



Original OHV Grant Program 2021 Grant Application Guidelines

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GRANT PROGRAM OVERVIEW

This is the original OHV Grant Program for federal and nonfederal entities.

Eligible Projects Types

- **OHV trail development, improvement, or maintenance.** This may include trail steward positions.
- **OHV safety and ethics promotion.** For example, providing safety/educational training in local schools or developing safety/training materials (brochures, film/video production, posters, signage).
- **OHV trailside/trailhead development or maintenance.** For example, installing informational kiosks and other trail signage specific to OHV trails.
- **Noxious weed eradication alongside OHV trails.**

General Application Guidelines

- Eligible applicants include clubs, friends groups, and associations, as well as federal, tribal, and other government agencies OHV Grant Program funds cannot be awarded to a for-profit entity.
- Applicants will be scored based on the OHV Program Eligibility criteria.
- Federal Trail Stewards applications are limited to one position per application. OHV Grant Program funds can cover salaries only, not to exceed \$16,000 per application.
- Maximum award request amount per individual application is \$20,000.
- Funding adjustments may be made to achieve the greatest benefit statewide.
- All entities submitting applications are strongly encouraged to form partnerships to complete their respective projects. Examples include a local OHV club providing time and labor to combine with a proposed federal Trail Steward position or a funding match from a local Chamber of Commerce for a signage project on federal lands.
- Environmental review documents and letters of support are valid for up to three years if there have been no changes in the project scope. All environmental review documents must be uploaded with the current application.

For More Information

Visit the OHV Grant Program Website: <http://stateparks.mt.gov/recreation/ohvGrants.html>

Contact the Program Manager, Michelle McNamee: michelle.mcnamee@mt.gov

2021 APPLICATION CYCLE OVERVIEW

This is the original OHV Grant Program for federal and nonfederal entities. The program is administered by Montana State Parks. Program funding comes from a portion of revenues from the OHV Nonresident Temporary-Use Permit.

Eligible Projects Types

- **OHV trail development, improvement, or maintenance.** This includes trail steward positions.
- **OHV safety and ethics promotion.** This includes providing safety/educational training in local schools or developing safety/training materials (brochures, film/video production, posters, signage).
- **OHV trailside/trailhead development or maintenance.** This includes installing informational kiosks and other trail signage specific to OHV trails.
- **Noxious weed eradication alongside OHV trails.**

Application Period

The 2021 OHV Grant Program application period is open from November 2, 2020 to February 1, 2021 at 3:00pm MST.

Applications must be submitted online through WebGrants (<https://funding.mt.gov>). Applications will not be accepted after 3:00pm MST on February 1, 2021. An organization can submit only one grant application per grant cycle.

Application and Review Timeline

- **November 2, 2020:** Application period open in WebGrants.
- **February 1, 2021 at 3:00pm:** Application period closed in WebGrants.
- **February through May 2021:** Application review conducted.
- **May 2021:** Off-Highway Vehicle Advisory Committee meets to make funding recommendations.
- **May 2021:** Proposed awards are announced via email and posted online. 30-day public comment period held for proposed awards.
- **June 2021:** FWP issues final Decision Notice for all 2021 awards.
- **July 2021:** Expected project start date.

Project Start

Successful 2021 OHV Grant Program projects will begin in early July 2021. Project expenses incurred before the Contract Agreement is signed (expected July 2021) cannot be reimbursed or used as match.

Project Close

The deadline for grantees to expend their 2021 OHV Grant Program funds and accrue match is October 15, 2023. The final reimbursement request and Final Report are due on December 31, 2023.

About the OHV Grant Program

Reimbursement Program

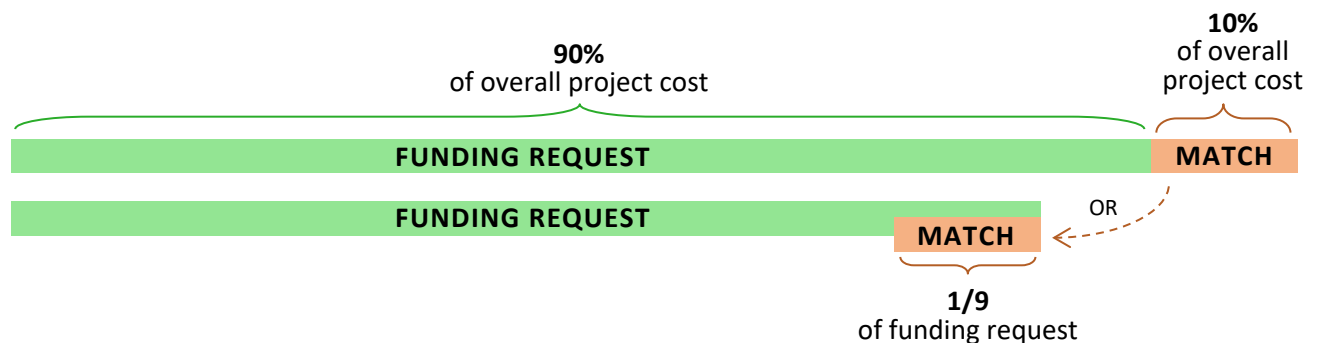
Unless requesting advance payment (see below), an entity may receive reimbursement only **after** the entity has expended funds on an eligible expense and submitted adequate documentation. Project expenses incurred before the project start date (when the Contract Agreement is signed) are ineligible for reimbursement or to be used as match. Each reimbursement must include the appropriate amount of match.

Advance Payment

Private clubs and NGOs may request up to 50% of the grant award as an advance payment for project work. To receive the advance, the entity must submit an invoice to the Program Manager on organization letterhead. The grantee must provide receipts for the expenditure(s) of the advance payment prior to submitting any subsequent requests for reimbursement or closing the project. Project expenses incurred before the project start date (when the Contract Agreement is signed) are ineligible for reimbursement.

Match Requirement

Each project must have a ratio of 90% OHV Grant Program funds to 10% matching funds. To calculate the minimum match requirement, multiply the funding request amount by 1/9 (see below).



The Funding Selection Process

All award decisions will be made in late Spring 2021 by FWP. The Off-Highway Vehicle Advisory Committee (OHVAC), a group of individuals who represent OHV trail interests throughout Montana,

reviews the applications and makes funding recommendations to FWP. Both user groups and land management agencies are represented on the OHVAC. This diverse group influences the equitable distribution of grant funding to valuable projects throughout the state.

See the [Application Review Process Section](#) for more information.

Eligible Applicants

Grant applicants may include federal, tribal, state, county, or municipal agencies and recreational associations, NGOs, and clubs. All organizations applying for FWP funding must be registered with the Secretary of State. The organization applying to the OHV Grant Program must be the organization that will expend the funds and manage the grant; FWP does not allow Tri-Party Agreements.

Funding Request Limitations

The OHV Grant Program awards approximately \$160,000 in grant funds annually. Applicants may request funds between \$5,000 and \$20,000 each funding cycle. Applications for trail steward positions are limited to a \$16,000 grant request.

Tips for Applying

- Read these Guidelines carefully and follow all instructions on the WebGrants application. This program differs from the new Summer Motorized (OHV) Trail Pass Grant Program.
 - Visit the [new OHV grant program's webpage](#) for information about that program.
- Draft your responses to all application questions in a Word document (or other word processing software) and be sure to do the following:
 - Check spelling/grammar.
 - Conduct character counts (many narrative responses have a character limit).
 - Ask others to proofread your application.
 - Save your application responses/data outside of WebGrants in case you have technical issues.
- Focus on details specific to your project and limit background information. Reviewers should be able to easily understand the details of your project (how much you are requesting, what you propose to expend funds on, etc.).

GENERAL REQUIREMENTS

Documentation of Project Support, Commitment, and Approval

Applicants may include a limited number of letters showing general support for their proposed project. Documentation of project support, commitment, and/or approval is required in certain situations. **There is no minimum or maximum requirement for the number of general Letters of Support.** Contact the Program Manager if you are unsure what is required for your project.

Letters of Support/Commitment are required in the following situations:

1. **If the applicant is a private organization/entity**, you must provide a copy of meeting minutes or a letter from the organization's leadership approving the project/application.
2. **If your proposed project takes place on land not owned by the entity applying for funding**, you must provide a current Collection Agreement, Land Use Agreement, or other such legal document demonstrating landowner permission to access and use the land. If the documentation is not current, you must provide a letter from the entity affirming their commitment to enter into such an agreement before the project start date.
3. **If your application references a match commitment from another entity (cash, donation, volunteer labor, etc.)**, you must provide a current letter or other such documentation from the entity stating their commitment to this specific project.
4. **If your application references any other type of commitment from another entity (e.g. a commitment to maintenance)**, you must provide a current letter or other such documentation from the entity stating their commitment to this specific project.

No other documentation of support is required to apply although a limited number of general Letters of Support are encouraged. If you choose to submit any Letters of Support, they should meet the following requirements:

- Letters are typed.
- Letters are from an organization, not an individual (unless an individual is expressing a commitment to the project or is an adjacent, affected landowner expressing support).
- Letters signed and dated.
- Letters reference the specific project/grant year for which you are applying.
- Letters are unique. Form letters will not be considered.

Landowner Permissions, Easements, and Public Access

The public must be assured legal access to trails and trail-related facilities developed or maintained with grant funds. Applications without adequate landowner permissions will be considered incomplete and will not be considered for funding. The program places a higher value on a longer-term easements or agreements that have the potential of allowing for public access in perpetuity.

Private Property

- ▶ **On the application, you must include an owner-signed legal easement or lease agreement that will allow public access to the area/trail for a minimum of fifteen years.**

Public Land

- ▶ **On the application, you must include documentation of approval for the project from the corresponding land management agency (e.g. a Collection Agreement or letter of support from the land management agency).**

In each case above, if the agreement will expire before the OHV project start date, the application should also include a letter/documentation from the landowner or land management agency stating its intent to reissue the agreement in time for project work to begin.

Right-of-Way, Railroad Certifications, and Public Utility Certifications

Each application must include all necessary public right-of-way, railroad, and/or public utility certifications or confirm that no such certifications are required for the project. All certifications must be guaranteed at the time of application for your project to be considered for funding.

If your project includes trail construction or improvements along any State Highway right-of-way, you must contact your local Montana Department of Transportation (MDT) office and follow all applicable requirements. Typically, applicants working along a State highway will need to submit an Encroachment Permit with the application or a Letter of Intent stating that the project has been approved by MDT.

APPLICATION REVIEW AND SCORING

Application Review Process

Preliminary Review: The Program Manager performs a technical review of each application and scores each application based on the program scoring criteria. Applications determined not to meet the following technical review criteria may not move forward for consideration.

1. The application is complete.
2. The project is an eligible use of funds.
3. The project timeline adequately aligns with the OHV grant period of performance.
4. The match requirement has been met.
5. The environmental review requirement has been met.
6. The application includes:
 - a. Adequate landowner permission to allow for continuous public use/access.
 - b. Approval of the project from the applicant organization's leadership (if a private entity).
7. The applicant's current FWP grants are in compliance (if applicable).

Off-Highway Vehicle Advisory Committee (OHVAC) Review: OHVAC members review all applications passing Preliminary Review. Committee members give each application an overall project score based on the Scoring Criteria.

Funding Decision Meeting: In late spring, OHVAC members and advisors meet with FWP staff to consider application scores, discuss project merit, and reach consensus on funding recommendations. FWP bases its funding decision off the OHVAC's comments and recommendation.

Application Scoring Criteria

Each criterion below will receive a base score on a scale of 0-10 (10 being the best), depending on how each criterion is/is not met in the grant application. The total application score will be the sum of all criteria scores. FWP staff will make its funding decision with recommendations from the Off-Highway Vehicle Advisory Committee (OHVAC).

- **Access:** The degree to which the application demonstrates project site is accessible to the public and the project improves existing trails or linkages between existing trails, trail systems, or other natural, cultural, historical and recreational areas.
- **Benefit to Most:** The degree to which the application demonstrates the project provides for a recreational opportunity to a wide variety of individuals and the greatest number of compatible recreation purposes.
- **Partnerships:** The degree to which the application demonstrates the project creates collaborative efforts between government agencies and local OHV organizations, economic development committees, etc. to improve and promote responsible recreational OHV use in Montana.

- **Safety and Ethics Education:** The degree to which the application demonstrates the project supports OHV rider education and ethics pertinent to the Montana OHV Program. Education should be primarily aimed toward, but not limited to, new youth and adult riders. The project will also be assessed by how well it meets OHV education needs and successfully outlines the educational goals for the project.
- **Resource Enhancement and Protection:** The degree to which the application demonstrates the project enhances and/or protects natural resources, as well as considers avoidance of problem areas or mitigates unavoidable damage to the resources. Examples include the construction of trail structures to avoid wet areas or critical wildlife habitat, the closing/reclamation of unauthorized trails, etc.
- **Trail Safety and Maintenance:** The degree to which the application demonstrates the project addresses user hazards on the trail and provides an outline of how these hazards will be reduced/eliminated. OHV trails should be maintained to provide a high-quality experience for trail users.
- **Overall Application Quality and Clarity:** The degree to which the application is well written, clear, and provides an appropriate level of project detail. Special attention will be paid to the Funding strategy narrative (including budget details) and Project Timeline.

Additional Considerations

Other considerations that may affect the funding recommendation include:

- The amount of funding available; and
- The applicant's recent performance as an FWP grantee (if applicable).

ENVIRONMENTAL REVIEW REQUIREMENTS

The OHV Grant Program is administered by the Montana Department of Fish, Wildlife and Parks (FWP). All FWP grant projects must meet Montana Environmental Policy Act (MEPA) requirements at the time of application to be eligible for funding.

Three-Year Timeframe

Applicants must upload relevant environmental review documents from within a three-year timeframe. Any documents dated January 2018 and newer will be considered acceptable.

- ▶ **On the application, you must attach relevant environmental review documentation regardless of whether the documentation has been submitted with another program's application.**

Project Categories for Environmental Review

For entities not working on public land, use the categories and descriptions below to determine what project type(s) are associated with your project proposal.

1. Construction and Improvement

New construction and improvement of trails or trailside facilities:

- Any new trail tread proposed, including creation of a new trail or widening of an existing trail.
- Construction of new trail structures (e.g. new culverts/drainage structures, bridges).
- Construction of new trailhead/trailside structures (e.g. latrines, picnic areas, parking areas).

2. Maintenance and Repair

General maintenance and repair on established trails or trailside facilities:

- Brushing, clearing of vegetation from previously established trail corridor.
- Repair of trail tread and trail structures (e.g. drainage structures) to their previous condition.
- Replacement of trail signage or placement of signage within an established trail corridor or trailhead/trailside facility.
- Other activities identified as "maintenance" in the landowner's management/maintenance plan.

Environmental Documentation Requirements Based on Project Categories

Depending on your project type, the documentation described below must be included with your application for the application to be considered complete.

1. Construction and Improvement Projects

A proposed project that includes an action falling under the “Construction and Improvement” category (see above) must undergo a MEPA Environmental Analysis (EA). Applicants must complete all steps in the document. Other forms may be accepted if they include an analysis equal to or greater than what is found in FWP’s EA Form.

- ▶ **On the application, you must attach the Environmental Analysis Form located on the [Program Website](#).**

2. Maintenance and Repair Projects

A proposed project that includes an action falling under the “Maintenance and Repair” category (see above) may qualify for a Categorical Exclusion (CE). Applicants must complete all steps in the document. Other forms may be approved for use at the discretion of the Program Manager.

- ▶ **On the application, you must attach the one of the Categorical Exclusion Forms located on the [Program Website](#).**

A proposed project that includes any action falling under the “Construction and Improvement” category will not be considered for a Categorical Exclusion and must follow the Environmental Analysis procedure outlined above.

Entities Working on a Public Lands

Entities proposing work on public lands must consult the appropriate land management agency(s) for environmental documentation. It is the applicant’s responsibility to collect and review the documentation to ensure it is relevant to their proposed project and from within a three-year timeframe.

- ▶ **On the application, entities working on public lands must attach environmental documentation from the appropriate land management agency. Entities working on US Forest Service lands may utilize the US Forest Service Categorical Exclusion form located on the [Program Website](#).**

Tiering from Other Environmental Documents

When appropriate, a proposed project’s environmental review may be tiered from an environmental review. Land management agencies, for example, often tier their documentation for proposed projects from more-encompassing environmental documents (e.g. a forest-level Environmental Analysis, Travel Plan, Decision Notice, etc.).

- ▶ **If you are tiering your environmental review from another document, attach a letter to your application and include the following information.**
 1. The name of the document from which your environmental review is being tiered. In addition, attach either the document itself to your application or, if it is available online, you may link to it in the letter.

2. A summary of the project impacts as discussed in the document. Unless the document is specific to the proposed project, reference where in the document each discussion can be found.
3. If any negative impacts were identified, include a summary of mitigation measures that will be taken to reduce negative impacts.
4. If the environmental review document is not from within a three-year timeframe, include a statement of revalidation from the agency that conducted the original review stating the findings are still relevant and valid.

Compliance with Existing Laws, Regulations, Policies, and Ordinances

All projects seeking funding from the OHV Grant Program must comply with existing federal, state, and jurisdictional laws, regulations, and ordinances. If applicable, such compliance should be discussed and demonstrated on the project's environmental review documentation.

FWP encourages public involvement in all proposed grant projects, especially those located in populated areas. The OHV Grant Program does not require applicants to post a legal notice and conduct a 30-day public comment period to apply to the program. At the time of application, however, the applicant should be able to demonstrate it has involved the public, adjacent landowners, and other interested parties in the proposed project planning/approval. Public participation may be promoted through newspaper articles and any other means available (public meetings, municipal plans/planning efforts, press releases, newsletters, TV programs, radio announcements, etc.).

BUDGET AND MATCHING FUNDS

Creating a Budget in WebGrants (<https://funding.mt.gov/>)

When applying for OHV Grant Program funding in WebGrants, you will be instructed to fill out two budget forms: The Budget Form and the Funding Strategy Narrative Form. The WebGrants Budget Form should summarize your budget numbers. The WebGrants Funding Strategy Narrative Form should detail budget line items and provide short narratives about your funding strategy.

- ▶ **On the application, be sure the information on your Budget and Funding Strategy Narrative Forms is clear, detailed, and justified. Budget line items for project expenses and match should be detailed to the extent possible. Additional information (e.g. contractor quotes) may be attached.**

From these forms, those reviewing your application should understand precisely what your organization is proposing to do with the requested funds and how your organization will match the requested funds. It should be clear how you came up with your numbers and how you calculated your request and match numbers.

All applicants should be aware of FWP Purchasing Guidelines if proposing to use program funds or match to purchase any materials and/or services from a single vendor over \$5,000. For more information, see the [Purchasing Guidelines Section](#).

Match Requirements

Entities must ensure matching funds meet FWP requirements. Applications not including the minimum amount of match may not move forward from technical review for further consideration.

To meet FWP requirements, matching funds must:

- ▶ Be an eligible OHV Grant Program activity.
- ▶ Be clearly tied to the proposed project scope.
- ▶ Be incurred after the project start date.
- ▶ Be guaranteed at the time of application.
- ▶ Have a total value of at least 10% of the total project cost (funding request plus match).

Match items should be categorized as Sponsor Funds or In-Kind Contributions, according to the descriptions below.

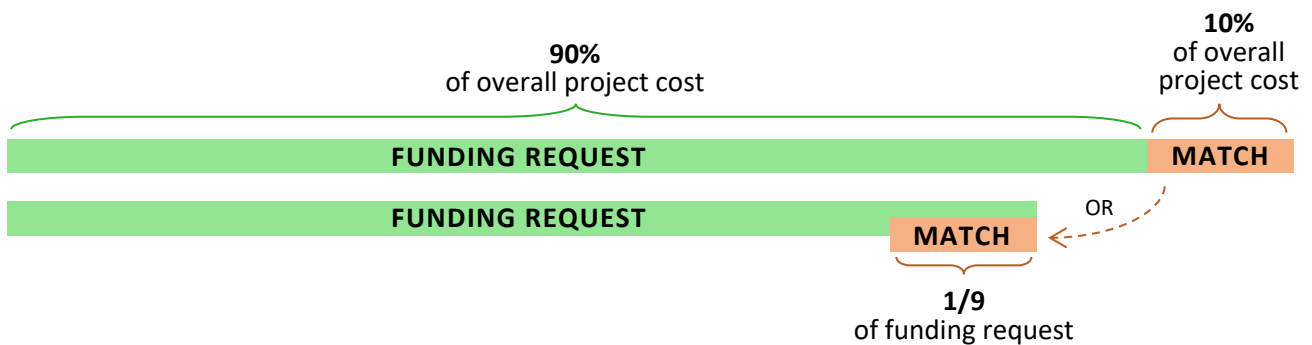
- **Sponsor Funds:** The cash an entity has guaranteed to spend on the proposed project, including materials and salary it has/will paid for that it will use on the proposed project.
 - **In-Kind Contributions:** The value of volunteer labor (calculated at a rate of \$20/hour), donated professional services, donated materials, etc.
- ▶ **On the application, you must clearly identify your match. Like project expenses, your match should be detailed and justified. All match must be guaranteed at the time of application.**

Project Cost-Share (90% OHV Grant Program funds/10% applicant funds)

Each application must include match equaling or just exceeding 10% of the total proposed project cost (funding request plus match).

Calculating Match

The minimum amount of match shown on an application must be 10% of the total project cost (funding request plus match), which is equal to 1/9 of the funding request (see below).



Use either formula to calculate your match requirement:

$$\text{Minimum Match} = (\text{Funding Request} / 0.90) - \text{Funding Request}$$

or

$$\text{Minimum Match} = \text{Funding Request} \times (1/9)$$

Using Volunteer Hours as Match

FWP allows volunteer hours to be used as match on its grant awards with proper documentation. The amount of volunteer hours shown on your application must be guaranteed and/or justified based on the amount of volunteer labor your organization has had on similar projects.

Also, if funded, all volunteer hours used as match must be documented using the most current volunteer log (which requires volunteer and volunteer manager signatures). Volunteer hours will not be accepted as matching funds if documentation is missing information required on FWP's volunteer logs. Current FWP volunteer logs may be requested from the Program Manager.

Using Other FWP Grant Programs' Expenses as Match

OHV Grant Program applicants may include expenses/reimbursement from other FWP grant programs as match in their project budgets. For example, expenses from a Recreational Trails Program award may

be used as match on your proposed OHV Grant Program project. For such match to be eligible, the work that will be reimbursed through another grant program:

1. Must fall under your OHV grant project scope.
2. Must take place during your OHV grant period of performance.

All match must be guaranteed at the time of application. Therefore, your application cannot include match from a grant which has not yet been awarded to you.

- ▶ **It is recommended you contact the Program Manager if considering including match from another grant program in your application.**

PURCHASING GUIDELINES

Entities planning to purchase services or materials from a single vendor over \$5,000 in value with grant funds must follow state procurement procedures before selecting a vendor. Documentation is not required at the time of application. However, if awarded funding, the procurement process must be adequately documented on the corresponding reimbursement request(s) or the expense may not be claimed for reimbursement or match.

- ▶ **Contact the Program Manager if you are awarded funding and anticipate expending over \$5,000 on a single vendor over the grant period. It is the grantee's responsibility to ensure the procurement process (see below) is properly followed so project expenditures are reimbursable and/or eligible to be used match.**

The Limited Solicitation Process (see [ARM 2.5.603](#))

If you are planning to use grant funds/match to reimburse the purchase of a service valued between \$5,000 and \$24,999 or a supply valued between \$5,000 and \$49,999, you must obtain a minimum of three viable quotes, if available, before selecting a vendor. The selected vendor should be the lowest acceptable quote.

The Competitive Bid Process (see [ARM 2.5.601](#))

If you are planning to use grant funds/match to reimburse the purchase of a service greater than or equal to \$25,000 or a supply greater than or equal to \$50,000, you must undergo a 21-day solicitation for bids. A request for bids must be placed in a newspaper of general circulation in your area. The selected vendor should be the lowest acceptable bid.

Sole Source Justification Process (see [18-4-306, MCA](#))

A contract over \$5,000 in value may be awarded to a vendor without competition only if the supply/service is available from a single vendor. If you believe you are eligible for the Sole Source Justification Process, you must work with the Program Manager before the vendor is secured to submit a Sole Source Justification and have it formally reviewed/approved.

CONSIDERATIONS FOR SPECIFIC PROJECT TYPES/EXPENSES

ADA Accessibility

The OHV Grant Program strives to improve access for people with different abilities and access impediments whenever possible. Trail designers should seek opportunities to incorporate accessible features and elements. The OHV Grant Program does not require all projects to meet ADA requirements; however, preference is given to applications that incorporate accessible features and elements.

For example, where appropriate, OHV Program projects should:

- Provide the required level of accessibility and be served by an accessible route where trail-related facilities such as parking lots, shelters, toilets, drinking fountains, and other features are provided on or along an accessible trail site.
- Include trail routings that meet accessibility criteria to ensure that there are recreation opportunities for a variety of trail users, both traditional and non-traditional.

See [Appendix A](#) for more information on ADA Accessibility requirements.

Constructing or Resurfacing a Trail

Any applicant proposing to construct or resurface trails must include a detailed maintenance plan on the application.

A detailed maintenance plan should:

- Identify the entity(s) which will perform both short- and long-term maintenance;
- Include an explanation of how the maintenance will be funded;
- Identify the maintenance activities which will take place; and
- Identify the anticipated timeline for performing maintenance.

The OHV Grant Program will not fund projects for trail construction/resurfacing that do not have an adequate maintenance plan identified.

Salaries/Labor Costs

Proposed salary/labor costs must be associated with on-the-ground trail efforts. For salaries/labor costs to be considered for OHV Grant Program funding, the application must identify the following:

- The title of each position proposed to be funded with grant funds.
- The number of hours each position will work on this project and an overview of the work they will perform.
- Each position's hourly rate of pay and/or how you've calculated the value of the salary(s) you are proposing for reimbursement.

Trail Steward Positions

Trail Steward positions are an eligible OHV Grant Program expense (up to \$16,000 per grant request). The application must include a compelling explanation as to the need for the position and how it uniquely benefits summer motorized (OHV) trails. Approved grant funding for Trail Steward projects will cover salaries and travel per diem only. Enforcement activities are not an eligible use of OHV Grant Program funds.

Travel-Related Costs

In certain cases, applicants may include limited travel or personal expenses in their proposed project expenses or match. If funded, the state rates applicable at the time of reimbursement must be used for reimbursement. Any entity considering including eligible travel or personal expenses in their proposed project budget should contact the Program Manager to ensure eligibility.

Current state rates for this biennium are shown below for mileage and use of personal property (OHV and/or OHV trailer). Use the rates below to build your project budget on your application, bearing in mind the rates may have been updated once you submit a reimbursement request.

Allowable types of travel reimbursement are below.

- **Vehicle mileage**
- **Use of personal property (OHV and/or OHV trailer)**

Consult the Program Manager for details about allowable travel costs and documentation requirements.

Vehicle Mileage

OHV Grant Program funds can reimburse miles driven to or from a project site at the current, approved state rate. The state rate to be used on the application is \$0.58 per mile¹. The current Travel Form must be used to document the miles being reimbursed; that form will include the current state rate at the time of reimbursement.

Use of Property

If an individual uses a personal OHV and/or trailer for an OHV Grant Program project, the grantee organization may claim the appropriate amount for match or reimbursement. The current Travel Form must be used to document the expense/match being claimed; that form will include the current state rate at the time of reimbursement (see below).

¹ If you are seeking reimbursement for more than 1,000 miles driven by one individual in a calendar month, the reimbursement rate for the miles driven over 1,000 miles lowers to \$0.55 per mile.

Type of Property	State Rate (per day in use)
Personal OHV	\$15.00
Personal Trailer (for hauling OHV)	\$5.00

APPENDIX A: ADA ACCESSIBILITY

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against people based on disability. While specific technical standards have not yet been finalized for recreation facilities (including recreational trails), state and local government trail developers and operators nevertheless have statutory responsibilities to provide opportunities for the participation of people experiencing disabilities. Federal laws that affect the design, construction, alteration, and operation of trail facilities include the Architectural Barriers Act of 1968 (ABA), the Rehabilitation Act of 1973, and the ADA.

Current regulations implementing these statutes contain requirements that apply to existing trail construction and program operations and adopt technical standards to guide new trail construction and alterations of existing networks:

- Buildings and facilities newly-constructed or altered with Federal funds are subject to the accessibility requirements contained in the Uniform Federal Accessibility Standards (UFAS), the standard currently referenced in the ABA.
- Accessibility in federally-assisted programs is governed by the requirements of the USDOT regulations (49 CFR part 27) implementing Section 504 of the Rehabilitation Act (29 U.S.C. 794).

At the time of latest revision of this document, the ADA is the newest legislation intended to improve access for people experiencing disabilities. The U.S. Department of Justice's (DOJ) title II implementing regulations (28 CFR part 35) describe the obligations of state and local governments for existing facilities and program operations, and require title II entities (public entities) to comply with either UFAS or the Americans with Disabilities Act Accessibility Guidelines (ADAAG) developed by the U.S. Architectural and Transportation Barriers Compliance Board (the Access Board) when newly constructing or altering facilities. Private sector entities, including lessees, concessionaires, and contractors to State and local governments, are governed by the DOJ title III implementing regulations, which adopt ADAAG as the standard for accessible design.

A Regulatory Negotiation Committee reported to the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) on September 15, 1999. The Committee developed Americans with Disabilities Act Accessibility Guidelines (ADAAG) for picnic and camping facilities, beach access routes, and trails. For more information see: <http://www.access-board.gov/guidelines-and-standards>.