

## IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

### Management Services Division

#### 26.01.31 – Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds

##### **Who does this rule apply to?**

*These rules apply to the applicants and recipients of the state and federal grant programs administered by the Idaho Department of Parks and Recreation.*

##### **What is the purpose of this rule?**

*These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific how the department administers the state and federal grant programs.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute passed by the Idaho Legislature:*

State Government and State Affairs -

State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

##### **Who do I contact for more information on this rule?**

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

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**26.01.31 – RULES GOVERNING THE ADMINISTRATION OF THE IDAHO DEPARTMENT  
OF PARKS AND RECREATION STATE AND FEDERAL 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. (3-18-22)

**001. SCOPE.**

The purpose of this chapter is to ensure consistent administration of state and federal grant programs. It is the intent of the department, through the state and federal grant programs, to provide funds and planning assistance to entities consistent with the purpose statement outlined in Idaho Code for each program and the provisions detailed in this chapter and the recreation grant program guidance. (3-18-22)

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

As used in this chapter: (3-18-22)

**01. 2CFR 200.** Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as set forth in 2 CRF 200 (Code of Federal Regulations). (3-18-22)

**02. Applicant.** An IDPR approved entity, that identifies a need for a project, supplies initial support data, and applies for program grant through the Department. (3-18-22)

**03. ATV.** All-terrain vehicle. (3-18-22)

**04. Board.** The Idaho Park and Recreation Board. (3-18-22)

**05. Department.** The Idaho Department of Parks and Recreation. (3-18-22)

**06. Grant.** A grant from programs or funds as described in Section 050 of this chapter. (3-18-22)

**07. Grantee.** An applicant who receives a grant from the Department for the programs or funds as described in Section 050. (3-18-22)

**08. Match.** The grantee's contribution of cash, material, labor, and third-party in-kind services needed to complete the project as defined in the grant agreement. (3-18-22)

**09. Non-Profit.** An organization that qualifies for tax-exempt status by the IRS because its mission and purpose are to further a social cause and provide a public benefit. As used in this chapter, the term includes qualified non-for-profit organizations that benefit outdoor recreation. (3-18-22)

**10. Project.** The purchases, construction, or other activities proposed by the applicant and documented in the grant agreement. (3-18-22)

**11. Public Entity.** The state, federal or local government or a subdivision thereof (including recreation districts), or a Native American Tribe. (3-18-22)

**12. Recreational Grant Program Guidance.** A compilation of state procedures, rules, policies, and instructions assembled for dissemination to the potential entities that may wish to apply for grants. (3-18-22)

**13. State and Federal Grant Manager.** The Department employee in charge of state and federal grant programs. (3-18-22)

**011. -- 049. (RESERVED)**

**050. GRANT CYCLES.**

Applications for Off-Road Motor Vehicle (ORMV) Fund, Recreational Vehicle Fund (RV), Waterways Improvement Fund (WIF), Motorbike Recreation Account (MB), Mountain Bike License Plate (BK), Cutthroat License Plate (CP), and Recreational Road and Bridge (RB) grants will be considered at least once each state fiscal year (July 1 through June 30) dependent upon adequate funding availability. Applications for Recreational Trails Program (RTP) projects will be considered at least once each federal fiscal year (October 1 through September 30) dependent upon adequate funding availability. (3-18-22)

**051. -- 074. (RESERVED)**

**075. ELIGIBLE APPLICANTS.**

Public entities are eligible to apply for all grant programs. Non-profit organizations are eligible to apply for the Recreational Trails Program and Mountain Bike Plate program. The state and federal grant manager determines if applicants are eligible based on federal code, state statutes and past performance of the applicant. Based on an applicant's past performance in managing a grant with the department the state and federal grant manager may recommend to the board that the applicant be considered ineligible for the current funding cycle. (3-18-22)

**076. -- 099. (RESERVED)**

**100. APPLICATION PROCEDURE.**

**01. Submittal.** Eligible applicant submits application prior to the stated deadline in the Recreational Grant Program Guidance. To be considered for a grant, an applicant must propose an eligible project and submit all documentation required by this chapter. (3-18-22)

**02. Public Comment.** As part of the application, the applicant must provide an opportunity for public comment. The applicant must include proof of public comment regarding the project in the application. The opportunity for public comment should begin within one (1) year of submitting the application. Any projects with public comment conducted over one (1) year prior to application may be rejected by the state and federal grant manager and the project will be deemed ineligible. (3-18-22)

**03. Complete Application.** Materials submitted by the sponsor are reviewed by the department for completeness and eligibility. (3-18-22)

**04. Ranking.** The appropriate advisory committee establishes project rankings by rating each eligible project using criteria established by the board. To objectively rate competing eligible projects, the committee considers the application and how the project meets the criteria and established priorities for the program. (3-18-22)

**05. Board Review.** The board reviews the priority list for awards and sets funding line based on recommendation of the advisory committees and the state and federal grant manager. (3-18-22)

**06. Grant Award.** Upon grant approval by the board, the department will present the sponsor with a grant agreement that identifies eligible costs and obligates the applicant to a specified project scope and performance period. (3-18-22)

**07. Grant Agreement.** The applicant must sign the agreement prior to initiating work on the project. The signed agreement obligates the applicant to complete all elements of the project as described in the agreement and any applicable approved amendment. (3-18-22)

**101. -- 149. (RESERVED)**

**150. PROJECT REQUIREMENTS.**

**01. Real Property.** The grantee must include any proposals to purchase real property with grant moneys in the grant application and must provide an appraisal consistent with Section 175 of this chapter. (3-18-22)

**02. Fees.** The applicant is required to identify any existing or proposed fees associated with the grant request, including existing or proposed facilities. The applicant may propose fees for the use of or access to facilities or real property developed or purchased with grant funds at a level commensurate with the costs of maintenance and upkeep of the facility or real property. Requests for donations and fees for special events of limited duration at the facility are exempt when such are intended to cover extraordinary expenses. (3-18-22)

**03. Grant Modification.** Only for good cause, and upon the submission of detailed justification in writing and approval by the state and federal grant manager, may the terms and obligations of the grant application or

grant agreement be modified. Examples of “good cause” include extraordinary physical barriers, project re-routing necessary to avoid critical habitat, and other constraints beyond the control of the grantee. (3-18-22)

**151. -- 174. (RESERVED)**

**175. REAL PROPERTY APPRAISALS.**

**01. Appraisal Required.** A real estate appraisal is required for all real property to be acquired with grant funds. The appraisal must be paid for by the grantee but may be included as part of eligible project costs in the application. (3-18-22)

**02. Appraisal Review.** The state and federal grant manager reviews appraisals for reasonableness at the time of application. The state and federal grant manager may reject a grant application that includes an unreasonable appraisal. (3-18-22)

**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 that is higher than the appraisal, and this value can be considered along with the appraised value in establishing the reasonable limits of grant assistance. If the grantee believes the negotiated price is a better indication of market value, yet is higher than the appraised value, a detailed statement of this difference must be submitted to the state and federal grant manager. (3-18-22)

**04. Adequate Title and Public Access.** The grantee must 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 grantee 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 department for a shorter term. The grantee must 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 grantee must 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 grantee is responsible for conversion of the project. (3-18-22)

**05. Limitations on Use.** Property rights obtained with grant funds must be free of all reservations or encumbrances that would limit the use of the site disproportionate to the public benefit. (3-18-22)

**176. -- 199. (RESERVED)**

**200. GRANT STANDARDS.**

**01. Minimum Project Match.** Applicants must provide a minimum match of five percent (5%) of the total project cost, except recreational trails program which has a federal minimum match. (3-18-22)

**02. Minimum Motorized Equipment Match.** Grants for motorized equipment are allowed in the waterways improvement fund, recreational vehicle, off-road motor vehicle, recreational trails program, motorbike recreation, and mountain bike plate grant programs. Applicants must provide a minimum match of twenty percent (20%) of the total equipment purchase. An applicant may claim up to fifteen percent (15%) match from the trade-in value of other equipment. A minimum of five percent (5%) must be a cash match. (3-18-22)

**03. Waterways Improvement Fund Grant Limit.** The total sum of WIF grant funds approved to be used in any one (1) county may not exceed fifty percent (50%) of the total WIF grant funds approved to be used statewide in any state fiscal year. (3-18-22)

**201. MATCHING FUNDS.**

The following types of match may be used: (3-18-22)

**01. Force Account Labor and Equipment.** Documentation of force account must include: the name of each employee, dates worked, hourly rate of pay, number of hours worked, and the total cost by each employee. Documentation of equipment costs includes the type of equipment used, dates used, hourly rate value, number of

hours used, how the hourly rate was determined, and total cost. (3-18-22)

**02. Donated Materials.** The value of donated material that is used as match cannot exceed the costs of the materials as documented in an invoice or receipt, or the market price at the time the grantee requests reimbursement for the material, whichever is less. The grantee must provide a detailed invoice marked “donation” or a letter from the donor (including the value) as documentation of donated material. (3-18-22)

**03. Donated Contract Labor.** When an employer, other than the grantee, donates 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 must be for the same skill for which the employee is normally paid. The grantee must provide documentation that includes the employee’s name, dates worked, hourly rate, number of hours worked, and total cost. (3-18-22)

**04. Rates for Volunteers.** Skilled and unskilled volunteer labor rates must be consistent with the rate the grantee would pay for similar work in the grantee’s labor market. If the volunteer is professionally skilled and employed in the work being performed on the project, the grantee may use the volunteer’s normal wage rate. If the volunteer is not professionally employed in the work being performed on the project, the grantee must value the donated labor at the federal minimum wage rate. The grantee must provide documentation that includes the volunteer’s name, date worked, hourly rate, number of hours worked, and total cost. (3-18-22)

**202. -- 299. (RESERVED)**

**300. EXPENDITURE OF GRANT FUNDS.**

Grant funds not expended within the designated fiscal year or years as established by the project period in the project agreement, may be revoked unless the applicant requests and receives an extension of time from the state and federal grant manager. (3-18-22)

**301. PROJECT EXTENSION.**

A written request for an extension of the project period must be received and reviewed by the state and federal grant manager prior to the end of the project period. No project extension will be granted for more than one (1) year; however, an applicant may request project extensions in consecutive years. (3-18-22)

**302. COST INCREASES.**

**01. Cost Overruns.** Twenty percent (20%) of any program allocation may be held out by the department for necessary cost overruns related to previously awarded grants. Any unused funds will be redistributed in the next funding cycle. (3-18-22)

**02. Minor Cost Increases.** Cost increases of fifteen percent (15%) or less of the original grant amount that are less than or equal to twenty thousand dollars (\$20,000), may be approved by the director. Cost increases of fifteen percent (15%) or less of the original grant amount that exceed twenty thousand dollars (\$20,000) may be approved by the board. (3-18-22)

**03. Major Cost Increases.** Cost increases of more than fifteen percent (15%) of the original grant amount are not allowed. The applicant must either resubmit the project or submit a new grant request to increase the current project. (3-18-22)

**303. -- 349. (RESERVED)**

**350. PROJECT MANAGEMENT AND DISBURSEMENT OF FUNDS.**

**01. Grant Agreement.** A grantee must complete the grant agreement form, with original or authenticated digital signatures, within sixty (60) calendar days of written notification of grant award. The agreement obligates the applicant to complete all elements of the project as specified in the signed grant agreement. (3-18-22)

**02. Purchase and Bidding Requirements.** The grantee must follow all local, state and federal laws pertaining to the expenditure of public funds. (3-18-22)

**03. Permits.** The grantee must legally acquire all required local, state and federal permits for the construction or development of the project before grant funds are expended. Construction must comply with the then current codes and standards. (3-18-22)

**04. Reimbursement of Project Costs.** The grantee must initially pay all project costs and then seek reimbursement through the department. The grantee must complete the appropriate form provided by the department certifying that the data is correct and submit the form to the department with an original or authenticated signature. (3-18-22)

**05. Allowable Costs.** The State and Federal Grant Manager determines what expenses are eligible for reimbursement based on federal code, state statutes and rules. Grantees must follow 2 CFR 200, in determining the reasonableness and allowability of costs. (3-18-22)

**a.** Projects, or any part thereof, either paid for by the grantee or completed prior to the grant application deadline, are ineligible for grant funding or to be considered as match. However, costs for design and engineering incurred within one (1) year prior to the application deadline date may be considered as match, provided they are listed as a scope element on the application. (3-18-22)

**b.** For Recreational Trail Program projects, any project activity conducted prior to the execution of the project agreement is ineligible for reimbursement or to be considered as match. (3-18-22)

**06. Matching Funds.** All matching funds must meet the allowable costs criteria outlined in Section 201 of this chapter. (3-18-22)

**07. Documentation and System of Internal Controls.** Grantees must follow 2 CFR 200 in maintaining a system of internal controls that provides reasonable assurance the grantee is managing the award in compliance with this chapter. Accounting records must 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. (3-18-22)

**08. Reimbursement Requests and Reporting.** Grantees must remit a performance report to the department with each reimbursement request. Failure of the grantee to report or poor performance indicated by the inspection report may disqualify grantee from any future grant applications with the department. (3-18-22)

**09. Grant Closeouts.** Within forty-five (45) days after the completion of the project, the grantee must submit an appropriate closeout form as provided by the department. (3-18-22)

**10. Record Retention.** The records relative to any grant project are public records. The grantee must retain all financial information referenced in this chapter 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. (3-18-22)

**11. Audit Authority.** The department has the right of access to any books, documents, papers, or other records of grantees that are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. An audit of the grant may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due the department. The department may perform an audit randomly and without prior notice. (3-18-22)

**12. Failure to Comply.** If a grantee fails to comply with the obligations as set forth in the signed grant agreement, the applicant must repay all or a portion of the expended grant funds as determined by the state and federal grant manager. (3-18-22)

**351. -- 399. (RESERVED)**

**400. ONGOING GRANTEE OBLIGATIONS.**

**01. Maintenance.** The grantee must maintain any facilities, real property, and equipment funded by a grant in the condition equivalent to that existing when such facility was completed or property or equipment purchased, normal wear and tear excepted. (3-18-22)

**02. Public Use.** The grantee must ensure that facilities and real property are available to the general public. (3-18-22)

**03. Nondiscrimination.** The grantee must ensure that facilities and real property purchased in whole or in part with grant moneys are available for public use regardless of race, color, religion, national origin, gender, age, or disability. The grantee must ensure that facilities constructed with grant moneys meet the requirements as set by the Americans with Disabilities Act. (3-18-22)

**04. Acknowledgment of Funding Assistance.** Grantee must post and maintain appropriate permanent signs or decals upon project sites or equipment acknowledging funding assistance from the appropriate grant fund and the department upon start of the project or purchase of equipment. (3-18-22)

**05. Project Liability.** Grantees, through a signed agreement, assume all project liability and hold the department harmless. (3-18-22)

**06. Responsibility for Equipment.** Motorized equipment purchased with grant funds becomes the property of the grantee and must be maintained for use on public projects. (3-18-22)

**07. Failure to Comply.** Failure by the grantee to comply with the ongoing obligations may require repayment all or a portion of the grant funding. (3-18-22)

**401. -- 449. (RESERVED)**

**450. PROJECT CONVERSIONS.**

No grant funded project may, without the prior written approval of the Board, be converted to uses other than for the authorized purposes specified in the original grant application or grant agreement. (3-18-22)

**451. -- 999. (RESERVED)**