

CHAPTER 4310
STATE PLANNING AGENCY
PROCEDURAL RULES FOR PLANNING

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4310.8100 [Repealed, 13 SR 2933]

4310.8105 DEFINITIONS.

Subpart 1. **Scope.** The following terms used in parts 4310.8105 to 4310.8160 have the meanings given them.

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 86.71; 116J.035 subd 2; 116J.401 cl (5); 116J.406*

History: *13 SR 2933*

4310.8110 [Repealed, 13 SR 2933]

4310.8120 PURPOSE.

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

Statutory Authority: *MS s 86.71; 116J.035 subd 2; 116J.401 cl (5); 116J.406*

History: *13 SR 2933*

4310.8130 APPLICATION PROCESS.

Subpart 1. **Eligibility.** An eligible local unit of government may apply for an outdoor recreation grant. To receive a grant, an eligible applicant must satisfy the requirements in parts 4310.8105 to 4310.8160 and related statutory requirements.

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

- A. mayors in care of the clerks of all cities in Minnesota;
- B. county board chairs in care of the auditors of all counties in Minnesota;
- C. chairs of county planning commissions and city planning commissions of all cities over 5,000 population according to the last federal decennial census in Minnesota;
- D. chairs of county park and recreation commissions and city park and recreation commissions of all cities over 5,000 population according to the last federal decennial census in Minnesota;
- E. chairs in care of the executive directors of regional development commissions;
- F. chairs of each county's township association;
- G. chairs of tribal councils of recognized Indian tribal governments;
- H. statewide organizations representing Minnesota local governments;
- I. persons requesting notice; and
- J. upon request, to the Minnesota state legislature.

Subp. 2a. **Application content and submission.** Applications may be submitted year-round to the Community Development Division and on the Community Development Division's community development application.

A completed community development application must include:

- A. needs narrative summarizing the need for the proposed outdoor recreation project;
- B. project summary outlining the facilities and land acquisition to be completed and the scope of the project;
- C. activities and budget detailing the specific estimated costs associated with each proposed acquisition or development activity;
- D. assurances necessary to comply with federal or state requirements as a prerequisite to receiving state or federal funding;

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

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

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

Subp. 3. [Repealed, 13 SR 2933]

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

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

Subp. 4. [Repealed, 13 SR 2933]

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

A. projects involving outstanding irreplaceable resources or features of statewide or regional significance that are in danger of commercial (nonrecreational) development, subdivision, or other use that may be incompatible with outdoor recreation uses;

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

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

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

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

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

Subp. 5. [Repealed, 13 SR 2933]

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

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

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

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

Subp. 6. [Repealed, 13 SR 2933]

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

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

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

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

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

Subp. 7. [Repealed, 13 SR 2933]

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

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

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

Subp. 8. [Repealed, 13 SR 2933]

Subp. 8a. **NPS approval and notice of LAWCON grant award.** For any eligible project for which the Community Development Division has determined that federal LAWCON funds will be awarded, the Community Development Division shall request NPS approval of a LAWCON grant for the recommended project. The Community Development Division shall notify the applicant that the project has been recommended for a grant and will be submitted to the NPS for final approval. The Community Development Division shall also notify the applicant of the action taken by the NPS.

Subp. 9. [Repealed, 13 SR 2933]

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

Subp. 10. [Repealed, 13 SR 2933]

Subp. 11. [Repealed, 13 SR 2933]

Subp. 12. [Repealed, 13 SR 2933]

Statutory Authority: *MS s 86.71; 116J.035 subd 2; 116J.401 cl (5); 116J.406*

History: *13 SR 2933*

4310.8140 PROJECT AGREEMENT.

Upon approval by the NPS for LAWCON-funded projects and approval by

the Community Development Division for state-funded projects, the Community Development Division shall execute a project agreement with the applicant and the applicant shall comply with the terms of the project agreement.

Statutory Authority: *MS s 86.71; 116J.035 subd 2; 116J.401 cl (5); 116J.406*

History: *13 SR 2933*

4310.8150 DISBURSEMENT OF GRANT.

The applicant shall initially pay for the project costs as specified in the project agreement. The applicant shall submit to the Community Development Division a payment request for reimbursement of costs incurred in the completion of the project. In all cases, not more than four payment requests shall be submitted for the life of the project. Upon receipt of a payment request containing the documentation required in the project agreement, the Community Development Division shall audit the payment request documentation to determine the eligibility and propriety of the costs incurred by the applicant.

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

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

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

Statutory Authority: *MS s 86.71; 116J.035 subd 2; 116J.401 cl (5); 116J.406*

History: *13 SR 2933*

4310.8160 AMENDMENTS.

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

Statutory Authority: *MS s 86.71; 116J.035 subd 2; 116J.401 cl (5); 116J.406*

History: *13 SR 2933*

4310.8170 [Repealed, 13 SR 2933]

4310.8180 [Repealed, 13 SR 2933]

4310.8190 [Repealed, 13 SR 2933]

4310.8300 [Repealed, 13 SR 2933]