

07 NCAC 13K .0102 is readopted as published in 34:14 NCR 1287 with changes as follows:

### **07 NCAC 13K .0102 ELIGIBLE APPLICATIONS**

All county governments and incorporated municipalities of the State of North Carolina are eligible to submit applications. Public authorities, as defined by G.S. 159-7, are eligible applicants if they are authorized to acquire land or develop facilities for public recreation purposes. Eligible applicants may apply jointly for a project.

~~(1) Eligible applicants may apply jointly for a project.~~

~~(2) School administrative units may submit a joint application with an eligible applicant for funding of facilities.~~

*History Note: Authority G.S. ~~143B-135.66;~~ 143B-135.56;*

*Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Eff. April 1, 1995;*

*Amended Eff. August 1, 1998;*

*Temporary Amendment Eff. December 9, 2002;*

*Amended Eff. April 1, 2003;*

*Transferred from 15A NCAC 12K .0102 Eff. April 1, ~~2017-~~2017;*

*Readopted Eff. June 1, 2020.*

07 NCAC 13K .0103 is amended as published in 34:14 NCR 1287 with changes as follows:

**07 NCAC 13K .0103 FUNDING CYCLE**

Annual funding schedule dates shall be the following:

- (1) An announcement letter describing the funding schedule setting the application deadline and how to apply shall be mailed to all eligible ~~applicants~~ applicants, as described in Rule .0102 of this Section, by November 1. This information shall be made available to other interested parties who contact the Department of Natural and Cultural Resources (Department) at: NC Division of Parks and Recreation, 1615 MSC, Raleigh, North Carolina 27699-1615-27699-1615, as well as on the following website: <http://www.ncparks.gov/partf>.
- (2) Local governments Eligible applicants, as described in Rule .0102 of this Section, shall not request more than five hundred thousand dollars (\$500,000) in Parks and Recreation Trust Fund (PARTF) ~~PARTF~~ assistance with each application.
- (3) Applications shall be received by the Department or its designee or postmarked no later than ~~5:00 p.m.~~ of the deadline date stated in the announcement letter for the current grant cycle pursuant to Item (1) of this Rule. The Parks and Recreation Authority will set the deadline date for between January 31 and May 30. If the deadline falls on a weekend or holiday, applications shall be received by the Department or postmarked no later than ~~5:00 p.m. on~~ the following business day.
- (4) The Authority shall meet within 180 days of the application deadline to select projects for funding.

*History Note: Authority G.S. 143B-135.56; 143B-135.200;*  
*Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*  
*Eff. April 1, 1995;*  
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*Transferred from 15A NCAC 12K .0103 Eff. April 1, 2017;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;*  
Amended Eff. June 1, 2020.

07 NCAC 13K .0105 is readopted as published in 34:14 NCR 1288 with changes as follows:

### **07 NCAC 13K .0105 EVALUATIONS OF APPLICATIONS**

(a) In order for an application to be considered complete, an application shall include:

(1) Applicant's basic facts, such as applicant name and contact information;

(2) Description and justification for the project;

(3) Project costs;

(4) Source and amount of matching funds;

(5) Geographic location of the project;

(6) For projects that include the construction or renovation of facilities:

(A) Project site plan;

(B) Environmental review; and

(C) Certification of site control by the applicant's attorney, unless the construction or renovation is located on the property acquired as part of the project; and

(7) For projects that include the acquisition of land:

(A) Project conceptual plan;

(B) Identification and legal description of the property to be acquired;

(C) Valuation of the property to be acquired; and

(D) For donated property, a history of the property's conveyances.

~~(a)~~ (b) The Department shall review all applications for completeness. Each completed application shall be evaluated by the Department or its designee on the information provided in the application and in accordance with the PARTF criteria described in Paragraph (d) of this Rule. The Department shall make a recommendation to the Authority based on this evaluation. Incomplete applications shall be returned to the applicant.

~~(b)~~ (c) The Authority shall review the project evaluations and other relevant data prepared by the applicant and by Department staff. Based on its review, The the Authority shall determine which approve projects to approve for funding.

~~(c) If applicable to the project, the general criteria in Paragraph (d) of this Rule shall be addressed by the applicant. The Department or its designee shall review all applications for completeness. Incomplete applications shall be returned to the applicant.~~

(d) The following general criteria shall be used to evaluate projects- projects:

(1) New public- Public recreation facilities to be constructed or renovated as part of provided by the project;

(2) The degree Documentation of local recreational planning for the project; project and how the specific elements in the project conform to the plan(s);

(3) The acquisition or the conservation of unique-natural, cultural, recreational, or scenic resources;

(4) The level of public involvement in developing and supporting the project;

(5) The applicant's commitment to operating and maintaining the project; project, determined by the level of staff or volunteer participation devoted to operation and maintenance of the project; and

(6) The suitability of the site for the proposed project development.

(e) The Authority shall also consider the following factors to evaluate projects: the geographic distribution of projects, the presence or absence of other funding sources, the population of the applicant, the level of compliance with prior grant agreements, the amount of funds available, and the amount of funds requested.

*History Note: Authority G.S. ~~143B-135.66~~; 143B-135.56;*  
*Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*  
*Eff. April 1, 1995;*  
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*Readopted Eff. June 1, 2020.*

07 NCAC 13K .0106 is readopted as published in 34:14 NCR 1288 with changes as follows:

### **07 NCAC 13K .0106 GRANT AGREEMENT**

(a) Upon Authority approval, a written agreement shall be executed between the grant recipient(s) and the Department.

(b) The agreement shall define the Department's and grant recipient's responsibilities and obligations, the project period, project scope, and the amount of grant assistance.

(c) The approved application and support documentation shall become a part of the grant agreement.

(d) Projects judged to have a significant environmental impact, determined in accordance with the State Environmental Policy Act (SEPA), found in N.C. Gen. Stat. Chapter 113A, shall submit an environmental assessment to the State Environmental Review State-Clearinghouse for review. Any environmental review comments made received as a result of this submission State Environmental Protection Act (SEPA) application review requirements shall be addressed by the applicant prior to execution of the project agreement. Projects judged to have a significant environmental impact shall submit an environmental assessment as required by SEPA.

(e) The grant agreement may be amended upon mutual consent and approval by the Department and the grant recipient(s). In order to request an amendment, the The grant recipient(s) shall submit a written request to the Department. The Department shall approve the amendment if local circumstances justify the amendment request.

(f) Projects shall not begin until the Department and grant recipient(s) sign the agreement. However, if an applicant submits a written request for a waiver for a land acquisition project that requires action prior to the anticipated signing of the agreement, the Department may grant a waiver, with advice from the Authority. Projects may not begin until the Department and grant recipient(s) sign the agreement unless a waiver has been requested by the applicant in writing and approved by the Authority or its executive committee. Waivers may be granted only for land acquisition projects requiring action prior to the anticipated signing of the agreement. A waiver shall be in effect for 18-24 months from the date of approval. A project receiving a waiver shall not receive preferential treatment in funding decisions.

(g) Following execution of the grant agreement, the Department shall reimburse the grant recipient for expenditures related to the project scope, scope, as described in the grant agreement. All reimbursements shall be approved by the Department and shall total an amount that is less than or equal to the grant amount. The Department shall approve reimbursement requests for expenditures that are related to the project scope and occur during the project period. This provision is effective after the 2002-03 grant cycle.

(h) Complete accounting Accounting records that document all expenditures and requests for reimbursement including a certified project data sheet and performance report verifying eligible costs shall be submitted by the grant recipient(s) to the Department for approval prior to or at the time of the close-out inspection, inspection, as described in Rule .0110 of this Section. The Department shall approve the accounting when the records are consistent with the project agreement and budget.

*History Note:* Authority G.S. 143B-135.66; 143B-135.56;

*Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

1                   *Eff. April 1, 1995;*  
2                   *Amended Eff. August 1, 1998;*  
3                   *Temporary Amendment Eff. April 4, 2000;*  
4                   *Amended Eff. June 1, 2006; April 1, 2003; April 1, 2001;*  
5                   *Transferred from 15A NCAC 12K .0106 Eff. April 1, ~~2017~~ 2017;*  
6                   *Readopted Eff. June 1, 2020.*

07 NCAC 13K .0107 is readopted as published in 34:14 NCR 1288 with changes as follows:

### **07 NCAC 13K .0107 MATCHING REQUIREMENTS**

~~(a)~~ The applicant shall match PARTF funds on a dollar for dollar basis.

~~(b)~~ The appraised value of land that will be donated to the applicant may be used to match the PARTF grant.

~~(e)~~ (a) The donor of the any land must be an individual or private organization.

~~(d)~~ (b) If a landowner sells land to the applicant for less than the appraised value, the amount of the donation shall be is the difference between the appraised value and the amount paid by the applicant.

~~(e)~~ (c) The value of capital improvements that are located on the donated land and will be used for public recreation may be included in the value of the donation.

~~(f)~~ (d) Land that is transferred to the applicant due to a statute or rule shall is not be considered a donation.

~~(g)~~ (e) The applicant must receive a grant and sign the grant agreement before taking title to donated land. land, unless a waiver, as described in Rule .0106(f), has been approved.

~~(h)~~ Rule .0106 of this Section, of the PARTF administrative rules titled "Grant Agreement" also applies to donated land used as matching funds.

*History Note:* Authority G.S. 143B-135.66; 143B-135.56;

*Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

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07 NCAC 13K .0108 is readopted as published in 34:14 NCR 1288-1289 ~~with changes~~ as follows:

**07 NCAC 13K .0108 ELIGIBLE PROJECTS AND COSTS**

(a) PARTF grants ~~shall be~~ are awarded to grantees for projects that are for the sole purpose of providing local park and recreation opportunities to the public. Grantees may receive funds for the following types of projects:

(1) Acquisition. Fee simple acquisition of real property for future recreational development and to protect areas with natural or scenic resources.

(A) Grantees acquiring property for recreation development shall have up to five years from when the Authority and the applicant sign the grant agreement to begin developing recreation facilities.

(B) Grantees acquiring property to protect areas with natural or scenic resources must open these areas to the general public to the extent that the resources will not be impaired.

(2) Development. Projects for the construction, expansion, and renovation/repair of the following:

(A) Primary ~~facilities~~ facilities, including outdoor and indoor recreation facilities. Examples include camping facilities, picnic facilities, sports and playfields, trails, swimming facilities, boating/fishing facilities, spectator facilities, and gymnasiums.

(B) Support facilities and improvements such as roads, parking areas, accessibility features, utilities, landscaping, and other infrastructure ~~projects, projects~~ that would have little or no recreational value without the primary recreation facilities.

(b) Other criteria for determining eligible projects and costs include:

(1) Only development on or acquisition of a single project site or a contiguous trail corridor is eligible for PARTF assistance.

(2) Utility lines developed with PARTF assistance shall be placed underground.

(3) The following costs are eligible within the limits that are ~~identified~~ identified below:

(A) Land acquisition costs such as appraisals, surveys, title work, and attorney fees.

(B) Construction costs such as site planning, design drawings, construction drawings, preparing cost estimates, architectural and engineering fees, permits, construction management, and project inspection.

(C) The cost of preparing an application.

(D) The costs in Parts (A) through (C) of this Subparagraph shall not exceed 20 percent of the total cost of the ~~project~~ project or 20 percent of the maximum grant amount, whichever is less. These costs may be incurred within two years of the application deadline as well as during the project period.

(E) A contingency may be included in the development cost estimates, but shall not exceed five percent of total development ~~costs~~ costs or five percent of the maximum grant amount, whichever is less.

(4) PARTF-assisted facilities on school property shall not be recreational facilities ~~generally~~ provided by the school for the use of their students.



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*History Note:* Authority G.S. ~~143B-135.66;~~ 143B-135.56;  
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becomes effective, whichever is sooner;*  
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07 NCAC 13K .0109 is readopted as published in 34:14 NCR 1289 with changes as follows:

**07 NCAC 13K .0109 SITE CONTROL AND ~~DEDICATION~~ RESTRICTION**

(a) Land acquired with PARTF assistance shall be ~~dedicated-restricted~~ in perpetuity for local park and recreation purposes for the use and benefit of the general public. The ~~dedication-restriction~~ shall be recorded in the public property records by the grantee.

(b) The site of a PARTF project for development shall be controlled, controlled (e.g. such as through fee simple ownership or long-term lease) lease, by the grantee by the closing date of the application submission period. Any lease agreement shall extend for a minimum of 25 years unless the property is the subject of a federal, state, State, or local leasing arrangement which that provides assurance that 25 years of public recreational use will be maintained.

(c) Grantees shall assure that PARTF-assisted PARTF-assisted development facilities are maintained and managed for public recreation use for a minimum period of 25 years after the completion date set forth in the grant agreement.

(d) PARTF-assisted land and facilities shall not be converted to uses that are other than public recreation without approval by ~~DENR-the Department,~~ in the following manner:

(1) A grant recipient shall request approval from notify DENR-the Department and request approval before any conversion occurs.

(2) The grant recipient shall receive public comments for a period of 30 days regarding the proposed conversion and address comments received issues of local concern prior to forwarding a conversion request to ~~DENR-the Department.~~

(3) ~~DENR-The Department~~ shall deny the request if it determines that the grantee has reasonable alternatives available to avoid the conversion, approval would impede access to or result in a net loss of recreational opportunities for the surrounding community.

(4) All conversions shall be mitigated with measures determined by the Department and the grant recipient and approved by ~~DENR-the Department~~ with advice from the Parks and Recreation Authority.

(5) The primary mitigation measure for a conversion is to have the grantee replace, at its own expense, land acquired with PARTF assistance with land of equal current fair market value and recreational usefulness. Recreational usefulness shall be determined by public recreational need in the surrounding community by the grantee, with approval by the Department. Facilities built with PARTF assistance shall be replaced with facilities of equal current replacement value, and recreational usefulness. Replacement areas shall also also:

(A) be within the grantee's service area; jurisdictional boundaries;

(B) provide or be part of a viable recreation area; and

(C) be to the maximum extent possible, consistent with all current application requirements for a new PARTF application.

(6) Replacement property and facilities shall be encumbered by the same obligations as specified in the project agreement and rules of this Section for the converted property or facility.

(7) If ~~DENR-the Department~~ determines that the local government cannot ~~reasonably~~ replace the land or facilities, ~~DENR-the Department~~ may mitigate the conversion by the grantee repaying PARTF with funds equal to the current value of the land or facilities.

(8) ~~DENR-The Department~~ shall include provisions on conversions in all grant agreements.

~~(e) A conversion is defined as the use of PARTF assisted land or facilities for a purpose other than public recreation.~~

~~(f)(e)~~ If PARTF-assisted facilities are built on public school property, the applicant(s) shall submit an agreement with the application describing that the facilities will be available to the general public during non-school hours. Projects on land owned by a school shall have sign(s) installed informing the public that the facilities are open to the general public. These signs shall also ~~indicate-state~~ the times when the facilities are reserved exclusively for school use.

~~(g)(f)~~ Failure by the grantee(s) to comply with the ~~provisions-rules~~ of this Section or the project agreement may result, in addition to any other legal remedies, in the Authority ~~on behalf of the Department~~ declaring the grantee(s) ineligible for further participation in the PARTF until such time as compliance has been obtained.

*History Note: Authority G.S. ~~143B-135.66; 143B-135.56;~~*

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07 NCAC 13K .0110 is readopted as published in 34:14 NCR 1289 with changes as follows:

**07 NCAC 13K .0110      INSPECTIONS**

(a) The Department or its designee shall perform at least one progress inspection-inspections and a close-out inspection of the project site to ensure compliance with the grant agreement and eligibility of the grantee(s) for future program participation.

(b) Grantees will shall be responsible for conducting periodic inspections-inspections, occurring -(at at least one once every five years)-years, to ensure compliance with the grant agreement and Paragraphs (c) and (f) of 07 NCAC 13K .0109 .0109, and submitting an inspection form with an affidavit verifying its content to the PARTE program office.

(c) The Department or its designee will shall conduct random inspections to verify program compliance.

*History Note:*      Authority G.S. 143B-135.66; 143B-135.56;

*Temporary Adoption Eff. November 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

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