

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATION**

**CHAPTER 391-1-4
GEORGIA GREENSPACE PROGRAM**

TABLE OF CONTENTS

391-1-4-.01	Applicability and Scope of These Rules		First Becoming Eligible to Participate, or Following a Break in Participation
391-1-4-.02	Definitions		
391-1-4-.03	Program Purpose	391-1-4-.11	Continuation of a Previously Approved Community Program
391-1-4-.04	Calculation and Allowable Uses of Protected Greenspace		
391-1-4-.05	Duties of the Georgia Greenspace Commission	391-1-4-.12	Biennial Progress Report and Disbursement of Appropriated Funds
391-1-4-.06	Operation of the Georgia Greenspace Fund	391-1-4-.13	Disbursement of Appropriated Funds Remaining at the End of a Fiscal Year
391-1-4-.07	Establishment and Operation of Community Greenspace Trust Funds		
391-1-4-.08	Determination and Notification of a Local Government's Eligibility to Apply for Grants from Appropriated Funds	391-1-4-.14	Audits and Investigations
		391-1-4-.15	State Matching Contributions on Certain Rivers
391-1-4-.09	Determination and Publication of Annual Amounts of Awards to Be Granted from Appropriated Funds	391-1-4-.16	State's Acceptance and Administration of Property Acquired by Local Governments
		391-1-4-.17	State's Annual Report of Progress
391-1-4-.10	Development, Submittal and Approval of a Community Program Upon a County's	391-1-4-.18 through 391-1-4-.29	Reserved.

391-1-4-.01. Applicability and Scope of These Rules. The Rules in this Chapter govern the operation of the Georgia Greenspace Program, as that Program is established in the Official Code of Georgia Annotated, Section 36-22-1 *et seq.*

Authority O.C.G.A. Sec. 36-22-12. **History.** Original Rule entitled "Applicability and Scope of These Rules" adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.02. Definitions. As used in this chapter, the term:

(a) "Appropriated funds" means moneys appropriated to the Georgia Greenspace Trust Fund by the Georgia General Assembly.

(b) "Board" means the Board of Natural Resources.

(c) "Commission" means the Georgia Greenspace Commission, whose mailing address of record for all correspondence related to the Georgia Community Greenspace Program shall be:

Georgia Greenspace Commission
Georgia Department of Natural Resources
2 Martin Luther King, Jr., Drive, SE
Suite 1454 East Tower
Atlanta, Georgia 30334-9000

(d) "Community Fund" means a county's or grantee municipality's Community Greenspace Trust Fund.

(e) "Community Program" means a county's Community Greenspace Program, which may include only the county government or also one or more municipalities lying wholly or partly within the county. Municipalities may choose to participate in a county's Community Greenspace Program as either a Grantee Municipality or a Non-Grantee Municipality, or the municipality may elect not to participate in the county's Community Greenspace Program.

(f) “Compliant local government” means an eligible county or municipality that is in compliance with any previous Georgia Greenspace Grant Award Agreements and all other state laws that could restrict that local government’s ability to receive state grants.

(g) “Conservation easement” means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property; assuring its availability for agricultural, forest, recreational, or open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, archeological, or cultural aspects of real property.

(h) “Costs of acquisition” means all direct costs of activities which are required by applicable state laws and local ordinances or policies in order to obtain fee-simple or lesser interests in real property, or to convey a conservation easement to a holder who will ensure the permanent protection of the property as greenspace. Said costs shall include the purchase price (if any) and the costs of appraisals, surveys, due diligence investigation including Phase 1 environmental reports, title search, title insurance, and closing the transaction; but said costs shall not include holding costs, finder’s fees, real-estate commissions, or any other type of fee for any service related to the direct acquisition of the real property incurred by any individual or entity engaged in the negotiation of the acquisition of fee or less-than-fee title to real property, or other costs of planning for, acquiring real-property interest for, or administering the Community Program.

(i) “County” means consolidated county and municipal governments as well as a county.

(j) “Department” means the Department of Natural Resources, whose mailing address of record for all correspondence related to the

Georgia Community Greenspace Program shall be:

Georgia Community Greenspace Program
Georgia Department of Natural Resources
2 Martin Luther King, Jr., Drive, SE
Suite 1454 East Tower
Atlanta, Georgia 30334-9000

(k) “Grantee” means a county or a municipality that has signed a grant award agreement with the Department accepting state appropriated Georgia Greenspace Trust Funds.

(l) “Grantee municipality” means a city or town that is coordinating planning and acquisitions with its county’s Community Greenspace Program and has established a separate Community Greenspace Trust Fund and has fully met the requirements as described in O.C.G.A. § 36-22-4 (c). Grantee municipalities have committed to permanently protect land to support the county’s 20% greenspace goal in accordance with the Act; provided to the county their municipal greenspace goals and vision; identified legal and structural barriers that would prohibit the achievement of the county’s goal; proposed strategies for the mitigation or elimination of such barriers; committed to use existing local land use ordinances, policies, and regulations which would further the achievement of the Community Program; adopted the Community Greenspace Program prior to receiving grant funds; and committed to provide other planning and reporting information as required under these rules and the Act.

(m) “Greenspace” means permanently protected land and water, including agricultural and forestry land whose development rights have been severed from the property, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:

- (1) Water quality protection for rivers, streams, and lakes;
- (2) Flood protection;
- (3) Wetlands protection;
- (4) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- (5) Protection of riparian buffers and other areas such as marsh hammocks that serve as natural habitat and corridors for native plant and animal species;
- (6) Scenic protection;
- (7) Protection of archeological and historic resources on land that is primarily in an undeveloped or natural state;
- (8) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, skating, birding, riding horses, observing or photographing nature, picnicking, playing non-organized sports, or engaging in free play; and
- (9) Connection of existing or planned areas contributing to the goals set out in this paragraph.

Public access is not necessary for property to be counted as greenspace.

Notwithstanding that certain uses are permissible on greenspace properties, the owner of such property must comply with all applicable federal, state and local requirements when determining

what uses to allow on the property. Examples of such requirements are provisions of the federal Clean Water Act, the Georgia Soil Erosion and Sedimentation Act, and local development ordinances.

Based on the above definition of greenspace, certain uses will keep open space from being counted toward the local government's greenspace goal and will make property ineligible for purchase with moneys from the State Fund. Illustrative examples include, but are not limited to: sidewalks adjoining roads or streets; areas which include fields for competitive sports, golf courses, swimming pools, amphitheatres, and capital improvements needed to support such facilities such as parking lots and buildings; sewer-line rights-of-way on which the county has only the right to install and maintain the lines, or has the right to protect riparian habitat but does not do so, or has the right to allow public recreational access within the right-of-way but does not do so; and the surface area of manmade water bodies that are individually larger than 500 acres. Land use criteria for greenspace properties are further described under paragraph 391-1-4-.04 (d).

(n) "Greenspace Conveyance Agreement" means a contract between the Department and the party holding title to permanently protected land that has been acquired in whole or in part with moneys from a local government's Community Fund and that has been conveyed to that party by such local government.

(o) "Holder" means:

(1) A governmental body empowered to hold an interest in real property under the laws of this state or the United States; or

(2) A charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open-space values of real property; assuring the

availability of real property for agricultural, forest, recreational, or open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, archaeological, or cultural aspects of real property.

(p) “Land trust” means a charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open-space values of real property; assuring the availability of real property for agricultural, forest, recreational, or open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, archaeological, or cultural aspects of real property.

(q) “Non-appropriated funds” means any moneys deposited or included in the Georgia Greenspace Trust Fund which have not been appropriated by the General Assembly. Such funds may include, but are not limited to, federal or other moneys granted to the Georgia Greenspace Trust Fund, with or without special conditions attached to the use thereof; private or other gifts to the Georgia Greenspace Trust Fund, with or without special conditions attached to the use thereof; and interest earned on all moneys on deposit in the Fund.

(r) “Non-grantee municipality” means a city or town that has elected to participate in a Community Greenspace Program with its county or counties whereby the county administers the state granted funds through its Community Fund for the municipalities that have elected not to apply for separate grant. A Non-Grantee municipality works directly with its county or counties to coordinating planning and acquisitions to permanently protect land within the county and the municipality.

(s) “Non-participating municipality” means a city or town that has elected not to participate in a Community Greenspace Program.

(t) "Permanently protected land and water" means land and water which is:

(1) Owned by the federal government and designated for recreation, conservation, or natural resource protection (examples include national forest lands, wildlife refuges, parks, monuments, recreation areas, and seashores); or

(2) Owned by the State of Georgia and dedicated as a Heritage Preserve (examples include wildlife management areas, parks, natural areas, and historic sites); or

(3) Owned by a state or local unit of government or authority, and subject to

(A) a conservation easement that ensures that the land will be maintained as greenspace, or

(B) contractual arrangements that ensure that, if the protected status is discontinued on a parcel, such property will be replaced by other greenspace of equal or greater monetary and resource protection value, or

(C) a restrictive covenant in favor of a federal governmental entity, or

(D) a permanent restrictive covenant as provided in O.C.G.A. § 44-5-60(c), or

(4) Owned by any person or not-for-profit or for-profit entity, subject to a conservation easement that ensures that the land will be maintained as greenspace, or

(5) Permanently legally protected by any other method that ensures the greenspace will remain forever in uses which further the goals of

the Georgia Community Greenspace Program.

(u) “State Fund” means the Georgia Greenspace Trust Fund.

(v) “State Grant Funds” means moneys granted by the Department to local governments from the Georgia Greenspace Trust Fund.

(w) “State Program” means the Georgia Community Greenspace Program, as established in Chapter 22 of Title 36 of the Official Code of Georgia Annotated.

(x) “The Act” means Senate Bill 399 of the 2000 Session of the Georgia General Assembly, codified as O.C.G.A. § 36-22-1 *et seq.* and as subsequently amended from time to time.

Authority O.C.G.A. §§ 36-22-2 and 44-10-2. **History.** Original Rule entitled “Definitions” adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391.1.4-.03. Program Purpose. The purpose of the State Program is to promote the permanent protection as greenspace of at least 20 percent of each eligible county’s geographic area.

Authority O.C.G.A. §§ 36-22-1 and 36-22-6. **History.** Original Rule entitled “Program Purpose” adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.04 Calculation and Allowable Uses of Protected Greenspace.

(a) The county’s percentage of protected greenspace is defined by the ratio of permanently protected greenspace which lies within the county to the county’s geographic area. Except as provided in paragraph 391-1-4-.04 (c), to calculate this percentage, the county will measure the area of permanently protected greenspace within its borders as the total area of greenspace. Except as provided in paragraph 391-1-4-.04 (b), the county will measure its geographic

area as the total area within the county's external borders, including the area within these borders that is contained by all municipalities which lie wholly or partly within the county.

(b) Certain counties contain within their boundaries (1) all or parts of manmade bodies of water that are individually larger than 500 acres, (2) coastal waters, including bays and estuaries, and (3) coastal marshlands as defined in the Coastal Marshlands Protection Act (O.C.G.A. § 12-5-280 *et seq.*). To calculate the percentage of protected greenspace under these conditions, such a county shall exclude the area of such water bodies or coastal marshlands from its geographic area and from its area of protected greenspace.

(c) Certain counties contain within their boundaries all or parts of military bases, most of whose acreage does not qualify as greenspace. To calculate the percentage of protected greenspace under these conditions, such a county need not include the area of such military bases in its area of protected greenspace nor in its geographic area. If, however, a military base includes acreage which qualifies as protected greenspace and which the county wishes to count toward its goal, the county may include only the protected acreage in its greenspace inventory but must include the total acreage of that portion of the base which lies within its borders as part of its geographic area.

Authority O.C.G.A. Sec. 36-22-1. **History.** Original Rule entitled "Calculation of Protected Greenspace" adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.05 Duties of the Georgia Greenspace Commission. The Georgia Greenspace Commission shall:

(a) Meet at least once each calendar quarter to transact such business as may be necessary to further the purposes of the Act and of these rules;

- (b) Acknowledge receipt from each county of the written notice with which the county initiates the process of developing its Community Program, and advise the county whether it has successfully initiated the process;
- (c) Review and decide whether each Community Program complies with all applicable terms and conditions of the Act and these rules;
- (d) Inform each county whether its Program complies or fails to comply with all said terms and conditions;
- (e) Transmit to each county whose program is determined not to comply a written explanation of the deficiencies found in its program, together with suggestions for their correction. The Commission may decline to approve the Community Program for a county which fails to comply with all applicable provisions of the statute and these rules; and
- (f) Transmit to the Department written notice that a county's Community Program complies with the terms and conditions of the statute and rules, and that such county and any grantee municipalities are eligible to receive its grant award.

Authority O.C.G.A. § 36-22-8. **History.** Original Rule entitled "Duties of the Georgia Greenspace Commission" adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.06. Operation of the Georgia Greenspace Fund. The Department shall perform the following functions with respect to the State Fund:

- (a) Account for all deposits to the State Fund, interest on those deposits, the amounts available through the various grant programs established under the Act, and expenditures from the State Fund; and

- (b) Maintain separate accounting within the State Fund for appropriated funds and interest earned thereon; for deposits from each federal grant program and interest earned thereon; and for deposits from each donor of funds and interest earned thereon; and
- (c) Grant to eligible, participating local governments, by the end of each state fiscal year, all funds on deposit in the State Fund which would otherwise lapse into the General Fund at the end of the fiscal year; and
- (d) Maintain separate accounts for each recipient of moneys from the State Fund, together with the sources and amounts of funds so granted; and
- (e) Seek additional sources of moneys, including federal grants and donations, to increase the amounts available from non-appropriated moneys.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled “Operation of the Georgia Greenspace Fund” adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.07. Establishment and Operation of Community Greenspace Trust Funds.

To participate in the State Program, each eligible county electing to participate must authorize and establish a Community Fund. Municipalities, lying wholly or partly within an eligible county that elect to participate in the State Program, may participate with the county as a non-grantee municipality or may participate with the county as a grantee municipality, in which case each grantee municipality must authorize and establish separate Community Funds. A Community Fund shall be a special revenue fund, as that term is defined in O.C.G.A. § 36-81-2. Each such county and grantee

municipality shall perform the following functions with respect to its Community Fund:

- (a) Expend funds received from the State Program only for the purchase of fee-simple or lesser interest in real property which permanently protects greenspace within the jurisdiction of the eligible county and for direct costs of acquisition of said property; and
- (b) Account for all deposits to the Community Fund, income from those deposits, and expenditures from the Community Fund; and
- (c) Maintain separate accounting within the Community Fund for appropriated funds and interest earned thereon; for deposits from each federal grant program and interest earned thereon; and for deposits that exceed five-thousand dollars from each donor of funds and interest earned thereon; and
- (d) Expend or obligate, within twenty-four calendar months of receipt, or such longer period as may be approved by the Department for cause, or as otherwise specified by the applicable grant award agreement, all moneys received from the State Fund, and record in its capital account all lands and interests in land which are purchased with such moneys; and
- (e) Maintain separate accounting for each recipient of moneys from the Community Fund, together with the sources and amounts of funds so granted; and
- (f) Transmit to the Department annually a report of audit of its capital account and its Community Fund; and
- (g) Seek additional sources of moneys, including local funds, federal grants, and donations, to increase the amounts available from appropriated moneys.

Authority O.C.G.A. §§ 36-22-4 , 36-22-7 and 36-22-12. **History.** Original Rule entitled “Establishment and Operation of Community Greenspace Trust Funds” adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.08 Determination and Notification of a Local Government’s Eligibility to Apply for Grants from Appropriated Funds.

(a) The Department shall determine for each fiscal year which counties and municipalities of this State shall be eligible to apply for a grant from moneys which the General Assembly has appropriated to the State Fund, by identifying each county which:

(1) Has a population of not less than 60,000 pursuant to the most recent United States decennial census (1990 or later), or

(2) Has experienced average population growth of at least 800 persons per year as measured by the population change between the most recent United States decennial census (1990 or later) and the most recent year for which the United States Bureau of the Census has prepared official estimates of population.

The Department shall provide the Commission with a list of all counties and municipalities that it so determines to be eligible.

(b) The Department may make such determination as soon as the U.S. Census Bureau has published the results of the latest decennial census or the latest official estimates of population. Such determination shall govern the eligibility of counties and municipalities to apply for grants from appropriated moneys during that fiscal year immediately following the fiscal year during which the determination was made. If the U.S. Census Bureau has published no new census data or estimates during a given fiscal year, the counties and municipalities

that are eligible to participate will remain unchanged for the following fiscal year.

(c) Any municipality located wholly within an eligible county may elect to participate in the State Program as either a Grantee municipality or a Non-Grantee municipality, or may elect not to participate in the State Program. Any municipality located partly within an eligible county and partly within a county that is not eligible may elect to participate in a State Program with the eligible county. Any municipality located partly within more than one eligible county may elect to participate in the State program with each such county. All grantee municipalities participating in the State Program must cooperate with the county to prepare a consolidated greenspace program which identifies how the Grantee municipalities will contribute to the overall county goal of achieving permanent protection of 20 percent of the county's geographic area as greenspace. This consolidated greenspace program must be approved by the county and each grantee municipality.

Authority O.C.G.A. §§ 36-22-6 and 36-22-10. **History.** Original Rule entitled "Determination and Notification of a Local Government's Eligibility to Apply for Grants from Appropriated Funds" adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4.09 Determination and Publication of Annual Amounts of Awards to Be Granted from Appropriated Funds.

(a) For each county that the Department determines to be eligible pursuant to paragraph 391-1-4-.08 above, the Department will calculate the amount of the grant for which it is eligible during the current fiscal year, using the following procedure:

(1) The Department will obtain from the Georgia Department of Revenue the amount of state funds obtained within each such county from the application of the state property tax levy on residential

property during the fiscal year immediately prior to the year of the proposed grant.

(2) The Department will sum the amounts obtained pursuant to paragraph 391-1-4-.09 (a) (1) for all eligible counties and divide this total into the amount obtained for each county, calculating a percentage.

(3) The Department will apply the percentage calculated for each county under paragraph 391-1-4-.09 (a) (2) to the sum of appropriated funds, rounding the result to the nearest whole dollar, to obtain the amount of the award for which each county may apply. If, because of such rounding, the sum of these amounts exceeds the appropriated amount, the difference shall be subtracted from the award made to the county that is eligible for the largest award. If, because of such rounding, the sum of these amounts is less than the appropriated amount, the difference shall be added to the award made to the county that is eligible for the smallest award.

(4) Any county which is entitled to receive appropriated funds in excess of \$500,000 pursuant to paragraph (3) above shall make 10% of the amount the county is authorized to receive available to the municipalities in the county through the Supplemental Fund for Matching Grants as more fully described in Chapter 391-1-4-.30 through 391-1-4-.49 of these rules.

(b) A municipality which is located wholly within an eligible county and which elects to participate in a cooperative greenspace program as a grantee municipality with said county is eligible for population-based proportional sharing of greenspace funds allocated to the county.

(c) A municipality that is located partly within one or more eligible counties, and that elects to participate in a cooperative greenspace

program with said county or counties, is eligible for population-based proportional sharing of greenspace funds allocated to each of its respective counties. Community greenspace grant shares shall be based on the portion of the municipality's population that is located in each of its respective counties, or on any other share distribution to which the cooperating local governments agree if such action will enhance the permanent protection of greenspace within that county.

(d) A non-grantee municipality located wholly or partly within an eligible county may participate in a joint program with the eligible county or counties. In such programs, the county shall administer state-appropriated funds for both the county and its non-grantee municipalities. The county shall purchase all greenspace properties to be acquired with state appropriated funds and may convey the title of such properties to its non-grantee municipality within the county in which it lies. If a county and any of its municipalities agree to a conveyance of greenspace property from the county to a municipality, such municipality shall, not later than closing of the transaction, execute a Greenspace Conveyance Agreement with the Department.

(e) If a grantee elects to convey title of land acquired with state appropriated funds to another entity, such entity shall not later than closing the transaction, have the recipient of such lands execute a Greenspace Conveyance Agreement with the Department.

(f) Each county that the Department determines to be eligible pursuant to paragraph 391-1-4-.08 above will calculate grant shares for each municipality that is located within said county and that has elected to participate in the county's greenspace program as a grantee or a non-grantee municipality during the current fiscal year, using the following procedure:

(1) Each eligible county will obtain the published decennial census figures or population estimates from the U.S. Census Bureau,

whichever figures are more recent, for its jurisdiction and for all municipalities located wholly or partly within it, for the most recent year for which such figures are available.

(2) Each eligible county will take its total population and divide this total into the total population of each municipality located wholly within the county, or into the proportion of the population which is located within the county if said municipality is located within more than one county, calculating a percentage.

(3) The county will apply the percentage calculated for each municipality under paragraph 391-1-4-.09 (c) (2) to the total grant amount for which the county is eligible or, in the case of counties that are eligible to receive funds in excess of \$500,000, ninety percent of the total grant amount, rounding the result to the nearest whole dollar, to obtain the amount of the award for which each municipality is eligible.

(4) The county will provide the Department in its program submittal or progress report the share of the grant(s) to be awarded to each grantee municipality within the county and such grant awards shall not be less than the amount calculated under paragraph 391-1-4-.09 (c) (3) above unless the governing body of the municipality has agreed to such reduced award or an alternative distribution of grant shares.

(g) The Department will prepare a list of all eligible counties and of the estimated award amount for which each is eligible, together with a notice of eligibility to participate in the Georgia Community Greenspace Program. The Department will promptly transmit the notice and the list to all eligible counties. It will also prepare and transmit a notice of ineligibility to all counties which were eligible during the prior fiscal year but which have been determined to be ineligible for participation in the current fiscal year, based on the

procedure set forth in paragraph 391-1-4-.08.

Authority O.C.G.A. §§ 36-22-4 and 36-22-10. **History.** Original Rule entitled “Determination and Publication of Annual Amounts of Awards to Be Granted from Appropriated Funds” adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.10. Development, Submittal and Approval of a Community Program Upon a County’s First Becoming Eligible to Participate, or Following a Break in Participation.

(a) Development of a Community Program.

(1) To initiate program development, or to resume participation in the State Program following a break therein, a county that the Department has determined is eligible to apply for appropriated funds must provide written notice to the Georgia Greenspace Commission at the following address:

Georgia Greenspace Commission
Georgia Department of Natural Resources
2 Martin Luther King, Jr., Drive, SE
Suite 1454, East Tower
Atlanta, Georgia 30334-9000

To allow the county as much time as possible to develop its Community Program, the notice should reach the Commission on July 1, or as early as feasible thereafter. Said notice shall state:

(A) that the county is beginning or resuming the development of a community greenspace program;

(B) that the county has scheduled a public meeting at a specified date, time and place, at which interested persons shall assemble for the purpose of commencing or resuming deliberations on the

development of the county's program; and

(C) that the county has invited to this meeting interested individuals and the designated representatives of:

(i) all local governing bodies within the county itself;

(ii) all local boards of education;

(iii) the governing body of each Georgia county which borders it;

(iv) the Regional Development Center of which the county is a member;

(v) at least the following state agencies: the departments of Agriculture, Community Affairs, Industry, Trade and Tourism, Natural Resources, Revenue, and Transportation; the Georgia Forestry Commission; the Georgia Regional Transportation Authority; and each unit of the University System of Georgia which lies within the county which is issuing the notice;

(vi) at least the following federal agencies: the National Park Service (if national parks, monuments, recreation areas, or seashores lie within the county), the Natural Resources Conservation Service, the U.S. Army Corps of Engineers, the U.S. Department of Defense (if military reservation lands lie within the county), the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Forest Service (if National Forest lands lie within the county); and

(vii) nongovernmental organizations that are active within the county and that are concerned with: conservation, alternative transportation, historic preservation, outdoor recreation, and environmental justice; business and industry; or civic and neighborhood issues.

(2) The county shall send the notice to the Commission at the above address not less than 15 days nor more than 45 days prior to the meeting date. The county shall at the same time publish the notice in the county's legal organ. The county shall hold the scheduled public meeting. Following the meeting, the county shall prepare a list of attendees and their organizational affiliations, and a summary (not a verbatim transcript) of the suggestions, questions and answers that were made at the meeting. The summary shall accompany the county's program submittal to the Commission.

(b) Preparation of a Community Program.

If, following the public meeting, the county officially decides not to continue developing a community greenspace program, the county shall so notify the Commission in writing at the above address, giving reasons for its decision. If, however, the county decides to continue developing a community greenspace program, it shall prepare a report that contains the following information, presented in a format that the Commission may provide for the guidance of applicants:

(1) A statement of the county's goal for greenspace protection, which shall be at least 20 percent of the county's geographic area and each grantee municipality's contribution to that goal.

(2) An identification of the department or office which the county has assigned to administer its Community Program, including full information for the county's primary point of contact for the program.

(3) A list of the municipalities located wholly or partially within the county that identifies which, if any, are participating as a grantee municipality. Include full information for the primary point of contact for grant administration for each of the grantee municipalities.

(4) A brief narrative description of the county and its municipalities, including its total acreage and its population, according to the most recent decennial census and the most recent annual estimate prepared by the U.S. Census Bureau, as well as the natural resources that will be preserved for future generations through the greenspace program.

(5) A brief discussion of any areas within the county and/or its grantee municipalities which are experiencing rapid growth or redevelopment, and of the types of land-use changes which are taking place in those areas.

(6) Copies of the most recent future land-use maps of the county and all of its grantee municipalities, an identification of existing local land-use ordinances, policies and regulations that will further the preservation of greenspace, a description of the ways in which the county and any grantee municipalities will use these tools to further the preservation of greenspace, and a commitment by the county and any grantee municipalities to use these tools for this purpose.

(7) An identification of greenspace that is already permanently protected. This section of the report is to include the acreage of permanently protected greenspace within the county which is currently owned by each federal agency; the State of Georgia; the county; any municipalities; conservation organizations; and private individuals. This section is also to identify permanently protected acres in fee-simple ownership, in conservation easements, and in agreements that require no net loss of comparable greenspace, and total acres available for public access.

(8) An identification of publicly owned land which is not permanently protected but for which the county or a grantee municipality desires to obtain permanent protection as greenspace.

(9) An identification, in narrative and map form, of areas of the

county and areas within any grantee municipalities that are designated for protection, whether by acquisition, conservation easement, ordinance, or other means.

(10) An identification of the changes which the county and any grantee municipalities have made, or are in the process of making, to their comprehensive plans to assure that the comprehensive plans are consistent with the Community Program.

(11) A description of all sources of funds that the county and any grantee municipalities will use for Community Program activities, including the requested state funds. Said description shall set forth how the county and any grantee municipalities will fund the costs of planning for the Community Program and how the local governments anticipate funding any necessary improvements, operations, maintenance and other stewardship activities.

(12) An identification of legal and structural barriers to the achievement of the county's goal of greenspace protection, including barriers faced by the grantee municipalities.

(13) A 10-year strategy by which the county and any grantee municipalities will remove or mitigate such barriers, including:

(A) Specific changes to zoning or land-use ordinances.

(B) Conceptual local legislation to be enacted by the General Assembly.

(C) New local conservation and preservation ordinances.

The strategy will specifically address whether and, if so, how to use each of the following tools for greenspace protection:

Acquiring new land

Permanently protecting lands that are owned by the local government

Permanently protecting lands using any other method that ensures the greenspace will remain forever in uses which further the goals of the Georgia Greenspace Program

Identifying sources of funding

Using local development regulation and performance-based zoning

(14) A certified copy of a resolution adopted by the county governing authority, and a certified copy of a resolution adopted by the governing authority of each grantee municipality, adopting the Community Program and authorizing the establishment of a Community Greenspace Trust Fund for each participating jurisdiction.

(15) An identification of a program and method for allocating funds to grantee municipalities that cooperate with the county in developing and implementing its Community Program.

(16) A letter from each municipality that has elected not to participate either as a grantee municipality or a non-grantee municipality, which is located wholly or in part within the county, briefly stating its reasons for choosing not to participate in the county's Community Program, or documentation that the county has requested such a letter.

(c) Submittal of a Community Program.

The county shall transmit to the Commission the following materials, which shall be postmarked between July 1 and November 30, 2000, inclusive, for state fiscal year 2001, or between December 1 and November 30, inclusive, of any later fiscal year for which it is seeking appropriated funds:

- (1) A letter of transmittal to the Georgia Greenspace Commission, stating that the county desires to participate in the State Program and requesting the Commission to review and approve the Community Program which the county has submitted.
- (2) A report that describes the Community Program, in the form specified in paragraph 391-1-4-.10 (b).
- (3) The list of attendees and summary of the public meeting as set forth in paragraph 391-1-4-.10 (a) (2).
- (d) Approval of Community Greenspace Programs.

The Commission will review and approve all Community Programs in accordance with the following criteria:

- (1) The Department must certify to the Commission that the applicant county is eligible to receive appropriated funds in the fiscal year for which it is making application.
- (2) Resolution(s) adopted by the county and each grantee municipality approving the Community Program must contain at least the following language: "The (name of the adopting governing authority) hereby certifies that (name of) County has adopted the Community Greenspace Program described in the report attached to this resolution and by reference incorporated herein, and that said report sets forth (name of) County's greenspace protection goal and the greenspace protection goals of

(names of all grantee municipalities) along with methods and schedule this body intends to use to achieve this goal. The (name of the county or grantee municipality governing authority adopting this resolution) further certifies that it will diligently pursue the implementation of the program as described therein.”

(3) The county must provide the Department with one paper original and five paper copies of the complete submittal or re-submittal or, if the county prefers, with one paper original and electronic files in formats to be specified by the Department in further guidance documents. The submittal or re-submittal must include all applicable elements specified in paragraph 391-1-4-.10 (c). It must also comply in all respects with all applicable requirements set forth in the Act.

(4) To qualify to receive appropriated funds in a given fiscal year, a county must transmit to the Commission its first submittal after becoming eligible, which shall be postmarked between the date on which the Department certifies its eligibility and November 30, inclusive, of that fiscal year. To be considered at a given meeting of the Commission, the Department must receive the county’s submittal or re-submittal at least 45 days in advance of that meeting. The Department will have 30 days to review the program and discuss it with the county, during which period the county may modify its report. The Department will deliver copies of the submittal or re-submittal to the members of the Commission not less than 15 days before the meeting at which the Commission is to review it.

(5) The Commission is responsible to ensure that the policies, rules, and regulations incorporated in each Community Program will advance the statutory purpose of preserving at least 20 percent of the land area as connected and open greenspace which will provide natural resource protection and may be utilized for informal, low-impact recreational activities. If the Commission decides that a submittal or a re-submittal complies in all respects

with the applicable requirements of the Act and of these rules, and that it advances the purpose of the greenspace statute, the Commission shall find the program in compliance. The Commission shall send notice of this finding to the Department and shall direct the Department to transmit two copies of the grant award agreement to the county and to each grantee municipality. Following execution by the Department and the local government(s) of two copies of the grant award agreement, the Department will send said local government(s) the funds for which it is eligible.

(6) If the Commission decides that the county's submittal does not comply with all the terms and conditions of the Act and of these rules, it will transmit to the county and/or its grantee municipalities a written explanation of the deficiencies found in its program, together with suggestions for their correction. The county may correct, in cooperation with any affected municipalities, any deficiencies and resubmit its timely submitted program at any time to reach the Commission on or before March 31 for approval during that fiscal year. The Commission will consider a first submittal received on or after December 1, or a corrected re-submittal received on or after April 1, to be a request for funding from the following fiscal year. An eligible county whose program is not approved for current fiscal year funding as of May 16 will become ineligible for said funding, but its submittal will be considered a request for funding for the next fiscal year.

If the Department determines that the county or a grantee municipality is not a compliant local government as defined in paragraph 391-1-4-.02 (f) it shall become ineligible to receive state grants for the fiscal year being considered. The Department shall notify such local governments of their ineligibility and shall not enter into grant award agreement with a local government until it comes into compliance with the terms of state laws for which it is

not in compliance.

Authority O.C.G.A. §§ 36-22-1, 36-22-2, 36-22-5, 36-22-6, 36-22-7, 36-22-8 and 36-22-9. **History.** Original Rule entitled “Development, Submittal and Approval of a Community Program Upon a County’s First Becoming Eligible to Participate, or Following a Break in Participation” adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.11. Continuation of a Previously Approved Community Program.

(a) Continuation Community Program.

To remain eligible to receive a grant from appropriated funds, a county which the Department has determined is eligible to apply for said funds and which has received approval for such funding in a prior fiscal year must, within two calendar years of the most recent date of approval by the Commission provide written notice to the Commission, at the following address:

Georgia Greenspace Commission
Georgia Department of Natural Resources
2 Martin Luther King, Jr., Drive, SE
Suite 1454, East Tower
Atlanta, Georgia 30334-9000

To allow the county as much time as possible to develop its Community Program, the notice to the Commission should be postmarked as early as feasible after the county receives its notice of eligibility from the Department, but not later than November 30 of the fiscal year for which it is seeking funds. Said notice shall state that the county is beginning the process of reviewing and considering revision of its community greenspace program to seek re-approval from the Commission. The county shall follow the procedures set forth in paragraphs 391-1-4-.10 (a) (1) (B), -.10 (a) (1) (C), and -.10 (a) (2).

(b) Preparation of a Continuation Community Program.

The county shall follow the procedures set forth in paragraph 391-1-4-.10 (b).

(c) Submittal of a Continuation Community Program.

The county shall transmit to the Commission its submittal, which shall be postmarked between the date on which the Department certifies its eligibility and November 30, inclusive, of the fiscal year for which it is seeking continuation funding. Said submittal shall contain the following materials:

(1) A letter of transmittal to the Georgia Greenspace Commission, stating that the county desires to continue participating in the State Program and requesting the Commission to review and approve the continuation Community Program which the county has submitted.

(2) A report that describes the Community Program, in the form specified in paragraph 391-1-4-.10 (b).

(3) A cooperative report of the progress that the county and all grantee municipalities have made toward achievement of the goal of the revised Community Program, including the following information:

(A) Copies of the county's and its grantee municipalities' most recent future land-use maps, if they have been revised since the most recent submittal, and an explanation of how each has been modified to be consistent with the Community Program as described the county's submittal.

(B) A description of each property or interest in property acquired

with funds from the State Fund, the method(s) used to ensure their permanent protection, and their proposed or actual use(s). The property description should include an area map to allow the Department to locate the property.

(C) A table that shows the acreage of permanently protected greenspace within the county that is currently owned by each federal agency; the State of Georgia; the county; any municipalities; conservation organizations; and private individuals. This table is also to identify permanently protected acres in fee-simple ownership, in conservation easements, and in agreements that require no net loss of comparable greenspace, and total acres available for public access.

(D) Changes in these acreage figures during the reporting period of approximately two years.

(E) Percentage changes in each type of protection; percentage change in greenspace within the county; and percentage of the county in greenspace at the beginning and the end of the reporting period.

(F) A discussion of the effectiveness of the strategies selected by the local government to achieve its greenspace goals and a summary of the changes in strategy proposed, if any, in the continuation Community Program.

The county shall submit in this format a report that consolidates all said information for the entire county and its grantee municipalities, and which attaches the grantee municipalities' individual reports of progress in the aforementioned format.

(4) The list of attendees and summary of the public meeting as set forth in paragraph 391-1-4-.10 (a) (2).

(d) Approval of Continuation Community Programs.

The Commission will review and approve all continuation Community Programs in accordance with the procedure set forth in paragraph 391-1-4-.10 (d).

If the Department determines that the county or a grantee municipality is not a compliant local government as defined in paragraph 391-1-4-.02 (f), it shall become ineligible to receive state grants for the fiscal year being considered. The Department shall notify such local governments of their ineligibility and shall not enter into another grant award agreement with a local government until it comes into compliance with the terms of its previous agreement and/or other state laws.

Authority O.C.G.A. §§ 36-22-2, 36-22-5, 36-22-6, 36-22-7, 36-22-8 and 36-22-9.
History. Original Rule entitled "Continuation of a Previously Approved Community Program" adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.12 Biennial Progress Report and Disbursement of Appropriated Funds.

(a) A county which is eligible to receive a grant from appropriated funds, and whose original or continuation Community Program was approved in one fiscal year, need only submit an approvable progress report to qualify for such a grant in the subsequent fiscal year. Said county shall transmit to the Commission, postmarked between the date on which the Department certifies its eligibility and November 30, inclusive, of that fiscal year, a report of the progress which the county has made toward achievement of the goal of the Community Program, including the following information:

(1) Copies of the county's and any grantee municipalities' most recent future land-use maps if amended since the previous submittal.

(2) A description of each property or interest in property acquired with state appropriated funds, a statement confirming that the permanent restrictive language was recorded in the deed or other instrument of acquisition, the amount of greenspace funds expended, the acreage purchased, and their proposed or actual use(s), and the percentage of the property that is developed or proposed for development. The property description should include an area map to allow the Department to locate the property.

(3) A table that shows the acreage of permanently protected greenspace within the county that is currently owned by each federal agency; the State of Georgia; the county; any municipalities; conservation organizations; and private individuals. This table is to identify acres in fee-simple ownership, in conservation easements, and in agreements that require no net loss of comparable greenspace, and acres available for public access.

(4) Changes in these acreage figures as a result of program activities during the preceding fiscal year.

(5) Percentage changes in each type of protection; percentage change in greenspace within the county; and percentage of the county in greenspace at the beginning and the end of the reporting period.

(6) A description of the specific actions taken by each local government in implementing strategies to mitigate or remove the barriers described in the county's consolidated program submittal and a discussion on the effectiveness of those strategies and if any, the proposed changes in strategies.

(7) If not already submitted, include for each property or interest in property that was acquired with state greenspace grant funds a copy of the deed, an opinion of counsel, title insurance, the greenspace goal furthered as described in the program submittal and the Georgia

Greenspace Act and a property description in digital format.

Using a template provided by the Department, the county shall submit a report that consolidates all said information for the entire county and its grantee municipalities, and which attaches the grantee municipalities' individual reports of progress in the aforementioned format. The county shall calculate and provide the amount of grant shares for each grantee municipality as described in paragraph 391-1-4-.09 (f).

(b) The Commission is responsible to ensure that the policies, rules, and regulations incorporated in each Community Program will advance the statutory purpose of preserving at least 20 percent of the land area as connected and open greenspace which will provide natural resource protection and may be utilized for informal, low-impact recreational activities. Upon a determination by the Commission that the county's program continues to comply with the applicable requirements of the Act and of these rules, and that it advances the purpose of the greenspace statute, the Commission shall find the program in compliance. The Commission shall send notice of this finding to the Department and shall direct the Department to transmit two copies of the grant award agreement to the county and to each grantee municipality. Following execution by the Department and the local government(s) of two copies of the grant award agreement, the Department will send said local government(s) the funds for which it is eligible.

(c) If the Commission decides that the county's program does not comply with all the terms and conditions of the Act and of these rules, or if said program does not advance the purpose of the greenspace statute, or if the report of progress does not reflect a good-faith attempt to implement the county's Community Program, the Commission will transmit to the county a written explanation of the deficiencies found in its program, together with suggestions for their

correction. The county may correct any deficiencies and resubmit its progress report at any time to reach the Commission on or before March 31 for approval during that fiscal year.

(d) If the Department determines that the county or a grantee municipality is not a compliant local government as defined in paragraph 391-1-4-.02 (f) shall become ineligible to receive state grants for the fiscal year being considered. The Department shall notify such local governments of their ineligibility and shall not enter into another grant award agreement with a local government until it comes into compliance with the terms of its previous agreement and/or other state laws.

Authority O.C.G.A. §§ 36-22-1, 36-22-4, 36-22-8 and 36-22-9. **History.** Original Rule entitled "Biennial Progress Report and Disbursement of Appropriated Funds" adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.13 Disbursement of Appropriated Funds Remaining at the End of a Fiscal Year. Any Community Program which the Commission has not found, before May 16, to comply with all applicable provisions of law and rule will be considered an application for funds in the following fiscal year, and the moneys being reserved in the State Fund for the applicant will be released for use by approved Community Programs. Any funds allocated to go to a grantee or grantees that is not a compliant local government as defined in paragraph 391-1-4-.02 (f) and that has not come into compliance before May 16, the moneys being reserved in the State Fund for such grantee or grantees will be released for use to approved Community Programs that are in compliance with the terms of its previous agreement and/or other state laws. The Department will determine the amount of appropriated funds remaining in the State Fund at close of work on the last business day preceding May 16. The Department will then allocate these funds among approved Community Programs by the following procedure:

(a) The Department will determine the amount of state funds granted to each such county that has an approved Community Program and is not otherwise ineligible to receive its grant.

(b) The Department will sum the amounts obtained pursuant to paragraph 391-1-4-.13 (a) for all such counties and divide this total into the amount obtained for each county, calculating a percentage.

(c) The Department will apply the percentage calculated for each county under paragraph 391-1-4-.13 (b) to the amount of appropriated moneys remaining in the State Fund, rounding the result to the nearest whole dollar, to obtain the amount of the supplemental award for each such county. If, because of such rounding, the sum of these amounts exceeds the available moneys, the difference shall be subtracted from the award made to the county that has received the largest award. If, because of such rounding, the sum of these amounts is less than the available moneys, the difference shall be added to the award to the county that has received the smallest award.

(d) The Department will promptly notify all eligible counties and municipalities of the additional grant awards for the current fiscal year and will transmit to each such county two copies of an amendment to the grant award agreement that modifies the total grant amount that the county may receive during that fiscal year. Following receipt and execution by the Department of two copies of the amendment to the grant award agreement that have been executed and witnessed by the county, the Department will send the county the additional funds for which it is eligible.

(e) Each county shall share such additional funds with each grantee municipality that lies wholly or partly within said county. Said municipalities' shares shall be proportional to their grant awards for the current fiscal year, unless the county and the municipality agree to

a different allocation of the funds.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled “Disbursement of Appropriated Funds Remaining at the End of Fiscal Year 2001” adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-1-.14. Audits and Investigations.

(a) Fee-simple and lesser interests in real property that local governments acquire using moneys derived from the State Fund, and other interests in real property that are owned by local governments and counted toward those governments’ greenspace totals, shall be carried individually on the local governments’ accounts of capital assets. Local governments shall provide the Department with only those portions of the results of their annual audits concerning said capital assets and their Community Funds. Such results of audits may be submitted with the annual progress report.

(b) The Department may, at its discretion, perform or cause to be performed financial or other audits of Community Funds. The Department may undertake an investigation of the use of moneys granted from the State Fund or of lands acquired in whole or in part therewith, if it has reason to believe that such funds or lands have been used for purposes other than those authorized by the Act or these rules.

Authority O.C.G.A. § 36-22-12. **History.** Original Rule entitled “Audits and Investigations” adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.15. State Matching Contributions on Certain Rivers.

Certain of Georgia’s rivers have such great value for conservation, preservation, recreation, and other purposes that the State has invested significant funds in acquiring lands along their banks. These rivers are the Altamaha, the Chattahoochee, and the Flint. The State expects to continue acquiring suitable property along these rivers and

their tributaries as funds become available. The Department will work closely with Community Programs that propose to protect as greenspace lands along these rivers. The Department may match local governmental expenditures for land acquisition along these rivers with state or other funds as may from time to time become available to the Department for such purposes, or it may cooperate with local governments to identify and acquire land with state funds for state management so as to complement or enhance Community Programs along these rivers.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled “State Matching Contributions on Certain Rivers” adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.16. State’s Acceptance and Administration of Property Acquired by Local Governments.

(a) The Department is authorized by law to acquire, on behalf of the State of Georgia, and to manage real property and interests therein for a variety of purposes, including conservation, preservation, recreation, and education. The Department may acquire such interests by purchase, gift, bequest or other means. A county may offer to donate to the State, for management by the Department, property interests that the county expects to acquire through its Community Program. The Department may consider this offer and may accept it, reject it, or make a counter-proposal for the county to consider. The Department will be more likely to accept the offer if:

(1) The property interest meets one or more of the criteria set forth in paragraph 391-1-4-.16 (b).

(2) The county has not begun appraising the property and has not opened negotiations with the landowner. However, if the county has already committed itself to acquire the property interest, the Department will have to receive full disclosure of all appraisal results

and of all expected cash flows attending the county's acquisition of the interest before deciding whether to accept the offer.

(b) The Department will consider, among other matters, the following issues in deciding whether it will accept the county's offer:

(1) The property would allow the establishment of a new state facility in a needed location or would add needed land to an existing facility of one of the following types:

(A) Greenway: no minimum acreage, but the greenway corridor must connect separate parcels of wildlife habitat, between which some species could not travel unless the greenway remains intact. If these areas are also suitable for human use, they should connect populations of users (for example, towns or neighborhoods) with sites which offer desired recreational opportunities (for example, parks or wildlife management areas). Current state-owned greenways include Altamaha River conservation easements, and lands in the Chattahoochee River Park; and

(B) Historic site: no minimum acreage, but it must be a historic or archeological resource which meets most or all of the following conditions: it has been designated or is under official study by the National Park Service as a National Historic Landmark; is listed or eligible for listing in the National or Georgia registers of historic places; has been designated or is under final evaluation by the Georgia Department of Community Affairs as a Regionally Important Resource; has been designated by national organizations such as the National Trust for Historic Preservation or the Archaeological Conservancy as threatened and/or endangered, and/or worthy of protection; or has been designated as a locally significant historic resource and has protection under a local preservation ordinance; *and* contains historic, archeological or cultural traditions that have the potential for preservation and interpretation to the public; or

(C) Natural area: no minimum acreage, but it must be one of the two or three best sites in the state for a protected species of plant or animal, or it must have a significant natural community of plants and animals. The Department identifies most of these itself, using information gathered during the past thirty years; or

(D) Park: minimum of 1,200 acres for a new facility, with possibility of acquiring up to 3,000 acres over time. The property must be very scenic, including good views of the landscape, and large trees. It must also have a significant water feature: a waterfall, as at Amicalola Falls State Park; a river (for example, the Chattahoochee, Flint, Oconee, Ocmulgee, Altamaha, or Savannah); or a lake of fifty or more acres; or

(E) Public fishing area: no minimum acreage, but it must offer bank or boat access to a river or stream which is capable of supporting considerable fishing pressure for desirable game-fish species; or

(F) Wildlife management area: minimum of 2,500 acres for a new site (more is better), with possibility of acquiring up to 15,000 acres over time. Acreage must be diverse, high-quality habitat for wildlife; and either existing state staff can effectively manage the property, or the county agrees to provide staff and funds to support the management of the property; or

(2) One of the following conditions is met:

(A) The purpose of the transaction is chiefly to allow the State to dedicate the property as a Heritage Preserve, but the county will enter into a long-term agreement to manage the property at the county's expense; or

(B) The purpose of the transaction is to convey a conservation

easement to the State, and the county agrees to contribute at least eight percent of the appraised fair market value of the property to the State to offset the state's long-term costs of stewardship.

Authority O.C.G.A. Title 12 and § 36-22-4. **History.** Original Rule entitled "State's Acceptance and Administration of Property Acquired by Local Governments" adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-17. State's Annual Report of Progress.

(a) On or before February 1 of each year, the Department will prepare a report which accounts for the funds received and expended from the State Fund and which summarizes the activity of the State Program and of each Community Program during the previous year and for the life of the State Program. Such report may include, but will not be limited to, the following information:

(1) The sources and uses of all moneys in the State Fund during the previous fiscal year and during the current fiscal year to date.

(2) A list of the eligible counties that are not participating in the program, and the reasons they have given for their decisions not to participate.

(b) Beginning in Fiscal Year 2002 and thereafter, said annual report may also include the following information:

(1) Sources and uses of all moneys in each Community Fund, as reported by each local government's annual audit report.

(2) The percentage of greenspace in each participating county at the beginning and at the end of the most recent fiscal year for which such figures are available, broken down into the percentages owned by

federal, state, county, municipal, and non-governmental owners.

(c) A copy of the State's annual report of progress will be distributed to each member of the Georgia General Assembly, to the Governor, and to each currently eligible county government. The Department will also publicize the report and make it available upon request to any interested person.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled "State's Annual Report of Progress" adopted. F. Aug. 15, 2000; eff. Sep. 4, 2000.

391-1-4-.18. through 391-1-4-.29. Reserved.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATION**

**CHAPTER 391-1-4.30 – 391-1-4.49
GEORGIA COMMUNITY GREENSPACE
SUPPLEMENTAL FUND FOR MATCHING GRANTS
PROGRAM**

TABLE OF CONTENTS

391-1-4.30 Applicability and Scope of These Rules	Apply for Grants from Appropriated Funds
391-1-4.31 Definitions	391-1-4.37 Determination of Annual Amount of Grant Funds Available to be Granted under the Supplemental Grants for Matching Funds Program.
391-1-4.32 Program Purpose	
391-1-4.33 Duties of the Georgia Greenspace Commission	391-1-4.38 Solicitation of Grant Applications
391-1-4.34 Operation of the Supplemental Fund for Matching Grants	391-1-4.39 Determination of Amounts of Awards to be Granted under the Supplemental Grants for Matching Funds Program.
391-1-4.35 Establishment and Operation of Community Greenspace Trust Funds	
391-1-4.36 Determination and Notification of a Local Government's Eligibility to	391-1-4.40 through 391-1-4.49 Reserved.

391-1-4-30. Applicability and Scope of These Rules. The Rules in Chapter 391-1-4-.30 through 391-1-4-.49 govern the operation of the Georgia Community Greenspace Supplemental Fund for Matching Grants Program for municipalities that provide local matching funds, as that Program is established in the Official Code of Georgia Annotated, § 36-22-4.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled “Applicability and Scope of These Rules” adopted. F. Dec 4, 2002;

391-1-4-31. Definitions. Terms defined in Chapter 391-1-4-.02 shall have the same meaning throughout Chapter 391-1-4-.30 through 391-1-4-.49. Additional terms are defined as follows:

(a) “Supplemental Fund for Matching Grants” means the portion of the Georgia Greenspace Trust Fund set aside pursuant to the terms of O.C.G.A. § 36-22-4 (3) to be disbursed by the Department to encourage municipalities to generate local matching funds for such purposes as greenspace planning, acquisition and management.

(b) “This Act” means Senate Bill 438 of the 2002 Session of the Georgia General Assembly, codified within O.C.G.A. § 36-22-4, which established the Supplemental Fund for Matching Grants.

(c) “Local funds” means any funds, other than those funds previously granted to a local government under the Georgia Community Greenspace Program, which have been generated by, or granted or donated to, a municipality and which that municipality expended during the preceding state fiscal year towards the planning, management (including maintenance)

or acquisition of any permanently protected greenspace project(s), located within its host county which meets eligibility requirements for its municipalities to apply for a Supplemental Grant. Local funds may have come from private donations (cash, land, or in-kind services), locally generated funds, state grants, federal sources or any source other than the Georgia Community Greenspace Program; Provided, however, that any funds received by a local government from the Georgia Community Greenspace Program, or interest earned thereon, shall not be considered local funds.

(d) “Greenspace Planning” includes contracted or in-house staff time that is documented in the participating county’s annual greenspace progress report or that has been devoted to:

1. Public outreach in the form of workshops, meetings, or media relations to develop support for the permanent protection of land serving greenspace purposes generally or the community greenspace program specifically,
2. Development of or revisions of the municipality’s greenspace program or other program that was developed to permanently protect greenspace,
3. Identification of or prioritization of types of greenspace lands to be acquired,
4. Development of a site plan for the use of or protection of the resources located on permanently protected greenspace,
5. Development of a trail plan,
6. Coordination with neighboring jurisdictions to maximize the benefits of the greenspace plans, or
7. Other, similar planning efforts directly supporting the greenspace program.

(e) “Greenspace Management” includes contracted or in-house staff time that is documented in its participating county’s annual greenspace progress report or that has been devoted to:

1. Implementation of a specific site plan for permanently protected greenspace, consistent with the limitations required to maintain the natural resource value of the property,
2. Construction of limited facilities allowed on permanently protected greenspace that are not inconsistent with the natural resource values of the property, or
3. Maintenance of permanently protected greenspace including such things as removal of invasive undesirable plant species, removal of dead wood that is a public safety concern, maintenance of the limited facilities that may be located on the property, trash removal, or other routine maintenance as may be needed, recognizing that greenspace properties are primarily to be maintained in a natural or undeveloped condition.

(f) “In-Kind Services” includes the donation of goods or services such as material, equipment use, and labor for projects on permanently protected greenspace, design services, planning expertise, legal services, or labor that benefits the municipality’s Community Greenspace Program.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled “Definitions” adopted. F. Dec 4, 2002;.

391-1-4-32. Program Purpose. The purpose of the Georgia Community Greenspace Program's Supplemental Fund for Matching Grants is to provide additional financial assistance to certain municipalities in their efforts to promote the permanent protection of at least 20 percent of an eligible county's geographic area as greenspace and to encourage municipalities to generate local funds for these greenspace purposes.

Authority O.C.G.A. § 36-22-4 **History.** Original Rule entitled "Program Purpose" adopted. F. Dec. 4, 2002.

391-1-4-33. Duties of the Georgia Greenspace Commission. The Georgia Greenspace Commission shall:

- (a) Meet at least once each calendar year to transact such business as may be necessary to further the purposes of this Act and of these rules; and
- (b) Advise the counties and municipalities subject to this Act of the amount of money to be made available through the Supplemental Fund for Matching Grants to the municipalities lying wholly or partly within each eligible county; and
- (c) Receive the distribution report prepared by the Department, which allocates the funds among the municipalities applying for those funds; and
- (d) Direct the Department to disburse funds consistent with this Act and these rules.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled "Duties of the Georgia Greenspace Commission" adopted. F. Dec. 4, 2002.

391-1-4-34. Operation of the Supplemental Fund for Matching Grants. The Department shall perform the following functions with respect to the Supplemental Fund for Matching Grants:

(a) Administer the Georgia Greenspace Trust Fund, as established in O.C.G.A. § 36-22-4, as amended, to account separately for that portion of the state appropriated funds that is to be reserved for supplemental matching grants and to make said funds available to municipalities lying wholly or partially within a county eligible to receive appropriated funds in excess of \$500,000 in a fiscal year pursuant to the Georgia Community Greenspace Act. The funds so designated shall be identified as constituting the Supplemental Fund for Matching Grants within the Georgia Greenspace Trust Fund. Interest earned on the portion identified as the Supplemental Fund for Matching Grants shall remain in the Georgia Greenspace Trust Fund to be allocated as a portion of the Discretionary Grant Fund described in O.C.G.A. § 36-22-11; and

(b) Account for all money in the Supplemental Fund for Matching Grants; and

(c) Distribute a template by which each applicant municipality shall document its eligible matching expenditures and request a supplemental matching grant; and

(d) Calculate the applicable share of supplemental funds, if any, for which each applicant municipality and its host county is eligible; and

(d) Grant to eligible, participating local governments, by the end of each state fiscal year, all funds in the Supplemental

Fund for Matching Grants which would otherwise lapse into the General Fund at the end of the fiscal year; and

(e) Maintain a separate record for each award of funds from the Supplemental Fund for Matching Grants, noting the grantee, source and amount of funds so granted.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled “Operation of the Supplemental Fund for Matching Grants” adopted. F. Dec. 4, 2002.

391-1-4-35. Establishment and Operation of Community Greenspace Trust Funds.

To participate in the Georgia Community Greenspace Program’s Supplemental Fund for Matching Grants, the governing body of each municipality that is applying for a supplemental grant must have certified by adopted resolution that it has authorized the establishment of a Community Greenspace Trust Fund as defined in Chapter 391-1-4-.07 and Chapter 391-1-4-.10 (b) (14). Supplemental Grants made pursuant to this Act and these rules are to be deposited in the local government’s Community Greenspace Trust Fund and those funds as well as all interest earned thereon are limited to the uses as provided for under Chapter 391-1-4-.07.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled “Establishment and Operation of Community Greenspace Trust Funds” adopted. F. Dec. 4, 2002.

391-1-4-36. Determination and Notification of a Local Government’s Eligibility to Apply for Grants from Appropriated Funds.

(a) Each fiscal year, the Department shall determine which

counties and municipalities of this State are included in the Georgia Community Greenspace Program's Supplemental Fund for Matching Grants under the terms of O.C.G.A. § 36-22-4 and shall notify those counties of their inclusion in this program. The Department shall provide the Commission with a list of all counties and municipalities that it determines to be eligible to participate.

(b) Any municipality located wholly or partly within a county eligible for the Supplemental Fund for Matching Grants may elect to apply for such a grant under this rule provided that the municipality's governing body has certified by an adopted resolution that it has authorized the establishment of a Community Greenspace Trust Fund as described Chapter 391-1-4-.07.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled "Determination and Notification of a Local Government's Eligibility to Apply for Grants from Appropriated Funds" adopted. F. Dec. 4, 2002.

391-1-4-.37. Determination of Annual Amount of Grant Funds Available to Be Granted under the Supplemental Grants for Matching Funds Program.

(a) For each county determined to be eligible pursuant to paragraph 391-1-4-.36 above, the Department will calculate the total amount to be available for all the municipalities in that county through the Supplemental Fund for Matching Grants for that fiscal year.

(b) A municipality that is located wholly or partly within a county eligible for the Supplemental Fund for Matching Grants and that elects to apply for a Supplemental Grant may be eligible to receive a portion of these funds. A municipality

that lies within more than one eligible county shall submit to the Department the documentation of expenditures and contributions within each respective county to which a portion of such funds applies.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled “Determination of Annual Amount of Grant Funds Available to Be Granted under the Supplemental Grants for Matching Funds Program adopted. F. Dec. 4, 2002.

391-1-4-38. Solicitation of Grant Applications.

(a) The Department will seek applications for Supplemental Grants under this program by sending a solicitation letter to each municipality located wholly or partly within each applicable county under the provision of Chapter 391-1-4-.36 above. The letter shall advise each eligible municipality of the total amount available in the county's Supplemental Fund for Matching Grants, the application deadline, and the requirements for the grant application.

(b) The Department will establish a closing date no earlier than 60 days nor longer than 180 days after the solicitation letters are mailed, and in no event later than March 15th of a fiscal year, after which it will no longer accept applications for Supplemental Grants.

(c) The Department will provide to said municipalities an application template that will require the following:

- (1) The municipality must identify the amount and source of local funds spent during the preceding state fiscal year directly on permanently protected greenspace projects as defined in Chapter 391-1-4-

.02, which are located within the county to which the municipality is applying for the Supplemental Grant. These funds may have been expended for such purposes as greenspace planning, costs of acquisition of interests in land as defined in Chapter 391-1-4-.02(h), or management of permanently protected greenspace land, during the preceding state fiscal year.

A. Costs for planning may be estimated and need not be strictly associated with individual parcels of permanently protected greenspace but should relate to developing strategies associated with its local greenspace program or other related programs and must have been expended during the preceding state fiscal year.

B. Costs of acquisition and management costs must be specifically linked to an identified permanently protected greenspace project(s) as defined in Chapter 391-1-4-.02(m) during the preceding state fiscal year.

C. The value of donated land or interests in land must be established by an appraisal or documented tax-assessed value and must be legally permanently protected land as defined in Chapter 391-1-4-.02 (t) that meets one or more of the greenspace purposes as defined in Chapter 391-1-4-.02(m).

D. The reasonable basis for the valuation of in-kind services must be clearly articulated.

E. The value of in-kind services and planning costs together cannot equal or exceed 50% of the total local funds submitted as the basis for a Supplemental Grant.

F. Funds that were received by either a county or municipality from the Georgia Community Greenspace Trust Fund cannot be included in the application as local funds.

G. The submittal must provide a total sum of all the local funds the municipality asserts as its basis for a Supplemental Grant.

(2) Each municipality must provide, as part of the application, an opinion-of-counsel letter from an attorney representing the municipality, that the local funds described in the application are funds that benefited the municipality's Community Greenspace Program during the preceding state fiscal year and that the estimates of staff costs and in-kind services provided for planning, acquisition or management of permanently protected greenspace projects are reasonable.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled "Solicitation of Grant Applications" adopted. F. Dec. 4, 2002.

391-1-4-.39. Determination of Amounts of Awards to Be Granted under the Supplemental Grants for Matching Funds Program.

(a) For each county that the Department determines to be eligible pursuant to paragraph 391-1-4-.36 above, the

Department will calculate the distribution allocation of the Supplemental Grant funds for that county, using the following criteria:

- (1) Within 15 days after the closing date for receiving applications for the Supplemental Grants for Matching Funds Program, the Department shall review the applications to record the representations:
 - (i) The total local funds represented by all participating municipalities as having been spent on greenspace planning, acquisition and management activities during the preceding state fiscal year within the county. The Department is not by this action endorsing the accuracy or validity of those representations by the participating municipalities.
 - (ii) If the total in subparagraph (a) above is equal to, or less than the amount of money available in the county as determined by the Department in paragraph 391-1-4-.37(a) above, the Department will provide to the county and each grantee municipality the list of grantee municipalities with their respective local funds expended during the preceding state fiscal year, and will process the appropriate Grant awards to those municipalities on a 1-to-1 ratio of their local funds expended, rounding to the nearest whole dollar, and requesting that the balance, if any, be processed as a grant to the county. In such case, this list will be the county's distribution allocation.

- (iii) If the total in subparagraph (a) is greater than the amount of money available as Supplemental Grants for that county as determined by the Department in paragraph 391-1-4-.37(a) above, the Department will calculate the proportional share of each municipality within the county using the following procedure:
 - A. Divide the total of the local funds represented as expended by a single municipality in the county during the preceding state fiscal year by the total of the local funds represented as expended by all of the municipalities in the county during the preceding state fiscal year, which will result in the percentage each municipality's expenditures represent in relation to the local expenditures of all the municipalities.
 - B. Repeat the process for each participating municipality applying for a Supplement Grant under this program.
 - C. Apply the percentages determined in paragraph (i) and (ii) above to the total funds identified by the Department in paragraph 391-1-4-.37 (a) as available to municipalities in the county for Supplemental Grants, rounding the result to the nearest whole dollar, to obtain the amount of the award for each municipality.
 - D. Prepare and submit on a template provided by the Department Distribution Allocation reflecting the amount of the Supplemental Fund for Matching Grants each municipality within the county is to receive as calculated in (iii) above.
- (2) If no municipality within a given county subject to

this act submits a timely application for a Supplemental Grant, then the Department will transmit to the county a letter stating this fact and will disburse to the county's Community Greenspace Trust Fund all the funds set aside for Supplemental Grants.

Authority O.C.G.A. § 36-22-4. **History.** Original Rule entitled "Determination of Amounts of Awards to be Granted under the Supplemental Grants for Matching Funds Program" adopted. F. Dec. 4, 2002.

391-1-4-40 through 391-1-4-49. Reserved.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATION**

**CHAPTER 391-1-4-.50 – 391-1-4-.69
GEORGIA COMMUNITY GREENSPACE
DISCRETIONARY GRANT PROGRAM**

TABLE OF CONTENTS

391-1-4-.50	Applicability and Scope of These Rules.	391-1-4-.56	Determination and Notification of a Local Government's Eligibility to Apply for a Discretionary Grant.
391-1-4-.51	Definitions.	391-1-4-.57	Submittal of a Discretionary Grant Application.
391-1-4-.52	Program Purpose.	391-1-4-.58	Establishment and Operation of Community Greenspace Trust Funds.
391-1-4-.53	Duties of the Georgia Greenspace Commission.	391-1-4-.59 through 391-1-4-.69	Reserved
391-1-4-.54	Operation of the Discretionary Grant Program.		
391-1-4-.55	Determination of Amount of Funds Available to Be Granted.		

391-1-4-.50. Applicability and Scope of These Rules. The Rules in this Chapter govern the operation of the Georgia Community Greenspace Discretionary Grant Program, as that Program is established in the Official Code of Georgia Annotated, § 36-22-11.

Authority O.C.G.A. § 36-22-11. **History.** Original Rule entitled “Applicability and Scope of These Rules” adopted. F. Dec. 4, 2002.

391-1-4-.51. Definitions. Terms defined in chapter 391-1-4-.02 shall have the same meaning in this chapter. Additional terms are defined as follows:

(a) “Date and time of submittal” means the date and time at which greenspace program staff logs a complete application for Discretionary Grant Funds as received at the office of the Georgia Greenspace Commission.

(c) "Discretionary Grant Funds" means moneys in the Georgia Greenspace Trust Fund other than moneys appropriated to the Fund by the General Assembly. Such moneys may include, without limitation, voluntary contributions to such Fund, any federal moneys deposited in such Fund, other moneys acquired for the use of such Fund by any fund raising or other promotional techniques deemed appropriate by the Department of Natural Resources, and all interest thereon. All such moneys must be used solely to defray the costs of acquisition of greenspace, or of conservation, scenic, and other easements that contribute to the goals set out for greenspace in this Act.

(d) “Discretionary Grant Program” means the Georgia Community Greenspace Discretionary Grant Program established pursuant to the terms of O.C.G.A. § 36-22-11. The Discretionary Grant Program has two elements: emergency acquisition grants and trail-corridor

acquisition grants.

(e) “Emergency Acquisition Grant” means a grant made from the Discretionary Grant Program to assist a county or a municipality in acquiring an interest in greenspace that is expected to be lost to the community greenspace program if the transaction is not closed within 90 days of the date of submittal of the application for said grant.

(f) “Equestrian trail” means a linear corridor and any adjacent support parcels of land or water that provide public access for recreational, noncompetitive, horseback riding.

(g) “Pedestrian trail” means a linear corridor and any adjacent support parcels of land or water that provide public access for recreation or authorized alternative modes of transportation. Such alternative modes of transportation shall be non-motorized, except for electric bicycles and for electric vehicles not designed or licensed for on-road use.

(h) “This Act” means Senate Bill 399 of the 2000 Session of the Georgia General Assembly, codified as O.C.G.A. § 36-22-1 *et seq.*, as amended, which established the Georgia Community Greenspace Discretionary Grant Program.

(i) “Trail” means an equestrian trail or a pedestrian trail.

(j) “Trail-corridor Acquisition Grant” means a grant made from the Discretionary Grant Program to assist a county or a municipality in acquiring an interest in greenspace to establish a new trail, extend or expand an existing trail, or connect a new trail to an existing one.

Authority O.C.G.A. §. 36-22-4 and § 36-22-11. **History.** Original Rule entitled “Definitions” adopted. F. Dec 4, 2002.

391-1-4-52. Program Purpose. The purpose of the Greenspace Discretionary Grant Program is to provide financial assistance, on a competitive basis, to any county or municipality in the state of Georgia for the acquisition and permanent protection of greenspace as defined by this Act and by any rules promulgated pursuant thereto.

Authority O.C.G.A. § 36-22-1 and § 36-22-11. **History.** Original Rule entitled “Program Purpose” adopted. F. Dec. 4, 2002.

391-1-4-53. Duties of the Georgia Greenspace Commission. The Georgia Greenspace Commission shall:

- (a) Meet at least once each calendar quarter to transact such business as may be necessary to further the purposes of this Act and of these rules; and
- (b) Determine how much money, if any, from available funds is to be made available for discretionary grants during any state fiscal year; and
- (c) Accept and review all complete and timely submitted applications for discretionary grant awards; and
- (d) Approve applications for funding, in its discretion but within the limits of available funds, taking into consideration the ratings and recommendations made by Department of Natural Resources’ staff and other pertinent matters. The Commission may reconsider ratings made by staff, and it may elect to approve awards totaling less than all, or none, of the available funds if in its judgment there are not enough, or no, eligible applications that will make a significant contribution to greenspace protection; and
- (e) Direct the Department of Natural Resources to notify each applicant of the decisions made concerning its application, and to

disburse funds to the approved applicants pursuant to executed grant award agreements.

Authority O.C.G.A. § 36-22-11. **History.** Original Rule entitled “Duties of the Georgia Greenspace Commission” adopted. F. Dec. 4, 2002.

391-1-4-.54. Operation of the Discretionary Grant Program. The Department shall administer the Discretionary Grant Program, as established in O.C.G.A. § 36-22-11, and in so doing shall perform the following functions with respect to said Program:

- (a) Annually advise each county and municipality subject to this Act of the amount of money, if any, to be made available for discretionary grants during the current state fiscal year, and of the procedures and deadlines for making application for such funds; and
- (b) Receive and record on each application for discretionary grants the date and time of receipt thereof; and
- (c) Account for all money received into and maintained on deposit in the Discretionary Grant Program; and
- (d) Review and rate all applications and recommend action by the Commission; and
- (e) Enter into a grant award agreement with each county or municipality that is awarded discretionary grant funds, as a condition of making such award; and
- (f) Grant to eligible local governments at the closing of the approved acquisition, as directed by the Georgia Greenspace Commission, those funds that the Commission has declared to be available for awarding during the current fiscal year pursuant to Chapter 391-1-4-.53(b); and

(g) Maintain a separate record for each award of moneys from the Discretionary Grant Program, including the name of the grantee, the source and amount of funds so awarded, and the date of the award; and

(h) Notify all applicants for discretionary grant awards of the final status of their applications.

Authority O.C.G.A. § 36-22-4 and § 36-22-11. **History.** Original Rule entitled “Operation of the Discretionary Grant Program” adopted. F. Dec. 4, 2002.

391-1-4-55. Determination of Amount of Funds Available to Be Granted.

At the request of the Commission, the Department will ascertain the balance of non-appropriated funds in the Georgia Community Greenspace Trust Fund and will determine whether any restrictions exist to the use of any of these funds. The Department will promptly report to the Commission the balance of the funds whose use is unrestricted, and the balance and the nature of the restrictions for each source of funds whose use is restricted. The Commission may determine the amount of each type of funds that will be granted, not to exceed the amounts on deposit. The Commission may also determine how much to make available for emergency grants and how much for trail-corridor acquisition grants.

Authority O.C.G.A. § 36-22-11. **History.** Original Rule entitled “Determination of Amount of Funds Available to Be Granted” adopted. F. Dec. 4, 2002.

391-1-4-56. Determination and Notification of a Local Government’s Eligibility to Apply for a Discretionary Grant.

(a) Each county and each municipality within the state of Georgia is eligible to make application for an award from the Discretionary

Grant Program.

(b) The Department, promptly after the Commission has decided the availability of discretionary grant funds as provided at Chapter 391-1-4-.55, shall notify each county and each municipality within the state of Georgia of such availability and of the procedures and deadlines for making application for these funds.

Authority O.C.G.A. § 36-22-11. **History.** Original Rule entitled “Determination and Notification of a Local Government’s Eligibility to Apply for a Discretionary Grant” adopted. F. Dec. 4, 2002.

391-1-4-.57. Submittal of a Discretionary Grant Application.

(a) A local government may apply for just one discretionary grant during any state fiscal year. The first application for a discretionary grant award that the Department receives from a specific county or municipality during a fiscal year shall be considered as that jurisdiction’s application for that year, and any application later received shall not be considered.

(b) Each county or municipality that applies for a discretionary grant must provide all information requested by the Department in the application format provided. To be considered for funding by the Commission, an application must contain all information requested, must be complete when received, and must be received by the Department, on or before the established deadline, at the following address:

Georgia Community Greenspace Program
Georgia Department of Natural Resources
2 Martin Luther King, Jr., Drive, SE
Suite 1454, East Tower
Atlanta, Georgia 30334-9000

(c) When seeking a discretionary grant, a county or a municipality must provide the following information in its application:

- (1) The purpose for which the grant will be used; and
- (2) The significance of the proposed property to the community; and
- (3) How the proposed acquisition is consistent with local plans; and
- (4) Full contact information for the official who will administer the grant funds.

(d) When applying for a trail-corridor grant, if the county or municipality has a formally adopted plan for on- and off-road trails, the application must discuss the consistency of the proposed acquisition with this plan.

(e) When applying for a trail-corridor grant, the county or municipality must provide information as requested about the following considerations, on which the Commission will base its rating of the application:

- (1) Connections of the proposed trail segment to public facilities and to other existing continuous trails; and
- (2) The level and type of demand for the proposed trail segment; and
- (3) The current level of community planning for the proposed trail segment; and
- (4) The length of the proposed acquisition and of the continuous trail that will be created if the proposed acquisition is successful, and whether the proposed acquisition will begin a new trail system or complete a planned trail system; and
- (5) The amounts and types of funds that are currently available or obligated for land acquisition for the proposed segment; and

- (6) The amounts and types of funds that are currently available or obligated for trail construction, improvements, and management of the segment if the proposed acquisition is successful.

(f) When applying for an emergency grant, the county or municipality must provide information as requested about the following considerations, on which the Commission will base its rating of the application upon the following criteria:

- (1) A description of the property; and
- (2) The significance of the property to the community's greenspace protection goals; and
- (3) The urgency of the need for funds; and
- (4) The cost elements that are associated with the proposed acquisition; and
- (5) The amounts and types of funds that are currently available or obligated for costs of acquisition of the proposed property.

The county or city must demonstrate that it has at least enough funds currently available or obligated for land acquisition that, if the emergency grant is awarded, the grantee will be able to pay the full costs of acquisition.

(g) Each county and municipality must provide, as part of its application, an opinion-of-counsel letter from an attorney representing the county or municipality, that the funds described in the application for emergency and trail corridor grants as being currently available or obligated for land acquisition, or that the funds described in the application for trail-corridor grants as being currently available or obligated for trail construction, improvements and management, are immediately available for use if the jurisdiction receives a discretionary grant award.

Authority O.C.G.A. § 36-22-11. **History.** Original Rule entitled "Submittal of a

Discretionary Grant Application” adopted. F. Dec. 4, 2002.

391-1-4-58. Establishment and Operation of Community Greenspace Trust Funds.

To receive a grant award from the Discretionary Grant Program, each applicant must have authorized and established a separate Community Greenspace Trust Fund, as described in Chapter 391-1-4-.07, which shall be a condition of receipt of such grant unless otherwise previously established. Discretionary grant awards made pursuant to this Act and these rules are to be deposited in the local government's Community Greenspace Trust Fund and those funds as well as all interest earned thereon are limited to the uses as provided under Chapter 391-1-4-.07 and as may otherwise be provided under the terms of the executed grant award agreement.

Authority O.C.G.A. § 36-22-4 and § 36-22-11. **History.** Original Rule entitled “Establishment and Operation of Community Greenspace Trust Funds” adopted. F. Dec. 4, 2002.

391-1-4-59 through 391-1-4-69. Reserved.