

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Office of Kentucky Nature Preserves

4 (Amendment)

5 418 KAR 1:040. Grant applications.

6 RELATES TO: KRS 146.550-146.570, 382.800-382.860

7 STATUTORY AUTHORITY: KRS 146.560(2), 146.565

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.560(2) authorizes [~~requires~~]
9 the cabinet, with approval of the board to promulgate administrative regulations necessary for the
10 application for funds from agencies identified in KRS 146.570, review and approval of projects and
11 grants, and acquisition of land. This administrative regulation establishes the procedures for review
12 and approval of grants funded to private non-profit land trust organizations, state agencies, local
13 governments, and state colleges and universities pursuant to KRS 146.570(4)(a)-(f).

14 Section 1. Application.

15 (1) A state agency, local government, state college or university, or LTO seeking a grant
16 pursuant to KRS 146.570(4)[~~(f)~~] shall submit to the board a completed grant application package.

17 (2) The application package shall include:

18 (a) A cover letter;

19 (b) The Kentucky Heritage Land Conservation Fund Board Grant Application Form, HL-1A;

20 (c) Location map;

21 (d) Site or project description;

1 (e) Preliminary Resource Management Plan, HL-1C, using the Preliminary Resource
2 Management Plan Instructions, HL-1B;

3 (f) Copy of the portion of a 1:24,000 topographical map showing the approximate project
4 boundaries; and

5 (g) Project costs worksheet.

6 (3) Money expended by an applicant in connection with a denied application for funds, a
7 grant, or project under this section shall not be reimbursed to the applicant.

8 (4) An applicant shall not supply false or misleading information to the board and shall
9 provide to the board verification that all information in the grant application is true and accurate.

10 (5) Grant applicants may submit joint applications. The preliminary RMP for a joint
11 application shall specify which entity will perform each aspect of management. Each joint applicant
12 shall remain responsible for all aspects of management.

13 Section 2. Review of Application.

14 (1) After reviewing the report received from the Projects Review Committee pursuant to 418
15 KAR 1:020, Section 6(2)(a), each board member shall review the application package and evaluate
16 it based on:

17 (a) If the fund contains adequate money to fund the proposed project;

18 (b) If the proposed project meets one (1) or more of the priorities for acquisition listed in
19 KRS 146.560(2)(a) through (d);

20 (c) If the proposed acquisition is one (1) of the areas referred to in KRS 146.565;

21 (d) The completeness and accuracy of the application package;

22 (e) If the preliminary RMP furthers the purposes of KRS 146.550 through 146.570;

1 (f) The applicant's ability to complete the acquisition and manage the land consistent with
2 the preliminary RMP;

3 (g) The significance of the natural and educational resources on the project site;

4 (h) The prevalence of this type of project and project site in public systems; and

5 (i) The threat of loss or degradation of the project site if not protected.

6 (2) The board:

7 (a) Shall approve or deny a grant application by the vote of a majority of those present at a
8 meeting at which there is a quorum; and

9 (b) May amend or attach conditions to the approval of a grant application.

10 (3) Consideration of a grant application may be carried over from meeting to meeting, and
11 the board may decline to approve a grant application at a given meeting.

12 (4) The board may, itself or through the office, verify the accuracy of the information in a
13 grant application and make further investigation of the merits of a proposed acquisition.

14 (5) The board shall mail to the applicant, within fifteen (15) days of board action, written
15 notice of the approval or denial of a grant application and, if denied, the reasons for denial.

16 Section 3. Agreements. Funds shall not be disbursed until the applicant has entered into a
17 written agreement with the board that requires the applicant to comply with:

18 (1) The requirements of KRS 146.550 through 146.570;

19 (2) 418 KAR Chapter 1;

20 (3) The application;

21 (4) A conservation easement or deed restriction that pertains to the project site; and

22 (5) The latest RMP approved by the board.

23 Section 4. Incorporation by Reference.

1 (1) The following material is incorporated by reference:

2 (a) "Kentucky Heritage Land Conservation Fund Board Grant Application Form", HL-1A,
3 July 2018;

4 (b) "Preliminary Resource Management Plan Instructions", HL-1B, July 2018; and

5 (c) "Preliminary Resource Management Plan Template", HL-1C, July 2012.

6 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law,
7 at the office of the Kentucky Heritage Land Conservation Fund, 375 Versailles Road, Frankfort,
8 Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

DRAFT