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**IDAPA 26
TITLE 01
Chapter 31**

**26.01.31 - RULES GOVERNING THE ADMINISTRATION
OF THE BOAT SAFETY ACCOUNT**

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-4223(a), Idaho Code, to adopt, amend or recind rules as may be necessary for proper administration of the department and its programs. (1-1-94)

001. TITLE AND SCOPE.

01. Title. The title of this chapter shall be cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.31, "Rules Governing the Administration of the Boat Safety Account". (1-1-94)

02. Scope. This chapter establishes procedures for the administration of the Boat Safety Account, including requirements for project application, eligibility, review, award and management. (1-1-94)

002. WRITTEN INTERPRETATIONS.

This agency has written interpretations of these rules, in the form of explanatory comments accompanying the notice of proposed rule-making that originally proposed the rules, or documentation of compliance with IDAPA 26.01.01.150, "Rules of Administrative Procedure of the Idaho Park and Recreation Board". In addition, participation manuals prepared and maintained by the department provide additional interpretation of these rules. These documents are available for public inspection and copying in the central office of the agency. (1-1-94)

003. APPEALS.

Any applicant who may be adversely affected by a final decision, ruling, or direction of the director or board may appeal such final decision, ruling, or direction as outlined under IDAPA 26.01.01.250, "Rules of Administrative Procedure of the Idaho Park and Recreation Board". (1-1-94)

004. PUBLIC RECORDS.

The records relative to any grant project are public records, and are to be controlled as outlined under IDAPA 26.01.01.300, "Rules of Administrative Procedure of the Idaho Park and Recreation Board". (7-1-93)

005. (RESERVED).

006. CITATION.

The official citation of this chapter is IDAPA 26.01.31.000 et seq. For example, the citation for this section is IDAPA 26.01.31.006. (1-1-94)

007. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this chapter: (1-1-94)

01. Applicant. A public agency or boating safety organization that identifies a need for a project, supplies initial support data, and applies for a grant through the Boat Safety Account grant program. (1-1-94)

02. Board. The Idaho Park and Recreation Board, a bipartisan, six (6) member board, appointed by the governor. (1-1-94)

03. Boat Safety Account. Those grant funds given to the department by the U.S. Coast Guard, and which originate from the Federal Aquatic Resources Trust Fund, Boat Safety Account. (1-1-94)

04. Boating Program Supervisor. The staff administrator of the Boat Safety Account. (7-1-93)

05. Department. The Idaho Department of Parks and Recreation (1-1-94)

06. Director. The director and chief administrator of the department, or the designee of the director. (1-1-94)
07. Grant. A grant from the Boat Safety Account. (7-1-93)
08. Participation Manual. A compilation of state procedures, rules, and instructions that have been assembled in manual form and which have been approved by the director or the board for dissemination to the public and public agencies that may wish to participate in the grant program. (1-1-94)
09. Project. Any effort in compliance with federal and Idaho laws and rules for which Boat Safety Account grant funds shall be used to assist the department in achieving the goals of the boating safety program. (7-1-93)
10. Public Agency. A state, federal or local government or a subdivision thereof. (7-1-93)
11. Staff. Any individual employed by the department. (7-1-93)

011. -- 049. (RESERVED).

050. ELIGIBLE APPLICANTS FOR BOAT SAFETY ACCOUNT GRANT FUNDS.

01. Public Agencies. Public agencies that may apply for Boat Safety Account grants include the following: State, county, city, or subdivisions thereof which are involved in enhancing public boating safety services. (7-1-93)

02. Boating Safety Organizations. Recognized national or statewide boating safety organizations that can demonstrate evidence of responsibility in providing public boating safety services may also apply for a grant. (7-1-93)

051. -- 099. (RESERVED).

100. APPLICATION PROCEDURES.

All forms and documentation required by these rules and the department are to be completed to the satisfaction of the department, and must be submitted according to these rules in order for a grant application to be considered for approval. General procedures to follow are: (7-1-93)

01. Forms. To be considered for a Boat Safety Account grant, an applicant must file with the department a completed application form and other documentation specified in the participation manual, all of which must have original signatures. An applicant must further file with the department a completed grant agreement form, with original signatures, within thirty (30) calendar days of written notification of grant approval. The application and grant agreement forms are to be provided to the applicant by the department. (1-1-94)

02. Review. All applications, grant agreement forms and other documentation submitted to the department shall be referred to the boating program supervisor for review and recommendations. The boating program supervisor or staff shall then review the application materials to ensure that there is adequate data available to present the project to the director or the board. When possible, the boating program supervisor or staff may perform an on-site inspection for preliminary fact finding and to evaluate support information. (1-1-94)

03. Priority Rating of Project. The department shall evaluate the project according to the priority rating system described herein and shall submit the project to the director or the board for further recommendations, or approval (according to Section 300 of this chapter), or return the project to the applicant for more data, or notify the applicant in writing if the project is rejected. (1-1-94)

101. -- 149. (RESERVED).

150. APPLICANT OBLIGATIONS.

01. Project Completion. Except as provided herein, upon department approval of a grant application, and acceptance of the grant by the applicant, the applicant shall be obligated to complete all elements of a project as described on the approved grant application and grant agreement forms. (7-1-93)

02. Project Management. Except as provided herein, the applicant shall be obligated to manage the project as specified in the grant application and grant agreement forms. (7-1-93)

03. Grant Modification. Only for good cause and detailed justification shown in writing, and upon approval by the department, may the terms and obligations of the grant application and agreement forms be modified. (7-1-93)

04. Failure to Comply. Failure by the applicant to comply with grant terms and obligations shall result in the immediate revocation of an approved grant or will constitute a conversion pursuant to Section 500 of this chapter, as applicable. (1-1-94)

151. -- 199. (RESERVED).

200. PROJECT TIME PERIOD.

01. Grant Cycle. Applications for projects shall be considered at least once per federal fiscal year. (1-1-94)

02. Application Deadline. The department shall determine the deadline for submittal of applications and grant agreement forms for the upcoming federal fiscal year to be prior to the board meeting held most immediately before the start of the federal fiscal year. The department shall notify all known applicants of the deadline date at least forty-five (45) calendar days prior to such date. (1-1-94)

03. Expenditure of Grant Funds. Except as herein provided, after a project is approved and funds are obligated, the applicant will have only the designated federal fiscal year in which to expend the funds. If the funds are not expended within the designated federal fiscal year, then the grant shall be revoked by the department unless specifically granted an extension of time by the department, through either reapplication of the grant funds or an initial approval of a multi-year project. (1-1-94)

04. Additional Grant Cycles. During the federal fiscal year, if it becomes apparent that a substantial amount of grant fund is not obligated, the department may offer a second application period to all applicants. The second application period shall include and abide by all laws and rules applicable to Boat Safety Account grants, except that the time frame of the second application period shall be determined by the department. (1-1-94)

201. -- 249. (RESERVED).

250. CRITERIA, ELIGIBILITY AND PRIORITY OF PROJECTS.

01. Eligibility Determinations. Eligibility of all projects shall be determined by the boating program supervisor or staff, considering applicable state and federal laws and regulations and departmental rules. (1-1-94)

02. Pre-Approval Activities. A project, or any part thereof, either paid for, or completed by the applicant, prior to approval by the department shall be ineligible for grant funding. (1-1-94)

03. Priority Rating Criteria. Project priorities shall be assigned by the department considering the items described herein. Consideration will be given to: (1-1-94)

a. The needs and demands of Idaho's boaters and grant applicants; (7-1-93)

b. Fulfillment of the boaters' and grant applicants' needs and demands; (1-1-94)

c. Conformance with legal requirements; (7-1-93)

- d. Efficiency of the proposed projects; (7-1-93)
- e. Amount of or potential for boating activity within the county where the project is to take place; (7-1-93)
- f. Amount of or potential for boating accidents within the county where the project is to take place; (7-1-93)
- g. Whether the county where the project is to take place has a boating law enforcement program as described in IDAPA 26.01.30.400, "Idaho Safe Boating Rules"; (7-1-93)
- h. Whether the grant applied for shall be used as an enhancement to the applicant's boating safety program as federal regulations require; (1-1-94)
- i. The current financial capability of the applicant, or county where the project is to take place, to fund the project without a grant; (7-1-93)
- j. Whether the applicant is providing a match to a grant by expending an equal amount of state generated funds on qualifying boating safety expenditures; (1-1-94)
- k. The availability of grant funds. (7-1-93)
- l. Impact of the project on enhancing safe boating practices. (1-1-94)
- 04. Project Priorities. Basic priorities, in order, are as listed below: (7-1-93)
 - a. Equipment, supplies, personnel or maintenance costs which are completely boating safety related (deals solely with recreational boating safety and no other activity); (1-1-94)
 - b. Equipment, supplies, personnel or maintenance costs which are shared between boating safety and other activities (example: diving equipment which can be used to perform search and rescue activities for boating accidents as well as swimming and other accidents.) (1-1-94)

251. -- 299. (RESERVED).

300. AUTHORITY FOR FUNDING APPROVAL.

Grant requests of less than ten thousand dollars (\$10,000) may be approved by the director. Grant requests of ten thousand dollars (\$10,000) or more shall be presented to the board for approval. (1-1-94)

301. -- 349. (RESERVED).

350. DISBURSEMENT OF FUNDS.

01. Reimbursement. Except as herein provided, the director shall authorize disbursement of funds allocated to a project by reimbursement only, after the applicant has acquired the project items and has presented a copy of the billing or other required documentation to the department in order to show satisfactory evidence of compliance with the project application and grant agreement form. (1-1-94)

02. Partial Payments. Partial payments may be made during the course of a project on a reimbursement basis upon presentation of billings or other required documentation showing satisfactory evidence of partial compliance with the application and grant agreement form. (7-1-93)

03. Advances. A disbursement of fund shall only be made on an advance basis if substantiating evidence is provided in writing to the department showing that an emergency exists and if approved by the director. If upon completion of the expenditure of the grant funds as herein specified, it is discovered that the actual costs were less than the grant amount, then the difference shall be immediately returned to the department and placed in the Boat Safety Account. (1-1-94)

04. Documentation. The applicant must submit copies of all vouchers, cancelled checks, invoices, and other required billing forms within forty-five (45) calendar days of the actual expenditure of the Boat Safety Account grant moneys. (1-1-94)

351. -- 399. (RESERVED).

400. ACCOUNTING FOR PROJECT COSTS.

All costs incurred on a project must have prior approval and must be accountable before and after payment is made. All claims against the Boat Safety Account shall be examined, audited, and allowed in the same manner now or hereafter provided by law for claims against the state. (7-1-93)

401. -- 449. (RESERVED).

450. MAINTENANCE STANDARDS.

Facilities and equipment purchased with Boat Safety Account funds shall be maintained and operated in the condition equivalent to that existing when the item was funded by Boat Safety Account funds, normal wear and tear excepted. Maintenance standards shall be adopted by the applicant during the application phase of the grant and shall be made a term of the grant agreement. (1-1-94)

451. -- 499. (RESERVED).

500. PROJECT CONVERSION.

No Boat Safety Account funded projects shall, without the prior written approval of the department, be converted to uses other than for the authorized purpose of the original grant. The department shall approve such conversion only when the Boat Safety Account grant funds spent on the project can be returned to the Boat Safety Account as described herein, or the applicant can provide an immediate substitution of other projects of at least equal current fair market value and of reasonable equivalent usefulness and location. The department has authority to disapprove conversion requests or to reject proposed project substitutions. (1-1-94)

01. Creating a Conversion. A conversion may include any of the following situations: (1-1-94)

a. Project interests are conveyed for uses other than the authorized purpose of the original grant. (7-1-93)

b. Uses other than the authorized purpose of the original grant are made of the project, the project area, or a portion thereof. (7-1-93)

c. Non-eligible facilities are developed within the project area. (7-1-93)

d. Use related to the authorized purpose of the original grant is terminated. (7-1-93)

02. Resolving a Conversion. If there is a project conversion, the applicant is responsible for either: (7-1-93)

a. Immediately repaying the Boat Safety Account an amount determined by the department based on the department's percentage of participation in the cost of the original project and investment amortization through use, project life expectancy, and depreciation or appreciation of the property, facilities or equipment by a department approved appraisal; or (1-1-94)

b. Making an immediate substitution of reasonably equivalent usefulness and location as that being converted. It shall, however, be administered by the same political jurisdiction as the converted project. (1-1-94)

03. Compliance With Laws. All conversion shall abide by all pertinent state and federal laws. (1-1-94)

04. Alternatives. The department shall consider a conversion request only if all practical alternatives to the conversion have been evaluated and rejected on a sound basis. (1-1-94)

501. -- 549. (RESERVED).

550. RESPONSIBILITY FOR EQUIPMENT PURCHASED WITH BOAT SAFETY ACCOUNT FUNDS.

01. Totally Grant Funded. Single units of equipment, with a current fair market value of one thousand dollars (\$1,000) or more as determined by the department, which are purchased wholly with grant funds administered by the department, including Boat Safety Account grant funds, shall remain the property of the department to be leased to the applicant through a lease contract. If the equipment is being under utilized, misused, or used for purposes other than the original grant purposes it may be reclaimed by the department at the expiration or cancellation of the lease herein described. Determination shall be made on reclaiming the equipment by the director or board with advice of the boating program supervisor. (1-1-94)

a. Equipment which is the property of the department shall be leased to the project applicant for the length of time determined by the director or board as applicable to accomplish the project under the parameters of project viability, equipment usability and user needs. Either party may cancel the lease. The canceling party shall provide the other party with at least thirty (30) days written notice. (1-1-94)

b. Equipment lease price or consideration shall be negotiated and determined prior to project approval. (1-1-94)

c. Project applicants shall bear the full responsibility for damage to or destruction of project facilities and equipment through their own means or applicable insurance. (1-1-94)

02. Partially Grant Funded. Single units of equipment, with a current fair market value of one thousand dollars (\$1,000) or more as determined by the department, which are purchased only partially (less than one hundred percent (100%)) with state or federal funds from the department, including Boat Safety Account grant funds, shall become the property of the applicant. Such units of equipment shall be subject to Section 500 of this chapter. (7-1-93)

03. Minor Purchases. Single units of equipment, with a current fair market value of less than one thousand dollars (\$1,000) as determined by the department, which are purchased either partially or wholly with Boat Safety Account grant funds shall become the property of the applicant. Such units of equipment shall be exempt from Section 500 of this chapter. (7-1-93)

551. -- 599. (RESERVED).

600. PURCHASE AND BIDDING REQUIREMENTS.

All local, state and federal laws pertaining to the expenditure of fund shall be followed by the applicant. (1-1-94)

601. -- 649. (RESERVED).

650. PERMITS.

All local, state and federal permits required for the construction or development of projects shall be legally acquired by the applicant before the relevant Boat Safety Account grant moneys can be expended. (1-1-94)

651. -- 699. (RESERVED).

700. ACKNOWLEDGEMENT OF BOAT SAFETY ACCOUNT ASSISTANCE.

Suitable permanent public acknowledgement of Boat Safety Account grant assistance at project sites involving real property or facilities, and on vessels and motor vehicles, is required by the department. Such acknowledgement shall be made immediately at the completion of the project; and it shall be located on or near the affected site, and on equipment to the extent feasible, so as to indicate that the action taken is a product of funding made available through the Boat Safety Account. Such acknowledgement may indicate the percentage and dollar amounts financed by state and non-state funds and that the source of the state funding includes moneys derived from federal boat gas tax receipts. Such acknowledgement shall represent an appropriate state-local-federal partnership role in creating new high quality recreational boating areas, facilities and equipment. The acknowledgement of Boat Safety Account grant

assistance shall be checked during compliance inspections. (1-1-94)

701. -- 749. (RESERVED).

750. PROJECT LIABILITY.

Project applicants, through a signed agreement shall assume all project liability and hold the department harmless. (1-1-94)

751. -- 799. (RESERVED).

800. PUBLIC USE/NONDISCRIMINATION.

Physical facilities and real property purchased with Boat Safety Account grant moneys shall be available for public use, regardless of race, color, religion, national origin, gender, age, or disability. No fees for the use of such facilities shall be charged unless approved by the board. Facilities constructed with grant funds shall meet the requirements as set by the Americans with Disabilities Act. (1-1-94)

801. -- 999. (RESERVED).