

1 Department of Trade and Economic Development

2

3 Adopted Permanent Rules Relating to Outdoor Recreation Grants

4

5 Rules as Adopted

6 4310.8105 DEFINITIONS.

7 Subpart 1. **Scope.** The following terms used in parts

8 4310.8105 to 4310.8160 have the meanings given them.

9 Subp. 2. **Community development application.** "Community
10 development application" means the official consolidated
11 application form as developed by the department to be used to
12 apply for funding assistance from various community assistance
13 programs administered by the Community Development Division.

14 Subp. 3. **Community Development Division.** "Community
15 Development Division" means the Community Development Division
16 of the Department of Trade and Economic Development.

17 Subp. 4. **Eligible applicant.** "Eligible applicant" means
18 local units of government that are eligible to apply for an
19 outdoor recreation grant.

20 Subp. 5. **LAWCON.** "LAWCON" means the program established
21 by the act of Congress entitled "The Land and Water Conservation
22 Fund Act of 1965," as amended, Statutes at Large, volume 87,
23 page 897, which provides federal grants to Minnesota for the
24 acquisition and development of outdoor recreation projects.

25 Subp. 6. **Local units of government.** "Local units of
26 government" means counties, cities, townships, and Indian tribes
27 and bands recognized by the federal government.

28 Subp. 7. **NPS.** "NPS" means the National Park Service of
29 the United States Department of the Interior.

30 Subp. 8. **NPS guidelines.** "NPS guidelines" means those
31 guidelines established by the National Park Service and
32 contained in the "Land and Water Conservation Fund Grants
33 Manual," prepared by the National Park Service. This manual is
34 incorporated by reference, is available through the Minitex
35 interlibrary loan system, and is subject to frequent change.

1 Subp. 9. Outdoor recreation grant. "Outdoor recreation
2 grant" means a specific sum of money made available by the
3 federal government or Minnesota to an eligible applicant for the
4 execution of outdoor recreation projects.

5 Subp. 10. Project. "Project" means a planned undertaking
6 for outdoor recreation, proposed by an eligible applicant,
7 having fixed beginning and ending dates and consisting of either
8 or both of the following two types:

9 A. "acquisition project" means the acquisition of
10 real property or an interest and rights to the property for a
11 well-defined outdoor recreation area and purpose; and

12 B. "development project" means the development of
13 structures, utilities, or facilities necessary for the purpose
14 of outdoor recreation on publicly-owned or controlled land.

15 Subp. 11. Project agreement. "Project agreement" means
16 the contract executed between the NPS and the state, or the
17 state and the eligible applicant, that sets forth the mutual
18 obligations with regard to a portion or all of a specific
19 project.

20 Subp. 12. SCORP. "SCORP" means the Minnesota Statewide
21 Comprehensive Outdoor Recreation Plan prepared by the Minnesota
22 Department of Natural Resources as required by the NPS as a
23 prerequisite to distribution of LAWCON funds. This plan is
24 incorporated by reference, is available through the Minitex
25 interlibrary loan system, and is subject to change every five
26 years.

27 4310.8120 PURPOSE.

28 Parts 4310.8105 to 4310.8300 provide criteria, priorities,
29 and procedures for evaluating outdoor recreation proposals of
30 local government units under consideration for outdoor
31 recreation grants.

32 4310.8130 APPLICATION PROCESS.

33 Subpart 1. Eligibility. An eligible local unit of
34 government may apply for an outdoor recreation grant. To
35 receive a grant, an eligible applicant must satisfy the

1 requirements in parts 4310.8105 to 4310.8160 and related
2 statutory requirements.

3 Subp. 2. Notice. Annually, the Community Development
4 Division shall provide notice concerning the application process
5 for outdoor recreation grants to the following:

6 A. mayors in care of the clerks of all cities in
7 Minnesota;

8 B. county board chairs in care of the auditors of all
9 counties in Minnesota;

10 C. chairs of county planning commissions and city
11 planning commissions of all cities over 5,000 population
12 according to the last federal decennial census in Minnesota;

13 D. chairs of county park and recreation commissions
14 and city park and recreation commissions of all cities over
15 5,000 population according to the last federal decennial census
16 in Minnesota;

17 E. chairs in care of the executive directors of
18 regional development commissions;

19 F. chairs of each county's township association;

20 G. chairs of tribal councils of recognized Indian
21 tribal governments;

22 H. statewide organizations representing Minnesota
23 local governments;

24 I. persons requesting notice; and

25 J. upon request, to the Minnesota state legislature.

26 Subp. 2a. Application content and submission.

27 Applications may be submitted year-round to the Community
28 Development Division and on the Community Development Division's
29 community development application.

30 A completed community development application must include:

31 A. needs narrative summarizing the need for the
32 proposed outdoor recreation project;

33 B. project summary outlining the facilities and land
34 acquisition to be completed and the scope of the project;

35 C. activities and budget detailing the specific
36 estimated costs associated with each proposed acquisition or

1 development activity;

2 D. assurances necessary to comply with federal or
3 state requirements as a prerequisite to receiving state or
4 federal funding;

5 E. a resolution from the local unit of government
6 approving the submission of the application and authorizing
7 execution of the grant agreement in accordance with the
8 requirements of the Community Development Division, if funds are
9 made available; and

10 F. supporting materials that are designed to verify
11 or support information presented in items A to E.

12 The Community Development Division may require additional
13 information from the applicant if it is necessary to clarify and
14 evaluate the application.

15 Subp. 3. [See Repealer.]

16 Subp. 3a. **Evaluation criteria.** Funding of outdoor
17 recreation projects, included on completed community development
18 applications, shall be officially determined during an annual
19 competitive review and ranking period. The Community
20 Development Division may request applicants who have submitted
21 completed applications with outdoor recreation projects, before
22 the annual competitive review and ranking period, to submit
23 additional materials and support documentation necessary to
24 complete the evaluation and ranking.

25 Outdoor recreation projects, included on completed
26 community development applications, shall be officially
27 evaluated, scored, and ranked in accordance with the general
28 criteria in subpart 4a, acquisition priorities in subpart 5a,
29 and development priorities in subpart 6a.

30 Subp. 4. [See Repealer.]

31 Subp. 4a. **General criteria.** Applications that meet one or
32 more of the following criteria shall receive priority over
33 similar projects that do not:

34 A. projects involving outstanding irreplaceable
35 resources or features of statewide or regional significance that
36 are in danger of commercial (nonrecreational) development,

1 subdivision, or other use that may be incompatible with outdoor
2 recreation uses;

3 B. projects that have received a prior outdoor
4 recreation grant for a preceding phase of the proposed project
5 and that have been satisfactorily managed;

6 C. projects that are designed with a sensitivity
7 toward the physical limitations and natural characteristics of
8 the site; recognize and complement existing land forms and
9 recreation facilities; provide for ease of maintenance and
10 operation of the site; do not have major environmental
11 intrusions that are detrimental to the intended use of the
12 property; make good use of available space without crowding; and
13 include facilities that are designed in accordance with
14 generally-accepted engineering and architectural standards;

15 D. projects for which the applicant has submitted a
16 statement documenting a financial commitment to continued
17 operations and maintenance of the proposed facilities;

18 E. projects that are consistent with the outdoor
19 recreation needs and priorities related to local governments as
20 identified in SCORP; and

21 F. projects for which the applicant can demonstrate a
22 need for priority consideration for state financial assistance.

23 Subp. 5. [See Repealer.]

24 Subp. 5a. **Acquisition priorities.** The following criteria
25 shall be used to evaluate applications for acquisition projects
26 and to determine priorities for projects:

27 A. acquisition of project sites having existing or
28 potential natural, scientific, cultural, historical,
29 educational, or recreational values that would be made available
30 for public enjoyment;

31 B. acquisition of project sites that would protect or
32 enhance aesthetics, land and water quality, or the recreational
33 use of existing outdoor recreation facilities; and

34 C. acquisition of project sites that address the
35 outdoor recreation land acquisition needs and priorities related
36 to local governments as identified in SCORP.

1 Subp. 6. [See Repealer.]

2 Subp. 6a. **Development priorities.** The following criteria
3 shall be used to evaluate applications for outdoor recreation
4 development projects and to determine priorities for projects:

5 A. projects designed to protect and enhance land and
6 water quality of the site consistent with the estimated number
7 of its potential users and the proposed outdoor recreation
8 activities;

9 B. projects designed to be readily accessible to a
10 wide range of potential users, including handicapped users;

11 C. projects designed to minimize any potential risk
12 to the health and safety of users; and

13 D. projects designed to provide to the general public
14 a wide range of outdoor recreation opportunities that are
15 related to the needs and priorities established in SCORP.

16 Subp. 7. [See Repealer.]

17 Subp. 7a. **Competitive review and ranking period.** As part
18 of the competitive review and ranking period, Community
19 Development Division staff shall conduct an on-site inspection
20 of each project. After completion of the on-site inspections,
21 each project shall be reviewed in accordance with the evaluation
22 criteria contained in subpart 3a, and a priority ranking shall
23 be established for each applicant based on the evaluation
24 criteria. All applicants shall be notified by the Community
25 Development Division about the disposition of their project
26 after the competitive review and ranking period has been
27 completed and a funding determination has been made.

28 Grants shall be allocated to applicants in descending order
29 or priority, as determined by the ranking, until all available
30 grant funds are depleted.

31 The highest ranked projects will be eligible for and shall
32 be awarded federal LAWCON funds. The Community Development
33 Division shall determine which projects will be eligible for
34 state funds.

35 Subp. 8. [See Repealer.]

36 Subp. 8a. **NPS approval and notice of LAWCON grant award.**

1 For any eligible project for which the Community Development
2 Division has determined that federal LAWCON funds will be
3 awarded, the Community Development Division shall request NPS
4 approval of a LAWCON grant for the recommended project. The
5 Community Development Division shall notify the applicant that
6 the project has been recommended for a grant and will be
7 submitted to the NPS for final approval. The Community
8 Development Division shall also notify the applicant of the
9 action taken by the NPS.

10 Subp. 9. [See Repealer.]

11 Subp. 9a. **Notification of state grant award.** For any
12 eligible project for which the Community Development Division
13 has determined that state funds will be awarded, the Community
14 Development Division shall notify the applicant that the project
15 has received a grant award. If an eligible project is not
16 recommended to receive a grant award, the Community Development
17 Division shall notify the applicant that the project did not
18 rank highly enough for funding.

19 Subp. 10. to 12. [See Repealer.]

20 4310.8140 PROJECT AGREEMENT.

21 Upon approval by the NPS for LAWCON-funded projects and
22 approval by the Community Development Division for state-funded
23 projects, the Community Development Division shall execute a
24 project agreement with the applicant and the applicant shall
25 comply with the terms of the project agreement.

26 4310.8150 DISBURSEMENT OF GRANT.

27 The applicant shall initially pay for the project costs as
28 specified in the project agreement. The applicant shall submit
29 to the Community Development Division a payment request for
30 reimbursement of costs incurred in the completion of the
31 project. In all cases, not more than four payment requests
32 shall be submitted for the life of the project. Upon receipt of
33 a payment request containing the documentation required in the
34 project agreement, the Community Development Division shall
35 audit the payment request documentation to determine the

1 eligibility and propriety of the costs incurred by the applicant.

2 For projects funded with federal LAWCON funds, if the costs
3 are eligible and properly documented, the Community Development
4 Division shall request reimbursement from NPS of the federal
5 share of the eligible costs represented by the applicant's
6 payment request. Upon receipt of the LAWCON reimbursement for
7 that payment request, the Community Development Division shall
8 issue payment of the federal funds to the applicant.

9 For projects funded with state grant funds, the Community
10 Development Division shall reimburse the applicant for the
11 eligible costs represented by each payment request, provided
12 that the payment request documentation submitted contains the
13 documentation required in the project agreement.

14 The final payment shall reflect any cost adjustments due to
15 project changes. The project site shall be subject to an
16 inspection by state and federal personnel. All costs incurred
17 by the applicant may be subject to verification by an
18 independent federal or state audit.

19 4310.8160 AMENDMENTS.

20 A request for an amendment in the project scope, costs, or
21 time period may be submitted to the Community Development
22 Division prior to project termination. If the request is
23 eligible for a LAWCON amendment and the Community Development
24 Division considers the amendment request to be reasonable and
25 justified and it does not substantially affect the project
26 eligibility under part 4310.8130, it may request NPS to approve
27 the amendment.

28

29 REPEALER. Minnesota Rules, parts 4310.8100; 4310.8110;
30 4310.8130, subparts 3 to 12; 4310.8170; 4310.8180; 4310.8190;
31 and 4310.8300, are repealed.