

ADOPT (2008)

Chapter 15

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

Subarticle 1. ENVIRONMENTAL REQUIREMENTS

4970.06.1. California Environmental Quality Act (CEQA) Requirements

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- (d) For Federal Agencies or Federally Recognized Native American Tribe Applicants only:
- (1) All federal agencies and Federally Recognized Native American Tribe Applicants shall submit an analysis of the environmental impacts of the proposed Project comparable with the requirements of CEQA.
- (A) This analysis may be in the form of completed ~~or in progress~~ Project-related NEPA compliance documentation for each Project or other comparable documentation prepared by the Applicant. If documentation covers a larger project, the Applicant should reference sections of the document that specifically address the proposed Project. In addition, the Applicant shall submit responses to the ERDS for each Project ~~adequate~~ to allow the OHMVR Division to make a sufficient Project review to determine the appropriate level of CEQA compliance and any additional environmental documentation required from the Applicant to conform the Applicant's environmental analysis to CEQA.
- ~~(B) The Applicant shall submit Project-related NEPA compliance documentation or other comparable documentation that has been completed at the time the application is submitted. All such documentation shall be submitted to the OHMVR Division prior to the OHMVR Division funding Project Deliverables other than CEQA and/or NEPA activities funded pursuant to Section 4970.06.1(b)(1).~~
- ~~(B)(C)~~(B) If the Applicant is requesting funding for NEPA, or other comparable document preparation per Section 4970.06.1(b) prior to implementing the remaining Project Deliverables, the Applicant shall submit an ERDS documenting the Project is phased pursuant to 4970.06.1(b). A subsequent ERDS shall be prepared prior to OHMVR Division approval of the second Project phase if a NOD has not been filed, by the OHMVR Division or other CEQA lead agency, at that time.

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

Reference: Sections 5090.02, 5090.32, 5090.35, 5090.50(d)(4), 5090.53, and 21000 et seq., Public Resources Code; USC Title 42, Section 4371; and 40 CFR part 1500.1 et seq.

4970.10.4 Acquisition

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- (e) Warranty for OHV use:
 - (2) With the exception of federal agencies, the Applicant shall cause to be inserted in the acquisition deed or other recorded transfer of title document a condition that the property shall be used for OHV Recreation purposes as defined in these Regulations and that the State of California is granted Power of Termination pursuant to California Civil Code 885.010 et seq. providing that, in the event the property is not used for OHV Recreation, title to the property shall be transferred to the State of California. Federal agencies shall agree to use the property for OHV Recreation purposes for a minimum of 25 years; if the property is not used for the purpose of OHV Recreation for 25 years, title of the property shall transfer to the State.

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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.

4970.19. PROJECT AGREEMENT

- (a) Upon approval of Projects by the Director of the Department of Parks and Recreation, the OHMVR Division shall prepare and execute the Project Agreement with the Grantee. The Project Agreement sets forth the terms and conditions of the Project. With consent of the OHMVR Division and the Grantee, Project Agreements may be amended as necessary, to comply with law.
- (b) The Grantee may not submit claims for reimbursement or for advance payments until a fully executed Project Agreement is on file.
- (c) Project Agreements will not be executed for Grantees that have refunds due to the State from previous Grant Project(s).
- (d) Project Agreements will not be executed for Grantees that are delinquent in closing out previous Projects pursuant to Section 4970.24.
- (e) With consent of the OHMVR Division and the Grantee, the Project Agreement may be executed using electronic signatures permissible under the Uniform Electronic Transactions Act.

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

Reference: Sections 5090.32 and 5090.50, Public Resources Code; Civil Code Section 1633.1- 1633.17.

4970.23.1. Advances

- (a) Generally advances are not allowed, however if extenuating circumstances exist the Division may consider granting an advance. To request an advance, the Grantee shall submit to the OHMVR Division written justification to explain the need for the advance. The OHMVR Division will provide written notification to the Grantee of approval/disapproval for the advance. Requests for an advance typically may not be more than half the total amount of the Grant and shall

include a summary list of proposed expenditures, along with GPS coordinates and photos of Project areas where activities will be conducted, as applicable. The sum of the proposed expenditures shall match the amount indicated on the Payment Request form.

- (b) Subsequent requests for advances shall document how previous advance funds were expended as follows:
1. Purchases: paid invoices and/or receipts,
 2. Services: paid invoices and/or receipts,
 3. Timekeeping and equipment logs: transaction register or other electronically generated reports, ~~and~~
 4. Training and travel: paid invoices and/or receipts,
 5. A statement of activities/accomplishments.
 6. GPS coordinates and photos of Project Areas where activities were conducted, as applicable.
 7. Maps and/or any electronic data (such as .shp, .gpx or .kml files) of Project Areas where activities were conducted, as applicable.

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

4970.23.2. Reimbursements

Requests for reimbursement shall include the following documentation:

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

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

4970.25.21. Financial Audits

- ~~(a) PRC Chapter 541, Section 5090.50(h) requires the Department to "Conduct an annual financial audit of the Grants program. During each year, the Department shall also conduct, or cause to be conducted, an audit of the performance of a minimum of twenty percent (20%) of Grants and Cooperative Agreement recipients." Law enforcement Grantees shall be subject to a financial and performance Audit at least once every five years.~~
- (a) The Department's of Parks and Recreation, Audits Office shall conduct an Audit of at least twenty percent (20%) of Grantees annually. A Project is subject to Audit at any time within three years following the end of the project performance period.

- (b) The OHMVR Division will forward Grant Projects to the Department's of Parks and Recreation, Audits Office for a financial Audit as appropriate. The Grantee shall cooperate with the Audits Office during an Audit. Requested records, documents, and files pertaining to the expenditures or other fiscal and/or programmatic elements of the Grant shall be provided.
- (c) Failure to fully complete Project Deliverables as agreed in the Project Agreement; and/or to maintain records supporting the expenditures made pursuant to the Project Agreement, these regulations, and any other applicable law; and/or failure of such records to support expenditures claimed and payments received, shall be grounds for an Audit exception requiring refund of amounts paid.
- (d) The Department of Parks and Recreation, Audits Office ~~shall have the right to visit Project Areas to~~ will coordinate with OHMVR Division staff in order to confirm the completion of Deliverables. ~~and The Department may inspect and/or make copies of any books, records, or reports of the Grantee pertaining to all Projects.~~

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.

Documents Incorporated by Reference

Evaluation Criteria
General Criteria

Applicant:		Application Year:	
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GENERAL CRITERIA

The general criteria items are to be answered for the entire area managed by the Applicant on which OHV Recreation is allowed. Non-Land Manager Applicants who are required to complete the general criteria shall cooperate with the Land Manager to obtain the information necessary to complete the general criteria section of the Application. It is extremely important for Applicants to reference factual documentation to support their responses in the Application. Points will be awarded only for responses that are supported by published information, facts, statistics, or other published factual documentation with citations referenced when requested.

1. OHV Visitor Opportunity Summary			
a. Data Period: Identify the most recent twelve month period for which the Land Manager has accurate OHV Opportunity and visitation data:			
<input type="checkbox"/> N/A – No legal OHV riding opportunity (skip to item 2)			
Starting (Month/Year)		Ending (Month/Year)	
b. Off-Highway Vehicle Opportunity Ratio (OHV Ratio) opportunity Respond relative to the twelve month data period identified in Section (a).			
i.	Months of OHV Opportunity (OHV Months) Enter the number of months during the data period that OHV Opportunity was available.		
ii.	Total Miles Of Routes Available For OHV Recreation		
iii.	Total Acres Of Open Riding Available For OHV Recreation		
iv.	OHV Visitation (visitor days) Every visitor that spends a day or a portion thereof engaged in OHV Recreation in legal riding areas is considered one visitor day. Use the most recently published, official, publically available, completed document that indicates OHV visitation data.		
v.	Ratio of OHV Visitation/OHV Opportunity: OHV visitation / (acres of open area+ miles of routes) = OHV ratio		
c. Reference source documents here:			
Reference Document:			
d. Visitor Opportunity Ratio (V/O Ratio) = OHV Ratio x OHV Months / 12			
V/O Ratio = _____			

Scoring: V/O Ratios will be compared for all Applicants

- The top fifth receives (5 points)
- The second fifth receives (4 points)
- The third fifth receives (3 points)
- The fourth fifth receives (2 points)
- The last fifth receives (1 point)

2. Quality of OHV Opportunity

Check all that apply to the Land Manager's OHV program

- Map with OHV Recreation opportunities clearly shown is available for distribution, at no cost (2 points)
- Map with OHV Recreation opportunities clearly shown is available on the Land Manager's website (2 points)
- Map indicates relative difficulty of each OHV trail (2 points)
- Map indicates appropriate OHV use type (ATV, dirt bike, 4x4, OSV, etc.) (2 points)
- At least fifty percent of the staging areas include support facilities (restrooms, picnic tables, trash cans, shade structures) (2 points)
- Majority of trail intersections are signed with information such as: trail names, directional signs, relative difficulty, mileage to next feature (2 points)

3. Variety of OHV Opportunity

For items a and b, check one most appropriate for the Land Manager's OHV program

a. Skill levels (e.g., beginner, intermediate, advanced) indicated by publicly available maps or signage marking trails with relative difficulty

- 3 or more skill levels (5 points)
- 2 skill levels (3 points)
- 1 skill level (1 point)
- Land Manager has no legal OHV riding opportunity (No points)

b. Type of OHV Opportunity (ATV, dirt bike, 4x4, OSV, RUV, Sand Rail/Dune Buggy)

- Opportunities for 3 or more vehicle types (6 points)
- Opportunities for 2 vehicle types (3 points)
- Opportunity for only 1 vehicle type (1 point)
- Land Manager has no legal OHV riding opportunity (No points)

4. Agency contribution	
Cost of OHV Program for <u>Land Manager's most recent complete fiscal year</u> (not to include Indirect Costs). If response is \$0, then no points. Go to item #5:	
% Funded by OHV Trust Fund (do not include in-lieu funds):	
<input type="checkbox"/>	No OHV Trust Funds were used (6 points)
<input type="checkbox"/>	10% or less of the program cost was from OHV Trust Fund (4 points)
<input type="checkbox"/>	11% to 25% of the program cost was from OHV Trust Fund (3 points)
<input type="checkbox"/>	26% to 50% of the program cost was from OHV Trust Fund (1 point)
<input type="checkbox"/>	More than 50% of the program cost was from OHV Trust Fund (No points)
Reference Document:	

5. For <u>Applicant's</u> OHV grant Projects which reached the end of the Project performance period within the last two years, the percentage of all deliverables accomplished: (First time Applicants, Applicants with active Grant Project(s) which have not reached the end of the Project performance period, and past Applicants with no active Grant projects within the last two years, will receive 2 points)	
<input type="checkbox"/>	100% of Deliverable accomplished (5 points)
<input type="checkbox"/>	75% to 99% of Deliverables accomplished (3 points)
<input type="checkbox"/>	Less than 75% of Deliverables accomplished (No points)

6. [For Division use only] In the previous year the <u>Applicant</u> has been responsive and communicated effectively with the assigned OHMVR Grant Administrator by phone, email or personal visit. (3 points) (First time applicants and past applicants with no active Grant projects within the last two years, will receive 2 points)

7. Prevention of OHV trespass	
a. Is site a completely fenced facility such that OHV trespass into neighboring properties and/or closed areas is prevented?	
<input type="checkbox"/>	No (answer items b and c)
<input type="checkbox"/>	Yes (10 points, explain and then skip to item 8)
Explain "Yes" response:	
b. The majority of OHV Opportunity areas are patrolled (Check the one most appropriate)	
<input type="checkbox"/>	At least 5 days per week (5 points)
<input type="checkbox"/>	At least once per week (3 points)
<input type="checkbox"/>	At least once per month (1 point)
<input type="checkbox"/>	Less than once per month (No points)
Explain patrol efforts (e.g., frequency of patrol, patrol personnel, percent of lands covered by patrols):	
c. Measures to prevent OHV trespass into neighboring properties and/or closed areas (Check all that apply)	
<input type="checkbox"/>	Barriers and/or signing are used to prevent OHV trespass into neighboring properties and/or closed areas (3 points)
<input type="checkbox"/>	Education programs, maps and/or brochures provided to the public address OHV trespass, including respect for private property (2 points)
Explain measures utilized to prevent OHV trespass into neighboring properties and/or closed areas:	

8. OHV Education	
a. Education materials available onsite: (Check all that apply)	
<input type="checkbox"/>	Free literature is provided to visitors describing safe and responsible OHV recreational practices. (5 points)
<input type="checkbox"/>	Bulletin boards, signs or kiosks, at the majority of staging areas, trailheads, or other areas where the public gathers provide information concerning safe and responsible OHV Recreation. (5 points)
Describe Land Manager's onsite education efforts relative to item a.:	
b. Applicant or Land Manager provides formal programs, educational talks, school field trips, etc. to the public to educate them on safe and responsible OHV recreational practices. Count only organized, scheduled events; do not include routine visitor contacts:(Check the one most appropriate)	
<input type="checkbox"/>	50 or more per year (3 points)
<input type="checkbox"/>	20 to 49 times per year (2 point)
<input type="checkbox"/>	5 to 19 times per year (1 point))
<input type="checkbox"/>	Less than 5 times per year (No points)
Describe Land Manager's onsite education efforts relative to item b.:	
c. When Facility is open, staff are available at trailheads, visitor centers and/or entrance stations to provide information on safe and responsible OHV use: (Check the one most appropriate)	
<input type="checkbox"/>	Daily (5 points)
<input type="checkbox"/>	On all weekends (4 points)
<input type="checkbox"/>	On the majority of weekends (2 points)
<input type="checkbox"/>	On major holidays (1 point)
<input type="checkbox"/>	None of the above (No points)
Describe Land Manager's onsite education efforts relative to item c.:	
d. ATV Safety Institute and/or Motorcycle Safety Foundation approved training courses are provided to the public: (Check the one most appropriate)	
<input type="checkbox"/>	At least 30 times per year (5 points)
<input type="checkbox"/>	18-29 times per year (3 points)
<input type="checkbox"/>	4-17 times per year (1 point)
<input type="checkbox"/>	Less than 4 times per year (No points)
Describe Land Manager's onsite education efforts relative to item d.:	

9. Website			
a. OHV outreach efforts are accomplished through the Land Manager's website:			
<input type="checkbox"/>	No (skip to question 10)		
<input type="checkbox"/>	Yes (provide URL address and answer item b)		
Provide URL address:			
b. The Land Manager's website contains the following items: (Check all that apply)			
<input type="checkbox"/>	Map to location	<input type="checkbox"/>	Information on responsible riding
<input type="checkbox"/>	Hours of operation	<input type="checkbox"/>	Map of Facilities
<input type="checkbox"/>	Safety information	<input type="checkbox"/>	Fee schedule
<input type="checkbox"/>	Visitor facilities	<input type="checkbox"/>	Seasonal restrictions
<input type="checkbox"/>	Contact information	<input type="checkbox"/>	Link to Division Website
<input type="checkbox"/>	News releases	<input type="checkbox"/>	Law enforcement contact information
Scoring: 1 point each up to a maximum of 5 points.			

10. OHV Outreach			
Check all forms of OHV outreach the Applicant utilizes:			
<input type="checkbox"/>	Billboards	<input type="checkbox"/>	Other (specify)
<input type="checkbox"/>	CDs and/or DVDs	<input type="checkbox"/>	Television
<input type="checkbox"/>	Community meetings	<input type="checkbox"/>	Parades
<input type="checkbox"/>	OHV dealers	<input type="checkbox"/>	Radio
<input type="checkbox"/>	Fairs	<input type="checkbox"/>	Programs at schools
<input type="checkbox"/>	News releases		
Scoring: 1 point each up to a maximum of 3 points.			

11. Natural and Cultural Resources	
a. Is the Land Manager's OHV area a completely fenced track facility with little or no native vegetation?	
<input type="checkbox"/>	No (answer item b)
<input type="checkbox"/>	Yes (5 points, explain and then skip to item 12)
Explain "Yes" response:	
b. Resource Management Information System	
Does the Land Manager maintain a management information system managed by qualified environmental staff that identifies and monitors the impacts of the OHV activity and contains at least the following:	
<ul style="list-style-type: none"> • Ongoing survey/inventory of species; • Ongoing survey/inventory of archeological sites; • Biological monitoring that measures changes in populations; • Components that evaluate the effects of OHV recreation and related activity on the species; • Recommendations for improvement in species management; • Strategies to respond to changing conditions that affect the survival or reproduction of species? 	
<input type="checkbox"/>	No (No points)
<input type="checkbox"/>	Yes (5 points)
Reference document:	

12. Soil management	
a. Land Manager has developed a systematic methodology for evaluating soil conditions of its OHV Opportunities?	
<input type="checkbox"/>	No (No points)
<input type="checkbox"/>	Yes (5 points)
Explain "Yes" response:	
b. Land Manager has developed methods to address soil issues?	
<input type="checkbox"/>	No (No points)
<input type="checkbox"/>	Yes (5 points)
Explain "Yes" response:	
c. Land Manager performs soil monitoring: (Check the one most appropriate)	
<input type="checkbox"/>	Monthly (3 points)
<input type="checkbox"/>	After major rain events (2 points)
<input type="checkbox"/>	Annually (No points)

13. Sound Level Testing	
The Applicant or Land Manager conducts, or causes to be conducted, sound level testing: (Check only one if applicable)	
<input type="checkbox"/>	On most (50% or more) holidays and weekends (4 points)
<input type="checkbox"/>	At least 25% but less than 50% of holidays and weekends (2 points)
<input type="checkbox"/>	Less than 25% of holidays and weekends (No points)
Describe the sound testing program:	

14. Sustaining OHV Recreation	
The Applicant or Land Manager sustains OHV Recreation in the following ways: (Check all that apply)	
<input type="checkbox"/>	<u>Has Eengaged in collaborative processes with agenciesy that manages e OHV Opportunities (2 points)</u>
<input type="checkbox"/>	<u>Has Eestablished an OHV Commission or stakeholder group dedicated to sustaining OHV Opportunities (2 points)</u>
<input type="checkbox"/>	<u>Has Aadopted a general plan, management plan, ordinance, or resolution supporting OHV Recreation (2 points)</u>
<input type="checkbox"/>	<u>Has Secured land to be developed for OHV Recreation (2 points)</u>
<input type="checkbox"/>	<u>Has Created a special fund to set aside funding to sustain OHV Recreation (2 points)</u>
<u>Explain efforts to sustain OHV Recreation:</u>	