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**IDAPA 26
TITLE 01
Chapter 38**

**26.01.38 - RULES GOVERNING THE ADMINISTRATION OF THE STATE TRUST FOR
OUTDOOR RECREATION ENHANCEMENT (STORE) AND THE RECREATION
AND ENERGY CONSERVATION PATHWAYS (RECP) PROGRAM**

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-4223 and Section 67-4249, Idaho Code, to adopt, amend, or rescind rules as may be necessary for proper administration of the department and its programs. (3-23-98)

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 26.01.38, "Rules Governing the Administration of the State Trust for Outdoor Recreation Enhancement and the Recreation and Energy Conservation Pathways Program". (3-23-98)

02. Scope. This chapter establishes procedures for the administration of the State Trust for Outdoor Recreation Enhancement (STORE) program and the Recreation and Energy Conservation Pathways (RECP) program, including requirements for project application, eligibility, review, award and management. (3-23-98)

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 and Internal Procedures Manuals referred to in this chapter provide additional interpretation of these rules. These documents are available for public inspection and copying in the central office of the agency. (3-23-98)

003. APPEALS.

Any applicant who may be adversely affected by a final decision, ruling, or direction of the director may appeal such decision, ruling or direction as outlined under IDAPA 26.01.01.250, "Rules of Administrative Procedure of the Idaho Park and Recreation Board". (3-23-98)

004. -- 005. (RESERVED).

006. CITATION.

The official citation of this chapter is IDAPA 26.01.38.000 et seq. For example, the citation for this section is IDAPA 26.01.38.006. (3-23-98)

007. PURPOSE.

The purpose of these rules is to provide guidelines for the administration of the STORE and RECP programs which enhance Idaho's local and state park and outdoor recreation opportunities. (3-23-98)

008. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this chapter: (3-23-98)

01. Acquisition. The gaining of rights of public use by purchase or donation of fee or less than fee interests in real property. (3-23-98)

02. Applicant. An eligible public entity which solicits a grant of funds from IDPR for a project or is responsible for administering the grant or funding of an approved application or completed project. (3-23-98)

03. Board. The Idaho Park and Recreation Board, a bipartisan, six (6) member board, appointed by the Governor. (3-23-98)

04. Development. The act of physically improving an area or constructing facilities necessary to

- increase its ability to serve outdoor recreation purposes. (3-23-98)
05. Director. The director and chief administrator of IDPR or the designee of the director. (3-23-98)
06. Evaluation Committee. Representatives from the Governor's office, the legislature, the board, Idaho communities, and the private sector that ranks projects based on established criteria, and assists IDPR staff in making funding recommendations to the Board. The committee is established pursuant to section 62-4247A, Idaho Code. (3-23-98)
07. Fiscal Year. The state accounting year from July 1 through June 30. (3-23-98)
08. Force Account. The matching share that is provided through use of applicant's staff, equipment and materials when such contributions are verifiable from the records, and are necessary and reasonable for proper and efficient completion of the project. (3-23-98)
09. IDPR. The Idaho Department of Parks and Recreation. (3-23-98)
10. Participation Manual and Internal Procedures Manuals. A compilation of state procedures, rules, and instructions that have been assembled in manual form and which have been approved by the board for dissemination to the public and public entities that may wish to participate in grant programs of IDPR. (3-23-98)
11. Planning. The development of documents and programs to identify and propose actions for managing recreational resources and the preparation and review of designs and specifications for such resources. (3-23-98)
12. Project. The undertaking which is or may be funded in whole or in part with funds administered by IDPR. (3-23-98)
13. Project Selection Process. The overall objective decision-making process by which IDPR selects projects for funding. (3-23-98)
14. RECP. The Recreation and Energy Conservation Pathways Program. (3-23-98)
15. Retroactive Cost. Costs incurred after receipt of application but prior to the execution of the project contract. (3-23-98)
16. Scope Element. A specific item; for example, one (1) facility or amenity, listed on a project application or project agreement which is a part of the whole. (3-23-98)
17. SCORP/SCORTP. Statewide Comprehensive Outdoor Recreation Plan/Statewide Comprehensive Outdoor Recreation and Tourism Plan. (3-23-98)
18. STORE. State Trust for Outdoor Recreation Enhancement. (3-23-98)
- 011. -- 024. (RESERVED).**
- 025. APPLICABLE REQUIREMENTS.**
Grant administration is subject to all applicable state and federal statutes, rules, regulations, ordinances and requirements. (3-23-98)
- 026. -- 039. (RESERVED).**
- 040. APPLICABILITY OF RULES.**
These rules shall apply to both the STORE and RECP programs unless otherwise specified herein. (3-23-98)

041. -- 054. (RESERVED).

055. STORE FUND ALLOCATION.

01. Administrative Costs. Up to fifteen percent (15%) of the STORE fund interest income appropriated to the IDPR each year may be used by the IDPR to defray administrative costs of the STORE program. (3-23-98)

02. Overruns and Emergencies Holdback. Ten percent (10%) of the total allocation may be held back for needed cost overruns, and emergency needs. (3-23-98)

03. Allocation to Rural Areas. To assure that the needs of rural areas are met, twenty percent (20%) of STORE fund interest income remaining after the deduction of administrative costs and overruns and emergency holdbacks will be dedicated for use by local public entities serving populations of five thousand (5,000) or less. Public entities serving populations of five thousand (5,000) or more and all state agencies may compete for the total remaining allocation. (3-23-98)

04. Rural Applications in Excess of Twenty Percent (20%). If the cumulative request of the local public entities serving populations of five thousand (5,000) or less exceeds the twenty percent (20%) of fund interest income allocated to rural applications, then unsuccessful rural applicants may compete for the total remaining allocation. (3-23-98)

05. Project Requests Insufficient. The board is not required to distribute all available funds in a given year. IDPR staff may recommend, and the board determine, to reject projects with evaluation scores so low as to be noncompetitive. (3-23-98)

056. -- 069. (RESERVED).

070. RECP FUND ALLOCATION.

01. Administrative Costs. RECP funds allocated to IDPR may be used for program staff, travel and general administrative expenses of the RECP program. (3-23-98)

02. Project Request Insufficient. IDPR is not required to distribute all available funds in a given year. IDPR staff may recommend, and the board determine, to reject projects with evaluation scores so low as to be noncompetitive. (3-23-98)

071. -- 084. (RESERVED).

085. ELIGIBLE APPLICANTS.

01. STORE. The state of Idaho and any of its subdivisions legally authorized to provide public recreation facilities may apply for and receive grant funds. (3-23-98)

02. RECP. The state of Idaho and any of its subdivisions legally authorized to provide energy efficient public bicycle and pedestrian pathways are eligible to receive or apply for RECP grant funds. (3-23-98)

086. -- 099. (RESERVED).

100. PROJECT TIME LIMITATIONS.

Unless otherwise specified within an individual contract, all projects shall be completed by the applicant within twenty-four (24) months of the contract signing. (3-23-98)

101. -- 114. (RESERVED).

115. STORE ELIGIBLE PROJECTS AND AVAILABLE GRANT SHARE.

The applicant's matching share may include local funds, acceptable state or federal funds, force account, or donation of privately owned lands, goods or services. (3-23-98)

01. Capital Improvements. Up to fifty percent (50%) of the cost to renovate and revitalize time worn public outdoor recreation facilities, public natural areas and school outdoor sports facilities and playgrounds. Funds may be used for structural repairs to recreation facilities such as painting, roofing, upgrading rest rooms and showers, sodding, lighting, and purchasing costly maintenance equipment such as mowers, vehicles and irrigation equipment. (3-23-98)

02. New Development. Up to fifty percent (50%) of the cost to develop new public outdoor recreation facilities, public natural areas and school outdoor sports facilities and playgrounds. (3-23-98)

03. Real Property Acquisition. Up to fifty percent (50%) of the cost to acquire real property for outdoor recreational purposes (see Sections 205 and 235 of this chapter). (3-23-98)

04. Donated Property Acquisition. Up to one hundred percent (100%) of the total matching value of donated property when the match is used to develop new public outdoor recreation facilities, public natural areas and school outdoor sports facilities and playgrounds within a two (2) year period. At a minimum the value of the donated property shall meet or exceed fifty percent (50%) of the project's value at completion. (3-23-98)

05. Recreational Assessments and Planning. Up to fifty percent (50%) of the cost for recreation needs assessment, planning or program advertising initiated by the STORE evaluation committee. (3-23-98)

06. Participation In IRRP. Up to fifty percent (50%) of the cost for rural communities to participate in the Idaho Rural Recreation Program (IRRP). (3-23-98)

07. Education and Law Enforcement. Up to fifty (50%) percent of the costs to education and law enforcement agencies for recreation projects related to the provision of alternative activities (to crime and delinquency) for youth and young adults. (3-23-98)

116. -- 129. (RESERVED).

130. STORE INELIGIBLE PROJECTS.

01. No Direct Benefit. Acquisition or facility development which does not contribute directly to general public outdoor recreation facilities or activities. (3-23-98)

02. Maintenance. Costs to maintain facilities. (3-23-98)

131. -- 144. (RESERVED).

145. RECP ELIGIBLE PROJECTS AND APPLICANT'S MATCHING SHARE.

01. Matching Share. RECP requires a minimum applicant match of twenty percent (20%). The applicant's share can be either local funds, acceptable state or federal funds, force account, or donation of privately owned lands, goods or services. (3-23-98)

02. Permissible Uses. An applicant may use RECP funds for the following projects provided they enhance energy efficiency or energy conservation: (3-23-98)

a. Construction of urban pedestrian/bicycle paths and corridors; (3-23-98)

b. Restoration and improvements to existing pedestrian/bicycle paths; (3-23-98)

c. Provision of features which facilitate the access and use of pedestrian/bicycle paths by persons with disabilities; (3-23-98)

d. Acquisition of easements for pedestrian/bicycle paths, or corridors; (3-23-98)

e. Acquisition of fee simple title to property for pedestrians/bicycle paths, or corridors from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means; (3-23-98)

f. Design and engineering costs related to a project limited to twelve percent (12%) of the project. (3-23-98)

03. Donated Land. The program may match up to the value of land donated from a private owner for a pedestrian/bicycle path provided the funds will be used for development of the path and that the path will contribute to energy efficiency (see Section 220 of this chapter). (3-23-98)

146. -- 159. (RESERVED).

160. RECP INELIGIBLE PROJECTS.

Examples of uses for which an applicant may not use RECP funds: (3-23-98)

01. Construction of Path Items or Facilities. Construction of path items or facilities not related to energy efficiency such as rest rooms, or landscaping; (3-23-98)

02. Property Acquired. Property acquired through condemnation; (3-23-98)

03. General Project. General project planning; (3-23-98)

04. Administrative Expenses. Administrative expenses of the applicant; (3-23-98)

05. Appraisal Costs. Appraisal costs except for appraisals related to donated properties. (3-23-98)

161. -- 174. (RESERVED).

175. WAIVER OF RETROACTIVITY.

01. Written Application. IDPR may grant permission to an applicant to proceed prior to normal processing of an application through a written waiver of retroactivity. This shall not be construed as a qualitative approval of the proposed project. Should the project subsequently be approved, the costs incurred shall be eligible for assistance. A written application must be made to IDPR requesting a waiver of retroactivity. The waiver must be approved by a majority of the evaluation committee. (3-23-98)

02. Conditions of Waiver. A waiver shall be granted only if program moneys are available and only if an emergency situation warrants it. (3-23-98)

03. Limitations. (3-23-98)

a. Retroactive development costs must be specifically requested in the project application. (3-23-98)

b. Costs incurred by the applicant prior to issuance of a waiver of retroactivity by IDPR are not eligible for reimbursement. (3-23-98)

04. Provision of Funds. The department may not provide funds to applicants to initiate projects until contracts are formally approved. (3-23-98)

176. -- 189. (RESERVED).

190. PARK AND SCHOOL DEVELOPMENT PROJECTS.

School projects may be eligible for STORE and RECP funding, provided the following criteria are met: (3-23-98)

01. Design and Location. The project must be clearly designed and located to meet identified needs for general public recreation; (3-23-98)

02. Outdoor Recreation and Education Use. The project may be used by school districts for outdoor education, physical education, and school athletics; (3-23-98)

03. Access Not Restricted. General public recreation use is not unreasonably restricted by scheduled school activities (see Subsection 670.02.c. of this chapter); (3-23-98)

04. Consistent With Program Goals. The project must be consistent with the goals of the STORE and RECP programs. (3-23-98)

191. -- 204. (RESERVED).

205. ACQUISITION OF PRIVATELY OWNED LANDS.

01. Fee Purchase. The cost of acquiring privately owned real property may be matched when the transfer of title to the applicant has not been accomplished prior to the execution of the project contract, unless such action has been previously approved by IDPR under the waiver of retroactivity procedure (see Section 175 of this chapter). The STORE program shall not reimburse the cost of real property that is acquired by condemnation unless the condemnation is done for the convenience of and with the approval of the seller. (3-23-98)

02. Less Than Fee Purchase. Purchase of less than fee interest, such as easements and development rights, shall be considered and shall be subject to the following conditions: (3-23-98)

a. The interest cannot be revocable; (3-23-98)

b. The value can be supported through standard appraisal techniques; and (3-23-98)

c. Recreation can be demonstrated as the primary purpose of the donation. (3-23-98)

206. -- 219. (RESERVED).

220. DONATED REAL PROPERTY AS MATCHING SHARE.

01. Generally. The value of privately owned donated real property may be used as a portion of or as all of the applicant's matching share of an approved project when the transfer of title to the applicant has not been accomplished prior to the execution of the project contract (unless the donation had been previously approved by IDPR under the waiver of retroactivity procedure, see Section 175 of this chapter). (3-23-98)

02. Limitations. The donation shall consist of real property which would normally qualify for program funding. (3-23-98)

a. If the donation does not adjoin the tract being acquired or is not being developed in whole or as part of an acceptable public recreation area, then it shall stand on its own merits in order to be considered an eligible donation. The project shall be within the jurisdiction of the applicant. (3-23-98)

b. The amount of the donation that may be matched is the value of the land donation up to the limit of the local agency's share required to develop the project. The maximum reimbursed by IDPR shall never exceed the cash expended on the project. (3-23-98)

03. Appraisal Required. The value of the donation shall be established by an appraisal report prepared under the provision of Section 355 of this chapter. (3-23-98)

04. Less Than Fee Donation. Donations of less than fee interest, such as easements and development rights, shall be considered and shall be subject to the following conditions: (3-23-98)

a. The interest cannot be revocable; (3-23-98)

- b. The value can be supported through standard appraisal techniques; and (3-23-98)
- c. Recreation can be demonstrated as the primary purpose of the donation. (3-23-98)

221. -- 234. (RESERVED).

235. ACQUISITION OF PUBLICLY OWNED LANDS.

01. Purchase. The value of land to be acquired by the applicant from another public entity is eligible for matching assistance provided the land has not been in recreation use, and provided that the seller agency is required by law to be reimbursed for the land. (3-23-98)

02. Donation. The value of land donated to the applicant from another public entity is eligible for matching assistance provided the land has not been in recreation use (see Section 220 of this chapter). (3-23-98)

236. -- 249. (RESERVED).

250. ACQUISITION OF STRUCTURES.

01. Support Facilities. Structures which are acquired, are proposed to be retained, and are incidental to the land, are eligible for STORE funding if they are to be used primarily for support facilities for outdoor recreation activities. Applicants may receive fifty percent (50%) matching funds to purchase the structure. If the structure is donated, an applicant may use its value to leverage one hundred percent (100%) matching funds which must be used for development of the project (see Subsection 115.04 of this chapter). The anticipated use shall be clearly identified in the project application so that IDPR may exercise reasonable judgment in determining the eligibility of the structure for funding assistance. (3-23-98)

02. Incidental Structures. Structures which are proposed to be retained and which do not enhance recreation use are considered incidental and are not eligible for STORE grant assistance. (3-23-98)

03. RECP Funds. RECP funds can be used to acquire structures which are necessary to enhance energy efficiency pathway activities. Example: an abandoned railroad trestle that connects a pathway that is being developed. The anticipated use shall be clearly identified in the project application so that IDPR may exercise reasonable judgment in determining the eligibility of the structure for funding assistance. (3-23-98)

251. -- 264. (RESERVED).

265. ENCUMBRANCES.

Property rights obtained with STORE or RECP funds must be free of all reservations or encumbrances which would limit the use of the site disproportionate to the public benefit. (3-23-98)

266. -- 279. (RESERVED).

280. ACQUISITION COSTS EXCEEDING FAIR MARKET VALUE.

An approved appraisal is an acceptable estimate of property value (see Section 355 of this chapter). The negotiation between a willing seller and a willing buyer may set a donation value that is higher than the appraisal, and this marketplace value can be considered along with the appraised value in establishing the reasonable limits of assistance. If the applicant believes that the negotiated value is a better indication of market value, yet it is higher than the appraised value, a detailed and well documented statement of this difference shall be submitted, together with a formal request so that IDPR may exercise reasonable judgment in determining the eligibility of the acquisition for funding assistance. (3-23-98)

281. -- 294. (RESERVED).

295. ACQUISITIONS INVOLVING COMPATIBLE MULTIPLE USES.

Non-recreation uses, such as timber management, grazing, and other natural resource uses, may be carried out on project lands if they are clearly compatible with and secondary to recreation use and are approved by IDPR prior to

execution of the project contract. (3-23-98)

296. -- 309. (RESERVED).

310. ACQUISITIONS INVOLVING NON-RECREATION USE.

01. Limited Non-Public Use. Lands acquired with STORE or RECP funds are immediately dedicated to public use. In the interim period between acquisition and planned development, the public cannot be permanently denied use. In some instances during this period, the temporary continuation of non-public uses of these areas may be appropriate if not at the expense of public use. Continuation of existing non-public uses shall be approved by IDPR. When approved by IDPR, the use shall be phased out within three (3) years from the date of the acquisition. (3-23-98)

02. Life Estates. Life estates, whereby an owner is allowed to use the property to the end of his/her life, is an allowable use provided the following conditions are met: (3-23-98)

- a. The life estate shall not totally limit public use of the site; (3-23-98)
- b. The value of the life estate is established through acceptable appraisal techniques; and (3-23-98)
- c. The life estate provisions are approved by IDPR. (3-23-98)

311. -- 324. (RESERVED).

325. DONATED SERVICES, MATERIALS AND EQUIPMENT AS MATCHING SHARE.

01. Generally. Donated services, materials and equipment are eligible for reimbursement. Allowable rates shall be agreed upon by IDPR prior to initiation of construction and shall be in accordance with current state rules. Partial reimbursement on projects involving such donations shall be limited to the amount of actual cash outlay by the applicant. (3-23-98)

02. Excess Value. Donated services above the needs for a project are not eligible for further funding assistance. (3-23-98)

03. Requirements. Donated services may be furnished by professional and technical personnel, consultants, and other skilled or unskilled labor. The services shall be an integral and necessary part of an approved project. Rates for donated services shall be consistent with those paid for similar work in other activities of the state or local government. In those instances in which the required skills are not found in the applicant's organization, rates shall be consistent with those paid for similar work in the labor market. (3-23-98)

326. -- 339. (RESERVED).

340. FORCE ACCOUNT AS MATCHING SHARE.

All or a portion of the applicant's share can be provided through force account (i.e., use of applicant's staff and equipment) when such contributions are verifiable from the applicant's records, are not included as contributions for any other grant program, and are necessary and reasonable for proper and efficient accomplishment of the project. (3-23-98)

341. -- 354. (RESERVED).

355. APPRAISAL REQUIREMENTS.

Real estate appraisals are required for all land to be acquired or donated. The appraisal shall be prepared and paid for by the applicant. The type of appraisal to be used shall be determined by the cost of the property and difficulty of the appraisal assignment. All appraisals shall be done according to "Uniform Appraisal Standards for Federal Land Acquisitions". (3-23-98)

356. -- 369. (RESERVED).

370. APPRAISAL REVIEWS.

IDPR shall review appraisals as necessary. Any appraisal report that does not meet the basic content requirements or use correct analysis procedures shall be corrected to the satisfaction of IDPR. All costs shall be paid by the applicant. (3-23-98)

371. -- 384. (RESERVED).

385. REVENUE FEASIBILITY STUDIES.

At the discretion of the director, a feasibility report may be required prior to funding consideration by the board. Specifically, it shall provide the director with detailed financial information and data which shall be incorporated in staff recommendations to the board. This report shall be paid for by the applicant. (3-23-98)

386. -- 399. (RESERVED).

400. TECHNICAL REVIEW.

At the discretion of the director, a technical report prepared by a licensed, certified engineer may be required prior to funding consideration by the board. This report shall be paid for by the applicant. (3-23-98)

401. -- 414. (RESERVED).

415. FUNDING CYCLE.

01. Generally. A funding cycle shall be held at a minimum of once every two (2) years. However, subject to the level of funding, the board may reschedule a funding cycle through formal action at any regular or special meeting. (3-23-98)

02. Procedure. The funding cycle shall consist of the following: (3-23-98)

a. Notification to begin a funding cycle shall be made no less than ninety (90) days before applications are due; (3-23-98)

b. The evaluation committee meeting shall be held within one hundred twenty (120) days of the application due date; (3-23-98)

c. Recommendations shall be formulated by IDPR staff within thirty (30) days following the evaluation committee meeting and shall be made to the board no later than the next regularly scheduled meeting; (3-23-98)

d. Subject to the level of funding, the board may suspend, through formal action at any regular or special meeting, the evaluation committee meeting and may elect to adopt staff recommendations; (3-23-98)

03. Fees. At the discretion of the director, fees may be charged for the application process. When charged, fees shall be assessed equally on all applicants. (3-23-98)

416. -- 429. (RESERVED).

430. APPLICATION PROCEDURE.

01. Initial Review. Participation manuals are available to guide applicants in preparing projects for funding consideration. Materials submitted for consideration shall be reviewed by IDPR staff for completeness and for project eligibility. Once all application materials are submitted and a project is determined to be potentially eligible under criteria established in the project selection process, the evaluation committee shall review and score it. (3-23-98)

02. Eligible Projects. Full application materials shall be submitted to IDPR for final review by the

evaluation committee (see Section 460 of this chapter). Eligible projects shall be ranked according to the project selection process (see Section 445 of this chapter), and approved by the board (see Section 475 of this chapter). Projects not meeting control and tenure requirements will be rejected (see Section 535 of this chapter). (3-23-98)

431. -- 444. (RESERVED).

445. PROJECT SELECTION PROCESS.

01. Generally. The procedures outlined in the project selection process through the SCORTP process are for the purpose of defining criteria which a proposed project shall meet in order to be eligible for funding and to establish priorities on the basis of which competing eligible projects can be rated objectively. The intent is to ensure that available funds are used to fund those projects which most nearly satisfy the intent of the STORE legislation, meet the requirements of the RECP and the recreational needs of the people of Idaho. (3-23-98)

02. Requirements. Requirements for the SCORTP can be found at Idaho Code Section 67-4223 (h). (3-23-98)

03. Availability. Copies of the SCORTP and the project selection process criteria used in prioritizing those projects submitted for assistance may be obtained from IDPR. Typically, this criteria is provided in all application guidelines. (3-23-98)

04. Subject to the Level of Funding. The board may elect to suspend the project selection process through formal action at any regular or special meeting. (3-23-98)

446. -- 459. (RESERVED).

460. EVALUATION COMMITTEE.

The committee shall rank projects based on its review of the application. It shall rate all projects based on the selected criteria found in the project selection process. The evaluation committee includes members as identified in Idaho Code Section 67-4247. (3-23-98)

461. -- 474. (RESERVED).

475. BOARD REVIEW AND APPROVAL.

The board reviews the priority list established by the evaluation committee as provided by IDPR staff and shall consider it in approving projects. (3-23-98)

476. -- 489. (RESERVED).

490. PROCEEDING ON THE PROJECT.

After project approval, IDPR staff shall assist the applicant in meeting program requirements including providing information on the steps and required documentation for donation and development projects along with financial responsibilities and allowable costs. The applicant shall complete work on the project according to the scope elements in the project contract (see Section 520 of this chapter). (3-23-98)

491. -- 504. (RESERVED).

505. DISBURSEMENT OF FUNDS.

01. Authorization. Except as otherwise provided herein, the director shall authorize disbursement of funds allocated to a project on a reimbursement basis. This means that the applicant shall initially incur all project costs and then seek reimbursement through IDPR. (3-23-98)

02. Documentation.

a. Reimbursement may not be made by IDPR until deed, title insurance and appraisal requirements are satisfied on all projects. (3-23-98)

b. Reimbursement may be made on development or combination acquisition and development projects once construction shows evidence and reasonable progress toward the completion of all scope elements and program requirements. (3-23-98)

03. Partial Reimbursement. Partial reimbursement shall not be made for projects where the applicant's matching share is less than fifteen thousand dollars (\$15,000). When reimbursement is granted prior to project completion, the applicant shall receive a reimbursement for percentage of eligible costs up to the percentage of matching funds (normally fifty percent (50%)) identified in the project contract less a fifteen percent (15%) hold back. When the project has been completed and receives final approval from IDPR, the applicant shall be paid the fifteen percent (15%) hold back. If multiple payments are to be incurred as part of the project, the final payment may be used as the fifteen percent (15%) hold back. (3-23-98)

04. Request for Reimbursement. Reimbursement shall be requested by applicants on voucher forms provided by IDPR and shall include all required documentation. The amount of reimbursement shall never exceed the cash expended on the project. (3-23-98)

506. -- 519. (RESERVED).

520. PROJECT CONTRACT.

For every funded project, a project contract shall be executed. The project contract shall be prepared by IDPR staff subsequent to approval of the project. Upon execution by the applicant, the parties shall thereafter be bound by the project contract terms. The applicant may not proceed with the project until the project contract has been executed. (3-23-98)

521. -- 534. (RESERVED).

535. CONTROL AND TENURE.

The applicant shall maintain adequate control and tenure of the area developed or acquired. In the event that use may later prove to be incompatible with public uses of the site, the site shall be declared converted and the applicant required to mitigate any change from the intended use of the property as outlined in the project contract (see Section 640 of this chapter). (3-23-98)

536. -- 549. (RESERVED).

550. APPLICABILITY.

All requirements apply to each area or facility, regardless of the extent of assistance. When development assistance is given to a project limited to less than a complete recreational property, all lands immediately adjacent to that development which are designated as recreational property shall be identified as being within the project boundary and shall be subject to program guidelines. The project area will be determined by the Supervisor of Outdoor Recreation Programs in cooperation with the applicant prior to the grant award. (3-23-98)

551. -- 564. (RESERVED).

565. APPLICANT COMMITMENT.

An appropriate document from the applicant's governing body evidencing commitment to the project and to program requirements (ordinance, resolution, etc.) shall be submitted to IDPR prior to IDPR project approval. (3-23-98)

566. -- 579. (RESERVED).

580. RESTRICTION ON TITLE.

Land donated in fee or developed with these funds shall be dedicated to outdoor recreation use in perpetuity by a recorded "Deed of Right to Use Land for Public Recreation Purposes". This deed shall be executed and recorded by the applicant after it has taken title to the property and before it applies for reimbursement. (3-23-98)

581. -- 594. (RESERVED).

595. RECORDS.

01. Records Held by IDPR. The records maintained by IDPR relative to any grant project are public records and will be managed as specified under the Idaho Public Records Act, Idaho Code Section 9-337, et seq. and IDAPA 26.01.01.300. (3-23-98)

02. Records Held by Applicant. Applicants are required to make project records available to the public pursuant to the Idaho Public Records Act, Idaho Code Section 9-337, et seq. (3-23-98)

596. -- 609. (RESERVED).

610. PROJECT AMENDMENTS, COST INCREASES AND TIME EXTENSIONS.

01. Amendments. The project contract may be amended by execution of a project amendment. All amendment requests shall be made in writing and shall include a detailed justification. Applicants are expected to complete projects as originally proposed and evaluated. However, amendments for minor changes in scope may be requested. Cost increases of twenty-five percent (25%) or more or changes in project elements which change the total project cost by twenty-five percent (25%) or more shall require that the project be presented as a totally new proposal and compete through the Project Selection Process (see Sections 430 through 475 of this chapter), during a current funding cycle. Should the revised project not receive enough points to be funded, the applicant shall be required to complete the scope of the project as originally proposed at its expense or return any funds reimbursed so that the project may be canceled and the funds reallocated. This section does not apply to SCORTP projects. (3-23-98)

02. Cost Increases on Development Projects. For cost increase requests on development projects to be considered, all of the following requirements shall be met: (3-23-98)

a. The increase, or any portion thereof, is to be used only for costs incurred on elements specified in the project agreement; and (3-23-98)

b. The applicant has initiated implementation of the project in a timely manner and has had little control over the condition causing the cost overrun. (3-23-98)

03. Basis for Cost Increase. Cost increase requests for development projects are based on the total approved costs. Cost increase requests for acquisition projects are based on a parcel-by-parcel determination. (3-23-98)

04. Extensions of Time. If unforeseen circumstances prevent the project from being completed within the two (2) year period, the applicant may request an extension of time. Requests must be in writing and must provide an explanation of reasons for the request. An extension of time may be granted provided the circumstances preventing completion of the project are beyond the control of the applicant. All such extension requests shall be made no later than ninety (90) days prior to the end of the two (2) year period. (3-23-98)

05. Avoidable Delays. Project delays that are avoidable may result in loss of funding with the applicant being required to return any funds reimbursed so that the project can be canceled. (3-23-98)

611. -- 624. (RESERVED).

625. CONTRACTING AND BIDDING PROCEDURE.

The applicant shall write the project bid specifications, secure all contractual agreements and leases, announce a call for bids for the project according to the applicant's bidding procedures, award the contract, and provide specifications and project control. All local, state and federal permits required for the construction or development of projects must be legally acquired by the applicant before program funds can be expended. (3-23-98)

626. -- 639. (RESERVED).

640. CONVERSION TO OTHER USES.

01. Conversion Prohibited. Property acquired or developed with program assistance shall not be converted to other than public outdoor recreation uses without prior approval of the park and recreation board (see Idaho Code Section 67-4248). (3-23-98)

02. Conversion Costs. IDPR shall require the applicant to deposit with IDPR a service fee of two and five tenths percent (2.5%) of the current appraised value of the converted property. The service fee shall cover IDPR's administrative costs relating to the conversion. The service fee shall not exceed three thousand five hundred dollars (\$3,500) for each converted tract of property. Any incidental costs exceeding the service fee shall be paid by the applicant. (3-23-98)

641. -- 654. (RESERVED).

655. MANAGEMENT OF FACILITY AFTER PROJECT COMPLETION.

The applicant shall maintain a project review system to identify development and operation problems that affect the project, environmental damage of land, or deterioration of facilities which would be the key to the success of the project. Failure to implement a project review system and to correct problems may result in a conversion to other use. (3-23-98)

656. -- 669. (RESERVED).

670. OPERATION AND MAINTENANCE RESPONSIBILITY.

The applicant shall make all arrangements for operation, maintenance and management of the completed project. (3-23-98)

01. Facility Use Requirements. Entrance to and use of the facility and project area shall not be restricted except for uses clearly hazardous or incompatible with public use. Special use regulations regarding the safety of users, use hours, or seasonal use for the protection of the project area, fish, wildlife, livestock, and the general environment may be established by the applicant. IDPR may require the applicant to impose rules or regulations if necessary for the best interest of the public or the project. (3-23-98)

02. Public Use. (3-23-98)

a. Property shall be open to entry and use by all persons regardless of race, color, national origin, age, disability, religion or gender. (3-23-98)

b. Facilities shall be kept open for public use at reasonable hours and times of the year based on intended use. (3-23-98)

c. Special events may be scheduled in a project area as determined by the applicant, with the board reserving the right to alter the scheduling to best meet the needs of users. (3-23-98)

03. User Fees, Charges and Income. (3-23-98)

a. User or other types of fees may be charged in connection with facilities developed with program funds, provided that the fees and charges are commensurate with the value of recreation services or opportunities furnished and are in the prevailing range of public fees and charges for the particular activity involved. Discrimination on the basis of residence, including preferential reservation or membership systems and annual permit systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence. (3-23-98)

b. Fees collected from use of the facilities shall be used for facility operation and maintenance costs. (3-23-98)

c. Non-recreational income that accrues to an outdoor recreation area, including income from land management practices, shall derive from use which is consistent with, and complementary to, the intended outdoor recreational use of the area. Gross non-recreational income that accrues during the project period established in the project contract shall be used to reduce the total cost of the project. Gross non-recreational income that accrues

subsequent to the project completion date identified in the project contract shall be used solely to offset the expense of operation and maintenance of the facility. (3-23-98)

04. Maintenance Standards. Maintenance standards shall be adopted by the applicant in the planning process. Normal wear and tear are expected and are acceptable. Facilities shall be maintained and operated in a condition equivalent to that existing when the facility was completed with program funds. (3-23-98)

671. -- 684 (RESERVED).

685. PERMANENT PROJECT SIGNS.

Permanent public acknowledgment of program assistance at project sites is required on at least one prominently placed area identification sign. The program symbol established and provided by IDPR shall be used for such acknowledgment at the project site entrance or other appropriate locations. The applicant may desire to provide a more detailed identification. IDPR staff shall approve the applicant's park sign prior to its construction to ensure proper designation is included. (3-23-98)

686. -- 699. (RESERVED).

700. ARCHITECTURAL BARRIERS.

Applicants shall assure that persons with disabilities are not precluded from the use of program assisted recreational facilities. Facilities must be designed to meet American with Disabilities Act (ADA) standards. (3-23-98)

701. -- 714. (RESERVED).

715. UNIFORM RELOCATION COMPLAINT PROCEDURE.

The two (2) appeal procedure recommended by the National Park Service shall be an appeal to the director and then to the board for resolution. (see IDAPA 26.01.01.250, "Rules of Administrative Procedure of the Idaho Park and Recreation Board") (3-23-98)

716. -- 729. (RESERVED).

730. CIVIL RIGHTS COMPLAINT PROCEDURE.

An opportunity is provided for filing civil rights complaints. A written complaint shall be filed with the director within one hundred eighty (180) days from the date the alleged discrimination occurred. Within ten (10) working days of IDPR receiving the complaint, the complainant shall be notified of action that has been or shall be taken to resolve the complaint. An investigation shall be conducted by the deputy director or his designee within thirty (30) working days of IDPR's receipt of the complaint. The director or director's designee shall send a written response to the complainant regarding the results of the investigation within thirty (30) working days of the time the investigation began. If dissatisfied with the results of the investigation, the complainant may submit a written request for reconsideration to the director within ten (10) days of the receipt of resolution. The complainant may also file a complaint with the Idaho Human Rights Commission and The Office of Equal Opportunity. Addresses are available from IDPR. (3-23-98)

731. -- 999. (RESERVED).