~~d~~District, ~~e~~Educational ~~i~~Institution, or ~~n~~Nonprofit organization for the purposes as authorized and defined in PRC Section 5090.50 and these regulations.
- (gg) "Grantee" means any city, county, ~~a~~Appropriate ~~d~~District, ~~n~~Nonprofit organization, ~~e~~Educational ~~i~~Institution, ~~f~~Federal ~~a~~Agency, or ~~f~~Federally ~~r~~Recognized Native American ~~t~~Tribe receiving OHV ~~g~~Grant or ~~e~~Cooperative ~~a~~Agreement ~~f~~Funds.
- (hh) "Grants Program Manual" means the Off-Highway Motor Vehicle Recreation Division Manual for Grants and Cooperative Agreements (April 2007) and all its contents and subsequent revisions submitted through the rulemaking process.
- (hh) ~~"Law Enforcement Personnel" include officers or employees of, or who are under contract with, the grantee that have the authority and duty under applicable law to enforce statutes or ordinances, issue citations, or arrest persons for violations. For purposes of this section, "ordinance" includes an order, rule, or regulation enforceable under the authority of the grantee.~~
- (ii) "Maintenance" means the routine, ongoing or periodic work required to ensure ~~r~~Roads, trails, areas, and related facilities used for OHV ~~r~~Recreation and ~~e~~Conservation features (e.g., water ~~b~~ars diversion features, ~~e~~ulverts, sediment basins, etc.) for the protection of natural and ~~e~~Cultural ~~r~~Resources that are impacted by OHV ~~r~~Recreation activities, continue to function as intended.
- (jj) "Monitoring" means ~~the~~ periodic data collection and review to determine if the OHV ~~funded~~ ~~p~~Project is in compliance with the statutory requirements and program or ~~p~~Project objectives.

- (kk) "NEPA" means the National Environmental Policy Act pursuant to United States Code (U.S.C.) Title 42, Section 4371; 40 Code of Federal Regulations (CFR) part 1500.1 et seq.
- (ll) "Nonprofit" means an organization having tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code.
- ~~(mm) "Off-Highway Motorcycle" means any vehicle as defined in CVC 400 or 436, when such motor vehicle is operated on land to which CVC 38001 has application.~~
- ~~(nn) "Off-Highway Vehicle Operation" means the activity of driving or riding motorized vehicles on public lands and/or private property approved for OHV recreation, which is open and accessible to the public, and has been identified for recreational motor vehicle use.~~
- ~~(oemm) "OHV" means an off-highway motor vehicle as specified in CVC Section 38006 and/or street licensed motor vehicle while being used off-highway on lands to which CVC Division 16.5 applies.~~
- ~~(ppnn) "OHV Opportunities" means Roads, trails, roads, or areas and/or other facilities on areas of on lands that allow are open to legal OHV rRecreation.~~
- ~~(oo) "OHV Recreation" means the activity of driving or riding motorized vehicles for leisure purposes on land to which CVC Division 16.5 applies.~~
- ~~(qqpp) "Operation" means the use of staff, supervision, and eEquipment assigned facilitate and/or supervise the proper functioning of an OHV rRecreation rRoad, trail, area or lands and any related visitor or user facilities or services, including the protection of persons, life and property.~~
- ~~(rrqq) "Performance Review" means engaging the review of an open pProject to determine progress toward the accomplishment of deliverables including, but not limited to, desk reviews of project activity reports, questionnaires and other methods of inquiry, and/or site visits identify any areas where the Division may provide technical advice and consultation to the Grantee to improve any aspect of a program or Project funded by OHV Funds and may include assessing progress toward the accomplishment of Deliverables.~~
- ~~(ssrr) "Project" means the work activities and Deliverables described in the Project Application to be accomplished with funding through an OHV grant or cooperative Project aAgreement.~~
- ~~(tss) "Project Agreement" means a contract executed to formally implement a pProject, through an approved grant or cooperative agreement.~~
- ~~(tt) "Project Area" means the physical boundaries within which the activities will be performed and Deliverables will be accomplished as described in the Project Agreement.~~
- (uu) "Regional OHV Facility" means a fFacility, primarily for eCasual OHV rRecreation, providing a wide variety of OHV eOpportunities for a wide range of OHV interests, that is 500 or more acres, and with a population of 500,000 or more within a 150-mile radius or three (3)-hour travel time, and with the potential to become financially self-sustaining in accordance with criteria adopted by the Commission pursuant to PRC Section 5090.51(b).
- (vv) "Repair" means to fix, mend, make new, or revitalize to a sound condition or condition existing prior to the OHV-related damage, after being damaged.
- (ww) "Reroute" means the closure, (if not retained for other non-motorized recreation), and rRestoration of an existing segment of a trail or rRoad and replacement with a new alignment.

- (xx) "Restoration" means the completion of all work activities that are necessary to return of land, plant communities, and plant covers to conditions comparable to those of surrounding lands, or at least those that existed prior to OHV Recreation when the Road, trail, or area has been closed to OHV Recreation.
- (yy) "Roads" include: fire trails, logging ~~roads~~, service ~~roads~~ regardless of surface composition, or other roughly graded trails and ~~roads~~ upon which vehicular travel by the public is permitted (CVC 38001).
- (zz) "Scientific Research" means study and exploration into questions posed by theories and hypotheses, and defined by measurable steps or operations (e.g., sample design, methodology, statistical inferences). Scientific research is used to evaluate, estimate, analyze, and address the possible impact on, or of, OHV Recreation and develop responsive management recommendations.
- (aaa) "Snowmobile" means any vehicle as defined in CVC 557.
- (bbb) "Soil Conservation Program" means a plan containing a process or processes to anticipate and prevent accelerated and unnatural erosion, ~~and restore lands damaged by erosion to the extent possible. The Soil Conservation Program complies with the as provided for in the "Soil Conservation Guidelines/Standards for Off-Highway Vehicle Recreation Management (11/14/91)" until that document is replaced by the 2006 soil conservation standards or its successor.~~
- (ccc) "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.
- ~~(ddd) "Website" means the internet page of the applicant.~~
- ~~(eeedd)~~ "Wildlife Habitat Protection Program (WHPP)" means an animal and plant Habitat Management Program (HMP) designed to sustain a ~~viable species composition~~ for the ~~project area~~, pursuant to PRC Sections 5090.35, 5090.50, and 5090.53.

NOTE: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
 Reference: Sections 4442, 4442.5, 5020.1(j), 5024.1, 5090.04, 5090.05, 5090.06, 5090.07, 5090.10, 5090.11, 5090.32, 5090.35, 5090.50, 5090.51(b), 5090.53, 5090.64(b)(1) and (2) and 21000 et seq., Public Resources Code; CVC, Division 1, Sections 111, 400, 436, 557, Division 16.5, Chapter 1, Sections, 38001, 38006, 38012 and 38225(c) Vehicle Code; USC, Title 42, Section 4371; USC, Title 43 Sections 1601 et seq.; 40 CFR part 1500.1 et seq.; 25 CFR Section 83.5(a); Section 210.1, Education Code; and U.S. Internal Revenue Code, Section 501(c)(3).

4970.51. PROGRAM PURPOSE

The purpose of the OHMVR Grants and Cooperative Agreements Program is to ~~provide~~ promote well managed OHV Recreation by providing financial assistance to eligible agencies and organizations to ~~that~~ develop, maintain, operate, expand, support, and 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 Public Resources Code (PRC) Section 5090.01.

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

4970.52. COMMISSION'S ANNUAL PROGRAM REVIEW MEETING

Prior to the start of each ~~a~~Application cycle, the Commission shall conduct one (1) public meeting to collect: 1) public input concerning the OHV ~~g~~Grants and ~~e~~Cooperative ~~a~~Agreements ~~p~~Program, 2) recommendations for program improvements, and 3) public input for specific ~~p~~Project needs for ~~g~~Grants and ~~e~~Cooperative ~~a~~Agreements ~~p~~Program areas.

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

Reference: Section 5090.24(f), Public Resources Code.

4970.53. GENERAL APPLICATION REQUIREMENTS

- (a) ~~The Off Highway Motor Vehicle Recreation Division Manual for Grants and Cooperative Agreements (March 2006), herein after referred to as the OHMVR Division~~ The Grants Program Manual and all its contents and subsequent revisions submitted through the rulemaking process is are hereby incorporated by reference.
- (b) Awarding a ~~g~~Grant or ~~e~~Cooperative ~~a~~Agreement does not guarantee ongoing or future OHV funding in any ~~p~~Project category.
- (c) Applications must establish how each proposed Project is directly related to sustaining OHV Recreation in the Project Area specified in the Application. Proposed Projects will be screened by the Division prior to scoring. Any Project Application that does not establish a specific link to OHV Recreation will not be considered. For the purposes of this section, "OHV Recreation" includes both legal and illegal OHV use on public or private property to which CVC Division 16.5 applies. Provided however, where the Project is related to illegal use, the Project purpose must be limited to enforcement to prevent such illegal use, allowable protection of resources, Restoration to Repair damage, or for barriers, signing, or education to prevent such illegal use.
- (d) Subject to the discretion of the Division as specified in subsection (f)(4) of this Section, any Applications determined by the Division to not be in conformance with these requirements shall be returned to the Applicant without consideration.
- (ee) General ~~a~~Application requirements are as follows:
 - (1) ~~Applications for funding shall not be less than \$5,000~~
 - (2) ~~For projects requiring more than one year to complete or for projects not exceeding \$15,000 per year, funding may be requested for expenditure over a three (3) year period. The applicant making such a request shall include an explanation of the reasons for the extended timeline for completing the project and expending the funds.~~
 - (3) ~~Equipment requests for purchase or repair of single or multiple pieces of equipment or tools totaling \$15,000 (excluding tax) or less may be included in any project application category. Requests exceeding \$15,000 (excluding tax) must be applied for as a stand alone equipment project.~~
 - (4) ~~Each piece of equipment or tool with a purchase price (excluding tax) in excess of \$500 purchased with OHV Trust Funds shall be identified as a line item within each application project type in the OHV grant or cooperative agreement application, as applicable.~~
 - (5) ~~Requests for administrative costs as indicated in the OHMVR Division Manual, Chapter 1; Application Instructions, (herein after referred to as~~

"Application Instructions"), may not exceed 10% of the total project amount requested in the application.

- (1) Each Applicant may submit only one (1) Application for each Grant cycle. The Application may contain multiple Projects.
 - (2) Application requests for Projects shall be not less than \$10,000 per Project and not exceed a maximum of \$500,000 per Project or a total of \$2 million per Applicant.
 - (3) For Acquisition, Conservation, Development, Planning, or Restoration Projects or any other Project not exceeding an expenditure of \$15,000 per year, are funded for a three (3) year period. For Facilities Operation and Maintenance, Law Enforcement, OHV Safety and/or Education Program, and Trail Maintenance Projects not exceeding \$15,000 per year, Funds may be requested for expenditure over a three (3) year period.
 - (4) Public Casual use of facilities shall not be less than sixty (60) percent of the total use in Project Areas.
 - (5) Equipment Funds requested or expended shall be in conformance with the requirements specified in the Grants Program Manual, Chapters 1 and 3.
 - (6) Payment of Administrative Costs from the Fund may not exceed ten (10) percent of the total Project amount requested in the Application.
 - (67) All aApplicants shall undertake a public review process of their aApplication(s). The process shall include the following minimum steps:
 - (A) Public notice. Not later than At least thirty (30) calendar days prior to submitting the final aApplication, aApplicants shall notice to the public of the opportunity to submit comments on the draft aApplication. The notice shall be published at a minimum in the aApplicant's newsletter and/or Applicant's website and mailed to those persons, the agencies or organizations the Applicant determines most likely to have an interest in or be affected by the pProject.
 - (B) Public review. Draft aApplications shall be made available for public review and comment not later than the date of publication of the public notice. At a minimum, aApplicants shall make available to the public for the purpose of this review, the aApplication fFace sSheet, pProject description, and pProject costs/ and deliverables form. and past project accomplishments required by the application instructions
- (df) The aApplication submission process shall consist of the following:
- (1) The Division shall establish a timeline for the submission of aApplications and post the timeline on the Division wWebsite.
 - (2) Applications that are not in the possession of the Division by the aApplication submission deadline, set by the Division for the aApplication cycle, shall be returned to the aApplicant without consideration.
 - (3) Questions concerning the aApplication process and the interpretation of these regulations shall be submitted in writing to the Division wWebsite, Questions and Answers section. Responses to these questions will be made in writing via the Division wWebsite within five (5) calendar days of submission of the questions. The last date for submitting questions to the Division will be fifteen (15) calendar days prior to the final aApplication

deadline. The Division shall provide ~~any such interpretation~~ a response to all ~~a~~ Applicants on the Division ~~w~~ Website not later than ten (10) calendar days before the ~~a~~ Application deadline, in order for the ~~interpretation response~~ response to be applicable. Applicants shall not rely on answers to questions unless placed on the Division ~~w~~ Website, Questions and Answers section, by the Division.

- (4) The Division may, but has no obligation, to waive or correct inconsequential defects in the ~~a~~ Application. "Inconsequential", for the purpose of this subsection ~~(d)~~(4) and subsection (f)(5), shall mean a situation where correction of an ~~a~~ Application or waiver of a defect will not give the ~~a~~ Applicant an unfair advantage over other ~~a~~ Applicants or ~~a~~ Applications.

(A) Examples of an unfair advantage may include, but are not limited to, situations where an Applicant is allowed to: increase or reduce its request and/or amend the Deliverables, provide ~~completed~~ missing information in an uncompleted form or submittal, provide new information that was not submitted in or with the Application as submitted on the submittal date, have its Application evaluated under other Project type criteria, or provide additional analysis of information submitted in the Applications after the submittal date.

(B) Examples of inconsequential defects may include, but are not limited to: signing a form or other document that was complete as submitted, but not signed; correcting mathematical errors where those corrections do not cause the Application to violate maximum or minimum amounts allowable; clarifying the meaning of technical words or acronyms; or substituting a substantially equivalent ~~good~~ product, service, Equipment, or Deliverable for one or more as submitted in the Application when the need for the substitution could not have been known by the Applicant on the submittal date.

- (5) The Division may request additional information of an ~~a~~ Applicant in order to clarify inconsequential information submitted in the ~~a~~ Applications. Examples of inconsequential information include, but are not limited to: the location of a Project Area, habitat, or other affected area; cost entries on forms that do not match totals; or information on an otherwise completed form where the clarification does not change the purpose for the Project or amount requested.

(g) Except as provided in Section 4970.53(f)(4), Applications found to have defects that are inconsistent with applicable statute and/or these regulations will be rejected by the Division. The appeal process shall be as follows:

(1) The Division shall send a written notice of rejection to the Authorized Representative and Project Administrator as shown on the Application Face Sheet by both e-mail and FAX. The notice of rejection shall specify the defect(s) and refer to the appropriate statutes and regulations that apply.

(2) The Applicant has until 5:00 p.m. on the third full business day after the Division sends the notice of rejection to request an appeal by one of the following methods:

(A) Submission of an e-mail to the Grants Program Manager detailing the Applicant's response to the notice of rejection.

- (B) Submission of a FAX to the Grants Program Manager detailing the Applicant's response to the notice of rejection.
- (C) Contacting the Grants Program Manager to schedule a telephone conference to present the Applicant's response to the notice of rejection.
- (D) Contacting the Grants Program Manager to schedule a meeting at the Division Headquarters to present the Applicant's response to the notice of rejection.
- (3) If the Applicant does not receive a response from the Division by 5:00 p.m. on the fifth business day after the Applicant presents its response to the notice of rejection, the appeal shall be deemed denied.
- (h) Applications shall meet all of the requirements contained in the Grants Program Manual, including fully completed Application Forms. All Application Forms are in the Appendix. In addition to the Forms, the Applications shall contain the following information for each Project:
 - (1) Applications must clearly describe each Project, including a demonstration of how each proposed Project is directly related to sustaining OHV Recreation in the Project Area specified in the Application.
 - (2) Documentation of the public review process.
 - (3) All city, county, Appropriate District, Educational Institution, and Nonprofit organization Grant Applications and any Federally Recognized Native American Tribe Cooperative Agreement Applications shall include a completed Governing Body Resolution certified by the clerk of the governing body.
 - (4) Photo(s) when needed, as described in the Grants Program Manual, Chapter 1.
 - (5) A map or maps as described in the Grants Program Manual, Chapter 1.
 - (6) The environmental requirements contained in Section 4970.63.
 - (7) If applicable, Applications shall include identification of the match to be applied to the Project in accordance with Section 4970.66.
 - (8) Project Applications that include a request for Funds to conduct Scientific Research related to the Project must provide:
 - (A) The research Project design that includes a description of the goals, objectives, and methodologies and how the research will be used to make management decisions sustaining long-term OHV Recreation.
 - (B) The curriculum vitae of the primary researcher(s).
 - (C) Documentation of peer review of the research plan. The peer review shall be conducted by at least three (3) qualified experts from the scientific discipline or related fields. The peer reviewers shall not be from the Applicant agency nor involved in implementing the research Project itself.
 - (D) Other information required to be included as specified in Article 2 under the Application content requirements for the specific Project type.
 - (9) Project-specific information required for submittal under Article 2.
 - (10) See Chapter 1 of the Grants Program Manual for lists of eligible and ineligible costs and Project-specific eligible costs.

- ~~(e) The applications shall contain the following:~~
- ~~(1) Applications, whether for single or multiple project types, shall include an application face sheet and application summary sheet fully completed with all required information in addition to meeting all of the requirements contained in the Application Instructions. Subject only to the discretion of the Division as specified in subsection (d)(4) of this Section, any applications determined by the Division to not be in conformance with these requirements shall be returned to the applicant without consideration.~~
 - ~~(2) Applications shall include documentation of the public review process.~~
 - ~~(A) Public comments. All public comments received by an applicant up to ten (10) calendar days prior to the application filing deadline shall be included in the final application. An applicant shall also include a brief statement of how the public's comments were incorporated into the development of the application or explain the reasons why not.~~
 - ~~(B) Late public comments. The applicant shall not be required to include public comments received less than ten (10) calendar days prior to the final application deadline. The applicant shall forward all comments received less than ten (10) calendar days prior to the final application deadline to the Division along with the application, if possible, but not later than ten (10) calendar days following the application submission date.~~
 - ~~(3) All city, county, and appropriate district, educational institution, and nonprofit organization grant applications, and any federally recognized Native American tribe cooperative agreement applications shall include a completed Governing Body Resolution certified by the clerk of the governing body. The Division shall provide an example of a form in the Application Instructions which may be used if the applicant does not have one.~~
 - ~~(4) All applicants shall complete a Project Activity Report (PAR) in accordance with the Application Instructions.~~
 - ~~(5) All applications shall include a map or maps as described in the Application Instructions.~~
 - ~~(6) All applications shall meet the environmental requirements contained in Section 4970.65, including an Environmental Review Data Sheet to assist the Division in determining the appropriate use of Categorical Exemptions as provided in the Application Instructions, and which complies with Section 4970.65(b).~~
 - ~~(7) Applications shall meet the requirements of Sections 4970.66 (WHPP/HMP) and 4970.67 (Soil Conservation Program) and related requirements contained in the Application Instructions.~~
 - ~~(8) An analysis of project needs and benefits that addresses the evaluation requirements and criteria contained in the OHMVR Division Manual, Chapter 2; Application Evaluation System.~~
 - ~~(9) If applicable, applications shall include identification of the match to be applied to the project in accordance with Section 4970.68.~~
 - ~~(10) Other information required to be included as specified in Article 2 under the application content requirements for the specific project type.~~

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5090.32, 5090.35, 5090.50, 5090.51 and 5090.53, Public Resources Code; and Government Code Section 11343.

ARTICLE 2 – TYPES OF PROJECTS AND SPECIFIC APPLICATION AND CONTENT REQUIREMENTS

4970.54. ACQUISITION PROJECTS

- (a) Acquisition ~~p~~Projects secure interests in land to: expand and/or sustain OHV ~~r~~Recreation access and ~~o~~Opportunities; provide ~~b~~Buffers; and/or eliminate trespass.
- (b) Cities, counties, ~~a~~Appropriate ~~d~~Districts, ~~f~~Federal ~~a~~Agencies, and ~~f~~Federally ~~r~~Recognized Native American ~~t~~Tribes are eligible to apply for ~~a~~Acquisition ~~p~~Projects. Educational ~~i~~Institutions and ~~n~~Nonprofit organizations are not eligible to apply for ~~a~~Acquisition ~~p~~Projects.
- ~~(c) Examples of acquisition projects 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.~~
 - ~~(5) Other interests in real property, such as permits or licenses.~~
- ~~(d) See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to acquisition projects.~~
- ~~(e)~~ Applications for ~~a~~Acquisition ~~p~~Projects shall include all the information required under Section 4970.53(h) plus the following:
 - ~~(1) A general project description that identifies the total acreage involved, average cost per acre, easements, the number of parcels, project costs, and activities to be performed ("deliverables").~~
 - ~~(2) A description and the location(s) of existing OHV recreation in and around the acquisition property.~~
 - ~~(51) An acquisition plan, which shows the steps and timelines for acquiring the ~~p~~Project and a discussion of the ~~a~~Applicant's ability to accomplish the ~~p~~Project.~~
 - ~~(32) Due ~~d~~Diligence to determine if the property is usable for its intended purpose.~~
 - ~~(4) ~~P~~specific map(s).~~
 - ~~(6) Assessor parcel maps.~~
- ~~(f) All acquisitions shall, if applicable, comply with Chapter 16 (commencing with Section 7260), Division 7, Title 1, Government Code, "Relocation Assistance."~~

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5090.32 and 5090.50, Public Resources Code; ~~Title 1, Division 7, Chapter 16, Section 7260 et seq., Government Code.~~

4970.55. CONSERVATION PROJECTS

- (a) Conservation projects, ~~which~~ are implemented in connection with ongoing OHV recreation and OHV Opportunities to protect natural and cultural resources and develop and/or implement soil conservation standards and wildlife habitat protection programs WHPP/HMPs as required by the Act, including: monitoring or researching those practices, activities, or projects to provide data for management decisions; or Rerouting of Roads to comply with soil standards and wildlife habitat protection programs or to protect Cultural Resources.
- (b) Cities, counties, appropriate district s, federal agencies, federally recognized Native American tribes, educational institutions, and nonprofit organizations are eligible to apply for conservation projects.
- (c) ~~Examples of conservation projects include, but are not limited to the following:~~
- ~~(1) Erosion and/or sediment control.~~
 - ~~(2) Vegetation protection.~~
 - ~~(3) Habitat, cultural, and/or species protection and mitigation.~~
 - ~~(4) Rerouting of roads or trails to comply with soil standards and wildlife habitat protection programs.~~
 - ~~(5) A WHPP/HMP development and/or implementation (PRC Section 5090.35, Section 4970.66 of these regulations).~~
 - ~~(6) Signing.~~
 - ~~(7) Storm water protection plans, sediment control structures, and stream crossing improvements.~~
 - ~~(8) Monitoring of the effectiveness of prior and ongoing conservation projects.~~
 - ~~(9) Wildlife and soil erosion surveys necessary for preparation of WHPP/HMPs or Soil Conservation Programs.~~
- (d) ~~See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to conservation projects.~~
- (e) Applications for conservation projects shall include all the information required under Section 4970.53(h) plus the following:
- ~~(1) A general project description, project costs, and activities to be performed ("deliverables").~~
 - ~~(2) Project specific map(s).~~
 - ~~(3) When applicable, a nonprofit organization and educational institution applicants shall have a written agreement with the property manager, land management agency or landowner to perform the project.~~

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.

4970.56. DEVELOPMENT PROJECTS

- (a) Development projects provide sustain OHV recreation oppportunity and provide OHV Recreation, experiences, or related visitor services in the form of new, improved, or upgraded facilities, roads, trails, or areas, including the relocation of an existing Road or trail that is not a required Reroute within a Conservation or Trail Maintenance Project.
- (b) Cities, counties, appropriate district s, federal agencies, and federally recognized Native American tribes are eligible to apply for development projects. Educational institutions and nonprofit organizations are not eligible to apply for development projects.
- (c) ~~Examples of development projects include, but are not limited to the following:~~

- ~~(1) Trail construction.~~
- ~~(2) Trailhead/staging area construction.~~
- ~~(3) Restroom construction.~~
- ~~(4) Access road and parking lot construction.~~
- ~~(5) Picnic and camping facilities construction.~~
- ~~(6) Construction projects to reduce use conflicts.~~
- ~~(7) Competition and spectator facilities.~~
- ~~(8) Other related improvements such as visitor centers, kiosks with a unit cost of \$5,000 or more, facility fencing, greenhouses, utilities installation (i.e., water, electrical, sewer), and storage buildings.~~
- ~~(d) See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to development projects.~~
- ~~(e) Public casual use of facilities shall not be less than 60% of the total use in areas funded with OHV grant funds.~~
- ~~(f) Applications for Development Projects shall include all the information required under Section 4970.53(h) plus the following:~~
 - ~~(1) A general project description, project costs, anticipated timelines, and activities to be performed ("deliverables").~~
 - ~~(21) At a minimum, Conceptual drawings and site plans for the Development Project.~~
 - ~~(32) Land tenure certification to the Division as indicated in the Grants Program Manual, Chapter 1, Application Instructions.~~
 - ~~(4) Project specific map(s) and, if available, trails map(s). Trails map(s) should show existing roads, trails, or areas available for OHV recreation. Trails map(s) should also show trails proposed to be made available in the future as part of this project or other existing plans.~~
- ~~(gd) Grantees are required to meet all access requirements under State or Federal law as applicable, including, without limitation, the Americans with Disabilities Act of 1990 (Public Law 101-336, July 26, 1990, 104 Stat 327).~~

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

Reference: Sections 5090.32 and 5090.50, Public Resources Code; and Public Law 101-336, July 26, 1990, 104 Stat. 327.

~~4970.57. EQUIPMENT PROJECTS~~

- ~~(a) Equipment projects for purchase or repair of single or multiple items totaling \$15,000 or less may be included as part of another project application category. Requests exceeding \$15,000 (excluding tax) must be applied for as a stand-alone equipment project.~~
- ~~(b) Projects for equipment repair shall be due to normal wear and tear.~~
- ~~(c) Cities, counties, appropriate districts, federal agencies, federally recognized Native American tribes, educational institutions, and nonprofit organizations are eligible to apply for equipment purchases.~~
- ~~(d) Examples of equipment purchase or repair include, but are not limited to the following:~~
 - ~~(1) Motorcycles.~~
 - ~~(2) All-terrain vehicles.~~
 - ~~(3) Four-wheel drive vehicles.~~
 - ~~(4) Snowmobiles.~~

- ~~(5) Trail dozers.~~
- ~~(6) Mini excavators.~~
- ~~(7) Sound testing equipment.~~
- ~~(8) Engine replacement.~~
- ~~(9) Track replacement and associated costs.~~
- ~~(10) Major mechanical overhaul if it is determined that repairs are more cost effective than the purchase of a new piece of equipment.~~
- ~~(e) See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to equipment projects.~~
- ~~(f) Applications for equipment shall include all the information required under Section 4970.53 plus the following:
 - ~~(1) A general project description, project costs, and activities to be performed ("deliverables").~~
 - ~~(2) A brief description of how the equipment will be used and maintained and where it will be stored.~~
 - ~~(3) When applicable, nonprofit organization and educational institution applicants shall have a written agreement with the property manager, land management agency, or landowner to use the equipment on the land.~~
 - ~~(4) An equipment inventory list identifying all equipment previously purchased (over \$5,000) using OHV Trust Funds, and any items to be replaced or repaired. The list shall include the item, year, make and model number, original purchase price, vehicle identification number (VIN/ID), registration number, and mileage or hours.~~~~
- ~~(g) Equipment purchased with OHV Trust Funds shall be used primarily (60% or more of the time) on OHV projects.~~
- ~~(h) The applicant shall have written approval from the Division prior to purchase of tools or equipment exceeding \$500, which are not identified in a certified project agreement.~~
- ~~(i) Any single equipment purchase having a total cost equal to or greater than \$50,000, with at least half of the purchased costs paid from OHV Trust Funds, shall be registered in the Division's name, used in the grantee's OHV program for the normal life of the equipment, and then returned at the discretion of the Division for disposal or sale. Notification to the Division that an equipment item is eligible for surplus is the responsibility of the grantee. The Division shall respond to the grantee within sixty (60) calendar days of receipt of the notice of eligibility for the surplus and shall provide guidance to the grantee for the sale or disposition of the equipment item.
 - ~~(1) For one-time purchases, applicants shall consult with the Division to determine the most cost effective method of acquiring equipment for the proposed project or activity; whether rent, lease, or purchase. The Division retains the right to require the grantee to return purchased equipment to the Division at the end of the contract or project for reuse in the program.~~~~
- ~~(j) Grantees shall keep tools and equipment purchased with OHV Trust Funds maintained and in safe working order.~~
- ~~(k) All equipment purchased with OHV Trust Funds must display an approved version of the OHMVR Division "OHV Trust Funds at Work" insignia. Grantees may obtain insignias free of charge from the Division.~~

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

4970.587. FACILITIES OPERATION AND MAINTENANCE (FO&M) PROJECTS

- (a) Facilities ~~e~~Operation and ~~m~~Maintenance (FO&M) ~~p~~Projects are for ~~p~~rogram management and/or routine work directed to maintain existing facilities, other than ~~r~~Roads, trails, or areas, and provide visitor assistance, and health and safety measures attributable or related to OHV ~~r~~Recreation being provided by the ~~a~~Applicant.
- (b) Cities, counties, ~~a~~Appropriate ~~d~~Districts, ~~f~~Federal ~~a~~Agencies, and ~~f~~Federally ~~r~~Recognized Native American ~~t~~Tribes are eligible to apply for facilities operation and maintenance FO&M ~~p~~Projects. Educational ~~i~~Institutions and ~~n~~Nonprofit organizations are not eligible to apply for facilities operation and maintenance FO&M ~~p~~Projects.
- (c) ~~Examples of facilities operation and maintenance activities include, but are not limited to the following:~~
- ~~(1) Facility servicing, including, but not limited to painting, cleaning restrooms, and maintaining kiosks.~~
 - ~~(2) Volunteer support and coordination.~~
 - ~~(3) Visitor services (excluding law enforcement).~~
 - ~~(4) Snow plowing of parking areas and access roads to these areas.~~
 - ~~(5) Trash collection.~~
 - ~~(6) Purchase of first aid equipment and supplies.~~
 - ~~(7) Map/brochure design and printing.~~
 - ~~(8) Physical barriers and other means of traffic control.~~
 - ~~(9) Purchase of tools and equipment, totaling up to \$15,000 (excluding tax).~~
 - ~~(10) Sign boards, information kiosks with a unit cost of up to \$5,000 (excluding tax), and regulatory and directional signs.~~
 - ~~(11) Water and /or sewage treatment system maintenance and testing.~~
 - ~~(12) OHV site management.~~
 - ~~(13) OHV program management.~~
 - ~~(14) Repaving existing parking lots or access roads to these areas.~~
 - ~~(15) Repairs to trailheads, staging areas, or structures.~~
 - ~~(16) Re-roofing.~~
 - ~~(17) Electrical repairs.~~
- (d) ~~See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to facilities operation and maintenance projects.~~
- (e) Applications for facilities operation and maintenance FO&M ~~p~~Projects shall include all the information required under Section 4970.53(h), plus the following:
- ~~(1) A general project description, project costs, and activities to be performed ("deliverables").~~
 - ~~(2) Project specific map(s) showing the location of the facilities along with related OHV recreation roads, trails, areas, or other lands being served by the facilities.~~

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

4970.598. LAW ENFORCEMENT PROJECTS

- (a) Law eEnforcement pProjects provide financial assistance to local and fFederal aAgencies for protection of life and property, including natural and eCultural rResources; enforcement of laws, public safety, OHV-related search and rescue, personnel support, placement of barriers and other means of traffic control, and training related to OHV Recreation and OHV Opportunities.
- (b) Cities, counties, aAppropriate dDistricts, fFederal aAgencies, and fFederally rRecognized Native American tTribes are eligible to apply for lLaw eEnforcement pProjects. Educational iInstitutions and nNonprofit organizations are not eligible to apply for lLaw eEnforcement pProjects.
- ~~(c) Examples of law enforcement projects include, but are not limited to the following:
 - (1) Personnel for OHV related law enforcement patrol and search and rescue.
 - (2) Training and equipment for OHV related law enforcement and search and rescue.
 - (3) Contracts for OHV related law enforcement patrol, including air support.
 - (4) Fuel and maintenance for vehicles used with law enforcement associated with OHV recreation.
 - (5) Placement of physical barriers and other means to control illegal access.
 - (6) Purchase and installation of signs related to OHV law enforcement.
 - (7) OHV law enforcement outreach, including personnel, educational materials, and maps.~~
- ~~(d) See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to law enforcement projects.~~
- (ec) Applications for lLaw eEnforcement pProjects shall include all the information required under Section 4970.53(h), plus the following:
 - (1) A general project description, project costs, and activities to be performed ("deliverables").
 - (2) Project specific map(s), which include and specifically identify and mark:
 - (A) All roads, trails, and areas to be patrolled.
 - (B) Areas of special concern.
 - (C) Areas with recurring law enforcement issues.

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

Reference: Sections 5090.32, 5090.50 and 5090.64(b)(2), Public Resources Code; and Section 38000, Vehicle Code.

4970.6059. OFF-HIGHWAY VEHICLE (OHV) SAFETY AND/OR EDUCATION PROGRAM

- (a) OHV sSafety and/or eEducation pProgram pProjects address provide the following to members of the public:
 - (1) OHV safety activities, and/or
 - (2) Teaching safe and environmentally responsible operation of OHVs.
- (b) Cities, counties, aAppropriate dDistricts, fFederal aAgencies, fFederally rRecognized Native American tTribes, eEducational iInstitutions, and nNonprofit organizations are eligible to apply for OHV sSafety and/or eEducation pProgram pProjects.

- (c) ~~OHV safety and/or education program projects include, but are not limited to the following:~~
- ~~(1) Safety orientation and training.~~
 - ~~(2) Site rental and insurance.~~
 - ~~(3) Program and school outreach, including, but not limited to:~~
 - ~~(A) Noise restrictions.~~
 - ~~(B) Signs, maps, and brochures design and production.~~
 - ~~(C) Responsible riding.~~
 - ~~(D) Public service announcements.~~
 - ~~(E) ATV safety.~~
 - ~~(4) Curriculum development.~~
 - ~~(5) OHV safety or educational handbooks, including but not limited to vehicle operations, towing, and environmental education.~~
 - ~~(6) Internet site development and other electronic media supporting safety and/or educational program projects.~~
 - ~~(7) First aid stations.~~
 - ~~(8) OHV safety-related equipment loan program, including but not limited to helmets and chest protective gear.~~
 - ~~(9) OHV search and rescue.~~
 - ~~(10) Spark arrester inspections.~~
- (d) ~~See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to OHV safety and/or education program projects.~~
- (e) Applications for OHV sSafety and/or eEducation pProgram pProjects shall include all the information required under Section 4970.53(h) plus the following:
- (1) A general project description, project costs, and activities to be performed ("deliverables").
 - (2) A general description of material to be developed for the project including training locations.
 - (3) If site specific, project specific map(s).
 - (4) When applicable, nonprofit organization and educational institution applicants shall submit a A written agreement. with the property manager, land management agency, or landowner to perform the project, or provide documentation from the property manager, land management agency, or land owner stating that no such agreement will be required.

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

4970.610. PLANNING PROJECTS.

- (a) ~~Planning projects are intended to determine the feasibility of an area and/or project, and design solutions for affected areas, and/or projects prior to the commitment of acquisition, development, or other funds. Planning projects may also be used to fund the preparation of environmental documentation.~~
- (a) Planning Projects fund activities that produce a report or reports that work out in advance and, in general, detail how an OHV Opportunity or Project Area is to be organized, developed, operated, conserved, and/or maintained, to meet demand and sustain long-term OHV Recreational use. Planning Projects may also provide programmatic management coordination.

- ~~(b) Project specific planning efforts such as engineering, landscape design, environmental analysis, permitting, and similar actions for specific Projects, such as Conservation, Development, or Restoration, must be submitted as a component of the specific Project type.~~
- ~~(bc) Cities, counties, aAppropriate dDistricts, fFederal aAgencies, and fFederally rRecognized Native American tTribes are eligible to apply for pPlanning pProjects. Educational iInstitutions and nNonprofit organizations are not eligible to apply for pPlanning pProjects.~~
- ~~(c) Examples of planning projects include, but are not limited to activities associated with preparation of the following:~~
- ~~(1) A plan or plans designating authorized roads, trails, areas for OHV recreation use, including, but not limited to:

 - ~~(A) Documenting existing and projected uses and OHV recreation demand.~~
 - ~~(B) Documenting the existence of soils, water, plants, animals, and/or cultural or other natural resources affected by OHV recreation and requiring protective measures in accordance with the Act or other law.~~
 - ~~(C) Inventories and mapping of roads, trails, and areas.~~~~
 - ~~(2) A plan to address toxic or hazardous waste within an area and adjacent property that may impact the site.~~
 - ~~(3) A plan to address the potential effects of OHV recreation on:

 - ~~(A) Adjacent lands.~~
 - ~~(B) Residents.~~
 - ~~(C) Potential conflict with other recreation.~~~~
 - ~~(4) A plan to address OHV recreation activity as it affects air and water quality, including a strategy for resolution.~~
 - ~~(5) Environmental documents, including CEQA or NEPA, for potential OHV projects prepared in accordance with the requirements of Section 4970.65 of these regulations.~~
 - ~~(6) The preparation of a Recreation Management Plan, OHV Plan, or the OHV portion of a General Plan.~~
 - ~~(7) Due diligence of potential acquisitions to determine the need to buffer the effects of OHV activities, and/or to provide future opportunity.~~
- ~~(d) See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to planning projects.~~
- ~~(ed) Applications for pPlanning pProjects shall include all the information required under Section 4970.53(h) plus the following:~~
- ~~(1) A general project description, project costs, activities to be performed and a list of all reports, (interim and/or final) or other documents to be produced. ("deliverables").~~
 - ~~(2) Project specific map(s) and, if applicable, a trails map(s).~~
 - ~~(3) Include the anticipated timelines to develop the project plan and for implementation of projects based on the completed plan (if applicable).~~

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.

4970.621. RESTORATION PROJECTS

- (a) Restoration pProjects provide funding to complete all work activities that are necessary to return land, plant communities, and plant covers to conditions comparable to those of surrounding lands or at least those that existed prior to OHV rRecreation, upon closure to OHV recreation when the Road, trail, or area has been closed to OHV Recreation and the Applicant has adopted a decision to restore the lands when the Applicant has determined that:
- (1) ~~Upon a determination that bBest available mMaintenance and eConservation practices are not sufficient to meet established soil standards and/or wildlife habitat protection program requirements,~~ or
 - (2) ~~Upon determination that a repair project is necessary to mend damage to property caused by illegal OHV recreation on property where such use is prohibited by federal, state, or local law~~ An area has been damaged by OHV Recreation where such OHV Recreation is not lawfully allowed on such area, or
 - (3) ~~Upon lands that have been closed by the administrative agency to recreational motorized use.~~ The Road, trail, or area that previously provided OHV Opportunity is closed as part of a plan adopted by the Applicant due to natural or cultural or other similar resource protection considerations.
- (b) Cities, counties, aAppropriate dDistricts, fFederal aAgencies, and fFederally rRecognized Native American tTribes are eligible to apply for rRestoration and/or repair pProjects. Educational iInstitutions and nNonprofit organizations are not eligible to apply for rRestoration pProjects.
- ~~(c) Examples of restoration projects include, but are not limited to the following:~~
- ~~(1) Restoring and stabilizing land contours.~~
 - ~~(2) Planting and/or reintroduction of native plants, shrubs, trees, or groundcovers.~~
 - ~~(3) Construction of physical barriers and other means of traffic control devices to prevent use of the area by off-highway motor vehicles in order to achieve restoration.~~
 - ~~(4) Eradicating evidence of illegal OHV recreation and returning the land to the condition that existed prior to the illegal OHV recreation, to the extent practical, including the planting of plants, shrubs, trees, or groundcovers.~~
- ~~(d) See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to restoration projects.~~
- (ec) Applications for rRestoration pProjects shall include all the information required under Section 4970.53(h) plus the following:
- (1) ~~A general project description, project costs, activities to be performed ("deliverables").~~
 - (2) ~~An explanation of any legal recreational OHV activity being displaced and what maintenance and conservation efforts were taken and why they were not successful.~~
 - (3) ~~Project specific map(s) and representative photographs of restoration sites.~~
 - (41) ~~An explanation of what law enforcement efforts and follow up activities will be performed to support the~~ ensure successful completion of the rRestoration sites/pProjects.
 - (2) Official documentation of:

- (A) The Road, trail or area closure for one of the three reasons stated herein above, and
- (B) The official decision to restore the lands or to proceed with the Restoration Project subject only to completion of environmental review required by either CEQA or NEPA.
- (5) ~~Descriptions of the success criteria and monitoring that will be used to determine project success.~~
- (6) ~~An anticipated timeline for implementation of project(s).~~

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

Reference: Sections 5090.32, 5090.50 and 5090.64(a), Public Resources Code.

4970.63. SCIENTIFIC RESEARCH PROJECTS.

- (a) ~~Scientific research projects implement scientific research to evaluate, estimate, analyze, and address the possible impact on, or of, OHV recreation and develop responsive management recommendations.~~
- (b) ~~Cities, counties, appropriate districts, federal agencies, federally recognized Native American tribes, educational institutions, and nonprofit organizations are all eligible to apply for scientific research projects.~~
- (c) ~~Scientific research projects on OHV recreation may include, but are not limited to those that address the following objectives:~~
 - (1) ~~Determine the best management practices, including maintenance and conservation practices, available or designed to provide for sustainable long-term OHV recreational use of roads, trails, areas, or lands.~~
 - (2) ~~Determine current and future unmet needs for roads, trails, areas, and related facilities to meet the need for sustainable long-term OHV recreation use.~~
 - (3) ~~Document potential effects of OHV recreation on natural and cultural resources.~~
 - (4) ~~Document potential effects of OHV recreation on other recreation uses.~~
 - (5) ~~Document potential effects of OHV recreation on adjacent lands.~~
 - (6) ~~Document potential impact on relationships between OHV recreation and local residents.~~
 - (7) ~~Identify and/or further technological advances to reduce noise, air, and water pollution from OHVs.~~
 - (8) ~~Document lands subject to OHV recreation use through geologic survey and slope maps or topographic maps.~~
 - (9) ~~Document toxic or hazardous waste within an area and adjacent property that may impact the site.~~
- (d) ~~See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to scientific research projects.~~
- (e) ~~Applications for scientific research projects shall include all the information required under Section 4970.53 plus the following:~~
 - (1) ~~A general project description, project costs, and activities to be performed ("deliverables").~~
 - (2) ~~Project specific map(s) and, if applicable, trails map(s).~~
 - (3) ~~Research project design listing a description of the goals, objectives, and methodologies.~~
 - (4) ~~A timeline for completion of the scientific research project.~~

- (5) ~~Documentation of peer review of the research plan. The peer review shall be conducted by at least three qualified experts from the scientific discipline or related fields.~~
- (6) ~~A history of the organization's past performance and experience conducting scientific research projects as well as the curriculum vitae of the primary researcher(s).~~
- (7) ~~Nonprofit organization and educational institution applicants shall provide the approval of the property manager, land management agency, or landowner to perform the scientific research.~~

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

4970.642. TRAIL MAINTENANCE PROJECTS.

- (a) ~~These Trail Maintenance pProjects consist of two types: tTrail mMaintenance and/or trail rReroute necessitated by where the rReroute is necessary due to safety issues and/or destruction damage caused by natural disaster.~~
- (b) ~~Cities, counties, aAppropriate dDistricts, fFederal aAgencies, and fFederally rRecognized Native American tTribes are eligible to apply for tTrail mMaintenance pProjects. Educational iInstitutions and nNonprofit organizations are not eligible to apply for tTrail mMaintenance pProjects.~~
- (c) ~~Trail maintenance is routine work on roads, trails, or areas, including, but not limited to the following:

 - (1) ~~Brushing.~~
 - (2) ~~Trail signing.~~
 - (3) ~~Fallen tree removal.~~
 - (4) ~~Tread work related to safety or ease of passage.~~
 - (5) ~~Snow or trail grooming (e.g. rock rakes, tractor work).~~~~
- (d) ~~Trail reroute work includes closing the existing trail or trail segment, including restoration activities and replacement of the closed trail segment with superior alignment.~~
- (e) ~~See Chapter 3 of the OHMVR Division Manual for a list of eligible costs attributable to trail maintenance projects.~~
- (f) ~~Applications for tTrail mMaintenance pProjects shall include all the information required under Section 4970.53(h) plus the following:

 - (1) ~~A general project description, project costs, and activities to be performed ("deliverables").~~
 - (2) ~~Project specific map(s) and trails map(s).~~
 - (3) ~~A Trail mMaintenance pPlan.~~~~

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

ARTICLE 3 – ENVIRONMENTAL AND MATCH REQUIREMENTS

4970.653. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

- (a) The Division is required to comply with CEQA (PRC Section 21000 et seq.) in order to approve all gGrants and eCooperative aAgreements under the OHMVR gGrants and eCooperative aAgreements pProgram.
- (b) Where the Regulations and the Grants Program Manual require Funds for Project-specific environmental analysis (CEQA or NEPA compliance) to be requested as part of a Project to complete all Deliverables, such as: Acquisition, Conservation, Development, Planning, or Restoration, the Project approval and implementation process will consist of two (2) steps as follows:
 - (1) Full funding of the Project Agreement will be specifically conditioned on completion of CEQA or NEPA activities during the first phase of the Project to complete the Environmental Documentation authorized in the Project Agreement.
 - (2) When the CEQA or NEPA activities have been completed and the Grantee agency has made the decision to proceed with implementation of the Project, as conditioned by the outcome of the CEQA and/or NEPA document, the Project Agreement will be submitted to the Commission for approval to release the Funds available for completion of the Project.
- (~~b~~c) FOR CITY, COUNTY, APPROPRIATE DISTRICT, EDUCATIONAL INSTITUTION, AND NONPROFIT ORGANIZATION APPLICANTS ONLY:
 - (1) All city, county, aAppropriate dDistrict, eEducational iInstitution and nNonprofit organization aApplicants shall provide the required documentation for the Division to determine that CEQA compliance has been met. All such aApplicants ~~applying for a restoration grant or~~ relying on a Categorical Exemption for CEQA compliance shall also provide responses to questions required by ~~Section VI of the Application Instructions~~ in the Environmental Review Data Sheet (ERDS) found in the Appendix. CEQA compliance shall be determined by one of the following:
 - (A) A Notice of Exemption (NOE) finding that the pProject is exempt from CEQA that has been filed for the pProject consistent with CEQA Guidelines Section 15062, or
 - (B) 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 ND under CEQA, together with a copy of the Notice of Determination (NOD) filed for the pProject (~~NOD~~), or
 - (C) 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), or
 - (D) Other documentation indicating ~~that~~ the requirements of CEQA have been satisfied in the discretion of the aApplicant or the reasons the aApplicant believes the pProject is categorically exempt or not subject to the CEQA requirements.

- (2) Within forty-five (45) calendar days of receipt of the Applications, the Division shall review the Application for environmental compliance.
- (A) Any Application not addressing (1) above shall be returned to the Applicant without further processing.
- (B) If (1) above is addressed and the Division needs to clarify information provided, the Division shall submit in writing a request for such information from the Applicant within the forty-five (45) day review period. The Division shall request the Applicant provide the additional information in writing to the Division within ten (10) calendar days of receipt of the request.
- (C) Applicants that do not return the requested additional information within the ten (10) calendar day limit may have their Applications returned without further processing.
- (23) Notwithstanding subdivision (b)(1), where the aApplicant is not a lead agency and CEQA compliance has not otherwise been met, the aApplicant shall provide responses to questions required by ~~Section VI of the Application Instructions in the Environmental Review Data Sheet (ERDS) found in the Appendix,~~ and shall also provide adequate information to the Division to make a sufficient pProject review to determine the appropriate level of CEQA compliance and any additional eEnvironmental dDocumentation required.
- (A) Within forty-five (45) calendar days of determining the aApplication has complied with the Grants Program Manual, Chapter 1, Application Instructions, the Division will determine what additional documentation or information is required for the Division to complete the requirements for CEQA, with an assessment of the amount of further CEQA analysis and compliance that may be required. The Division cannot promise to complete the added CEQA work needed if the time and resources required exceed the time and resources available to complete the aApplication selection process. If the Division determines that it cannot complete the necessary additional CEQA work, it reserves the right to inform the aApplicant in writing and return the aApplication and supporting materials.
- (B) If the Division determines that additional information is required for the ~~grant~~ aApplication to comply with CEQA and that such work may be completed with existing resources and within the timeframe for the aApplication process, it will request such additional documentation from the aApplicant 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 will have their aApplications returned without further processing.
- (2) For those aApplications that are accepted for further CEQA compliance, the Division will use its best efforts to cause the CEQA compliance work to be completed in sufficient time for final Commission allocation of funds review of the aApplications and approval of the activities to be funded ("deliverables") for the project(s) to issue Project

Agreements. However, the Division cannot guarantee the pProject will be certified as CEQA compliant. Also, the Division reserves the right to cease CEQA compliance work if it determines the pProject may not be funded in light of the pProject evaluation and scoring process and submission of the pProject to the Commission for review and approval. ~~grant subcommittee for preliminary review and funding allocations. Within forty-five (45) calendar days of receipt of the applications, the Division shall review the application for environmental compliance.~~

- ~~(c) Within forty-five (45) calendar days of receipt of the applications, the Division shall review the application for environmental compliance.~~
- ~~(1) Any application not addressing (b) above shall be returned to the applicant without further processing.~~
 - ~~(2) If (b) above is addressed and the Division needs to clarify information provided, the Division shall submit in writing a request for such information from the applicant within the 45-day review period. The Division shall request that the applicant provide the additional information in writing to the Division within ten (10) calendar days of receipt of the request.~~
 - ~~(3) Applicants that do not return the requested additional information within the ten (10) calendar day limit shall have their applications returned without further processing.~~
- (d) FOR FEDERAL AGENCIES OR FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBE APPLICANTS ONLY
- (1) All fFederal aAgency and fFederally rRecognized Native American tTribe aApplicants shall submit completed pProject-related NEPA compliance documentation with their aApplications together with the responses to questions required by Section VI of the Application Instructions Grants Program Manual, Chapter 1, Section 1.4 to allow the Division to make a sufficient pProject review to determine the appropriate level of CEQA compliance and any additional eEnvironmental dDocumentation required.
 - (2) Within forty-five (45) calendar days of determining an aApplication has complied with the Grants Program Manual, Chapter 1, Application Instructions, the Division will determine what additional documentation or information is required for the Division to complete the requirements for CEQA, with an assessment of the amount of further CEQA analysis and compliance that may be required. The Division cannot promise to complete the added CEQA work needed if the time and resources required exceed the time and resources available to complete the aApplication selection process. If the Division determines that it cannot complete the necessary additional CEQA work, it reserves the right to inform the aApplicant in writing and return the aApplication and supporting materials.
 - (A) If the Division determines that additional information is required for the ~~cooperative agreement~~ aApplications to comply with CEQA and that such work may be completed with existing resources and within the timeframe for the aApplication process, it will request

such additional documentation from the aApplicant be returned within ten (10) calendar days of the written request.

- (B) Applicants who do not return the requested additional information within the ten- (10) day time limit ~~will~~ may have their aApplications returned without further processing.
- (C) For those aApplications that are accepted for further CEQA compliance, the Division will use its best efforts to cause the CEQA compliance work to be completed in sufficient time for final Commission ~~allocation of funds and approval of the activities to be funded ("deliverables") for the~~ review and approval of the Applications for the pProject (s). However, the Division cannot guarantee the pProject will be certified as CEQA compliant. Also, the Division reserves the right to cease CEQA compliance work if it determines the pProject may not be funded in light of the pProject evaluation and scoring process and submission of the pProject to the Commission ~~grant subcommittee for preliminary review and funding allocations~~ approval.

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

Reference: Sections 5090.32 and 5090.50(g), 15000 et seq., and 21000 et seq., Public Resources Code; USC Title 42, Section 4371; and 40 CFR part 1500.1, et seq.

4970.664. WILDLIFE HABITAT PROTECTION PROGRAM (WHPP) / HABITAT MANAGEMENT PROGRAM (HMP).

- (a) A Wildlife Habitat Protection Program (WHPP) is an animal and plant Habitat Management Program (HMP) designed to sustain a ~~v~~viable ~~s~~species ~~e~~ecomposition for the pProject aArea, pursuant to PRC Sections 5090.35(b) and 5090.50.
- (b) All ~~f~~federal aAgency and ~~f~~federally ~~r~~recognized Native American ~~t~~tribe aApplications for ~~funding Funds~~, with the exception of law enforcement shall submit a WHPP/HMP designed to sustain a ~~v~~viable ~~s~~species ~~e~~ecomposition for the pProject aArea.
- (c) All city, county, and aAppropriate ~~d~~district aApplicants for aAcquisition and ~~d~~development pProjects shall develop and submit with their aApplication, pursuant to PRC Section 5090.53, a WHPP/HMP designed to sustain a ~~v~~viable ~~s~~species ~~e~~ecomposition for the pProject aArea.
- (d) When WHPP/HMP implementation is required, the WHPP/HMP must be implemented regardless of whether the Grantee received Funds specifically for WHPP/HMP implementation.
- (~~d~~e) A WHPP/HMP shall follow the ~~Application Instructions~~ Grants Program Manual, Chapter 1, Application Instructions, and the Appendix, and include the following components as applicable:
 - (1) Species or habitats of concern related to OHV ~~r~~recreation.
 - (2) Risk factors associated with OHV ~~r~~recreation.
 - (3) Management objectives and actions, including success criteria.
 - (4) Monitoring.
 - (5) Management review and response.

- (f) Within forty-five (45) calendar days of the gGrant aApplication deadline submittal date, the Division shall review all aApplications to ensure that all required components of the WHPP/HMP are addressed.
- (1) Any aApplication required to include a WHPP/HMP per (b) or (c) above and not addressing all required WHPP/HMP components as described in Section VII of the Application Instructions Grants Program Manual, Chapter 1, Section 1.5 shall be returned to the aApplicant without further processing.
 - (2) If all required WHPP/HMP components are addressed but the Division needs to clarify information provided and has determined that such clarification may be completed within the timeframe for the aApplication process, it shall request such additional documentation from the aApplicant be returned within ten (10) calendar days of the written request.
 - (3) Applicants who do not return the requested additional information within the ten- (10) day time limit shall have their aApplications returned without further processing.

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.

4970.675. SOIL CONSERVATION PROGRAM.

- (a) All fFederal aAgency and fFederally rRecognized Native American tTribe aApplications, ~~for funding with the exception of sole aApplications solely for law enforcement, pursuant to PRC Section 5090.50(i), shall submit evidence~~ documentation showing that a the Project meets the sSoil eConservation program for the project area has been met. Standards required by PRC Section 5090.53(b).
- (b) All city, county, and aAppropriate dDistrict aApplications for aAcquisition and eDevelopment pProjects shall submit evidence showing that ~~a soil conservation program, pursuant to PRC Section 5090.53(b), for the project area has been met.~~ the Project meets the Soil Conservation Standards required by PRC Section 5090.53(b).
- ~~(c) Law enforcement projects are exempt from soil conservation program requirements pursuant to PRC Sections 5090.50(i).~~
- (dc) The sSoil eConservation pProgram shall comply with PRC 5090.35, 5090.50, and 5090.53, the Application Instructions Grants Program Manual, Chapter 1, the Appendix, and the Soil Conservation Guidelines/Standards for Off-Highway Vehicle Recreation Management (11/14/91) until replaced by ~~the 2006~~ any subsequent sSoil eConservation sStandards. The Soil Conservation Program shall include the following components as applicable:
 - (1) Maintenance
 - (2) Soils Condition Assessment
 - (3) Monitoring
 - (4) Actions Taken
 - (5) Technical Assessment for New Trail Construction

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.

4970.686. MATCH REQUIREMENTS.

- (a) Except as provided in 4970.686(c), cities, counties, and aAppropriate dDistricts, nNonprofit organizations, and eEducational iInstitutions shall provide matching funds or the equivalent value of services, material, or property used, in an amount of not less than twenty-five (25) percent of the total expense of the off-highway motor vehicle fFacility to be funded by the gGrant.
- (b) All fFederal aAgencies and fFederally rRecognized Native American tTribes are exempt from the matching funds requirement in accordance with PRC Section 5090.51(a).
- (c) There shall be no matching fund requirement for grant aApplications that request ~~funding~~ Funds for planning, aAcquisition, dDevelopment, or eConstruction, or Planning of a rRegional OHV fFacility as defined in Section 4970.50(uu).
- (d) Cities, counties, and aAppropriate dDistricts must provide a match as follows:
 - (1) For aAcquisition pProjects, in non-regional facilities only.
 - (2) For eConservation pProjects, in all facilities with the exception of eConstruction activities in regional facilities.
 - (3) For dDevelopment pProjects, in non-regional facilities only.
 - ~~(4) For equipment projects, in all facilities.~~
 - ~~(54) For facilities operation and maintenance FO&M pProjects, in all facilities with the exception of eConstruction activities in regional facilities.~~
 - ~~(65) For lLaw eEnforcement pProjects, in all facilities.~~
 - ~~(76) For OHV sSafety and/or eEducation pProgram pProjects, in all facilities.~~
 - ~~(87) For pPlanning pProjects, in non-regional facilities only.~~
 - ~~(98) For rRestoration pProjects, in all facilities with the exception of eConstruction activities in regional facilities.~~
 - ~~(10) For scientific research projects, in all facilities.~~
 - ~~(149) For tTrail mMaintenance pProjects in all facilities with the exception of eConstruction activities in regional facilities.~~
- (e) Nonprofit organizations and eEducational iInstitutions must provide a match as follows:
 - (1) For eConservation pProjects, in all facilities with the exception of eConstruction activities in regional facilities.
 - ~~(2) For equipment projects, in all facilities.~~
 - ~~(32) For OHV sSafety and/or eEducation pProgram pProjects, in all facilities.~~
 - ~~(4) For scientific research projects, in all facilities.~~

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Section 5090.51, Public Resources Code.

ARTICLE 4 – APPLICATION EVALUATION AND APPROVAL OF PROJECT AGREEMENTS

4970.697. APPLICATION EVALUATION SYSTEM.

Applications that meet the submission requirements will be evaluated, scored, and awarded on a competitive basis according to the provisions of the Grants Program Manual, Chapter 2, Application Evaluation System and OHV Form K in the Appendix.

- ~~(a) OHMVR grants and cooperative agreements shall be evaluated, funded, and awarded on a competitive basis as provided for in these regulations. An~~

~~evaluation system will be used to evaluate each type of project within an application.~~

- ~~(b) The application evaluation system to be used by the Division for each single or multiple project application will consist of evaluation criteria, scoring, ranking and funding determinations as indicated in the OHMVR Division Manual, Chapter 2.~~
- ~~(c) Division staff shall ensure that all grant and cooperative agreement applications forwarded to the Commission shall comply with the Application Instructions and the following sections:
 - ~~(1) Acquisition projects, Section 4970.54.~~
 - ~~(2) Conservation projects, Section 4970.55.~~
 - ~~(3) Development projects, Section 4970.56.~~
 - ~~(4) Equipment projects, Section 4970.57.~~
 - ~~(5) Facilities operation and maintenance (FO&M) projects, Section 4970.58.~~
 - ~~(6) Law enforcement projects, Section 4970.59.~~
 - ~~(7) Planning projects, Section 4970.61.~~
 - ~~(9) Restoration projects, Section 4970.62.~~
 - ~~(10) Scientific research projects, Section 4970.63.~~
 - ~~(11) Trail maintenance projects, Section 4970.64.~~~~
- ~~(d) Grants and cooperative agreement applications that are complete as submitted will be evaluated and funding determinations made according to the provisions of the OHMVR Division Manual Chapter 2, Application Evaluation System. Applications determined to be incomplete shall be returned to the applicant without being evaluated and will not be forwarded to the Commission for consideration.~~

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

Reference: Sections 5090.24 and 5090.32, Public Resources Code.

4970.7068. COMMISSION ALLOCATION OF FUNDS AND APPROVAL OF GRANTS AND COOPERATIVE AGREEMENTS PROGRAM APPLICATIONS.

- (a) Applications shall be considered once annually as long as OHV Trust Funds are available.
- ~~(b) Applications that have undergone the application evaluation system shall be considered complete.~~
- ~~(eb) In accordance with the provisions of the OHMVR Division Grants Program Manual, Chapter 2, the Commission Chair may designate a Grants and Cooperative Agreements Program Subcommittee ("Subcommittee") to hold public meetings for preliminary consideration of the grant or cooperative agreement a~~Applications that have been evaluated, scored, and ranked, and have received funding determinations by the Division.
- ~~(c) The Commission shall review Applications and approve the issuance of Project Agreements by the Division. This review shall be conducted in accordance with these regulations and will include public comment relating to the Applications submitted. The Commission may accept the findings and conclusions of the Division, any recommendations of the Subcommittee, if appointed by the Chair, or make revisions based on these regulations, the information in the Applications as originally submitted, and any public comment regarding the information submitted in the original Applications.~~

- ~~(d) The Commission shall allocate grants and cooperative agreement program funds and approve the activities to be performed ("deliverables") of the grants or cooperative agreement applications and/or project(s) in accordance with these regulations and after hearing public and applicant testimony, Division input, and considering any other written comments or information submitted to the Commission for consideration during its deliberations. The Commission may accept the recommendations of the Subcommittee, if any, or make further revisions it deems appropriate in light of these regulations, the information in the applications, and any other public input or testimony relating to scoring criteria received during the Commission's public meetings. The Division shall prepare and execute project agreements to implement the approved funding allocations and project deliverables.~~
- (d) The Division shall post the Commission's approved Project list on the Division Website.
- ~~(e) The Division shall send to the Resources Agency and to the applicants a copy of the Commission's funding allocations. Other organizations and interested parties may receive a copy of the Commission's funding allocations upon written request to the Division or view the allocations on the Division website.~~

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5090.32 and 5090.61, Public Resources Code.

ARTICLE 5 – AUDITS AND PERFORMANCE REVIEWS PROJECT ADMINISTRATION PROCEDURES

4970.69. PROJECT AGREEMENTS

The Division shall prepare and execute Project Agreements to implement the Projects approved by the Commission.

Note: Authority cited: Sections 5001.5 and 5003, Public Resources Code.
Reference: Sections 5090.32 and 5090.61, Public Resources Code.

4970.70. PROJECT ADMINISTRATION

- (a) The Division and the Grantees shall comply with the Project administration procedures set forth in the Grants Program Manual, Chapter 3.
- (b) Grantees shall maintain financial accounts, documents, and records in accordance with the accounting practices described in Chapter 3, Section 3.6.3 for all Projects and shall make them available to the Department's Auditor.

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

4970.721. PERFORMANCE REVIEWS.

- (a) The Division may conduct Performance Reviews of the Grantee's Project (s) taking into consideration past and current performance. The purpose of These Performance Reviews is to identify any areas where the Division may provide technical advice and consultation to the Grantee to improve any aspect of a Project. These Performance Reviews may include, but are not limited to, review of an open Project to determine progress toward the accomplishment

completion of ~~d~~Deliverables, review of implementation of WHPP/HMP and Soil Conservation Programs, or other requirements contained in Project Agreements. Performance Review may be accomplished by, ~~including~~, but not limited to, desk reviews of project activity reports, questionnaires, and other standards of inquiry, and/or site visits.

- (b) The Grantee shall permit Division staff, with a minimum of twenty-one (21) calendar days notice, to conduct a site visit to review the Grantee's Project(s). The site visit will include review of progress towards the accomplishment of Deliverables, which may become part of Audit findings, and may include a final inspection of the Project facilities and other Project Deliverables to determine if the work performed is in accordance with the Project Agreement. When the Division staff conducts a site visit, they 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 provided to the grantee.
- (1) Grantees shall make their Project Areas, applicable documentation, and staff who are knowledgeable about or oversee the Project available to the Division for site visits as described in Chapter 3.
 - (2) When 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 provided to the Grantee.
 - (3) Grantees shall respond in writing to the Division within sixty (60) calendar days to all comments and recommendations provided by Division staff as a result of a site visit. The response shall describe all actions taken or proposed in response to the recommendations in the site visit report.
- (c) All comments and recommendations provided by Division staff while on a site visit and received by the applicant sixty (60) calendar days prior to an application filing deadline shall be addressed by the grantee in the project application. Failure to cooperate with requests for information or site access during a Performance Review or Audit made pursuant to these regulations may result in denial of payment requests and/or reimbursement to the State of amounts advanced.

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

Reference: Section 5090.32, Public Resources Code.

4970.742. AUDITS.

- (a) The Department of Parks and Recreation Audit Office staff or other Department designee will Audit Projects to assure that the expenditures incurred by the Grantee were made in accordance with the provisions of Public Resources Code Section 5090.50 and have been expended in accordance with the Project Agreement.
- (b) The gGrantee shall ~~maintain~~ retain all financial accounts, documents, and records pertinent to the Project for: a) three (3) years from the expiration date of the Project Agreement or b) 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, in accordance with generally accepted accounting methods for all projects and shall make them available to the Department's auditor.
- (c) The Department shall have the right to inspect and/or make copies of any books, records, or reports of the grantee pertaining to all projects. Failure to fully complete Projects 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 grantee shall retain all financial accounts, documents, and records for three (3) years from the expiration date of the project agreement, or three (3) years from the start of an audit engagement, whichever comes first, and until an audit started during the three (3) years has been completed and a report is published. The Department shall have the right to visit Project Areas to confirm the completion of Deliverables and inspect and/or make copies of any books, records, or reports of the Grantee pertaining to all Projects.
 - (e) Upon completion of the Department aAudit, the gGrantee recipient shall be provided a copy of the final aAudit report that shall contain the results of the aAudit including all Audit exceptions and refunds found to be due. If the Audit results identify exceptions resulting in refunds due to the State, the Grantee shall have sixty (60) calendar days to refund the overpayment to the State unless the Grantee elects to request review of the Audit results as set forth in 4970.72(f).
 - (f) If the audit results identify exceptions resulting in refunds due to the State, the grantee shall have sixty (60) calendar days to refund the overpayment to the State. A Grantee may request review of the Audit report. The Grantee must request the review in writing to the Division within thirty (30) calendar days of receipt of the Audit report. Where a Grantee has requested such review, the Division will have final authority to determine what if any amount is due back to the State. The Division will have thirty (30) calendar days to respond to the request. If the Division does not provide a response within thirty (30) days, the final Audit report will be deemed accepted. 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: Section 5090.32, Public Resources Code.