

**G.S. 150B-21.3A Report for 15A NCAC Subchapter 12K, PARKS AND RECREATION TRUST FUND GRANTS FOR LOCAL GOVERNMENT**

Agency - Department of Environment and Natural Resources

Comment Period - June 4, 2014 - August 10, 2014

Date Submitted to APO - Filled in by RRC staff - November 24, 2014

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SECTION .0100 - GENERAL PROVISIONS	15A NCAC 12K .0101	PURPOSE	Amended Eff. August 1, 1998	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 12K .0102	ELIGIBLE APPLICANTS	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 12K .0103	FUNDING CYCLE	Amended Eff. June 1, 2004	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 12K .0105	EVALUATION OF APPLICATIONS	Amended Eff. June 1, 2006	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 12K .0106	GRANT AGREEMENT	Amended Eff. June 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 12K .0107	MATCHING REQUIREMENTS	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 12K .0108	ELIGIBLE PROJECTS AND COSTS	Amended Eff. June 1, 2006	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 12K .0109	SITE CONTROL AND DEDICATION	Amended Eff. October 1, 2007	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 12K .0110	INSPECTIONS	Amended Eff. August 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

15A NCAC 12K Comments

Rule Citation	Commenter Name	Company/ Organization	Do I agree with the Agency's determination?	I would determine this rule's classification as...	Do I want to submit a written comment on this rule?	My comment type on this rule is...	Do I want to enter a comment, or submit a file?	Comment Text
15A NCAC 12K .0101	Dr. M A MEglaos	NCSU	Yes		Yes	Another type of comment	Enter a comment	Please consider specifying in Park definition that linear parks, greenways and other rail-to trail likeprojects are welcome and included in Grant request process.
15A NCAC 12K .0101	karla hammer knotts	taxpayer	Yes		Yes	An objection to the rule	Enter a comment	just because DENR is authorized to offer matching grants does not mean it has to. Rule should be re-written to remove the word 'will' and replace with 'may' or completely re-word: Annually, 30 percent of funds received from PARTF will be set aside to provide periodically grants to local governmental units for local construction of park and recreation facilities on a dollar-for-dollar basis. in addition a full and honest accounting of all PRTF funds received, funds held in reserve and funds expended should be readily & transparently available to the public - since it is not currently
15A NCAC 12K .0109	Karla Hammer Knotts	taxpayer	Yes		Yes	An objection to the rule	Enter a comment	DENR should be required to keep a list of grant recipients, the amounts, the amounts converted; and the replacements sites on the website for the public knowledge
15A NCAC 12K .0108	Karla Hammer Knotts	taxpayer	Yes		Yes	An objection to the rule	Enter a comment	section (a) is too broad. Needs to add: "PARTF grants are awarded to grantees for projects that are for the sole purpose of providing local park and recreation opportunities to the public, THAT ARE NOT CURRENTLY BEING PROVIDED" section (a) (2) (b) is too broad. limitations need to be placed on these 'non-recreational' costs not to exceed 5% of the grant Section (b) (3) is so broad as to open the door for corruption of the grant process. All costs listed need too be followed or proceeded by the word 'reasonable'. All costs eligible need to be paid to 3-rd party non-governmental units not to applicants. Item (c) needs to be deleted in whole. The cost of the grant writing should never be a reimbursable item.

15A NCAC 12K Comments

Rule Citation	Commenter Name	Company/ Organization	Do I agree with the Agency's determination?	I would determine this rule's classification as...	Do I want to submit a written comment on this rule?	My comment type on this rule is...	Do I want to enter a comment, or submit a file?	Comment Text
15A NCAC 12K .0103			Yes		Yes	An objection to the rule	Enter a comment	there is no reason to announce annually the 'funding' opportunity. using a specific date annually is sufficient and saves notification with out a required 'letter'
15A NCAC 12K .0105			Yes		Yes	An objection to the rule	Enter a comment	criteria D(5) is not specific enough. Criteria needs to include a detailed cost benefit analysis for the long term sustained maintenance & operations of the facility.

## **15A NCAC 12K .0101 PURPOSE**

### **Comment - (Karla Hammer Knotts):**

Just because DENR is authorized to offer matching grants does not mean it has to. Rule should be re-written to remove the word 'will' and replace with 'may' or completely re-word: Annually, 30 percent of funds received from PARTF will be set aside to provide periodically grants to local governmental units for local construction of park and recreation facilities on a dollar-for-dollar basis. in addition a full and honest accounting of all PRTF funds received, funds held in reserve and funds expended should be readily & transparently available to the public - since it is not currently.

### **Comment - (Dr. M.A. Megalo):**

Please consider specifying in Park definition that linear parks, greenways and other rail-to trail like projects are welcome and included in Grant request process.

### **Agency Response:**

We will consider these comments during the readoption process.

## **15A NCAC 12K .0103 FUNDING CYCLE**

### **Comment (Name unknown):**

There is no reason to announce annually the 'funding' opportunity. Using a specific date annually is sufficient and saves notification without a required 'letter'

### **Agency Response:**

We will consider this comment during the readoption process.

**15A NCAC 12K .0105 EVALUATION OF APPLICATIONS**

**Comment (Name unknown):**

Criteria D(5) is not specific enough. Criteria needs to include a detailed cost benefit analysis for the long term sustained maintenance & operations of the facility.

**Agency Response:**

We will consider this comment during the readoption process.

## **15A NCAC 12K .0108 ELIGIBLE PROJECTS AND COSTS**

### **Comment - (Karla Hammer Knotts):**

Section (a) is too broad. Needs to add: "PARTF grants are awarded to grantees for projects that are for the sole purpose of providing local park and recreation opportunities to the public, THAT ARE NOT CURRENTLY BEING PROVIDED" section (a) (2) (b) is too broad. limitations need to be placed on these 'non-recreational' costs not to exceed 5% of the grant Section (b) (3) is so broad as to open the door for corruption of the grant process. All costs listed need too be followed or proceeded by the word 'reasonable'. All costs eligible need to be paid to 3-rd party non-governmental units not to applicants. Item (c) needs to be deleted in whole. The cost of the grant writing should never be a reimbursable item.

### **Agency Response:**

We will consider this comment during the readoption process.

## **15A NCAC 12K .0109 SITE CONTROL AND DEDICATION**

### **Comment (Karla Hammer Knotts):**

DENR should be required to keep a list of grant recipients, the amounts, the amounts converted; and the replacements sites on the website for the public knowledge

### **Agency Response:**

We will consider this comment during the readoption process