

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

670 BUREAU OF PARKS AND LANDS

OFF-ROAD RECREATIONAL VEHICLE OFFICE

Chapter 10: RULES FOR SNOWMOBILE DISASTER RELIEF GRANT-IN-AID PROGRAM

SUBCHAPTER 1: DISASTER RELIEF GRANT-IN-AID PROGRAM

SECTION 1. DESCRIPTION

Title 12 M.R.S.A., Chapter 220, authorizes the Bureau to award grants to snowmobile clubs to maintain snowmobile trails. This rule set forth the Bureau's procedures for making disaster relief grants-in-aid available to snowmobile clubs or political subdivisions for the remediation of catastrophic events that significantly impact the connectivity of the Interconnected Trail System (ITS).

SECTION 2. ELIGIBILITY

Any snowmobile club in good standing with Maine Secretary of State's Division of Corporations, or political subdivision properly registered with the Off-road Recreational Vehicle Program (hereinafter referred to as "the Applicant") is eligible to apply for this grant.

SECTION 3. FUNDING

1. The Bureau's goal at the end of each fiscal year is to carry a cash balance in the Snowmobile Trail Fund (STF) that is equivalent to 10% of revenue (actual revenue averaged for the past three years).
2. Any funds carried over that exceed the STF target of 10% of revenue, will be transferred and allocated to the disaster relief grants-in-aid fund to a maximum \$100,000, if approved by the Bureau's administration.
3. In any year that the STF carry forward balance does not meet the 10% target described above, no money will be transferred into the disaster relief grant program fund.
4. The Snowmobile Advisory Council ("Council") will recommend the amount of funds available for disaster relief grants-in-aid by August 15th each year. That amount cannot exceed \$100,000.
5. Any funds that are allocated to the disaster relief grants-in-aid fund but not spent during the fiscal year, will carry forward into the next fiscal year.
6. In any year in which the disaster relief grants-in-aid fund retains \$100,000 and the balance carried over in the STF exceeds the target of 10% of revenue, those excess funds

will be used to increase the amount available for club and municipal trail grants administered under Title 12, M.R.S.A., Chapter 220, Section 1893-3.

SECTION 4. GRANT A WARD CONDITIONS

1. Grants will be awarded for unforeseen, catastrophic events on ITS trails. Grants will not be awarded for damage that is the result of substandard maintenance practices. Repairs or replacement shall be to pre-disaster functional condition. The list of qualifying projects includes, but is not limited to:
 - A. Catastrophic bridge failure replacement/restoration due to a weather event.
 - B. Erosion remediation that is necessary due to storm damage.
 - C. Vegetation management needed due to a storm event.

SECTION 5. GRANT APPLICATION/GRANT AGREEMENT

1. Grant Applications must be post-marked after August 15th 2014 and must be submitted within 60 days after the weather event. Applications must be submitted on forms provided by the Bureau and contain all of the information required by these rules.
2. Applications must include the following:
 - A. A description of the catastrophic event.
 - B. A project description that includes a detailed description of completed/proposed work.
 - C. The estimated/actual cost of materials, equipment, labor, etc. needed to complete the proposed work.
 - D. Copies of all required state, federal and local permits.
 - E. Pictures of damage and completed restoration.
 - F. A map showing the location of the project.
 - G. The identity of a Nonpoint Source DEP certified contractor who will supervise project activity in resource protection areas (shoreland zone, wetlands, etc.).
 - H. The written permission of any landowner impacted by bridge and erosion repair projects.
3. The Snowmobile Advisory Council will review applications for grants within 60 days of the date the application is post marked. The Council then will submit its recommendation of award or denial to the Director of the Off-road Recreation Vehicle Office.

SECTION 6. REIMBURSEMENT

1. Projects will be funded on a reimbursement basis and will be expected to be completed within the fiscal year of the award unless an extension is requested in writing, on forms provided by the Off-road Recreational Vehicle Program and approved by the Council prior to the end of the fiscal year.
2. Grants will be awarded to a maximum of \$20,000 but the award cannot exceed 70% of the total project cost.
3. The following expenses are eligible for partial reimbursement:
 - A. Administrative costs incurred in obtaining land use permits, preparing grant material, reimbursement requests, etc.
 - B. Materials, equipment and labor costs for bridge replacement due to a catastrophic event.
 - C. Materials, equipment and labor costs for repairing erosion caused by storm damage.
 - D. Equipment and labor costs for vegetation management needed due to storm damage.
4. The following expenses are not eligible for reimbursement:
 - A. Costs of restoring or replacing items that were insured or were insurable.
 - B. Costs of restoring or replacing items that were covered by other disaster relief organizations or programs (e.g., Federal Emergency Management Agency).
 - C. Damage due to substandard maintenance practices, including beaver damage.
 - D. Fees paid for land use permits, fines for Department of Environmental Protection/Land Use Planning Commission violations or general club trail administration.

SECTION 7. PROCESSING OF APPLICATIONS

All applications will be processed and reviewed in the order in which they are received by the Bureau. When the disaster relief program funds are exhausted for the fiscal year, the awarding of grants will cease.

SECTION 8. RETURN OF APPLICATION

When an application is approved and a grant awarded by the Council, the Bureau will return one fully-executed original to the applicant.

SECTION 9. REIMBURSEMENT REQUESTS

1. Requests for reimbursement must be postmarked by April 15th of the fiscal year in which the application is approved and a grant awarded except as provided in §6(1).
2. Requests for reimbursement must be supported by legible copies of all receipts demonstrating the payment of expenditures reported, or a copy of the town warrant on which the payment was made.
3. Requests for reimbursement must include all expenses incurred during the period covered. No expenses may be carried over and submitted with another request or submitted to another grant program.
4. Requests for reimbursement that include worksheets provided by the Bureau must be legible. The director of the project for which reimbursement is sought must verify all work that has been performed and all purchases made.
5. Requests for reimbursement must include a signature of a person authorized to do so for the club or political subdivision.

SECTION 10. DESIGN, CONSTRUCTION & MAINTENANCE

All projects must comply with the Bureau's Best Management Practice (BMP) Guidelines for the maintenance of trails.

Any request to deviate from these guidelines must be made part of the application. The Bureau may waive compliance with specific provisions of the BMP Guidelines when it determines that waiver is in the best interest of the State. Written waivers must be in writing and provided to the applicant to be effective.

An applicant for a project over \$10,000 that includes the repair or reconstruction of a bridge must submit a design for the site that has been certified by a licensed engineer.

SECTION 11. LIABILITY AND INDEMNIFICATION

Upon request by the State, the applicant shall indemnify, defend, save and hold the State and its employees harmless from and against any claims, losses, liabilities, costs, expenses, damages or other obligations of any nature in any way arising out of or in connection with the use, occupation, construction, development, repair or maintenance of any property, facilities or equipment used in connection with the facilities funded under this Agreement. Upon request of the State, the Applicant shall, at its own cost and expense, provide and keep in force comprehensive general public liability insurance against claims for personal injury, death or property damage occurring on, in or about any property or facilities funded under or used in connection with this Agreement, or respecting the use of any vehicle or equipment used in connection therewith. Any such insurance shall be in an amount, form and content determined from time to time by the State, shall include the State as a named insured at the State's request, and shall be carried by responsible companies satisfactory to the State. The State may at any time inspect any facilities or equipment used in connection with this Agreement.

STATUTORY AUTHORITY: 12 MRS ch. 220 §1893-3

EFFECTIVE DATE:

August 29, 2015 – filing 2015-156