ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES ADMINISTRATIVE CODE

CHAPTER 220-5
STATE PARKS DIVISION

TABLE OF CONTENTS

220-5-.01	Use Of Facilities
220-5-.02	Swimming, Fishing And Boating
220-5-.03	Fees
220-5-.04	Operation Of Vehicles
220-5-.05	Pets And Animals
220-5-.06	Sanitation
220-5-.07	Conduct
220-5-.08	Prohibited Devices
220-5-.09	Fires
220-5-.10	Hours Of Operation
220-5-.11	Disclaimer Of Liability
220-5-.12	Designated Wildlife Sanctuaries
220-5-.13	General
220-5-.14	Recreation Capital Development Assistance Fund Regulation
220-5-.15	(Reserved)
220-5-.16	Possession Or Consumption Of Alcoholic Beverages At Certain State Park Areas
220-5-.17	Personal Watercraft At Gulf State Park
220-5-.18	Aircraft At Gulf State Park
220-5-.19	Special Gulf State Park Shark Fishing Season

220-5-.01 Use Of Facilities.

(1) Alabama State Law requires that all persons registering at any hotel, motel, cabin or campsite in any State Park shall record the name and address of each responsible party in a registration book or upon a guest register card provided for such use. Persons under eighteen years of age shall be permitted to register for a hotel or motel room, cabin or campsite only as agents acting for their parents. Any person who willfully makes an erroneous entry in such registration book shall be in violation of this regulation.

(2) No person or group of persons shall be allowed to occupy any cabin, lodge or campsite for a consecutive period longer than two weeks from April 1 through October 31 without written permission from the Director of State Parks.

(3) It shall be unlawful to erect or occupy any site with unsightly or inappropriate camping equipment.

(4) Pitching tents or parking trailers or other camping equipment in areas not designated for such purposes shall be unlawful.

(5) No person shall picnic in any area in any State Park or on any State Parkway except in the designated places without the specific approval of the Park Manager.

(6) It shall be unlawful for any person to possess or use, at any State Park freshwater or saltwater swimming area (including any beach area), any container which is subject to break, shatter, fracture, disintegrate, or become fragmented, including, but not limited to, glass, breakable plastics, etc.

(7) Abandoned personal property shall be subject to disposal in accordance with law or State Park Policy.

(8) It shall be unlawful to leave unattended at any state park any person under the age of fourteen (14). For the purpose of this paragraph, "unattended" shall mean without direct adult supervision.
Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1992. **Amended:** April 19, 1983; November 16, 1989. **Amended:** Filed April 16, 1998; effective May 21, 1998. **Amended:** Filed August 8, 2018; effective September 22, 2018.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.02 Swimming, Fishing And Boating.

(1) Visitors shall swim only in designated areas and all persons swimming in any of the waters of any State Park shall obey any order of the lifeguard or other Park official in charge.

(2) All persons fishing in any of the State Parks shall abide by the fishing regulations promulgated by the Commissioner of the Department of Conservation and Natural Resources and other fishing laws which are in force in the State of Alabama.

(a) A person so fishing shall, upon demand, exhibit his catch or fishing license to any game warden or other officer of the Department for inspection.

(b) No fish shall be placed in the State Park lakes or waters except with permission of the Commissioner of Conservation and Natural Resources.

(c) The daily creel limits are posted in a conspicuous place at each State Park lake. Any person who catches, takes or has in his or her possession more fish than allowable by the

posted creel or possession limits shall be in violation of this regulation.

(d) Fish shall be taken by rod and reel or pole and line only, in State Park lakes or waters. Use of other methods of fishing such as trot lines, set hooks, gigs, nets, seines, spear guns, bow and arrow, etc., is prohibited.

(e) It shall be unlawful to fish for sharks or use any type of shark fishing gear on any Gulf State Park Public Beach or on the Gulf State Park Saltwater Pier, unless specifically provided otherwise by regulation. It shall be unlawful to land or to attempt to land any shark on any line originally cast from said State Park Pier or Beach, unless specifically provided otherwise by regulation.

(f) It shall be unlawful to participate in any water related activity within 100 yards of the Gulf State Park Saltwater Pier. This shall include but not be limited to, wading, swimming, surfing, fishing, boating, and scuba diving.

(3) Motorized vessels are prohibited on any of the waters of the State Parks unless by special written permission from the Commissioner of the Department of Conservation and Natural Resources, except as otherwise provided for herein. At Oak Mountain, Chewacla and Paul M. Grist State Parks, electric troll motors not to exceed a size that can be operated by a storage battery may be used. At Lake Shelby in Gulf State Park, Lake Lurleen State Park and Frank Jackson State Park, any size motor may be used.

(a) It shall be unlawful to operate a vessel of any kind on the waters within Frank Jackson and Lake Lurleen State Parks to tow a person or persons on water skis, aquaplane or any other recreational device.

(b) It shall be unlawful to operate any personal watercraft on any fresh water lake within Gulf State Park, Lake Lurleen, and Frank Jackson State Park.

Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982. **Amended:** November 19, 1983; November 16, 1989. **Amended:** Filed April 14, 1998; effective May 19, 1998. **Amended:** Filed May 11, 2015; effective June 15, 2015. **Amended:** Filed August 8, 2018; effective September 22, 2018.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.03 Fees.

It shall be a violation of this regulation for any person to evade or attempt to evade by any method or means any fee or other charge which may be levied for admission to, or use of, any State Park area or facility contained therein.
Author:
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.04 Operation Of Vehicles.

(1) Driving motor vehicle in excess of posted speed shall be unlawful.

(2) Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others, or without due caution and at a speed, or in a manner so as to endanger or be likely to endanger any person or property shall be unlawful.

(3) Riding on the hood, roof, fenders, or trunk, or other exterior portion of automobiles, or riding on the roof, fenders, hood, bumper of trucks, while traveling on parks roads or other parks premises shall be unlawful.

(4) Motor bikes, minibikes, motorcycles, motor scooters, go-carts, any other type motorized vehicle and bicycles shall not be driven in any areas or on any trails not designated for their use. Only licensed vehicles shall be allowed to be utilized by the public on Park roads.

(5) No motorized vehicles of any kind or bicycles shall be allowed on horse trails, hiking trails or beach areas in any State Park, except where specifically permitted.

(6) Driving motorbikes, motorcycles, or other motor vehicles on State Park roads for any purpose other than access into or egress out of State Park areas shall be unlawful.

(7) Operating a motor vehicle at any time without a muffler in good working order, or operating a motor vehicle in such a manner as to create excessive or unusual noise or annoying smoke, or using a muffler cut off, by pass, or similar device shall be unlawful.

(8) Excessively accelerating the engine of a motor vehicle or motorcycle when such vehicle is not moving or is approaching or leaving a stopping place shall be unlawful.

(9) No person shall park any vehicle, camper, trailer or any towed conveyance in any area not specifically designed for said vehicle.

(10) Notwithstanding any provision above, individuals with a mobility disability may use any motorized vehicle or other power-driven mobility device to access the parks' amenities as provided in and subject to the provisions of the Americans with Disabilities Act of 1990, as amended, and 28 C.F.R. §35.137.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982. **Amended:** September 20, 1983; June 1, 1990. **Amended:** Filed April 14, 1998; effective May 19, 1998.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.05 Pets And Animals.

(1) Bringing a dog, cat or other animal into a State Park unless it is crated, caged or upon a leash not longer than 6 feet or otherwise under physical restrictive control at all times, shall be unlawful. The foregoing shall not apply to areas, rooms, cabins or buildings that have been designated, in writing, as pet-friendly by the Director of State Parks.

(2) No person shall keep a noisy, vicious, or dangerous dog or animal or one which is disturbing other persons, in a State Park and remain therein after he has been asked by a Park officer to leave.

(3) No animal of any type shall be allowed in any hotel or motel room, cabin, or park building, or at any swimming area (including any beach area) in any State Park. This rule shall not prohibit the use of helping animals by individuals with disabilities, nor shall it apply to areas, rooms, cabins or buildings that have been designated, in writing, as pet-friendly by the Director of State Parks.

(4) Bringing saddle, pack or draft animals into a site which has not been developed to accommodate them and posted accordingly shall be unlawful.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982. **Amended:** Filed April 14, 1998; effective May 19, 1998. **Amended:** Filed May 11, 2015; effective June 15, 2015.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.06 Sanitation.

(1) Failure to dispose of all garbage, including paper, cans, bottles, waste materials, and rubbish by removal from the site or area, or disposal at places provided for such disposition shall be unlawful.

(2) No person shall dump any refuse or waste from any trailer or other vehicle except in places or receptacles provided for such use.

(3) Cleaning of fish or food, or washing clothing or articles of household use in any stream, pond, lake or at any hydrant or faucets located in restrooms shall be unlawful.

(4) No person shall pollute or contaminate any water or water supply used for human consumption.

(5) No person shall use State Park refuse containers or other park refuse facilities for dumping household or commercial garbage or trash brought as such from private property.

(6) No person shall deposit, except into receptacles provided for that purpose, any body waste in or on any portion of any comfort station or any public structure, or deposit any bottles, cans, cloths, rags, metal, wood, stone, or other damaging substance in any of the fixtures in such station or structures.
Author:
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.07 Conduct.

(1) It shall be unlawful to incite or participate in riots, indulge in boisterous, abusive, threatening, indecent or disorderly conduct in any State Park area. Anyone in violation of this regulation may be forcibly ejected from the park or arrested and shall not be entitled to a refund of any fee or rental.

(2) Failure to maintain quiet in campground, lodge and cabin areas between the hours of 10:00 p.m. and 6:00 a.m. shall be unlawful.

(3) It shall be unlawful for any person to destroy, deface or remove any native wild or domesticated tree, shrub, plant or wildflower in any State Park.

(4) Destroying, injuring, defacing, removing or disturbing in any manner any real, personal or public property in any State Park shall be unlawful.

(5) No person shall solicit, sell or advertise in any State Park without the written authorization of the Director of State Parks.

(6) It shall be unlawful for any person to destroy, disturb, deface, collect or remove any natural, cultural, historical, archeological, geological, mineralogical, etc., objects or artifacts from any Alabama State Park.

(7) Feeding of deer at a State Park shall be unlawful.
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982. **Amended:** November 16, 1989. **Amended:** Filed April 14, 1998; effective May 19, 1998. **Amended:** Filed February 5, 2010; effective March 12, 2010.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.08 Prohibited Devices.

(1) For the purposes of this section, the following words and phrases shall have the following meanings:

(a) "Handgun" is defined as:

1. any firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

2. any combination of parts from which a firearm described above can be assembled.

(b) "Long gun" is defined as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of an explosive to fire:

1. either a number of ball shot or a single projectile through a smooth bore for each single pull of the trigger; or

2. a single projectile through a rifled bore for each single pull of the trigger.

(2) It shall be unlawful for any person other than a duly authorized law enforcement officer, to possess or carry into any State Park any form of firearm except as follows:

(a) Possession of handguns by lawfully authorized persons is permitted for personal protection provided the handguns are not used for any unlawful purpose.

(b) Persons lodging at a State Park may possess along gun, provided that the long gun remains at all times unloaded and secured in either the patron's vehicle or applicable lodging (i.e. camper, cabin, or lodge room).

(c) The Commissioner may designate locations where the possession of a firearm is prohibited.

(3) No person shall possess, discharge, or set off on or within a State Park any firecrackers, torpedoes, rockets, cap pistols, or other fireworks.

(4) No person shall operate or use any audio device, including radio, television, musical instruments, or any other noise producing devices, such as electrical generators, and equipment driven by motor engines, in such a manner and at such times so as to disturb other persons.

(5) No person shall operate or use any public address system, whether fixed, portable, or vehicle mounted, except when such use or operation has been approved by the Park Manager.

(6) It shall be unlawful for any person to use any metal detection device in any State Park without permission from the Park Manager.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982. **Amended:** November 16, 1989. **Amended:** Filed April 14, 1998; effective May 19, 1998. **Amended:** Filed January 5, 2010; effective February 9, 2010. **Amended:** Published January 31, 2023; effective March 17, 2023.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.09 **Fires**.

Building a fire outside of stoves, grills, fireplaces, or other places provided for such purposes shall be unlawful. All fires shall be attended at all times and upon abandonment of same the fire shall be completely extinguished.
Author:
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.10 Hours Of Operation.

(1) It shall be unlawful to enter or use a site or area, or portion of a site or area, which is closed to public use.

(2) Only registered overnight guest shall be admitted or allowed to remain in any State Park after the designated closing hour unless such person has special written permission of the manager of said Park.

(3) Leaving a camp unit unoccupied or unattended for a period of more than 24 hours without permission from the manager shall be in violation of Park regulations.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982. **Amended:** Filed April 16, 1998; effective May 21, 1998.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.11 Disclaimer Of Liability.

(1) The Department of Conservation and Natural Resources shall not be responsible for any accident or injury to any person while on State Park property or when using any State Park facility. Any person coming within a State Park or using a State Park facility shall by such entrance or use waive any claim against the State or its agents for any accident or injury occurring while on or within a State Park.

(2) Subject to the other provisions of state law, the State of Alabama shall not be responsible for any property or article lost or stolen from any cabin, hotel or motel room, campsite, bathhouse, parking area, or any park building or facility.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982. **Amended:** Filed April 16, 1998; effective May 21, 1998.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.12 Designated Wildlife Sanctuaries.

Each State Park or recreation area now in existence, and those which may be hereafter designated as same, are hereby designated as game and wildlife sanctuaries, and it shall be unlawful for any person to hunt, trap, pursue, catch or kill any wild bird or wild animal in any of the places herein mentioned, unless specifically provided otherwise by regulation.
Author:
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.13 General.

(1) The words "State Park" as used in any regulation shall include and embrace all land or water under the supervision of the Division of State Parks.

(2) Failure to comply with reasonable conditions of occupancy and use of Alabama State Park facilities as prescribed and posted by the Department of Conservation and Natural Resources, for the protection and administration of State Park facilities and resources and the promotion of public health, welfare, safety or conveniences shall be unlawful.

(3) All State and Federal laws now in force and laws which may hereafter be enacted shall be maintained in all State Parks, and it shall be a violation of this regulation for any person to break or attempt to break any State or Federal Law.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Filed September 30, 1982. **Amended:** Filed April 16, 1998; effective May 21, 1998.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.14 Recreation Capital Development Assistance Fund Regulation.

(1) General Project Criteria.

(a) Purpose. The Recreation Capital Development Assistance Fund (RCDAF) Program authorizes the State to provide financial assistance to Applicants for the acquisition and/or

development of public outdoor recreation areas and facilities found to be in accord with the Statewide Comprehensive Outdoor Recreation Plan. Such assistance shall be on a matching basis not to exceed a maximum of fifty (50) percent of the total project related allowable costs.

(b) Project Sponsors. Proposed projects may be sponsored by a State agency or a public agency of a subordinate unit of government. All project proposals submitted to the State must be recommended by the unit's chief elected or appointed official.

(c) Relation to State Plan. Only project proposals in accordance with the State's Recreation Planning Program may be considered. Project proposals may be submitted for approval only during the time in which the Applicant sustains its eligibility for participation in the RCDAF program. Projects received during a period of ineligibility will be returned to the Applicant as inactionable. This does not mean that the projects have been disapproved nor prevents them from being resubmitted by the Applicant as soon as eligibility has been regained.

(d) Project Proposals. The Applicant has the initial prerogative and responsibility for determining the scope and effort involved in a project proposal. A project can be designed as follows: 1) Acquisition and/or development work at one site, 2) acquisition and/or development work, sponsored by a single State agency and/or local unit of government, at several sites, or 3) a particular type of facility, such as swimming pools or miniparks, sponsored by State agencies and/or local units of government and located at several sites.

1. The Department reserves the right to require the segmenting of project proposals into smaller projects or the combining of small related projects into a larger one when, in the judgment of the Department, such proposals do not lend themselves to effective and economical management and costing.

2. A project proposal, except in the most unusual circumstances, should embrace only those efforts that can be accomplished within a three-year period.

(e) Types of Projects.

1. Acquisition. These include the acquisition of land and waters or partial rights to them.

2. Development. These include the development of certain outdoor recreation activity and support facilities needed by the public for recreation use of an area.

3. Combined. When it is advantageous to do so, an Applicant may submit projects which combine acquisition and development.

(f) Multiple-Purpose Projects. Multiple-purpose projects which involve uses other than outdoor recreation may be eligible for assistance under the Act (Chapter 7A of Title 9, Code of Ala. 1975, as amended). The Applicant must include a careful and complete justification and explanation with each proposal. Two general types of multiple-purpose projects are eligible for assistance:

1. Projects in which a specifically designated portion of the multiple-purpose area or facility will be used primarily for outdoor recreation and/or outdoor recreation support, such as picnicking facilities adjacent to a new public reservoir. Fund assistance is limited to the designated outdoor recreation area and/or facility and support facility.

2. Projects which will provide identifiable outdoor recreation benefits as a whole, as opposed to specific segments of it. For example, a water impoundment constructed primarily for flood control might also have important recreation benefits. In such a case, at the Department's discretion, assistance might be made available only for the portion of the cost, on a prorata basis, of the facility which is clearly attributable to outdoor recreation above and beyond the facility's cost for its non-recreation function.

3. The proposal must fully disclose the nature and extent of other uses and the relationship of the proposed outdoor recreation project to the total area and development. Additionally, if the project is located in a floodplain, the project proposal must evaluate the flood hazard to the fund-assisted facility.

(g) Assistance from Other Agencies. Project proposals submitted to the Department for RCDAF assistance may also be submitted to other public agencies for aid. The State or local matching share of an approved project may consist of other State financial assistance only where the statutory provisions of the subsequent State grants program explicitly allows recipients to use such assistance to match other State Funds. The application to the Department should describe any such submissions, and the Department should immediately be notified if these result in assistance or the promise of assistance by another organization.

(h) Control and Tenure. For lands included in a project proposal, the project sponsor must have title or adequate control and tenure of the project area in order to provide

reasonable assurances that a conversion will not occur without Departmental approval. Copies of the property titles, leases, easements, or other appropriate documents must be on file at the local level and available for State inspection.

1. Property that is proposed for acquisition and/or development and which is subject to reversionary interests upon discontinuation of the recreation use may be eligible to receive Fund assistance. The DCNR's determination in this regard will rest on the compatibility of uses proposed by the project sponsor with that stipulated in the reversionary clause and receipt of satisfactory assurances from the Applicant that the property so assisted will be replaced in accord with specific provisions applicable to such future conversion should the reversionary interest be exercised.

(i) Such assurances are contained in the General Provisions of the Project Agreement and may also apply to termination provisions included in leases and special use permits, provided such revocation is not at the sole discretion of the lessor except in the case of Forest Service Term Special Use Permits.

2. Properties subject to outstanding interests, such as mineral rights that, if exercised, may not be compatible with the continued viable use of the area for outdoor recreation, may also be agreed to under certain specific conditions. The Department will agree to such a future conversion based upon the sponsor's present agreement that these lands will be replaced. This specific assurance provision is contained in the General Provisions of the Project Agreement.

3. It should be noted the above paragraphs 1 and 2 are only concerned with those reversionary rights or outstanding interests that, should they occur or be exercised, would result in the project area not being viable for continued public outdoor recreation use as determined by DCNR at the time of project submission and where the sponsor certifies and the DCNR agrees that the possibility of the reversionary interest or outstanding rights being exercised is remote. These decisions will be made on a case by case basis. When significant outstanding rights are involved, the project application will also contain an opinion of Counsel from the sponsor that the sponsor or recipient has the authority to enter into a grant contract which may require the provision of replacement land. Other rights and interests which, if exercised, will not adversely affect the recreation utility or viability of the area can be excepted in accordance with Section 9-7A-10, Code of Ala. 1975, and guidelines established by the Commissioner.

(i) Leasing of Lands Acquired and/or Developed with RCDAF Assistance. A project sponsor may provide for the operation of a RCDAF assisted facility by leasing the facility to a private organization or individual. As the principal grantee, the Applicant is ultimately accountable for assuring compliance with the applicable State requirements and therefore the delegation or transfer of certain responsibilities to subgrantees or lessees does not relieve the Applicant of its compliance burden. Accordingly, the Applicant must irrevocably agree to provide suitable replacement property should the public use of the leased facility be restricted or the outdoor recreation resource be compromised.

1. All lease documents for the operation of RCDAF assisted projects by private organizations or individuals must address the following:

(i) In order to protect the public interest, the project sponsor must have a clear ability to periodically review the performance of the lessee and terminate the lease if its terms and the provisions of the grant agreement, including standards of maintenance, public use, and accessibility are not met.

(ii) The document should clearly indicate that the leased area is to be operated by the lessee for public outdoor recreation purposes in compliance with provisions of the Recreation Capital Development Assistance Fund Program and implementing guidelines.

(iii) The document should require that the area be identified as being publicly owned and operated as a public outdoor recreation facility in all signs, literature and advertising and that the lessee be identified as such so as not to mislead the public into believing that the area is private. Signs should also be posted identifying the facility as being open to the public.

(iv) The document should require that all fees charged by the lessee to the public must be competitive with similar private facilities.

(2) Criteria For Acquisition.

(a) Types of Acquisition. Acquisition of lands and waters for public outdoor recreation, including new areas or additions to existing parks, forests, wildlife areas, beaches, and other similar areas dedicated to outdoor recreation may be eligible for assistance. Acquisition can be by fee simple title or by whatever lesser rights will insure the desired public use. The

types of acquisitions that are eligible for assistance include, but are not limited to:

1. Areas with frontage on oceans, rivers, streams, lakes, estuaries, and reservoirs that will provide water-based public recreation opportunities, or the acquisition of water bodies themselves.

2. Land for creating water impoundments to provide water-based public outdoor recreation opportunities.

3. Areas that provide special recreation opportunities, such as floodplains, wetlands, and areas adjacent to scenic highways.

4. Natural areas and preserves and outstanding scenic areas where the objective is to preserve the scenic or natural values, including areas of physical or biological importance and wildlife areas. These areas must be open to the general public for outdoor recreation use to the extent that the natural attributes of the areas will not be seriously impaired or lost.

5. Land within urban areas for day-use picnic areas, neighborhood playgrounds, and tot lots; areas adjacent to school playgrounds and competitive nonprofessional sports facilities, as well as more generalized parklands.

(b) Activities Covered. Areas acquired may serve a wide variety of outdoor recreation activities including, but not limited to: driving and walking for pleasure, sightseeing, swimming and other water sports, fishing, picnicking, nature study, boating, hunting and shooting, camping, horseback riding, bicycling, skiing, and other outdoor sports and activities.

(c) Acquisition of Structures. Acquisition projects may include structures and impoundments which: (a) are to be used primarily for outdoor recreation or outdoor recreation support activities or (b) are a part of the outdoor recreation area to be acquired, and are to be removed or demolished (or drained in the case of impoundments). RCDAF assistance may be used to acquire modest structures to be used as park ranger's residences provided the cost of the structure is incidental to the total acquisition cost. Project proposals must list all improvements and their proposed use or disposition.

(d) Acquisition of Lesser Interests. Proposed acquisitions of interests in lands and waters of less than fee simple title are encouraged where such lesser rights will insure the desired public use. Such proposals will be considered on the basis of their merit and contribution to outdoor recreation.

(e) Acquisition Involving Compatible Uses. Non-recreation uses, such as timber management, grazing, and other natural resource uses not including agriculture may be carried out within the area if they are clearly described in the project proposals, are compatible with and secondary to outdoor recreation use, and are approved by the Department. Also, facilities that are not eligible for RCDAF assistance may be constructed with other than RCDAF monies on land purchased with RCDAF assistance if such facilities do not constitute a conversion under Section 9-7A-10, Code of Ala. 1975 and regulations and guidelines thereunder.

(f) Means of Acquisition. Acquisition of lands and waters, or interests therein may be accomplished through purchase, eminent domain, transfer, or by gift.

(g) Reservations and Rights Not Acquired. Reservations and rights held by others are permissible only if it is determined that the outdoor recreation purposes and environment would not be significantly affected. The project sponsor shall list all outstanding rights or interests held by others in project documentation and on the project boundary map. Further, the environmental information submitted to DCNR on the project must explain how these outstanding rights are to be dealt with to assure that the outdoor recreation interests and the environment will not be affected significantly.

(h) Acquisition for Delayed Development.

1. General. RCDAF assistance may be available to acquire property for which the development of outdoor recreation facilities is planned at a future date. In the interim, between acquisition and development, the property should be open for those public recreation purposes which the land is capable of supporting or which can be achieved with a minimum public investment. Non-recreation uses such as agriculture occurring on the property at the time of acquisition may continue for up to 3 years, contingent upon approval by DCNR. In this case the project sponsor shall not receive payment on the project until the non-recreation use is terminated.

2. Procedures. If development will be delayed for more than two years from the date of acquisition, the project sponsor shall include the following information in the project application.

(i) Why immediate acquisition of the property is necessary.

(ii) What facilities will be developed and when such development will occur.

(iii) What, if any, non-recreation uses will be continued on the property and when such non-recreation uses will be terminated.

(iv) The type of public recreation access that will be provided during the interim period.

3. Non-Recreation Use. In applications where the continuation of an existing non-recreation use is anticipated, the project sponsor shall, in addition to the above information, include the following condition in the project agreement to assure the RCDAF payment is not requested until the non-recreation use is terminated:

"The Applicant will receive no payment from the Recreation Capital Development Assistance Fund for those parcels of land supporting non-recreation uses until the project sponsor has terminated such uses."

Furthermore, the project application should also include:

(i) Assurance that any income received by the project sponsor for the non-recreation use will be used in accord with the provisions of Section 9-7A-1, et seq., Code of Ala. 1975 and regulations and guidelines promulgated thereunder.

(ii) Assurance that the non-recreation use will be terminated within 3 years from the date of acquisition; and

(iii) A written request to the Commissioner for concurrence in the continuation of the non-recreation use during the interim period.

4. Extension of the 3 Year Limit. In applications where public access for recreation purposes will be provided, the continuation of the non-recreation use beyond the 3 year limit may be extended by the Commissioner. The Applicant should submit a written request for such an extension to the Commissioner before the end of the 3 year period. This request should include 1) a full description of the property's open space value and public recreation use, and 2) an update of the project sponsor's plans for developing outdoor recreation facilities on the property. In granting such an exception, the DCNR recognizes that certain non-recreation uses are compatible with limited public recreation use of the property and the enjoyment of open space values. The Commissioner shall not grant an extension of the 3 year limit if public recreation access and open space values are not present. If an extension of the 3 year limit is

granted, the project sponsor cannot be reimbursed until all non-recreation uses have ceased.

5. Exceptions. This policy does not preclude the continuation or introduction of non-recreation uses such as timber management, grazing and other natural resource uses not including agriculture which are clearly described in the project application, are compatible with and secondary to the outdoor recreation uses intended for the property, and are approved by the DCNR.

(i) Acquisition Which Will Not Be Assisted.

1. Acquisition of historic sites and structures will not receive RCDAF assistance. Exceptions may be made only when it is demonstrated clearly that the acquisition is primarily for outdoor recreation purposes and that the historic aspects are a corollary to the primary recreation purposes. This exclusion need not prevent the consideration of projects calling for acquisition of real property interests contiguous to or near historic sites and structures which meet priority outdoor recreation needs.

2. Acquisition of museums and sites to be used for museums or primarily for archeological excavations will not receive RCDAF assistance.

3. Acquisition of land to help meet a public school's minimum site size requirement, as established by State or local regulations will not receive RCDAF assistance.

4. Acquisition of areas and facilities designed to be used primarily for semi-professional and professional arts and athletics will not receive RCDAF assistance.

5. Acquisition of areas and facilities to be used solely for game refuges or fish production purposes will not receive RCDAF assistance. However, such areas and facilities may be eligible if they will be open to the public for general compatible recreation, or if they directly serve priority public outdoor recreation needs.

6. Acquisition of areas to be used mainly for the construction of indoor facilities will not receive RCDAF assistance. Also prohibited are areas where existing indoor recreation facilities, if left in place, will not leave sufficient area at the site for the development of outdoor recreation facilities to justify the cost of the acquisition.

7. Acquisition of railroad "hardware," trestles, stations, yards, and the like will not receive RCDAF

assistance, if such are to be used for the commercial operation of railroad trains.

8. Acquisition of agricultural land primarily for preservation in agricultural purposes will not receive RCDAF assistance.

(3) Criteria For Development.

(a) General. Financial assistance may be available through the RCDAF program to provide most facilities necessary for the use and enjoyment of outdoor recreation areas. The RCDAF Program specifies that development projects may consist of basic outdoor recreation facilities to serve the general public provided that the funding of such a project is in the public interest and in accord with the Recreation Capital Development Assistance Program. In addition, development projects are subject to all other conditions, policies, and regulations included in the RCDAF Program.

(b) Project Scope. A development project or consolidated project element may consist of one improvement or a group of related improvements designed to provide basic facilities for outdoor recreation, including facilities for access, safety, health, and protection of the area, as well as those required for the use of the area. Furthermore, a project may consist of the complete or partial development of one area, such as a State park or a city playground, or it may consist of a series of developments on a number of geographically separated areas such as picnic facilities in a number of parks, or the construction of fishing piers on a number of lakes in the State. In all cases, the project must be a logical unit of work to be accomplished in a specific time frame. Ineligible facilities to be funded through sources other than the RCDAF program may be included in the development concept plan of a project. The development of such ineligible facilities on lands acquired with RCDAF assistance will be allowed only if they do not constitute a conversion under Section 9-7A-10, Code of Ala. 1975, and guidelines established thereunder.

1. Funding of development project proposals may cover construction, renovation, site planning, demolition, site preparation, architectural services, and similar activities essential for the proper conduct of the project.

(c) Design Criteria. Plans for the development of land and/or facilities should be based on the needs of the public, the expected use, and the type and character of the project area. Facilities should be attractive for public use and generally be consistent with the environment. Plans and specifications for the improvements/facilities should be in accord with established engineering and architectural practices. Emphasis

should be given to the health and safety of users, accessibility to the general public, and the protection of the recreation and natural values of the area.

1. All facilities developed with assistance from the Fund must be designed in conformance with applicable state laws regarding construction of public facilities and use thereof by the handicapped. Acceptable design criteria have been published in "American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Handicapped." Copies of the publication may be obtained from American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(d) Ownership or Control of Project Lands. Facilities may be developed on land and water owned by the participating agency or leased to the project sponsor provided that control of such property is commensurate with the proposed development. This control must be adequate in two regards:

1. The time remaining on the lease shall be no less than 25 years or in the Commissioner's judgment as shall insure a period of public use and enjoyment commensurate with the expenditure of money.

2. The lease cannot be revocable at will by the lessor. In the case of Forest Service Term Special Use Permit, the Forest Service reserves the right to revoke the use permit at its discretion. For such project, the grant agreement between the sponsor and the DCNR will expressly recognize the possible termination of the permit by the Forest Service and the sponsor should nonetheless obligate itself to provide substitute lands in that event.

(e) Guidelines for Eligible Recreation Facilities. Development projects may include but are not limited to the following facility types:

1. Sports and Playfields. RCDAF assistance may be available for fields, courts and other outdoor spaces used in competitive and individual sports. This includes fields for baseball, softball, soccer and football, tennis courts, playgrounds and tot lots, golf courses, rifle/pistol ranges, trap/skeet fields, archery ranges, rodeo arenas, running tracks, and other similar facilities.

2. Picnic Facilities. RCDAF assistance may be available for tables, fireplaces, shelters, and other facilities related to family or group picnic sites.

3. Trails. RCDAF assistance may be available for the development and marking of overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, motorized vehicles and other trail activities.

4. Swimming Facilities. RCDAF assistance may be available for swimming beaches, outdoor pools, wavemaking pools, wading pools, spray pools, lifeguard towers, bathhouses and other similar facilities. Indoor swimming pools are also eligible for RCDAF assistance.

5. Boating Facilities. RCDAF assistance may be available for most facilities related to motorboating, sailing, canoeing, kayaking, sculling and other boating activities. These facilities include, but are not limited to, docks, berths, floating berths secured by buoys or similar services, launching ramps, breakwaters, mechanical launching devices, boat lifts, boat storage, sewage pumpout facilities, fuel depots, water and sewer hookups, restrooms, showers, electricity and parking areas. Assistance will not be provided for operational equipment such as buoys, ropes, life jackets, or boats. Marinas are also eligible for assistance and are subject to the following provisions regardless of when RCDAF assistance was provided:

(i) An equitable method of allocating berth space shall be used in all marinas. Allocation methods shall include: (a) annual or multi-year lotteries, or (b) posted waiting lists where berth space is filled in the order of receipt of applications, or (c) another method selected by the applicant that responds to local conditions and equitably allocates space among all parties. In each instance, adequate public notice shall be provided announcing the availability of berth space and describing application procedures. The project sponsor shall determine the most equitable method under which leaseholders may compete for future berth space vacancies. For new marinas the project narrative shall describe the allocation system to be used.

(ii) Commercial charter fishing or sightseeing boats are permissible marina lease holders due to their potential for expanding public waterfront access. However, it is not intended that these users occupy a significant number of marina berths and accordingly, project sponsors should establish reasonable limits on the number of berth spaces provided for such users.

(iii) New marinas receiving RCDAF assistance shall also be subject to the following provisions:

(I) Berth lease terms shall not be transferable to any other party.

(II) Berth space for transient boaters shall be provided.

(III) Marinas located in urban areas shall include specific design provisions for non-boater public access. Such access, which expands water-based recreation opportunities, may be met by providing walkways, observation points, fishing piers and/or related facilities. Limited access to the actual marina berths may be retained.

6. Fishing/Hunting Facilities. RCDAF assistance may be available for trails, fishing piers and access points, initial clearing and planting of food and cover, stream improvements, wildlife management areas, fish hatcheries and other facilities necessary for public fishing or hunting. In developing and evaluating fish hatchery proposals, priority shall be given to hatcheries which provide urban fishing opportunities.

7. Winter Sports Facilities. Outdoor ice skating and ice hockey rinks are eligible.

8. Camping Facilities. RCDAF assistance may be available for tables, fireplaces, restrooms, information stations, snackbars, utility outlets and other facilities needed for camping by tent, trailer or camper. Cabins or group camps of simple austere design and accessible to the general public in an equitable manner are eligible. Group camps designated for specific groups or for which specific groups will be given priority access are not eligible.

9. Exhibit Facilities. RCDAF assistance may be available for outdoor exhibit or interpretive facilities that provide opportunities for the observation or interpretation of natural resources located on the recreation site or in its immediate surrounding areas. This includes small demonstration farms, arboretums, outdoor aquariums, outdoor nature exhibits, nature interpretive centers and other similar facilities. However, exhibit areas will not be assisted if they function primarily for academic, historic, economic, entertainment or other nonrecreational purposes. This restriction includes convention facilities, livestock and produce exhibits, commemorative exhibits, fairgrounds, archeological research sites, and other nonrecreational

facilities. The development of nature and geological interpretive facilities which go beyond interpreting the project site and its immediate surrounding area are not eligible. Electronic or mechanical devices for use by the handicapped are eligible. Examples include: projectors, screens, recorders etc.

10. Spectator Facilities. RCDAF assistance may be available for amphitheaters, bandstands and modes seating areas related to playfields and other eligible facilities, provided the facility is not designed primarily for professional or semiprofessional arts or athletics, nor intercollegiate or interscholastic sports. Some bleachers or other modes seating areas are encouraged to be incorporated where needed into eligible recreation facilities to serve the handicapped, elderly and other nonparticipants in the facility's major recreation activity. Seating shall not be expanded solely to provide capacity for a limited number of special events.

11. Community Gardens. RCDAF assistance may be available for land preparation, perimeter fencing, storage bins and sheds, irrigation systems, benches, walkways, parking areas and restrooms related to a community garden. In such a project, community gardening must be clearly identified in the Applicant's Recreation Planning Program as a needed outdoor recreation activity and must be accessible to the general public in an equitable manner. Furthermore, RCDAF assistance is not available for fertilizer, seeds, tools, water hoses, nor gardens planned as commercial enterprises.

12. Renovated Facilities. RCDAF assistance may be available for extensive renovation or redevelopment to bring a facility up to standards of quality and attractiveness suitable for public use, if the facility or area has deteriorated to the point where its usefulness is impaired, or outmoded, or where it needs to be upgraded to meet public health and safety laws or requirements. However, such renovation is not eligible if the facility's deterioration is due to inadequate maintenance during the reasonable life of the facility.

13. Professional Facilities. Areas and facilities designed primarily for semi-professional or professional arts or athletics, such as professional type outdoor theaters, professional rodeo arenas and other similar facilities are not eligible for RCDAF assistance.

14. Handicapped Facilities. RCDAF assistance may be available for the adaptation of new or existing outdoor recreation facilities and support facilities for use by

the handicapped. However, outdoor recreation facilities to be used exclusively by the handicapped are not eligible unless such facilities are available to the general public or are part of an outdoor recreation area which serves the general public.

15. Mobile Recreation Units. Mobile recreation units including playmobiles, skatemobiles, swimmobiles, show wagons, and puppet wagons are not eligible for RCDAF assistance.

16. Zoo Facilities. Outdoor display facilities at zoological parks are eligible to receive Recreation Capital Development Fund assistance provided they portray a natural environmental setting that serves the animal's physical, social, psychological and environmental needs, and that is compatible with the activities of the recreator. Traditional outdoor caging facilities and animal pens are not eligible although Fund assistance can contribute to the renovation of such facilities to achieve a more natural environmental setting as described above. Basic winter/adverse weather housing quarters that are separate and distinct from enclosed viewing and display areas and which are used in direct support of outdoor displays may also receive assistance. Support facilities to serve the needs of the recreator, such as walkways, landscaping, comfort facilities, parking, etc. are also eligible. Other enclosed or sheltered facilities such as indoor displays, and permanent housing are not eligible for Fund assistance.

(f) Guidelines for Eligible Support Facilities.

1. Public Use Facilities. RCDAF assistance may be available for support facilities needed by the public for outdoor recreation use of an area, such as roads, parking areas, utilities, sanitation systems, restroom buildings, simple cabins or trail hosters, warming huts, shelters, visitor information centers, kiosks, interpretive centers, bathhouses, permanent spectator seating, walkways, pavilions, snack bar stands, and equipment rental spaces. When appropriate, support facilities may be sheltered from the elements by providing a simple roof or cover. Informational materials and leaflets are not eligible.

2. Operation and Maintenance Facilities. Facilities that support the operation and maintenance of the recreation resource on which they are located are eligible, such as maintenance buildings, storage areas, administrative offices, dams, erosion control works, fences, sprinkler systems and directional signs. Regional and areawide maintenance facilities are eligible provided the project

sponsor agrees to include those park and recreation areas served by the maintenance facility in the scope of the project agreement and under the conversion provisions of the Program. However, an employee's residence and its furnishings are not eligible.

3. Beautification. The beautification of an outdoor recreation area is eligible provided that it is not part of a regular maintenance program and if the site's condition is not due to inadequate maintenance. This includes landscaping to provide a more attractive environment; the clearing or restoration of areas which have been damaged by natural disasters; the screening, removal, relocation or burial of overhead powerlines; the dredging and restoration of publicly owned recreation lakes or boat basins and measures necessary to mitigate negative environmental impacts.

4. Indoor Facilities. RCDAF assistance will not be provided for support facilities, or portions of support facilities which contribute primarily to public indoor activities, such as meeting rooms, auditoriums, libraries, study areas, restaurants, lodges, motels, luxury cabins, food preparation equipment, kitchens, and equipment sales area.

5. Prorata Basis. Support facilities that exclusively serve ineligible facilities are not eligible. However, if support facilities will serve both eligible and ineligible facilities, as may be the case with roads and sewers, assistance may be provided on a pro rata basis for that portion of the support facility that will serve the eligible facilities, provided that the eligible facilities are subject to the Act's conversion provisions.

6. Roads. Roads constructed outside the boundaries of the recreation area or park are not eligible, unless:

(i) They are, in fact, access roads to a designated park and recreation area and not part of a State, county or local road system extending beyond or through the boundaries of the area.

(ii) The access corridor must be owned or adequately controlled by the agency sponsoring or administering the park or recreation area.

(iii) The principal objective is to serve the park and visitors. Any use or service to private parties must clearly be incidental to the primary use of the access road for recreation purposes in which case assistance may be granted on a pro rata basis. Roads

designed to serve undesignated recreation areas or Federal areas are not eligible.

7. Equipment. Equipment required to make a recreation facility initially operational, and certain supplies and materials specifically required under State Health Department regulations may be eligible for assistance.

8. Relation to Project Proposal. Development projects in new or previously undeveloped recreation areas may not consist solely of support facilities, unless they are required for proper and safe use of an area which does not require additional outdoor recreation facilities (such as construction of restrooms at a public nature study area), or unless necessary outdoor recreation facilities are being developed concurrently with the RCDAF assisted support facilities, or unless necessary outdoor recreation facilities will be developed within a reasonable period of time. In the latter two cases, the project agreement must include a provision that the non-RCDAF assisted outdoor recreation facilities are to be completed within a certain time frame agreeable to DCNR and that if they are not, the RCDAF monies will be refunded.

9. Staged Projects. If the first stage of a multistaged RCDAF project consists wholly of support facilities, and approval is requested only for the first stage, the project agreement must contain the provision that the first stage RCDAF monies will be refunded if the later stages, which include the recreation facilities, are not completed within two years.

10. Energy Conservation Elements. The energy conservation elements of an eligible outdoor recreation facility and its support facilities are eligible for RCDAF assistance. This includes but is not limited to solar energy systems, earth berms, window shading devices, energy lock doors, sodium vapor lights, insulation and other energy efficient design methods and materials. In addition, power systems which minimize or eliminate a facility's use of petroleum and natural gas are eligible including, but not limited to, windmills, on-site water power systems, bioconversion systems, and facilities required for the conversion of existing power systems to coal, wood, or other energy efficient fuels.

(g) Facility Location. Development projects may be located on lands and waters owned by or leased to the project sponsor. In certain situations, however, the following conditions also apply:

1. Public School Grounds. Outdoor recreation areas and facilities for coordinated use by the general public and by public schools, including colleges and universities, are eligible for RCDAF assistance, provided such facilities are not part of the normal and usual program and responsibility of the educational institution. Facilities needed to meet the physical education and athletic program requirements of a school may not receive RCDAF assistance. This policy does not preclude exclusive school use of certain facilities such as athletic fields, tennis courts, swimming pools, etc. at certain times for instruction or competition provided there is adequate public use at other times. Stadiums and permanent bleachers are not eligible for RCDAF assistance. The grant application must include a schedule of the time the facility will be available to the public. Additionally, adequate signs must be installed at the site, prior to final payment on the project, indicating when the outdoor recreation facilities are available to the general public.

2. Tourist Areas. Outdoor recreation and support facilities may be located in primary or potential tourist market areas, provided their primary purpose is for public outdoor recreation as opposed to entertainment or economic development, and provided they do not create unfair competition with the private sector.

3. Historic Sites. Outdoor recreation and support facilities may be located on historic sites or in conjunction with historic structures. This includes picnic areas, walkways and trails on a historic property as well as visitor centers oriented to the outdoor facilities and environment. However, the restoration or preservation of historic structures is not eligible.

4. Utility Sites. Outdoor recreation and support facilities may be located on utility company lands such as rights-of-way, reservoir lands, etc, unless the Exhibit R of the utility's license application filed with the Federal Energy Regulatory Commission indicates that the facilities are to be provided at the expense of the licensee.

5. Agricultural Lands. Outdoor recreation and support facilities, such as demonstration farms, wildlife management and hunting areas, may be planned in conjunction with agricultural activities, provided that the type and extent of the agricultural activity is limited to that necessary to support the outdoor recreation activity.

(4) Application And Amendment Procedures

(a) General. This section deals with the procedures and requirements for submitting an acquisition and/or development project application to DCNR for RCDAF assistance and for amending and approving such projects.

(b) Background to the Application. Before submitting an application to DCNR for RCDAF assistance, the sponsoring agency must have developed the plans for its proposed project to the point where the project scope can be described and reasonable estimates of cost can be made.

(c) Submission of an Application. Project applications should be received at least 60 days in advance of the proposed acquisition or the beginning of construction.

(d) Application Forms. All applicants will use the RCDAF Assistance Application For Construction Programs. One signed copy of the above form will be submitted to DCNR when using a Complete Single Project Application.

(e) Agreement Forms. A project agreement which establishes the framework for accomplishing the project will be negotiated between the Sponsor and the State for each project. Execution of the agreement by DCNR constitutes its approval of the project.

1. Framework of the Agreement. The major points of the project agreement are as follows:

(i) It sets forth the obligations assumed by the Sponsor through its acceptance of State assistance, including the rules and regulations applicable to the conduct of a project under the Act and any special terms and conditions to the project established by DCNR and agreed to by the Sponsor.

(ii) It obligates the State to provide grants up to a designated amount for eligible costs incurred on the project on the basis of information and cost estimates contained in the proposal. This amount is the "support ceiling," and may vary as a percentage of total eligible costs, but in no event will it exceed 50 percent of the total cost indicated on the agreement forms.

(iii) It sets forth methods of costing, accounting, incurrence of costs, and similar matters.

(iv) The date of approval is the beginning of the project period, unless DCNR has granted for that project a waiver of its policy of not approving costs retroactively. A termination date is included. The total project period will normally be three years.

(v) It describes what is to be done and how it will be accomplished. If the project is to be staged, the sequence and content of the stages are shown.

2. Submission of the Agreement. In applying for RCDAF assistance, the Sponsor will submit three (3) copies of the project agreement to the DCNR. The original and one copy of the agreement must be hand signed by the chief elected official or the officially designated alternate.

3. Notification to the Sponsor. A signed copy of the approved agreement will be returned by DCNR to the Sponsor and will constitute necessary notification of project approval.

4. Local Sponsor Responsibilities. When the project sponsor is a local unit of government DCNR will make such arrangements with the sponsor as necessary for the successful completion of the project and the enforcement of Federal and State laws, regulations and guidelines.

(f) Dated Project Boundary Map. In applying for RCDAF assistance the Sponsor will submit to DCNR a dated project boundary map which clearly delineates the area to be included under the conversion provisions of Section 9-7A-10 Code of Ala. 1975, and guidelines established thereunder.

1. Project Area. At a minimum, this area must be a viable public outdoor recreation area which is capable of being self-sustaining without reliance upon adjoining or additional areas not identified in the scope of the project. Except in unusual cases where it can be shown that a lesser unit is clearly a self-sustaining outdoor recreation resource, this area will be the park, open space, or recreation area being developed or added to. Exceptions will be made only in the case of larger parks where logical management units exist therein. In no case will the areas covered by Section 9-7A-10 of the Code of Ala. 1975, and guidelines and regulations thereunder be less than that acquired with RCDAF assistance.

2. Requirements. The project boundary map and/or attachments thereto will identify the following:

(i) The title and number of the project.

(ii) The date of map preparation.

(iii) The area(s) under lease and term remaining on the lease(s).

(iv) All known outstanding rights and interests in the area held by others. Known easements, deed/lease

restrictions, reversionary interests, etc. are to be included. Those outstanding rights and interests which, in the opinion of the State, would not adversely impact the utility and viability of the recreation area if exercised and not intended to be included under the conversion provisions of Section 9-7A-10 Code of Ala. 1975 and guidelines established thereunder should be specifically identified.

(v) The project area in sufficient detail so as to be legally sufficient to identify the lands to be afforded protection under Section 9-7A-10 Code of Ala. 1975 and guidelines and regulations thereunder. The following methods of identification are acceptable:

Deed references.

Adjoining ownerships.

Adjoining easements of record.

Adjoining water bodies or other natural landmarks.

Metes and bounds.

Government survey.

Where one or more of the above methods are not readily suited for area identification, measurements from permanent locators may be used. A formal survey is not required, however.

3. Review. Prior to final approval of a project, the Administrator will review and accept the dated project boundary map's identification of the area to be protected by Section 9-7A-10, Code of Ala. 1975, and guidelines and regulations thereunder as well as any land or rights in land excluded from that protection.

4. Alteration to Project Area. Prior to the date of final billing for the project the Sponsor and the Commissioner may mutually agree to alter the project area to provide for the most satisfactory unit intended to be administered under the provisions of Section 9-7A-10, except that acquired parcels are afforded Section 9-7A-10 protection as RCDAF reimbursement is provided.

(g) Description and Notification Form (DNF). The Description and Notification Form will be used to provide data input for the Administrator's automated project information system.

Also, facility codes and target dates indicated on this form by the State will provide additional detail on the project.

The Sponsor will submit a Description and Notification Form for each single project.

1. Project Scope. The Scope Narrative section of the Description and Notification Form will be completed for both single projects and project elements.

(i) For acquisition projects the number of acres to be acquired and the type of conveyance will be specified. The size of the acquisition may be increased or decreased by 20 percent or 10 acres, whichever is greater, before an amendment is required.

However, RCDAF assistance will not be provided if it is determined by the Commissioner that a reduction in project size results in a nonviable recreation area.

(ii) For development projects, the project scope will be defined by the Primary Facility Groups identified in paragraph (iii) below. Facilities listed under each Primary Facility Group are included in the project scope by definition. Changes only involving facilities within a Primary Facility Group may be made without an amendment. However, changes involving facilities in different Primary Facilities Groups will require an amendment. In either case, changes which may have a significant impact on the environment will be coordinated with the Administrator.

(iii) The Primary Facility Groups are identified by A,B,C... and the subgroups are identified by 1,2,3...

A. Campgrounds

1. tent sites

2. trailer/camper sites

3. group campground

4. day camp

B. Picnic areas

1. family site

2. group shelter

C. Sports and playfields

1. general purpose playfields
2. baseball/softball
3. football/soccer
4. tot lot
5. tennis courts
6. other courts
7. rifle/pistol range
8. trap/skeet field
9. archery range
10. rodeo area
11. track facility

D. Golf course

1. regular course
2. par 3 course
3. driving range

E. Swimming facilities

1. pool (except sheltered pools)
2. wading pool
3. spray pool
4. swimming beach
5. bathhouse

F. Boating facilities

1. launch ramp
2. berths
3. boat lift

G. Fishing facilities

1. pier
2. stream improvement
3. fish access

H. Trail

1. hiking
2. horse
3. bicycle
4. motorized
5. nature
6. exercise

J. Winter sports facilities

1. ski lift
2. ski slope
3. ski jump
4. sled/toboggan run
5. skating rink
6. ski trails
7. snowmobile trails
8. warming huts

K. Sheltered pool

L. Sheltered ice rink

M. Hunting

N. Natural area

O. Passive parks

P. Support facilities

1. walkways
2. site improvement/landscaping

3. utilities

4. equipment

5. roads

6. parking

7. lighting

8. signs

9. comfort station

10. concession bldg.

11. maintenance bldg.

Q. Amphitheater/Band Shell

R. Lake Impoundments

S. Visitor Information Center

T. Interpretive Center

2. Project Period. A project period approximating three years will be used on the agreement and DNF forms for single projects. This reduces the necessity for amendments and improves program management flexibility. Planning projects are excluded from this policy.

(i) Target dates. Because most projects should be completed in less than three years, target dates will be provided for each project and project element in order to track progress and performance. The target dates will be entered on the Description and Notification Form.

(ii) Time extensions. A period of one year shall be considered as the minimum time extension of a project period when amending a project.

(iii) Beginning and Ending Dates. The beginning date of a project normally will be the date of approval. When a waiver of retroactivity has been granted, the effective date of the waiver shall be used as the beginning date of the project period.

(h) Information. All significant data must be disclosed in the application and its supporting documents. Failure by the Applicant to consider information which might have a significant bearing on the eligibility of a proposal might be

cause for refusal, cancellation, or recoupment of State assistance.

The project proposal, including all information required by DCNR to be on file at the State level, is considered to be a public record. However, there may be some information which the project sponsor wishes to keep confidential. These items should be identified specifically to the Administrator.

Copies of proposals may be distributed by DCNR to other public agencies for information or comment.

(i) Amendments. An amendment form is required to add to or alter the signed agreement. When the amendment is signed by the Commissioner it becomes part of the agreement and supercedes it in the specified matter.

1. Amendments are required in the following situations:

(i) To activate a qualified stage of a staged project. In this case, an amendment will be necessary each time funding is requested for the activation of another stage. The amendment will indicate the stage to which it applies and the amount of the new obligation.

(ii) To increase or decrease the total RCDAF assistance for a single project.

(iii) To add or delete a Primary Facility Group of the project scope.

(iv) To increase or decrease the acreage to be acquired by more than 10 acres or 20 percent whichever is greater. Any major change in the location of the project site to be acquired shall require approval by the Commissioner.

(v) To extend the project period.

(vi) To amend the project area due to a Section 9-7A-10 conversion that involves off site replacement land, replacement at a later date, or a significant number of acres to be converted.

2. Documentation. The following items should be submitted by the Applicant to DCNR when requesting an amendment:

(i) An Amendment to the Project Agreement Form (3 copies, the original and one copy must be hand signed);

(ii) Cover sheet (one copy);

(iii) Letter explaining the changed conditions and how they affect the project;

3. Time Extensions. An amendment to extend the ending date of the project period cannot be made for less than one year.

4. Unexpended Balance. Amendments are not necessary to return the unexpended balance, at the time of project completion, to the RCDAF Fund.

(j) Withdrawal or Changes in Project Application. Prior to approval, an application may be altered or withdrawn by a letter from the project sponsor to the Commissioner.

An approved project can be withdrawn unilaterally by the State at any time before the first payment on the project or element is made.

(5) General Cost Principles

(a) Basic Concept. Project costs will be matched project by project. Each project represents a separate transaction for purposes of determining the amount of the RCDAF assistance.

(b) Relationship of Costs to Project Period. To be eligible for matching assistance, costs must have been incurred within the project period except for preagreement planning costs. The project period is the span of time stipulated on the agreement during which all work to be accomplished under the terms of the agreement must be completed. The RCDAF does not reimburse obligations, regardless of when they are assumed; it reimburses costs incurred during the project period.

1. Development costs are first incurred at the start of actual physical work on the project site (such as the clearing of ground, the beginning of construction of a building, or the delivery of material to the site), and continue through the period the work is being done. Costs are not incurred at some earlier time when contracts are signed, funds obligated, or purchase orders issued, or at a later time when the ensuing bills are paid.

2. Since the transfer of ownership in real property can be a protracted process, the relationship of acquisition costs to project period is separated into two elements: the date when the acquisition cost is incurred and the date when the cost is eligible for reimbursement.

(i) Acquisition costs are incurred on the date when the earliest of any of the following transactions take place:

(I) The project sponsor accepts deed, lease or other appropriate conveyance;

(II) The project sponsor makes full payment for the property;

(III) The project sponsor makes first payment in a series of spaced or time payments;

(IV) The project sponsor makes the first or full payment as stipulated in an option agreement (The cost of the option, if included as part of the purchase price, is allowed as a retroactive cost).

(V) The project sponsor makes first partial or full payment to an escrow agent.

(ii) The transactions in (i) above will be used to determine whether an acquisition cost is incurred within the project period. Eligible acquisition cost (and retroactive option costs as appropriate) will be reimbursed only after the project sponsor has made payment and received satisfactory title to the property.

(c) Retroactivity. It is the intent of the DCNR that RCDAF assistance be awarded to assist work not yet undertaken, rather than to help pay for work already begun or completed. This applies to entire projects and to each stage of a multi-stage project.

1. Policy. Retroactive costs are those costs incurred prior to approval of a project. They include costs incurred for subsequent stages before the stages are approved. With the specific exceptions stated below, retroactive costs are not eligible for matching funds.

In some cases, the project sponsor will have begun some parts of the work, and thereby incurred costs before the project is acted upon. If such a project is approved, none of the costs incurred prior to approval will be matched, except as indicated in sections 2 and 3 below.

If, during the conduct of a project, it becomes apparent that completion will not be possible within the project period, the Sponsor will submit a request to extend the project period. This should be submitted at least 30 days prior to the expiration date. A period of one year shall be considered as the minimum time extension of a project period when amending a project. Requests for project period extension submitted after the expiration date will

not normally be approved, and costs incurred after the expiration date will not be eligible for assistance.

2. Waiver of Retroactivity. Retroactive costs will not be matched under ordinary circumstances. Exceptions will be made only when immediate action is necessary and the time necessary to process an application would result in a significant opportunity being lost. The Sponsor will notify the Administrator in writing of the necessity for action prior to taking such action and will give justification for the proposed action.

If the State grants an exception, the retroactive costs will be eligible for assistance if the agreement is later approved. Granting an exception is only an acknowledgment of the need for immediate action; it does not imply a qualitative approval of the project. The retroactive costs are incurred at the applicant's risk, since the granting of the waiver does not in any way insure approval of the project.

Project proposals should be submitted for funding as soon as possible after the granting of a waiver of retroactivity. In all cases, however, projects for which a waiver has been granted will be submitted within one fiscal year following the fiscal year in which the waiver was granted.

3. Preagreement Planning Costs. It is recognized that some costs must be incurred before a proposed project can be submitted to DCNR with the required descriptive and cost data.

Therefore, for development projects, the costs of site investigation and selection, site planning, feasibility studies, preliminary design, environmental assessment, preparation of cost estimates, construction drawings and specifications, and similar items necessary for project preparation may be eligible for assistance, although incurred prior to project approval. Similar costs may be allowable for acquisition proposals except those relating to appraisals, surveys, and other incidental costs to the purchases.

All such pre-agreement planning costs incurred within three years prior to project submission to DCNR are allowable. Eligible planning costs incurred beyond three years may be allowable provided the earliest date from which they are incurred is identified in the project agreement. The sponsor must have on file and available for review sufficient information to justify the amounts of such preagreement costs, to indicate the periods

during which they were incurred and to justify their applicability to the particular project.

4. Donation Project. Waiver requests involving real property donations will, where possible, identify the additional acquisition or development to be accomplished under the proposed project or projects. In any event, a project agreement specifying the use of the donated value must be entered into prior to the expiration of the waiver.

5. Staged Project. When a project is staged, each stage will be treated separately, and must be approved before costs are incurred. Any cost incurred prior to approval will be funded only on the exceptional basis outlined for retroactive projects in Section 2 above, or as preagreement planning costs identified in Section 3 above.

(d) Cost Overruns and Amendments of Scope. During the execution of a project there may be unforeseen delays, changes in specifications, or rising costs of labor and supplies which cause the cost of the stage or project to be greater than the approved support ceiling. Or, as work progresses, it may be necessary or desirable to alter the scope of the project by adding, deleting or modifying some of its parts.

Where such changes fall outside the allowed scope flexibility, the sponsor is required to notify the Administrator of such changes and to submit an amendment as soon as possible to cover the modification. It is recognized, however, that it will not always be possible for the State to act in advance of the change, and any costs thus incurred prior to their approval are done so at the project sponsor's risk.

Proposed amendments decreasing the scope or approving a cost overrun will be considered after the project period, if an earlier submission is not possible, but only those costs incurred within the project period will be eligible. No proposed amendments to increase the scope will be considered after the project period has expired. An amendment to add or substitute scope items will not be approved if the period of availability for obligation of funds obligated under the project has expired.

(6) Sponsor's Financial Obligations.

(a) Matching Share. RCDAF assistance shall not exceed 50% of the total eligible costs and is provided primarily on a reimbursement basis. In most cases the project sponsor will initially pay in full all costs accrued during the project period.

When the sponsor lacks the financial resources to initially finance approved projects in a timely manner, the sponsor may request an advance of monies to cover the State share of anticipated costs.

When an advance is requested, the Sponsor shall include a financial plan which outlines the reason for the request and a schedule of disbursements by months or other payment intervals.

(b) Applicability of Donations. DCNR encourages the donation of cash and in-kind contributions including real property to project sponsors by private parties. The value of the in-kind contributions may be used as part of the project sponsor's share of the project cost. The method of valuation and charges for volunteer services, material, and equipment must be documented and approved by the State prior to the donations being applied to reimbursement requests in order for such contributions to be considered as part of the sponsor's matching share. Specific procedures for placing the value on in-kind contributions from private organizations and individuals are set forth below:

1. Valuation of Volunteer Services. Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Each hour of volunteered service may be counted as matching share if the service is an integral and necessary part of an approved project. Records of in-kind contributions of personnel shall include time sheets containing the signatures of the person whose time is contributed and of the supervisor verifying that the record is accurate.

(i) Rates for Volunteer Services. Rates for volunteers should be consistent with those regular rates paid for similar work in other activities of the State. In cases where the kinds of skills required for the state-assisted activities are not found in the other activities of the grantee, rates used should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved. The time of a person donating services will be valued at the rate paid as a general laborer unless the person is professionally skilled in the work being performed on the project (i.e., plumber doing work on pipes, mason doing work on a brick building). When this is the case, the wage rate this individual is normally paid for performing this service may be charged to the project. A general laborer's wages may be charged in the amount of that which the city or cities in the immediate area pay their city employees for performing similar duties.

(ii) Volunteers Employed by Other Organizations. When an employer other than the grantee furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

2. Valuation of Materials. Prices assessed to donated materials included in the matching share should be reasonable and should not exceed current market prices at the time they are charged to the project. Records of in-kind contributions of material shall indicate the fair market value by listing the comparable prices and vendors.

3. Valuation of Donated Real Property. The value of donated real property shall be established by an independent appraiser in accord with commonly accepted appraisal practices. Upon completion of the appraisal, at the project sponsor's expense, it will be submitted to the State for final review and acceptance.

4. Valuation of Donated Equipment. The hourly rate for donated equipment used on a project shall not exceed its fair-rental value. Hourly rates in the annual edition of Rental Compilation or Rental Rate Guide or similar publications which provide the national or regional average rates for construction equipment may be used. Such publications are usually available from contractor associations. Records of in-kind contributions of equipment shall include schedules showing the hours and dates of use and the signature of the operator of the equipment.

5. Valuation of Other Charges. Other necessary charges such as equipment use charges incurred specifically for an indirect benefit to the project on behalf of the sponsor may be accepted as matching share provided that they are adequately supported and permissible under the law. Such charges must be reasonable and properly justifiable.

6. Documentation. The basis for determining the charges for donated personal services, material, equipment and land must be documented and must be approved by the State prior to the billing which includes the value of the donation.

7. Limits of the Valuation. In-Kind contributions are eligible in a project only to the extent that there are additional acquisition and/or development costs to be met by the State assistance requested for that project, which

must be fully described and explained in the proposal. Example: Land valued at $10,000 is donated to the project sponsor who proceeds to develop the property for recreational use. Development costs come to $6,000. The total project cost is therefore $16,000 and the matching share would normally be $8,000. But because only $6,000 was actually spent, and since a grant in excess of that would constitute a profit to the sponsor, the State share is reduced accordingly.

Sponsor's share (amount of the $10,000 donation applied to the project) ..... $ 6,000

RCDAF Assistance .. $ 6,000

$12,000

The amount of donation that is matchable is the value of the donation or the amount of cash spent by the sponsor for additional acquisition or development, whichever is less. Any portion of the value of a donation not utilized by the project sponsor for matching in the project ($4,000 in the above example) may be made available to subsequent projects if approved by State and only for the fiscal year in which the donation is made plus one additional fiscal year.

8. Multi-Site Land Donations. To be eligible for matching assistance, in-kind contributions shall be applicable to a single project site. However, a multi-site project involving land donations may be considered to the extent that such is of the donation to a single site.

(c) The Commissioner may establish any guidelines he deems necessary to effectuate the provisions of Section 9-7A-1, Code of Ala. 1975 et seq., and rules and regulations established thereunder, including, but not limited to, financial management procedures, application forms, guidelines, contracts, agreements, and post-completion responsibilities.

(7) Allowable Costs.

(a) Determining Amounts of Costs.

1. General. The rates, practices, rules, and policies of the project sponsor, as consistently applied, shall generally determine the amount of costs of each item charged to a project. In instances where the sponsor has no such basis, that of the State shall apply.

2. Ceiling on Amount of Cost Items. The amount of each item of cost that may be matched from the RCDAF shall not

exceed the sponsor's actual cash outlay for that item, or the fair market value of the item, whichever is less. An exception could be land acquired at a price in excess of appraised value and supported by an adequate statement on difference of value.

(b) Ceiling on Total Matching Share From the Fund. The total matching amount made available for an approved project shall not exceed the approved support ceiling.

(c) Guidelines for Determining Allowable Costs.

1. To be allowable for RCDAF assistance, costs must meet the following criteria:

(i) Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto, and, except as specifically provided in these guidelines, not be a general expense required to carry out the overall responsibilities of State or local government.

(ii) Be authorized or not prohibited under State or local laws or regulations.

(iii) Be consistent with policies, regulations, and procedures that apply uniformly to activities of the unit of government of which the project sponsor is a part.

(iv) Be treated consistently through the application of generally accepted accounting principles appropriate to the circumstances.

(v) Not be allocable to or charged to any other state or federally financed program.

(vi) Be net of all applicable credits.

(vii) Any otherwise allowable expenditures (over $10,000.00) expended pursuant to and in accordance with Article 3 of Chapter 16 of Title 41, Code of Ala. 1975, as amended, shall only be allowable if the sponsor has advertised for such proposed expenditures in an invitation for bids providing due notice and detail of said proposed expenditures in a newspaper of general circulation in the county or counties where the expenditures are to be made, as well as in the Montgomery Advertiser, for a period of three (3) consecutive weeks prior to the bid opening.

2. Allocable Costs.

(i) A cost is allocable to the grant to the extent of benefits received.

(ii) Any cost allocable to a particular project may not be shifted to another state or federal project to overcome fund deficiencies, avoid restrictions imposed by law or project agreements, or for other reasons.

(iii) When an allocation of joint costs will result in charges to this program, an allocation plan will be required.

3. Applicable Credits. Credits are receipts or reductions of expenditure-type transactions which offset or reduce allocable costs. Examples are discounts, rebates, recoveries on losses, sale of items, and adjustment of overpayments.

4. Total Costs. The total cost of a project is comprised of the allowable direct cost plus its share of allowable indirect costs, less applicable credits.

5. Classification of Costs.

(i) Direct Costs. Direct costs are those identified specifically with and charged directly to a particular project. Typical direct costs are employee compensation for time and effort devoted to a specific project, costs of materials, costs of equipment and other capital expenditures, or the acquisition of land.

(ii) Indirect Costs. In order to make use of the RCDAF for increasing outdoor recreation opportunities, Applicants are urged to absorb administrative and other overhead expenses to the maximum extent possible through the use of the sponsor's normal funds and resources. However, where an Applicant cannot effectively administer the RCDAF program with its own resources, RCDAF funds may be used to pay a portion of the costs incurred by the Applicant. Indirect costs are those incurred for a common or joint purpose benefiting more than one project, and are not readily assignable to the individual projects.

6. Costs Incurred by Other Agencies. The costs of service provided by other agencies may only include allowable direct costs of the service plus a prorata share of allowable supporting costs (costs of such auxiliary functions as procurement, payroll accounting, etc.) and supervision directly required in performing the service.

In lieu of determining actual supporting (indirect) costs related to a particular service furnished by another agency, either of the following alternative methods may be used:

(i) Standard indirect rate, equal to 10% of direct labor cost in providing the service, or

(ii) Predetermined fixed rate, for indirect cost of the agency providing the service.

7. Cost Allocation Plan. A plan for the allocation of cost will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records.

(d) Allowable Costs. The following are allowable type costs, and apply irrespective of whether a particular item is treated as a direct or indirect cost. Allowable costs include, but are not limited to:

1. Personal Service. Assistance may be provided for the personal services of those employees and supervisors directly engaged in the execution of a project. Assistance will be provided according to the proportion of time spent on a project.

The cost of such compensation is allowable to the extent it is 1) reasonable for the services rendered, 2) follows an appointment made in accord with applicable State, local, or Federal requirements, and 3) is determined and supported by generally accepted payroll practices and time and attendance or equivalent records.

2. Fringe Benefits. Fringe benefits, such as vacations, holidays, and sick, court, and military leave which are incurred during authorized absences from the job, and insurance, retirement plans, social security contributions, etc., which are regularly provided to employees by the project sponsor are legitimate personal service costs and are eligible for RCDAF assistance. Fringe benefit costs to a project should be computed in proportion to the time spent on a project.

Vacations and leave should not be taken or charged in excess of the amount earned while working on RCDAF assisted projects.

3. Consultant Service. In those cases where the special assistance of a specially qualified consultant is required for a project, a share of the cost may be borne by RCDAF monies. Consultants should be paid by the

customary method of the project sponsor whether by per diem, salary, fee for service, etc. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used. Consultants may, if it is the policy of the project sponsor, be reimbursed for travel and other expenses.

No consultant fee may be paid to any Federal, State or project sponsor's employee unless such a payment is specifically agreed to by the DCNR.

4. Equipment. Subject to determination on a case by case basis, RCDAF assistance will be made available for:

(i) Equipment Used in the Conduct of a Project. Costs of purchasing, leasing, or renting equipment utilized in the execution of a project are generally eligible for RCDAF assistance.

(I) The purchase price of individual items of equipment costing less than $1,000 is eligible, and the specific items need not be listed nor justified in the proposal.

Items costing $1,000 or more may be eligible provided the sponsor clearly shows that it is more economical to purchase the item than to lease or rent it. They must be listed, with estimated costs, on the proposal. At project completion, any residual value of purchased items of equipment must be credited to the project.

(II) Reimbursement for use of equipment owned by State and local sponsors on RCDAF projects will be based upon rates developed by DCNR.

(III) Lease or rental charges on equipment are allowable when it is determined that such an arrangement is most efficient and economical. Equipment that is rented to the sponsor by other State or local agencies or by private contractors may be charged to the RCDAF program on a cost basis--provided, however, that these rates are equal to those charged to any other users. Adequate cost records must be maintained to support these billings.

(ii) Purchase Price of Equipment Required to Make A Facility Initially Operational. Such equipment includes pumps, sprinkling systems, or tows, standby power plants, etc., necessary to provide for the recreation uses for which the proposal is approved. As a general rule equipment to be used for maintenance is not eligible for assistance. However,

certain smaller items of equipment (but not operational and maintenance supplies, i.e., cleaning compounds, chlorine, paper supplies, brooms) sometimes of an expendable nature, which may be required to make a facility initially operational may be allowable as part of the project cost. Generally, this will be confined to those equipment items specifically required under State Health Department regulations. For such items the Administrator will make a judgment as to allowability. It would be impossible for the DCNR to establish a complete list of every conceivable item that might be required to make a facility operational initially, and a ruling will be made on a case-by-case basis.

5. Supplies and Material. Supplies and materials may be purchased for a specific project or may be drawn from a central stock. The former should be charged to a project at their actual price, less discounts, rebates, etc., and the latter should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

6. Travel. The cost of transportation, lodging, subsistence, and related items is allowable when incurred by employees who are in travel status on official business incident to a project. Such costs may be on an actual basis, or a per diem or mileage basis, or a combination of the two (provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in non-state sponsored activities).

7. Information and Interpretation Costs. RCDAF assistance may share the cost of information related to a project, as distinguished from publicity. These may include information and direction signs at the entrances of recreation areas and other necessary places throughout the area, display boards, dioramas, or other interpretive facilities for the explanation of items of interest and other facilities required to explain the area and bring it to public attention.

8. Construction. Allowable construction costs include all necessary construction activities from site preparation (including demolition, excavation, grading, etc.) to the completion of a structure. Construction may be carried out through a contract with a private firm, or by use of the project sponsor's own personnel and facilities (force account).

9. Administrative and Supporting Expenses. RCDAF assistance will be available for a wide range of administrative and supporting expenses incurred directly or indirectly on behalf of a project. Where cost items benefit the RCDAF assisted project in addition to other non-Fund assisted activities, the cost will be allowable to the extent they are allocable to the project. Allowable items include, but are not limited to:

(1) Accounting

(2) Auditing

(3) Bonding

(4) Budgeting

(5) Central stores

(6) Communication expenses

(7) Disbursing services

(8) Motor pools

(9) Payroll preparation

(10) Personnel administration

(11) Procurement services

(12) Taxes

10. Costs of Purchases of Real Property and of Interests in Real Property. RCDAF assistance may be used to pay a share of the fair market value of real properties and of interests in real property purchased by the project sponsor when determined by the DCNR to be capital costs. Incidental costs of acquisition may not be matched. However, interest expenses awarded by the court as part of just compensation for acquisition in eminent domain situations may be matched. The value of such properties or interests should be proposed by the sponsor. Steps shall be taken to assure that actions in identifying property for acquisition do not cause inflation of property values, and thereby increase the cost of the project.

Although a project sponsor may pay a greater amount, RCDAF assistance will generally be computed on the fair market value as determined by an acceptable appraisal. However, when a Sponsor feels that the amount paid in excess of the fair market value is justifiable, it should

prepare, and submit to the DCNR, a detailed and well documented statement, including comparable sales and other market data as necessary justifying the difference. If found adequate, RCDAF assistance may be computed on the full purchase price.

Where court award in condemnation cases exceeds the support ceiling approved by the DCNR, the DCNR will not be obligated to pay on the higher amount. The Sponsor may, however, submit an amendment for DCNR consideration to increase the support ceiling to the amount of the court award.

Capital expenditures for acquisition of leases, easements, and other rights and interests in real property are eligible for RCDAF assistance.

11. Cost of Real Property Purchased from Other Public Agencies. The actual cost to the project sponsor of land purchased from another public agency may be eligible for matching assistance, subject to the following conditions:

(i) The land was not originally acquired by the other agency for recreation.

(ii) The land has not been managed for recreational purposes while in public ownership.

(iii) No State or Federal assistance was provided in the original acquisition by the other agency to facilitate the basic project being funded by RCDAF assistance.

(iv) The selling agency is required by law to receive payment for land transferred to another public agency. RCDAF assistance will be limited to the minimum amount for which the property could be transferred legally and only in those instances for which there is an attorney general's opinion or established case law.

(v) The requirement of appraisal, history of conveyances, and evidence of title are the same as normal purchases.

12. Costs of Real Property Acquired through Exchanges. Land owned and administered by the project sponsor may be exchanged for more valuable land administered by another public agency or for land owned by a private party. The support ceiling will be based on the amount of cash, if any, that must be paid by the project sponsor in addition to the land conveyed, subject to appraisal requirements. Both parcels must be adequately appraised.

Example: The project sponsor exchanges a property appraised at $10,000 for a privately owned property appraised at $12,000, and pays the difference of $2,000 cash. The amount to be reimbursed is 50% of $2,000.

13. Real Property Acquired by Donation. The value of real property donated to the project sponsor by private organizations or individuals will be eligible for matching as determined by an appraisal. Donations required by law or regulation are ineligible as the project sponsor's matching share. The land acquired cannot be subject to any restrictions that might limit its intended public recreation use.

14. Master Planning. Master planning of a recreation area in whole or in part will be matchable as part of a development project, provided, however, that it must include actual development of at least equal cost to that of the master plan.

15. Miscellaneous Allowable Costs.

(i) Payment of premiums on hazard and liability insurance to cover personnel and property directly connected with the project is allowable.

(ii) Costs to the project sponsor for work performed by another public department or agency is allowable. This includes the costs of services provided by central service type agencies to the sponsor's departments and need not be supported by a transfer of funds between the departments involved.

(iii) Costs of printing and distributing the Statewide Comprehensive Outdoor Recreation Plan, including a popular summary version and other project related printing or reproduction costs are allowable.

(e) Non-Allowable Expenditures. These expenditures shall not be included in the base for determining financial assistance:

1. Bonus payments of any kind.

2. Charges for contingency reserves or other similar reserves.

3. Charges in excess of the lowest responsible bid, when competitive bidding is required by the State or the sponsor, unless the DCNR agrees in advance to the higher cost.

4. Charges for deficits or overdrafts.

5. Taxes for which the organization involved would not have been liable to pay.

6. Interest expenses, except those awarded by the court as part of just compensation for acquisition in eminent domain situations.

7. Charges incurred contrary to the policies and practices of the organization involved.

8. Consequential damage judgments arising out of acquisition, construction, or equipping of a facility, whether determined by judicial decision, arbitration, or otherwise. Consequential damages are damages, to adjoining property owned by other persons, which are caused by noise, lights, vibration etc.

9. Incidental costs relating to acquisition of real property and of interests in real property.

10. Operation and maintenance costs of outdoor recreation areas and facilities.

11. The value of, or expenditures for, lands acquired from the United States at less than fair market value.

12. Cost of discounts not taken.

13. Equipment to be used for the maintenance of outdoor recreation areas and facilities, including, but not limited to, automotive equipment, tractors, mowers, other machinery, and tools.

14. Employee facilities, including residences, appliances, office equipment, furniture, and utensils.

15. Donations or contributions made by the sponsor, such as to a charitable organization.

16. Salaries and expenses of the Office of the Governor, or of the chief executive of a political subdivision, or of the State legislature, or of other similar local governmental bodies.

17. Fines and penalties.

18. Any excess of cost over the State contribution under one grant agreement is unallowable under other grant agreements.

19. Any losses arising from uncollectable accounts and other claims, and related costs.

20. Legal and professional fees paid in connection with raising funds.

(8) Planning and Administrative Expenses.

(a) In accordance with Section 9-7A-16, Code of Ala. 1975, the Commissioner hereby designates that no less than ten (10) percent of all monies appropriated to the Fund shall be available to the State Parks Division for grants to said Division for the purposes specified in Section 9-7A-13, Code of Ala. 1975.

(b) In addition, the Commissioner hereby designates that five (5) percent of all monies appropriated to the fund shall be allocated to the State Parks Division for RCDAF program administration and planning. Project sponsors shall, in addition, owe to the State Parks Division five (5) percent of their total project cost as their pro rata share of the costs associated with the preparation and maintenance of the State Comprehensive Outdoor Recreation Planning Program, half of which may be matched with RCDAF assistance. This amount shall be deducted from each approved project reimbursement.

Author: John W. Hodnett
Statutory Authority: Code of Ala. 1975, §§9-7A-3, 9-7A-12, 9-7A-13.
History: Adopted: effective July 17, 1984.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.15 (Reserved).
Author:
Statutory Authority: Code of Ala. 1975,
History:

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.16 Possession Or Consumption Of Alcoholic Beverages At Certain State Park Areas.

It shall be unlawful to possess or consume any alcoholic beverage at the following State Park areas, except as permitted in writing by the Commissioner of Conservation and Natural Resources or his designee:

(1) The beach area and adjacent parking areas at Lake Lurleen State Park;

(2) The beach area, adjacent parking lot, and north and south picnic areas, at Wind Creek State Park; and

(3) The beach area, adjacent parking lot, and adjacent picnic areas, at Oak Mountain State Park; and

(4) The following areas at Gulf State Park: All beach areas, including, but not limited to, the public beach areas at Alabama Point, Romar Beach, and Cotton Bayou; and adjacent parking areas at all beach areas; and also including the beach pavilion, the state saltwater pier, all picnic areas, and the camp pavilion.

(5) The beach area, upper and lower picnic areas and all other day use only areas of Chewacla State Park.

(6) The beach area, picnic area, and all other day use only areas of Frank Jackson State Park.

(7) The spring, pool, picnic areas and all other day use only areas of Blue Springs State Park.

(8) The picnic, beach, boat launch areas and all other day use only areas of Paul M. Grist State Park.

(9) The picnic area, beach area and all other day use only areas of Cheaha State Park.

(10) The off-road vehicles (ORV) trail at Buck's Pocket State Park.

(11) The off-road vehicles (ORV) course and the motorized nature trail at Lakepoint State Park.

(12) Any other portion of any State Park to the extent that such consumption or possession of alcoholic beverages is prohibited by state law.

Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: Effective November 13, 1991. **Amended:** Filed July 12, 1995; effective August 17, 1995. **Amended:** Filed September 13, 1995; effective October 19, 1995. **Amended:** Filed August 20, 1996; effective September 25, 1996. **Amended:** Filed April 16, 1998; effective May 21, 1998. **Amended:** Filed June 16, 2003; effective July 20, 2003. **Amended:** Filed October 12, 2011; effective November 16, 2011. **Amended:** Filed May 15, 2015; effective June 19, 2015. **Amended:** Published May 31, 2022; effective July 15, 2022.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.17 Personal Watercraft At Gulf State Park.

It shall be unlawful to operate any personal watercraft on any fresh water lake within Gulf State Park.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: New Rule: Filed September 13, 1995; effective October 19, 1995.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.18 Aircraft At Gulf State Park.

It shall be unlawful to operate any aircraft or seaplane of any type on any Lake within Gulf State Park, including, but not limited to, lake Shelby, Middle Lake, and Little Lake, provided, however, that this prohibition shall not apply to official emergency, governmental, or military aircraft conducting official operations.
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-9, 9-2-12.
History: New Rule: Filed May 22, 2007; effective June 27, 2007.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.

220-5-.19 Special Gulf State Park Shark Fishing Season.

A special permitted Managed Shark Fishing Season is hereby established at the Gulf State Park Saltwater Pier in accordance with the dates, times, and locations designated by the Director of the State Parks Division in a news release. A permit must be obtained from the Director of the State Parks Division to participate in the Managed Shark Fishing events. All persons fishing in the Managed Shark Fishing Season shall abide by the fishing regulations promulgated by the Commissioner of the Department of Conservation and Natural Resources and other fishing laws which are in force un the State of Alabama.
Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-3, 9-2-4, 9-2-7, 9-2-8, 9-2-9, 9-2-12.
History: New Rule: Filed June 15, 2018; effective June 15, 2018.

Penalty: As provided by Section 9-2-9, Code of Ala. 1975.