

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE

**PROMUGALTION OF AMENDMENT TO
THE RULES AND REGULATIONS OF THE R.I. TRAILS ADVISORY COMMITTEE
FOR THE TRAILS IMPROVEMENTS GRANTS PROGRAM**

Pursuant to the provisions of R.I. Gen. Laws Chapters 42-17.1 as amended, and consistent with the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35, the Rhode Island Department of Environmental Management hereby gives notice of its intention to hold a public hearing in order to afford the public an opportunity to offer oral and written comment concerning its intention to promulgate an amendment to the *Rules and Regulations Governing the R.I. Trails Advisory Committee for the Trails Improvements Grants Program*, for new operating procedures for administering the Recreational Trails Program so as to provide and encourage the development and maintenance of recreational trails through the distribution of grants.

Written comments will be accepted at the offices of the Division of Planning and Development, Department of Environmental Management, 235 Promenade Street, Providence, Rhode Island 02908 on or before 9:00 a.m. on August 15, 2012. The public hearing will be held at the Foundry Building, Conference Room 300, 235 Promenade Street, Providence, Rhode Island 02908 commencing at 10:00 a.m. on August 15, 2012. The hearing room is accessible to the disabled. Interpreter services for the hearing impaired will be provided if such services are requested at least three (3) business days prior to the hearing. Requests for such services may be made in writing or by calling TTY (711) or (401) 222-5300. A tape recording of the hearing will be made, a copy of which shall be provided upon written request.

The Division has complied with the requirements of R.I. Gen. Laws Section 42-35-3 by considering alternative approaches to the proposed regulations and has determined that there is no alternative approach that would be as effective and less burdensome. DEM has also determined that the proposed regulations do not overlap or duplicate any other state regulation. The Division has also complied with the requirements of R.I. Gen. Laws Section 42-35-3.3 and 22-12-1.1 by determining that the proposed rules will not result in a significant adverse economic impact on small business or any city or town and by submitting copies of the proposed regulations to the Governor's Office, the State Budget office, and the Economic Development Corporation (EDC). The public hearing is being conducted to solicit comment on the proposals and to allow public input from small businesses or any cities or towns, which may nevertheless believe that they may be adversely affected. Small businesses are requested to comment on the proposed regulations on how the proposed action can be changed to minimize the impact on those small businesses affected.

A copy of the proposed regulations will be available for examination from July 16 through August 15, 2012 by mail or at the offices of the Division of Planning and Development, Department of Environmental Management, which are located at 235 Promenade Street, Providence, Rhode Island 02908, (401) 222-2776. Electronic copies of the proposed regulations will also be available on the Secretary of State's website at the following web address: <http://sos.ri.gov/ProposedRules/>.

Signed this sixteenth day of July, 2012.

Janet L. Coit, Director



**RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

Fact Sheet on Proposed Rulemaking

**RULES RELATED TO THE R.I. TRAILS ADVISORY COMMITTEE FOR THE
TRAILS IMPROVEMENTS GRANTS PROGRAM**

The primary purpose of the proposed *Rules* is to update the standards under which the Recreational Trails Program is administered. The Recreational Trails Program is a statewide program facilitated by DEM, in cooperation with DOT, to encourage the development and maintenance of recreation trails and trail related projects. The proposed *Rules* would provide guidance for the evaluation and award of grant requests for trail improvement projects.

The need for amended rules was first recognized by the RI Recreational Trail Advisory Committee their effort to comply with new Federal Highway Administration Guidelines for the Program. The existing Rules were developed in 1999 and current Program needs are not reflected in that version.

RULES & REGULATIONS GOVERNING THE RECREATIONAL TRAILS PROGRAM



**Department of Environmental Management
Division of Planning and Development**

EFFECTIVE: _____ 2012

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1 and 42-35 of the Rhode Island General Laws of 1956 as amended.

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**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
RULES AND REGULATIONS
GOVERNING THE RECREATIONAL TRAILS PROGRAM**

RULE 1.00 – AUTHORITY

As authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (“SAFETEA-LU”) and the Transportation Equity Act for the 21st Century (“TEA-21”). Pursuant to a cooperative agreement between the Rhode Island Department of Environmental Management (“DEM”) and the Rhode Island Department of Transportation (“DOT”), as amended, that established DEM as the Agency to administer the program in accordance with R.I. Gen. Laws § 42-17.1-1 and 42-35 et seq..

RULE 2.00 – PURPOSE

The purpose of these rules is to establish the operating procedures of administering the Recreational Trails Program (“RTP”). The RTP is authorized through its enabling legislation to encourage the development and maintenance of recreational trails through the distribution of grants to eligible entities as established in Section 8.01 (see below).

RULE 3.00 – TRAILS ADVISORY COMMITTEE

There shall be established a Trails Advisory Committee (“Committee”) to advise and assist the DEM in matters related to trail based recreation in Rhode Island. Agencies, organizations, and individuals having a role or interest in the planning, development, use, and maintenance of trails and trail facilities are eligible for membership on the Committee.

The Committee shall consist of no less than 5 nor more than 25 members selected to represent constituent groups concerned with trail based outdoor recreation.

Committee members shall be appointed by the Director of the Rhode Island Department of Environmental Management (“Director”). Eligible organizations or individuals may register their interest in membership, in writing, with the Director; organizations may nominate individuals for appointment. The Director may appoint those nominated provided there are vacancies on the Committee.

Appointment terms shall not exceed five (5) years although members may succeed themselves and serve consecutive terms. The Director, at his/her discretion, may replace Committee members who have missed three (3) consecutive meetings, provided that the member is notified in writing.

RULE 4.00 – OFFICERS

There shall be officers of the Committee as follows: the Chairperson of the Committee shall be the Chief of the DEM Division of Planning and Development or his/her designee. The Chairperson may elect a designee to appear and vote at Committee meetings on his/her behalf. There shall be a Vice-Chairperson appointed by the Chair at the first regular meeting of each calendar year.

RULE 5.00 - TRAIL ADVISORY COMMITTEE DUTIES

Duties of the Committee shall be to advise the DEM on the distribution and administration of recreational trail grants as well as other trail issues including supply and demand, trail safety, and trail user education and safety needs.

RULE 6.00 – MEETINGS

All Committee meetings and records will be consistent with the Open Meetings Act (R.I. Gen. Laws § 42-46-1 et seq.) and the Access to Public Records Act (R.I. Gen. Laws § 38-1 et seq.).

The Committee shall establish a schedule for meetings at the beginning of each calendar year. The Committee shall meet at least once per year. The Chairperson may call special meetings or cancel regular meetings at any time by notifying members as soon as is reasonably possible and in accordance with the Open Meetings Act.

Appointed members shall be eligible to vote on issues related to the distribution of recreational trail grant funds. All votes held at meetings shall be decided by a majority vote of Committee members present. A quorum shall consist of no less than fifty one percent (51%) of Committee members.

RULE 7.00 – ALLOCATION OF FUNDS

The Committee may, by majority vote, create project categories and allocate funding available in grants to these project categories. The Committee may adjust allocations between categories at any time, by majority vote, at a regularly scheduled meeting.

The Committee may establish the minimum and maximum amounts of funding to be awarded to an applicant or project within any funding period or for any project category.

RULE 8.00 – RECREATIONAL TRAIL GRANTS

8.01 Eligibility

Eligible applicants are state and municipal government agencies, organizations incorporated pursuant to R.I. Gen. Laws § 7-6-1, et seq., organizations meeting the definition of charitable trust as defined in R.I. Gen. Laws § 18-9-4, or organizations duly existing as a non-profit organization among whose purpose is the preservation and

development of recreational trails. All non-profit organizations must have been granted at least preliminary status under 501 (C) (3) IRS Tax code.

8.02 Eligible Projects

Projects eligible for funding include land and water trails that are available to the general public without distinction as to membership, residency, or other status. Reasonable restrictions on the season, times, level, and types of use are permitted where necessary for trail maintenance and/or preservation. Proposed restrictions must be approved by the Committee and applied in a non-discriminatory manner.

Reasonable fees may be charged for the use of publicly available trails provided that all fees and fee systems conform to requirements of 49 CFR § 18.25(a), (g)(3), and (h), as dictated in Part 1 of the Recreational Trails Program Guidance regarding the use of federally assisted public outdoor recreation facilities and areas. Proposed restrictions and fees must be described in the grant application.

All information or documentation specified or requested must be provided in the application package including, but not limited to:

- Project location, description, and purpose;
- Limitations to access or use;
- Project costs and funding: including labor, material, and grantees contribution (match) toward project expenses;
- Project assurances that the applicant can/will comply with RTP requirements;
- Project endorsement by the property owner;
- Map of the proposed project area.

RULE 9.00 – APPLICATION PROCEDURE

9.01 Application Forms

The application form(s) shall be developed and approved by the Committee to qualify the applicant for funding consideration. The Committee may amend the application form(s) as necessary through majority vote.

9.02 Filing Applications

Application forms shall be available for download on the DEM website as well as by request from DEM/Planning & Development.

Applications shall be filed with the Committee, c/o DEM/Planning & Development or as designated on the application form. The grant application shall be submitted within the time period specified within the application.

The Committee shall review applications for consistency with the Rules and Regulations governing the RTP. Incomplete applications will not be considered for funding.

RULE 10.00 – APPLICATION REVIEW & AWARD

10.01 Grant Evaluation

The Committee will meet periodically to review applications. The applications shall be evaluated and prioritized for funding using criteria developed by the Committee for each project category. For this purpose, the Committee Chairperson may appoint a Grant Scoring Subcommittee (“Subcommittee”).

10.02 Grant Ranking

Upon completion of application review and scoring the Committee shall determine recommendations for funding. The Committee may consider the relative amounts of money requested in the various applications in order to maximize the distribution of funding appropriated to the RTP.

10.03 Grant Awards

Upon completion of grant evaluation and scoring, the Committee, by majority vote, shall approve a list of recommended grant awards and provide it to the Director.

RULE 11.00- ADMINISTRATIVE FINDINGS

The current Rules and Regulations governing the RTP require updating in order to be consistent with current standards and requirements. Promulgation of these recodified Rules and Regulations will bring the RTP in line with changes in the enabling legislation on the federal level.

RULE 12.00- APPLICATION

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the DEM to effectuate the purposes of federal and state laws, goals, and policies.

RULE 13.00- SEVERABILITY

If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

RULE 14.00- SUPERSEDED RULES AND REGULATIONS

On the effective date of these Rules and Regulations, all previous Rules and Regulations and any policies regarding the administration of the RTP shall be superceded. However, any outstanding grants, or applications submitted to the DEM prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the grant or application was filed.

EFFECTIVE DATE

The foregoing “Rules and Regulations Governing the Recreational Trails Advisory Program,” after due notice and an opportunity for hearing, are hereby adopted and filed with the Rhode Island Secretary of State this _____ day of _____, 2012, and become effective twenty (20) days after filing, in accordance with the provisions of R.I. Gen. Laws §§ 42-17.1-1, et seq. and 42-35-1 et seq..

Janet L. Coit, Director
Rhode Island Department of Environmental Management

Notice given on: _____, 2012.

Hearing held on: _____, 2012.

Effective: Twenty (20) days after the above-mentioned date of filing with the Rhode Island Secretary of State.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

TO: Todd Leveille, RI Department of Administration, Budget Office
Sharon Savicki, RI Department of Administration, Budget Office

FROM: Lisa Primiano, Deputy Chief
Office of Planning and Development, Department of Environmental Management

DATE: 7/12/12

SUBJECT: **Fiscal Note Review**
Proposed new *Rules Related to Recreational Trails Program*

Enclosed for your review and in accordance with Rhode Island General Laws § 22-12-1.1, RIDEM is requesting a Fiscal Note review for the new proposed *Rules Governing the Recreational Trails Program*.

The primary purpose of the proposed *Rules* is to clarify and provide guidance for the review and award of grants to municipalities and non-profit Organizations for trail improvement projects. This program has a positive fiscal impact, paying 80 percent of eligible trail improvement costs and has resulted in more than \$508,000 for trail construction projects and for trail maintenance equipment in 2010 and more than \$76,000 for 46 trail improvement projects from 2010 to 2012.

If you have any questions or comments on the proposed regulations, please contact Gregg J. Cassidy in the Office of Planning & Development at 222-2776, Extension 4310.

Enclosure

**State of Rhode Island and Providence Plantations
Department of Administration
Budget Office**

Fiscal Note for Proposed Administrative Rules (R.I.G.L. 22-12-1.1)

Name of Administrative Rule: *Rules Related to Electronic Document Submissions*

Date of Notice: July 13, 2012

Date of Hearing: August 14, 2012

RIGL: The *Rules Related to Electronic Document Submissions* is adopted in accordance with Chapter 42-17.1, Environmental Management Department, and Chapter 42-127.1, Uniform Electronic Transactions Act, in accordance with 42-35, Administrative Procedures Act, of the Rhode Island General Laws of 1956 (“RIGL”), as amended.

FISCAL IMPACT

	<i>State Revenues</i>		<i>State Expenditures</i>		<i>City/Town Expenditures</i>
FY 2011	\$731,344	FY 2011		FY 2011	\$182,836
FY 2012	\$127,547	FY 2012		FY 2012	\$31,887
FY 2013	\$14,835	FY 2013	\$0	FY 2013	\$3,709

Summary of Rule Change:

The primary purpose of the proposed *Rules* is to clarify and provide guidance for the review and award of grants to municipalities and non-profit Organizations for trail improvement projects. The proposed *Rules* would provide eligible municipalities and non profit organizations with guidance regarding rules and procedures governing the Recreational Trails Advisory Committee.

Summary of State Fiscal Impact:

The RIDEM has determined that revising the rules governing the Recreational Trails program can be accomplished with no effect on state revenues and expenses as the necessary RIDEM staff resources are in place to administer the program.

Summary of City or Town Fiscal Impact:

The proposed *Rules Related to the Recreational Trails Program* do not impose any new requirements on existing cities and towns and therefore no fiscal impact on cities or towns is anticipated.

Approved:

Thomas Mullaney
Executive Director/State Budget Officer

Date



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

TO: Peter Dennehy, RI Department of Administration
Sherrri Lynn Carrera, RI Economic Development Corporation
Rita Menard, Governor's Legal Office

FROM: Lisa Primiano, Deputy Chief
Office of Planning & Development
Department of Environmental Management

DATE: July 12, 2012

SUBJECT: **Economic Impact and Regulatory Flexibility**
Proposed new *Rules & Regulations Governing the Recreational Trails Program*

Enclosed for your review, in accordance with Rhode Island General Law 42-35.1 (REG-FLEX), are proposed new *Rules & Regulations Governing the Recreational Trails Program*.

Authority:

The *Rules & Regulations Governing the Recreational Trails Program* is adopted in accordance with Chapter 42-17.1, Environmental Management Department, and Chapter 42-127.1, Uniform Electronic Transactions Act, in accordance with 42-35, Administrative Procedures Act, of the Rhode Island General Laws of 1956 ("RIGL"), as amended.

Summary of Proposed New Rule:

The primary purpose of the proposed *Rules* is to update the standards under which the Recreational Trails Program is administered. The Recreational Trails Program is a statewide program facilitated by DEM, in cooperation with DOT, to encourage the development and maintenance of recreation trails and trail related projects. The proposed *Rules* would provide guidance for the evaluation and award of grant requests for trail improvement projects.

Economic Impact:

Per RIGL § 42-35.1-3

- 1) "An identification and estimate of the number of small businesses subject to the proposed regulation."

The need for new rules was first recognized by the RI Pollution Discharge Elimination System Program staff at RIDEM in their effort to comply with new EPA requirements for receiving discharge monitoring reports; however, the proposed *Rules* were written broadly so that any RIDEM program that decides to create an electronic document receiving system can do so by posting the availability of the system and the system requirements on the RIDEM website. An estimate of the number of small businesses that will eventually utilize the option to submit documents electronically can not be identified at this time.

- 2) “The projected reporting, record keeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.”

The proposed *Rules* do not impose any new requirements for compliance on small businesses that would involve additional reporting, record keeping or other administrative costs. The proposed *Rules* pertain to the way in which documents are submitted to the department and offer an alternative to paper submissions.

- 3) “A statement of the probable effect on impacted small businesses.”

Small businesses will not be impacted by the proposed *Rules* as the rules do not impose any new requirements on small business and offer an alternative to the way in which documents are submitted to the department.

- 4) “A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.”

The proposed *Rules* do not impose any new requirements on small business and offer an alternative that may lead to cost savings through reduction or elimination of document reproduction and mailing costs.

Regulatory Flexibility:

Per RIGL § 42-35.1-4

- 1) “The establishment of less stringent compliance or reporting requirements for small businesses.”

The proposed Rules do not impose any new compliance or reporting requirements on small businesses.

- 2) “The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.”

The proposed Rules do not impose any new schedules or deadlines for compliance or reporting requirements for small businesses.

3) “The consolidation or simplification of compliance or reporting requirements for small businesses.”

The proposed *Rules* do not impose any new compliance or reporting requirements on small business and offer an alternative to the way in which documents are submitted to the department.

4) “The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation.”

The proposed *Rules* do not require any new design or operational standards of small businesses.

5) “The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.”

The proposed *Rules* do not impose any new requirements on small businesses.

If you have any questions or comments on the proposed regulations, please contact Gregg J. Cassidy in the Office of Planning & Development at 222-2776, Extension 4310.

Rules and Regulations of the
Rhode Island Trails Advisory Committee

For the Trails Improvements Grants Program

for the

State of Rhode Island and Providence Plantations

Department of Environmental Management

Division of Planning and Development

April 1999

The Rhode Island Trails Advisory Committee

Rhode Island Department of Environmental Management

Division of Planning and Development

235 Promenade Street

Providence, R.I. 02908

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Rules and Regulations of the
Rhode Island Trails Advisory Committee

1:00 Authority and Purpose

1:01 Authority

The Transportation Equity Act for the 21st Century (TEA-21) authorized the Recreation Trails Program as a federal-aid highway program and codified it in 23 U.S.C. 206. The Recreational Trails Program replaced the National Recreational Trails Funding Program. Consistent with the Cooperative Agreement between the DEM and DOT, dated January 3, 1997, the Rhode Island Department of Environmental Management will be the agency designated to receive and oversee the spending of funds under the Recreational Trails Program and implementing the State's program pursuant of RIGL 42-17.1 et seq.

1.02 Purpose

These rules establish the operating procedures of the Rhode Island Trails Advisory Committee for administering the Recreational Trails Program. The Recreational Trails Program (RTP) is by law intended to encourage the development and maintenance of recreational trails and trail related projects by making available grants to state agencies, municipalities, incorporated non-profit land trust and other incorporated conservation and outdoor recreation organizations.

2:00 Trails Advisory Committee

2.01 Committee Established

Consistent with the Recreational Trails Program (RTP) there is hereby established a Rhode Island Trails Advisory Committee to advise and assist the Department of Environmental Management (the Department) in matters relating to trail based outdoor recreational services and trail grant fund distribution.

2.02 Membership

The Trails Advisory Committee shall have no more than 25 and no fewer than 15 members, selected to provide balanced representation of the interest of various trail-users constituencies and of the views of federal, state and local governments and others concerned with trail based outdoor recreation. Agencies, organizations and individuals having a purpose or interest in the planning, development, usage and maintenance of trails and trail facilities are eligible for membership on the committee. Such groups, agencies or individuals may register their interest in membership with the Department of Environmental Management, and may be invited by the Department to nominate members for appointment. The Department will appoint individuals from those nominated or those individuals otherwise eligible. Committee members shall be appointed by the Department for terms not exceeding 5 years and may succeed themselves.

2.03 Duties

Among the duties of the Committee shall be: Provide advise to the Department on trail recreation supply and demand, trail facilities availability and need, trail recreation issues and problems, trail safety, and trail user education and information needs and on such other trail recreation related matters as the Department may from time to time request.

2.04 Regular Meetings

The Trails Advisory Committee shall establish a schedule for regular meetings at the beginning of each calendar year.

2.05 Special Meetings

The Chairperson may call special meetings or cancel regular meetings at any time by notifying members and posting of notice, as provided in part 2.06.

2.06 Notice of Meeting

Notices of meetings and agendas will be posted at the Planning and Development Office of the Department of Environmental Management and at the Rhode Island State House library lobby not less than forty-eight hours prior to each meeting.

2.07 Open Meetings

All Committee meetings and records shall be consistent with the Open Meetings Law (Chapter 42-46 of the General Laws) and the Public Records Act (Chapter 38-1 of the General Laws).

3.00 Allocation of Funds

3.01 The Committee may by majority vote create project categories and allocate the specific money available in any grant round to these project categories. The Committee may adjust allocations to any category at any time by a majority vote of the Committee at a regular scheduled Committee meeting.

3.02 The Committee may establish the minimum and maximum amounts of funding which may be applied for, or awarded to, an individual applicant, or project within any funding round or within an individual category.

4.00 Application Procedure for each Selection Round

4.01 Application Form

The form that shall qualify an applicant for consideration shall be the form designated " Trails Improvement Grant Application" and approved by the Committee. The Committee may by majority vote amend the "Application".

4.02 Availability of Application Forms

Application forms shall be available to state agencies, municipalities, incorporated land trust and incorporated land preservation and outdoor recreation organizations on request from the Department of Environmental Management, Division of Planning and Development.

4.03 Filing of Applications

Applications shall be filed with the Trails Advisory Committee, c/o the Department of Environmental Management, Division of Planning and Development, 235 Promenade Street, Providence, R.I. 02908, or such other address as the Committee designates in the application form instructions.

4.04 Application Package

The application package shall contain an affidavit to be signed by the owner of the property (or a representative, if the owner is a state agency or municipality) indicating approval of the application.

4.05 Application Submission

Grant applications must be submitted within the time period specified within the application. The Committee will meet, but not less than once a month to consider applications.

4.06 Application Review

The Committee shall review the applications and disqualify those that fail to meet the minimum eligibility criteria or which are incomplete. Those applications that have been disqualified shall be so notified. The Committee shall act on all applications in a timely manner and in no case shall the Committee take more than 60 days after the submission to inform an applicant of its decision.

4.07 Minimum Eligibility Criteria An application shall be deemed eligible for evaluation only if it satisfies the following criteria: a) the applicant is either an agency of the State of Rhode Island, a municipality of the State of Rhode Island, Indian Tribe, or is an organization incorporated pursuant to Chapter 7-6 of the General Laws of Rhode

Island, as amended, an organization meeting the definition of "charitable trust" set out in section 18-9-4 of the General Laws of Rhode Island, as amended, or an organization duly existing as a non-profit organization of another state or District of Columbia, among whose purpose is the preservation and development of recreation trails. Further all such organizations must have been granted at least preliminary status as a tax-exempt corporation under 501 (C) (3) of the Internal Revenue Code and its regulations, as they not exist or may herein be amended. b) The property for which a grant is sought includes all or a portion of a publicly available recreational trail; either existing or to be developed with funding provided by the grant. A publicly available trail is a trail which is available for usage by the general public without distinction as to membership, residency or other status. Reasonable restrictions on the seasons, times levels and types of usage of publicly available trails are permitted where necessary for maintenance or preservation. Proposed restrictions must be approved by the Committee and applied in a non-discriminatory manner. Reasonable fees may be charged for the use of publicly-available trails, provided that all fees and fee systems must conform to the requirements of section 675.9.2.b of the Land and Water Conservation Fund Grant Manual of the U.S. Department of Interior, National Park Service, governing fees for usage of federally assisted public outdoor recreation facilities and areas. Proposed restrictions and fees must be described in the application. c) Provide evidence of the applicant's governing board's consent to making application and to its commitment to abide by the representations made in the application, or the applicant's intention to obtain this consent prior to the grant award . d) Contains all information and supporting documentation specified or requested in the application package. e) Satisfactory documents sources and availability of the required applicant match. f) If grant is for new development, applicant must provide documentation of ability and agreement to provide maintenance and upkeep.

5.00 Evaluation and Award

5.01 Evaluation- The Committee shall evaluate the applications received, utilizing that, criteria included in the Scoring Sheets (Appendix A) and for consistency with Committee objectives as established for Project Categories. Additionally, the Committee shall review all approved applications and attempt to distribute awards geographically throughout the State. For this purpose the Committee Chairman may appoint an Application Scoring Sub-Committee.

5.02 Awards- Once the Committee or Sub-Committee has reviewed and scored all of the applications, it shall determine which applications will receive grant recommendations. The Committee may consider the relative amounts of money requested in the various applications, in order to maximize use of the limited amounts appropriated to the program. Upon completion of all scoring activities the Committee by majority vote approves a recommended grant award and shall provide to the Director of the Department of Environmental Management a list of recommendations. This amount of the grant awards on the list of recommendations may not exceed the amount of funds available to be awarded. Within 10 working days of receiving these recommendations, the Director shall review the Committee's recommendations and notify the successful applicants. The final decision shall be the Director's, however if the Director determines not to award a specific grant as recommended, he shall notify the committee of that decision in writing , giving reasons for the decision.

6.0 Severability

If any section, paragraph, phase, sentence or clause of these rules and regulations is declared invalid or unconstitutional for any reason, the remainder of the rules shall not be affected thereby.