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**IDAPA 26
TITLE 01
Chapter 31**

**26.01.31 - RULES GOVERNING THE ADMINISTRATION OF IDAHO DEPARTMENT OF
PARKS AND RECREATION RECREATIONAL PROGRAM GRANT FUNDS**

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-4223(a), Idaho Code, to adopt, amend, or rescind rules as may be necessary for proper administration of the department and its programs. (7-1-99)

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 Idaho Department of Parks and Recreation Recreational Program Grant Funds". (7-1-99)

02. Scope. This chapter establishes procedures for the administration of the Off-Road Motor Vehicle Account, the Recreational Vehicle Account, the Boat Safety Account, the Waterway Improvement Fund, the Cross-Country Skiing Recreation Account, the State Trust for Outdoor Recreation Enhancement, and the Recreational Trails Fund, including requirements for project application, eligibility, review, award and management. (7-1-99)

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, "Rules of Administrative Procedure of the Idaho Park and Recreation Board," Section 150. 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. (7-1-99)

003. ADMINISTRATIVE APPEALS.

Any applicant who may be adversely affected by a final decision, ruling, or direction as outlined under IDAPA 26.01.01, "Rules of Administrative Procedure of the Idaho Park and Recreation Board," Section 250. (7-1-99)

004. PUBLIC RECORDS.

The records relative to any recreational program grant project are public records, and are to be controlled as outlined under IDAPA 26.01.01, "Rules of Administrative Procedure of the Idaho Park and Recreation Board," Section 300. (7-1-99)

005. CITATION.

The official citation of this chapter is IDAPA 26.01.31.000 et seq. For example, the citation for this section is IDAPA 26.01.31.005. (7-1-99)

006. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this chapter: (7-1-99)

01. Applicant. A public entity, user group, organization, or individual that identifies a need for a project, supplies initial support data, and applies for a recreational program grant through the department. (7-1-99)

02. Board. The Idaho Park and Recreation Board. (7-1-99)

03. Boating Law Administrator. The staff administrator of the Waterways Improvement Fund and the Boat Safety Account. (7-1-99)

04. 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. (7-1-99)

- 05. Boat Safety Program.** The subdivision of the department responsible for administering the Boat Safety Account. (7-1-99)
- 06. County Waterways Committee.** Those committees created by Section 67-7012, Idaho Code. (7-1-99)
- 07. Cross-Country Skiing Recreation Account.** That account established by Section 67-7117, Idaho Code. (7-1-99)
- 08. Cross-Country Skiing Recreation Program.** The subdivision of the department responsible for administering the Cross-Country Skiing Recreation Account. (7-1-99)
- 09. Department.** The Idaho Department of Parks and Recreation. (7-1-99)
- 10. Director.** The chief administrator of the department, or the designee of the director. (7-1-99)
- 11. Grant.** A grant from the Off-Road Motor Vehicle Account, Recreation Vehicle Account, Waterways Improvement Fund, Boat Safety Account, Recreational Trails Fund, Cross-Country Skiing Recreation Account, or State Trust for Outdoor Recreation Enhancement. (7-1-99)
- 12. Management.** The actions taken in exercising control over, regulating the use, operation, and maintenance of facilities or programs. (7-1-99)
- 13. Motorbike Recreation (MBR) Fund.** This fund, created by Section 67-7122, Idaho Code, may be used for all of the purposes outlined in Subsection 010.14 of this chapter and rider education programs. When reference is made to the ORMV Account in this chapter, it is intended to include the MBR Fund the same as if it was specifically denoted as such except enforcement of laws and rules governing the use of off-road motor vehicles in Idaho. (7-1-99)
- 14. Off-Road Motor Vehicle (ORMV) Account.** That account created by Section 57-1901, Idaho Code. These moneys may be used to acquire, purchase, improve, repair, maintain, furnish and equip off-road motor vehicle facilities and sites or areas used by off-road vehicles on public or private land, and to assist with enforcement of laws and regulations governing the use of off-road vehicles in the state of Idaho. (7-1-99)
- 15. Off-Road Motor Vehicle (ORMV) Account Advisory Committee.** A nine (9) member committee appointed by the board to advise the department on matters involving ORMV Fund grants. (7-1-99)
- 16. Off-Road Motor Vehicle (ORMV) Program.** The subdivision of the department responsible for administering the ORMV Account. (7-1-99)
- 17. Participation Manual.** A compilation of state procedures, rules, and instructions assembled in manual form for dissemination to the potential applicant and public entities that may wish to participate in recreational program grants. (7-1-99)
- 18. Project.** An effort to comply with Idaho statutes and rules for which recreational program grant funds shall be used to assist the applicant in achieving the objectives of the recreational grant programs. (7-1-99)
- 19. Project Manager.** Any individual who has the principle responsibility for the ongoing management of projects. (7-1-99)
- 20. Public Entity.** The state, federal or local government or a subdivision thereof, or an Indian tribe. (7-1-99)
- 21. Recreational Program.** The Off-Road Motor Vehicle Program, Recreation Vehicle Program, Waterways Improvement Fund Program, Boat Safety Program, Cross-Country Skiing Recreation Program, Snowmobile Program, Recreational Trails Program, State Trust for Outdoor Recreation Enhancement Program, and the Land & Water Conservation Fund Program administered by the department. (7-1-99)

22. Recreational Program Managers. The Trails Program Supervisor, Recreational Vehicle Program Coordinator and Boating Law Administrator. (7-1-99)

23. Recreational Trails Fund (Recreational Trails Program) (RTF). The account created by the Transportation Equity Act for the 21st Century (Section 1112). This fund may be used for maintenance and restoration of existing recreational trails, development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, purchase and lease of recreational trail construction equipment, construction of new recreational trails, acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors, and the operation of education programs to promote safety and environmental protection as those objectives relate to the use of recreational trails. (7-1-99)

24. Recreational Trails Fund (RTF) Advisory Committee. A ten (10) member advisory committee appointed by the board to advise the department on matters related to the Recreational Trails Fund. (7-1-99)

25. Recreational Vehicle (RV) Account. That account created by Section 49-448, Idaho Code. The moneys may be used for the acquisition, lease, development, improvement, and maintenance of facilities designed to promote the health, safety, and enjoyment of recreational vehicle users. (7-1-99)

26. Recreational Vehicle (RV) Advisory Committee. A six (6) member committee appointed by the board to advise the board and department on matters involving the RV Account. (7-1-99)

27. Recreational Vehicle (RV) Coordinator. The staff administrator of the Recreational Vehicle Program. (7-1-99)

28. Recreational Vehicle (RV) Program. The subdivision of the department responsible for administering the RV Account. (7-1-99)

29. Staff. Any individual employed by the department. (7-1-99)

30. State Trust For Outdoor Recreation Enhancement (STORE). The recreation account created by Section 67-4247, Idaho Code. (7-1-99)

31. Trails Program. The subdivision of the department responsible for administering the ORMV Program, Motorbike Program, Recreational Trails Program, Snowmobile Program, Non-Motorized Trails Program, and the Cross-Country Skiing Recreation Program. (7-1-99)

32. Trails Program Supervisor. The staff administrator of the Trails Program. (7-1-99)

33. Waterways Improvement Fund (WIF). That fund created by Section 57-1501, Idaho Code. These moneys may be used for the protection and promotion of safety, waterways improvements, creation and improvement of parking areas for boating purposes, making and improving boat ramps and moorings, marking of waterways, search and rescue, and all things incident to such purposes including the purchase of real and personal property. (7-1-99)

34. Waterways Improvement Fund Grant Advisory Committee. A six (6) member committee appointed by the board to advise the department on matters relating to Waterways Improvement Fund grants. (7-1-99)

011. -- 049. (RESERVED).

050. GENERAL PROVISIONS OF THE RECREATIONAL PROGRAMS.

It is the intent of the department, through the recreational programs, to provide funds and planning assistance to entities for the acquisition, lease, development, improvement and maintenance of facilities and equipment to promote the health, safety, enjoyment and general welfare of recreational users in the state of Idaho. (7-1-99)

051. -- 074. (RESERVED).

075. ELIGIBLE APPLICANTS.

Applicants eligible for recreational program fund grants are as follows: (7-1-99)

01. Boat Safety Account. Public entities as defined in Section 010 of this chapter, and recognized national or statewide boating safety organizations that can demonstrate evidence of responsibility in providing public boating safety services. Federal funds shall not be used as match for Boat Safety Account grants. (7-1-99)

02. Cross-Country Skiing Recreation Account. Public entities as defined in Section 010 of this chapter and nonprofit entities. (7-1-99)

03. Off-Road Motor Vehicle Account. Public entities as defined in Section 010 of this chapter, and private groups, organizations or individuals which provide evidence of its ability to implement or operate and maintain the project following the completion of the project. (7-1-99)

04. Recreational Trails Fund. Public entities as defined in Section 010 of this chapter, and private groups, organizations or individuals which provide evidence of its ability to implement or operate and maintain the project following the completion of the project. Federal funds shall not be used as match for RTF grants except when specifically allowed by federal law. (7-1-99)

05. Recreational Vehicle Account. Public entities as defined in Section 010 of this chapter. (7-1-99)

06. State Trust For Outdoor Recreation Enhancement Fund. The state of Idaho and any of its subdivisions legally authorized to provide public recreation facilities. (7-1-99)

07. Waterways Improvement Fund. Public entities as defined in Section 010 of this chapter. All applications for projects involving the construction or improvements of physical facilities shall be approved by the county waterways committee or the county commissioners. (7-1-99)

076. -- 099. (RESERVED).

100. APPLICATION PROCEDURE.

All forms and documents required by these rules and the department shall be completed and submitted according to these rules in order for a grant application to be considered for approval. (7-1-99)

01. Forms. To be considered for a grant, an applicant must file with the department a completed grant application form and other documentation specified in the participation manual, all of which shall have original signatures. Except for Boat Safety Account block grants, an applicant must file with the department a completed grant agreement form, with original signatures, within thirty (30) calendar days of written notification of grant approval. An applicant for a Boat Safety Account block grant shall sign a Memorandum of Understanding with the director at least thirty (30) days prior to the beginning of the block grant award period. The application, grant agreement or Memorandum of Understanding forms shall be provided to the applicant by the department. (7-1-99)

02. Review. The applicant or applicant's representative may review the project and all associated documentation with the department prior to submitting the application to ensure the project and documentation meet the criteria of the recreational program grant. When possible, department staff may perform an on-site visit to the project site for preliminary fact finding and to evaluate the viability and eligibility of the project. (7-1-99)

03. Public Comment. The applicant shall submit to the department proof of public comment regarding the project. Proof of public comment shall include the results of public meetings, scoping of National Environmental Policy Act (NEPA) processes, individual contacts with recreationists and others that may be affected by the project, newspaper articles and/or other media releases which describe the project and request public input. (7-1-99)

04. Deadline. The deadline for applications to recreational program grants shall be established by the department. The department shall announce the availability of funds at least sixty (60) days prior to the deadline date for receipt of applications. (7-1-99)

101. -- 149. (RESERVED).

150. ELIGIBILITY AND PRIORITY RATING OF PROJECTS.

Eligibility of all projects shall be determined by the appropriate recreational program manager who shall consider relevant rules and statutes. (7-1-99)

01. Pre-Application Activities. Projects, or any part thereof, either paid for by the applicant or completed prior to the grant application deadline date established by the department, shall be ineligible for Recreational Vehicle Account and Waterways Improvement Fund grant funding or to be considered as match. However, costs for design and engineering incurred within one (1) year prior to the date awarded may be considered as match, provided they are listed as a scope element on the application. (7-1-99)

02. Priority Rating Criteria. The department and/or advisory committee shall establish project priorities by rating each eligible project using criteria established by the department. All eligible projects shall be rated by the committee. Specific evaluation criteria for each recreational program shall be listed in their associated participation manual and may include: (7-1-99)

- a.** Conformance with legal requirements; (7-1-99)
- b.** Compliance with program objectives; (7-1-99)
- c.** Accuracy of estimated costs of the project; (7-1-99)
- d.** Potential of the project to enhance the health, safety, enjoyment and general welfare of recreational users in Idaho; (7-1-99)
- e.** History of prior recreational program grant management by the applicant; (7-1-99)
- f.** Adequacy of project design or construction, if applicable; (7-1-99)
- g.** The applicant's level of matching share provided for the project; (7-1-99)
- h.** Suitability of the project for the proposed site, use and location; and (7-1-99)
- i.** Grant amount requested compared to the amount of funds available. (7-1-99)

151. -- 174. (RESERVED).

175. PROJECT TIME PERIOD.

01. Grant Cycle. Applications for ORMV Fund, RV Account, WIF or STORE projects shall be considered at least once each state fiscal year (July 1 through June 30). Applications for RTF or Boat Safety Account projects shall be considered at least once each federal fiscal year (October 1 through September 30) dependent upon adequate funding availability. (7-1-99)

02. Expenditure Of Grant Funds. Except as herein provided, the applicant shall have only the designated fiscal year to expend recreational program grant funds. If the recreational program grant funds are not expended within the designated fiscal year, the grant shall be revoked unless the applicant requests and receives an extension of time from the department. (7-1-99)

03. Requests For Extension. A written request for an extension of the project period shall be received by the department prior to the end of the project period. The appropriate recreational program manager shall make the final determination of extensions. No project extension shall be granted for more than one (1) year. (7-1-99)

176. -- 199. (RESERVED).

200. AUTHORITY FOR FUNDING APPROVAL.

Projects of less than twenty thousand dollars (\$20,000) may be approved by the director. Projects of twenty thousand dollars (\$20,000) or more shall be presented to the board for approval. (7-1-99)

01. Minor Cost Increases. Cost increases of fifteen percent (15%) or less of the original grant amount may be approved by the director, except such increases that bring the initial project cost from less than twenty thousand dollars (\$20,000) to twenty thousand dollars (\$20,000) or more shall be presented to the board for approval. (7-1-99)

02. Major Cost Increases. Cost increases of more than fifteen percent (15%) of the original grant amount shall require the project be presented as a totally new proposal and compete through the general application process described herein. Should the revised project not receive approval for cost increase grant funding, the applicant shall be required to complete the scope of the project as originally proposed at its expense or return any project grant funds paid to it so that the project may be canceled and the grant funds reallocated. (7-1-99)

03. Waterways Improvement Fund Grant Limit. The total sum of Waterways Improvement Fund grant funds approved to be used in any one (1) county may not exceed thirty percent (30%) of the total WIF grant funds approved to be used statewide in any state fiscal year. (7-1-99)

201. -- 249. (RESERVED).

250. DISBURSEMENT OF FUNDS.

01. Allowable Costs. Applicable Office of Management and Budget (OMB) cost principles, program regulations, and the terms of grant agreements shall be followed in determining the reasonableness and allowability of costs. (7-1-99)

02. Documentation And System of Internal Controls. The applicant shall maintain a system of internal controls in order to identify the source and disbursement of funds provided for all project costs and match by grant or project. Accounting records shall be supported by source documentation such as vouchers, canceled checks, invoices, payroll, time and attendance records, contract and sub-grant award documents, and other required billing forms. (7-1-99)

03. Documentation For Match. Match is the donation of cash, product or service used to complete the grant project as approved. The following types of match may be used: (7-1-99)

a. Force account labor and equipment, i.e., the use of the grantee's staff (labor) and equipment costs. Documentation of force account shall include: the name of each worker, dates worked, hourly rate of pay, number of hours worked, and the total cost by each person. Documentation of equipment costs shall include the type of equipment used, dates used, hourly rate value, number of hours used, how the hourly rate was determined, and total cost. (7-1-99)

b. Donated material that is used as match shall be reasonable and cannot exceed the costs of the materials to the donor or the market price at the time they are charged to the project, whichever is less. A detailed invoice marked "donation" or a letter from the donor shall be used as documentation of donated material. (7-1-99)

c. Donated Contract Labor. When an employer, other than the grantee, furnishes the services of an employee, these services are valued at the employee's regular rate of pay (not including fringe benefits and overhead costs). These services shall be for the same skill for which the employees is normally paid. Documentation shall include the employee's name, dates worked, hourly rate, number of hours worked, and total cost. (7-1-99)

d. Rates for Volunteers. Skilled and unskilled shall be consistent with the rate regularly paid by the grantee for similar work or shall be consistent with those paid for similar work in the grantee's labor market. If the volunteer is professionally skilled and employed in the work he is performing on the project, the grantee may use the individual's normal wage rate. If the volunteer is unskilled and not professionally employed in the work he is performing the grantee shall value the donated labor at the national minimum wage rate. Documentation shall include the volunteer's name, date worked, hourly rate, number of hours worked, and total cost. (7-1-99)

04. Disbursement Of Funds. Except as provided in Subsection 250.05 herein, the department shall authorize disbursement of funds allocated to a project on a reimbursement basis. This means that the applicant shall initially pay all project costs and then seek reimbursement through the department. (7-1-99)

a. General. Grantees shall use only the forms specified in this section, and such supplementary or other forms as may from time to time be authorized by the department. (7-1-99)

b. Request for Reimbursement. Complete an Idaho Department of Parks & Recreation (IDPR), Request for Reimbursement/Close-out Report form. Sign certifying that the data is correct and submit to the applicable recreation program manager. (7-1-99)

c. Request for Advance. Complete and sign the IDPR Request for Advance form and submit with written justification identifying the need for an advance to the applicable recreation program manager. (7-1-99)

d. Extend the Due Date. The department may extend the due date of any financial report upon receiving a justified request from a grantee. (7-1-99)

e. Accounting Basis. Each grantee shall report program outlays and program income on a cash or accrual basis pursuant to Generally Accepted Accounting Principles. (7-1-99)

05. Cash Advances. When approved for an advance grantees and subgrantees shall be paid in advance no sooner than thirty (30) days prior to project start, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds and their disbursement by the grantee or subgrantee. (7-1-99)

a. Requesting an Advance. A disbursement of funds may be made on an advance basis by submitting an IDPR Request for Advancement form provided by IDPR. Justification for an advance is required unless there is a Memorandum of Understanding on file. (7-1-99)

b. Interest Earned on Advances. Grantees and subgrantees shall promptly, at grant close-out, remit interest earned on advances to the department. (7-1-99)

06. Block Grants. Each applicant receiving Recreational Program block grant funds shall remit a complete activities report to the boating law administrator no later than January 31 of each year which shall cover the preceding calendar year and shall be on forms provided by the department. (7-1-99)

07. Grant Closeouts. Within forty-five (45) days after the completion of the grant, the grantee shall submit an IDPR Request for Reimbursement/Close-out form and other required documentation and immediately refund to the department any balance of unobligated cash advance and interest earned that is not authorized to be retained for use on other grants. (7-1-99)

08. Record Retention. The applicant shall retain all financial information referenced in these rules regarding a project for a time period of three (3) years from the date of the final grant payment, unless any litigation or audit concerning the project has been started or announced. (7-1-99)

09. Audit Authority. The department shall have the right of access to any pertinent books, documents, papers, or other records of grantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. An audit of the award may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due the department. (7-1-99)

10. Contingency Fund. The department may retain grant funds from each recreational program grant account for the exclusive purpose of providing facilities or services. (7-1-99)

251. -- 299. (RESERVED).

300. APPLICANT OBLIGATIONS.

01. Project Completion. Except as herein proved, upon approval of a grant application or Memorandum of Understanding, the applicant shall be obligated to complete all elements of a project as described on the approved recreational program grant application, grant agreement, approved amendment, or Memorandum of Understanding. (7-1-99)

02. Project Management. Except as herein provided, upon approval of a grant application or Memorandum of Understanding, the applicant shall ensure adequate management of the project as specified in the approved recreational program grant application, grant agreement or Memorandum of Understanding. (7-1-99)

03. Grant Modification. Only for good cause, and upon the submission of detailed justification shown in writing and approval by the appropriate recreational program manager may the terms of the obligations of the recreational program grant application, grant agreement or Memorandum of Understanding be modified. (7-1-99)

04. Maintenance And Operation. Real property, physical facilities and equipment funded by a recreational program grant fund shall be maintained and operated in the condition or state equivalent to that existing when such facility was completed or property or equipment purchased, normal wear and tear excepted. (7-1-99)

05. Public Use/Nondiscrimination. Physical facilities and real property purchased in whole or in part with recreational program grant moneys shall be available for public use regardless of race, color, religion, national origin, gender, age, or disability. Facilities constructed with recreational program grant moneys shall meet the requirements as set by the Americans with Disabilities Act. (7-1-99)

06. Fees And Donations. Except as herein provided, fees may be charged or donations subscribed for the use of or access to facilities or real property developed or purchased with recreational program grant funds at a level commensurate with the costs of maintenance and upkeep of the facility or real property with the approval of the board. Fees may be charged or donations subscribed for special events of limited duration at the facility when approved by the appropriate recreational program manager. (7-1-99)

07. Acknowledgment Of Funding Assistance. Applicants shall post and maintain appropriate permanent signs or decals upon project sites or equipment acknowledging funding assistance from the appropriate recreational program grant fund and the department immediately upon completion of the project or purchase of equipment. (7-1-99)

08. Notice Of Registration Requirements. Off-Road Motor Vehicle Account project applicants and sponsors shall be responsible for posting a written notice of the requirement of applicable registration requirements and enforcing such requirements for special events as well as general use. (7-1-99)

09. Project Liability. Applicants, through a signed agreement, shall assume all project liability and hold the department harmless. (7-1-99)

10. Purchase And Bidding Requirements. The applicant shall follow all local, state and federal laws pertaining to the expenditure of recreational program grant funds. (7-1-99)

11. Permits. The applicant shall legally acquire all required local, state and federal permits for the construction or development of the project before recreational program grant funds shall be expended. Construction shall comply with the then current codes and standards as set by the Uniform Building Code, Uniform Plumbing Code, and the National Electrical Code. (7-1-99)

12. Failure To Comply. Failure by the applicant or department to comply with such terms and obligations as set forth in the approved recreation program grant application, grant agreement or Memorandum of Understanding shall result in the immediate revocation of an approved grant or shall constitute a conversion pursuant to Section 350 of this chapter, as applicable. (7-1-99)

301. -- 349. (RESERVED).

350. PROJECT CONVERSIONS.

No project funded by recreational program grant funds shall, without the prior written approval of the director, be converted to uses other than for the authorized purposes specified in the original recreational program grant application, grant agreement, or Memorandum of Understanding. (7-1-99)

01. Approval Of A Conversion. The department shall approve a conversion only when the recreational program grant moneys spent on the project can be returned to the appropriate recreational program account or the applicant can provide an immediate substitution of other projects of at least equal current fair market value and of reasonably equivalent recreational usefulness and location. The director has authority to disapprove a conversion request or to reject proposed project substitutions. (7-1-99)

02. Resolving A Conversion. If there is a project conversion, the applicant is responsible for repaying the appropriate recreational program fund account an amount determined by investment amortization through use, project life expectancy, and depreciation or appreciation of the facilities or equipment. (7-1-99)

03. Conversion Requests. Project conversion requests shall be in writing by the applicant prior to any conversion attempts. (7-1-99)

351. -- 399. (RESERVED).

400. RESPONSIBILITY FOR EQUIPMENT.

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 recreational program grant funds, shall remain the property of the department to be leased to the applicant through a lease contract. If the equipment is being underutilized, 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 or with thirty (30) days written notice. (7-1-99)

a. Equipment which is the property of the department shall be leased to the project applicant for the length of time determined by the appropriate recreational program manager as necessary to accomplish the project under the parameters of project viability, equipment usability and user needs. Either party may cancel the lease by providing the other party with at least thirty (30) days written notice. (7-1-99)

b. Equipment lease price or consideration shall be negotiated and determined prior to project approval and shall be commensurate with the cost/benefit ratio of services provided the recreational program user group which it serves. (7-1-99)

c. A project applicant shall bear the full responsibility for damage to or destruction of project facilities and equipment through its own means or applicable insurance. (7-1-99)

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 recreational program grant funds, shall become the property of the applicant. Such units of equipment shall be subject to Section 350 of this chapter. (7-1-99)

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 wholly or in part with recreational program grant funds shall become the property of the applicant. Such units or equipment shall be subject to Section 350 of this chapter. (7-1-99)

401. -- 449. (RESERVED).

450. REAL PROPERTY.

01. Appraisals. A real estate appraisal is required for all real property to be acquired with recreational program grant funds. All appraisals shall be prepared according to department procedures. The appraisal shall be paid

for by the applicant, but may be included as part of eligible project costs. The selection of the appraiser shall be approved by the department. (7-1-99)

02. Appraisal Review. The department shall review appraisals as necessary. Any appraisal report which does not meet content requirements or use correct analysis procedures shall be corrected to the satisfaction of the department. All costs shall be covered by the applicant. (7-1-99)

03. Negotiated Price. An approved appraisal is an acceptable estimate of property value. The negotiation between a willing seller and a willing buyer may set a price which is higher than the appraisal, and this value can be considered along with the appraised value in establishing the reasonable limits of assistance. If the applicant believes the negotiating price is a better indication of market value, yet is higher than the appraised value, a detailed statement of this difference shall be submitted to the department. (7-1-99)

04. Adequate Title And Public Access. The applicant shall have clear title to, or adequate control and tenure of, the real property (land, land improvement, structures, and appurtenances) to be developed. The term "adequate control and tenure" of real property means a lease or an easement that provides the applicant sufficient control over the real property to permit the proposed development and use for a period of at least twenty-five (25) years from the date of application, unless specifically approved in writing by the appropriate recreational program manager for a shorter term. The applicant shall list all outstanding rights or interests held by others in the real property to be developed. If access to the real property to be developed is over private property, then the applicant shall describe the provisions made to ensure adequate public access. In the event the real property becomes unusable for its intended purposes or if such use ceases, the applicant shall be responsible for conversion of the project as described in Section 350 of this chapter. (7-1-99)

05. Limitations On Use. Property rights obtained with recreational program grant funds shall be free of all reservations or encumbrances which would limit the use of the site disproportionate to the public benefit. (7-1-99)

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