

This document contains the Connecticut regulations for Greenways Small Grants. This document was prepared by the State of Connecticut Department of Environmental Protection and is provided for the convenience of the reader. This is not the official version of the regulations. The official regulations are published by the State of Connecticut, Judicial Branch, Commission on Official Legal Publications in the Connecticut Law Journal. In the event there is inconsistency between this document and the regulations as published in the Connecticut Law Journal, the Connecticut Law Journal publication will serve as the official version.

STATE OF CONNECTICUT
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Section 1.

The Regulations of Connecticut State Agencies are amended by adding sections 23-101(b)-1 to 23-101(b)-11 inclusive as follows:

(NEW) Section 23-101(b)-1. Short title.

Sections 23-101(b)-1 to 23-101(b)-11, inclusive, of the Regulations of Connecticut State Agencies shall be known as the Greenways Small Grants Regulations.

(NEW) Section 23-101(b)-2. Definitions.

As used in sections 23 – 101(b)-1 to 23-101(b)-11, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Applicant” means a person, which files an application;
- (2) “Application” means an application for a greenways small grant filed pursuant to the Greenways Small Grants Regulations;
- (3) “Commissioner” means the commissioner of environmental protection or his or her representative;
- (4) “Conservation and development plan” means a conservation and development plan adopted under section 8-23 of the Connecticut General Statutes;
- (5) “Department” means the Department of Environmental Protection;
- (6) “Design” with reference to a greenway means preparation of plans for engineering, landscaping, signage, mapping, and related activities necessary to complete a greenway project;
- (7) “Fiscal year” means the period from July 1 through the following June 30;
- (8) “Greenway” means greenway as defined by section 23-100 of the Connecticut General Statutes;

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(9) “Greenways small grant” means a grant made by the commissioner under section 23-101(b) of the Connecticut General Statutes and the Greenways Small Grants Regulations;

(10) “Immediate family” means an individual’s spouse, children, or dependent relatives who reside in such individual’s household;

(11) “Implement” with reference to a greenway means to (A) prepare applications for any necessary permits or other licenses and (B) produce trail guides, maps, signs, or other educational materials or projects;

(12) “Municipality” means municipality as defined by section 3-76c of the Connecticut General Statutes;

(13) “Open space” means land or water legally and irrevocably dedicated to use in its natural state or a greenway;

(14) “Person” means “person” as defined by section 22a-2 of the Connecticut General Statutes;

(15) “Planning” with reference to a greenway means the process of determining the geographical location of a proposed greenway; for the purposes of the Greenways Small Grants Regulations, planning also includes preparation of a municipal or regional plan of conservation and development containing a greenway or other open space component;

(16) “Project” means the greenway or other open space area the planning, design, or implementation of which is the subject of an application;

(17) “Project area” means the geographical location of a proposed project;

(18) “Recipient” means a person who receives a greenways small grant;

(19) “Urban area” means a regional center or neighborhood conservation area as shown on the Locational Guide Map of the most

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recent Connecticut Conservation and Development Policies Plan as may be periodically updated;

(20) “Watercourses” means “watercourses” as defined by section 22a-38 of the Connecticut General Statutes; and

(21) “Wetlands” means “wetlands” as defined in section 22a-38 of the Connecticut General Statutes.

(NEW) Section 23-101(b)-3. Eligible costs.

The following costs are eligible for funding through a greenways small grant:

- (1) the costs of planning a greenway,
- (2) the costs of designing a greenway, and
- (3) the costs of implementing a greenway as defined by section 23-101(b)-2(12) excluding construction provided that the applicant’s routine operating costs, such as salaries and utility service, and the cost of acquiring any interest in land, shall not be deemed costs of implementing a greenway.

(NEW) Section 23-101(b)-4. Applications.

(a) An application for a greenways small grant shall be made on a form furnished by the commissioner and shall provide at least the following information:

- (1) The name, business address, and business telephone number of the individual functioning for the applicant as manager of the project which is the subject of the application;
- (2) the name, business address, and business telephone number of each consultant or other independent contractor the applicant has retained or will retain to perform the activities which are the subject of the application;
- (3) a description of the geographical location of such project;

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- (4) the purpose(s) of such project;
- (5) whether public access will be allowed to the subject project area and, if not, why;
- (6) if the applicant is a municipality, whether the applicant has adopted a conservation and development plan which includes a greenways or other open space component and, if so, the applicant must demonstrate the proposed project relates to said plan;
- (7) the identity of any person in addition to the applicant which has assumed responsibility together with the applicant for completing such project; the specific components of the project for which the applicant and each such other person will be responsible; and the name, business address, and business telephone number of a contact person for each such other person;
- (8) a detailed budget for the project and a description of precisely how the applicant intends to use the grant funds for which the applicant has applied;
- (9) the estimated dates for (A) completion of such project and (B) completion of each activity for which funding is sought in the application;
- (10) the estimated total cost of such project and precisely how the applicant developed such estimate;
- (11) if the grant funds applied for do not equal the estimated total cost of such project, including the cost of land acquisition, how the applicant will pay for all costs not covered by such funds;
- (12) the owner of such project area; documentation of such ownership, and the relationship of the applicant to the owner if they are different. If the applicant is not the owner of the project area, the application shall be accompanied by a municipal or corporate resolution, certified by the appropriate official, consenting to the project;

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- (13) if the applicant is not the owner of such project area, whether the applicant intends to acquire the fee interest, an easement, or any other interest therein, when the applicant will acquire such interest, and whether there are any legal, financial, or other obstacles to such acquisition;
- (14) if the applicant is not the owner of such project area and intends to acquire an interest therein, the nature of such interest and any anticipated obstacles to such acquisition;
- (15) a United States Geological Survey Topographic Quadrangle Map at a scale of no smaller than 1:2400 (7.5 minutes), showing such project area;
- (16) whether such project area extends into more than one municipality and, if so, which ones;
- (17) whether such project area adds to a greenway or other open space existing on the date the application is filed with the commissioner;
- (18) whether such project area physically connects an urban area to a greenway or other open space existing on the date the application is filed with the commissioner;
- (19) whether such project area physically connects two or more greenways or open space existing on the date the application is filed with the commissioner;
- (20) if public access to such project area will be allowed, the activities, such as bicycling, walking, and horseback riding, in which the public will be allowed to engage;
- (21) whether such project area, because of its location, biological resources, or other features, is capable of being, and likely to be, utilized as a corridor for wildlife or fish migration and, if so, the species likely to so utilize it;
- (22) whether such project will preserve scenic values;

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(23) whether such project will protect or enhance biological or habitat values of a watercourse, wetlands, or other natural resource;

(24) whether such project will protect a significant geological or historical feature;

(25) whether such project includes provision of educational material, such as trail guides, maps, or signage, about biological, scenic, geological, or historical features, within or in the vicinity of such project area; and

(26) whether such project includes the provision of educational materials or opportunities, including but not limited to, planning, design or policy studies or workshops which would have a positive impact on greenways statewide.

(b) An applicant may apply for an additional greenways small grant in a fiscal year subsequent to the year in which such applicant was first awarded a greenways small grant, provided no greenways small grant awarded during any fiscal year shall exceed five thousand dollars.

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(NEW) Section 23-101(b)-5. Other requirements for eligibility.

A greenways small grant is not available

- (1) if any motorized vehicle, including without limitation a car, motorcycle, motor bicycle, all-terrain vehicle, motorized scooter, moped, and dune buggy, except a motorized wheelchair or scooter operated by a physically handicapped person, will be allowed to enter the subject project area;
- (2) if any individual will be prohibited from entering such project area on account of the individual's place of residence; or
- (3) for payment of an applicant's routine operating costs including but not limited to salaries and utility services.

(NEW) Section 23-101(b)-6. Announcement of grant availability.

At least once during each fiscal year, provided that funds are available, the commissioner shall announce that applications for greenways small grants may be filed not later than three months from the date of such announcement. Such announcement shall also state the total amount of money available during such fiscal year for greenways small grants.

(NEW) Section 23-101(b)-7. Review of grant applications.

The grant applications shall be reviewed by the department division responsible for greenways. Such review shall take into account the total amounts of funds available for greenways small grants. Each application shall be evaluated in light of the factors listed in section 23-101(b)-8 of the Regulations of Connecticut State Agencies and a decision shall be made as to which applicants should receive all or a portion of the grant funds they seek. The reviewer shall transmit recommendations, in writing, to the commissioner, who shall make the final determination and award grants in accordance therewith.

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(NEW) Section 23-101(b)-8. Decisions on applications.

An applicant shall not be awarded a greenways small grant unless such applicant's project satisfies at least one of the criteria listed in subdivisions (1) through (13) of this section. Projects satisfying more than one of these criteria may receive higher priority for a grant award under this program. The criteria are as follows:

- (1) The applicant is, in light of its financial resources and other relevant factors, likely to actually complete the subject project;
- (2) The applicant, if a municipality, (A) has adopted a conservation and development plan which includes establishment of a greenways or other open space, and (B) such project is consistent with such plan;
- (3) Such project area extends into more than one municipality;
- (4) Such project area adds to a greenway or other open space existing on the date the application was filed with the commissioner;
- (5) Such project area connects an urban area to a greenway or other open space existing on the date the application was filed with the commissioner;
- (6) Such project area connects two or more greenways or other open space areas existing on the date the application was filed with the commissioner;
- (7) Such project area, because of its location, biological resources, or other features, is capable of being, and likely to be, utilized as a corridor for migration of wildlife or fish species native to Connecticut;
- (8) Such project will preserve scenic values;
- (9) Such project will protect or enhance biological or habitat values of a watercourse, wetlands, or other natural resource;
- (10) Such project will protect a significant geological or historical feature;

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(11) Such project includes provision of educational material, such as signage, maps, or trail guides, about the biological, scenic, geological, or historical features within such project area or its vicinity or includes educational materials or opportunities which would have a positive impact on greenway activities statewide;

(12) The applicant, if a municipality, (A) has not adopted a conservation and development plan and such project consists of preparing such a plan which includes establishment of a greenways or other open space, or (B) has adopted such a plan which does not include establishment of a greenways or other open space, and such project consists of revising such plan to include a greenways or other open space; and

(13) The project is in an area officially designated as a greenway by the Connecticut Greenways Council.

(NEW) Section 23-101(b)-9. Acceptance; contracts.

- (a) Not later than ten days, or such later time as the commissioner may for good cause allow, after the commissioner informs an applicant that it has been awarded a greenways small grant, the applicant shall confirm to the commissioner in writing that it intends to accept such grant. If such confirmation is not timely made, such applicant's application shall be deemed withdrawn and the commissioner shall award such grant funds to one or more other applicants in accordance with the recommendation of the department division responsible for greenways.
- (b) Upon receiving timely confirmation from an applicant under subsection (a) of this section, the commissioner shall provide to such applicant a proposed contract pursuant to the terms of which the subject grant funds will be transferred to such applicant. Unless the applicant returns to the commissioner not later than thirty days of its receipt thereof a duly executed copy of such contract, such applicant's application shall be deemed withdrawn and the commissioner shall award such grant funds to one or more other applicants in accordance with the recommendation of the department division responsible for greenways.

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(NEW) Section 23-101(b)-10. Refunds.

- (a) The recipient of a greenways small grant shall refund to the commissioner the full amount of such grant, or the commissioner may withhold installments of such grant, if:
- (1) the activities funded by such grant are not completed within the time stated in the subject application, provided the commissioner may, for good cause shown, extend such time until a date certain;
 - (2) the subject project is not completed within the time stated in such application, provided the commissioner may release such recipient from its obligation to refund the grant if good cause is shown for failure to complete the project within such time;
 - (3) such recipient uses any portion of the grant for any purposes other than those for which it was awarded;
 - (4) such recipient or its consultant or other independent contractor misrepresents a material fact, whether in the application for such grant or at any other relevant time;
 - (5) such recipient violates any provision of section 22a-101(b)-11 of the Regulations of Connecticut State Agencies or fails to timely comply with a request made by the commissioner thereunder; or
 - (6) any portion of such grant is paid to any member of the immediate family of any full-time or part-time employee, director, or officer of such recipient;
- (b) Nothing in this section shall limit any other powers or remedies legally available to the commissioner.
- (c) Nothing later than seven days of receiving written notice from the commissioner requiring refund of a grant for any of the reasons specified in subsection (a) of this section, the recipient shall make such refund by certified or bank check payable to the department and delivered to the department's Greenways Assistance Center. The check shall state on its face the name of the project and the department's Personal Services Agreement number.

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(NEW) 23-101(b)-11. Reporting.

- (a) Until completion of the activities for which a greenways small grant is awarded, the recipient thereof shall, at four-month intervals beginning on the date that such recipient receives such grant or the first installment of such grant, file with the commissioner a written report describing the progress of such activities and the amount of grant funds expended as of such date and identifying any consultant or other independent contractor retained by the recipient in connection with such activities other than a consultant or other independent contractor identified in the recipient's application for such grant.

- (b) Not later than fourteen days of receiving written notice from the commissioner, a recipient shall file with the commissioner the documentation or other proof requested in such notice concerning the amounts of the greenways small grant which the recipient has expended, the purposes of such expenditures, to whom such amounts have been paid, and whether the work thus paid for has been satisfactorily completed.

Statement of Purpose: to establish regulations for the selection and distribution of small grants for greenway projects in Connecticut.