

418 KAR 1:060. Management.

RELATES TO: KRS 146.550-146.570

STATUTORY AUTHORITY: KRS 146.560(2), 146.565

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 146.560(2) requires the board to promulgate administrative regulations necessary for the application for funds from agencies established in KRS 146.570, and review and approve of projects and grants. This administrative regulation establishes the procedures for management of land acquired with fund money.

Section 1. Purpose. Each recipient of fund money shall maintain in perpetuity for the purposes established in KRS 146.560 land acquired with fund money. Management practices shall also meet the requirements of KRS 146.550 through 146.570, 418 KAR Chapter 1, any other applicable laws of the Commonwealth, the application, any memorandum of agreement between the board and the recipient of fund money, any conservation easement or land use restrictions pertaining to the project site, and the most recent RMP approved by the board.

Section 2. Preliminary RMP. An applicant for fund money shall submit to the board a preliminary RMP simultaneously with an application submitted pursuant to 418 KAR 1:040. The applicant shall follow the preliminary RMP instructions incorporated by reference in 418 KAR 1:040, Section 4 as HL-1B and HL-1C.

Section 3. Final RMP.

(1) A recipient of fund money shall submit to the board, within two and one-half (2 1/2) years of receipt of funding, a final RMP that shall be consistent with the preliminary RMP and application, and that complies with requirements of KRS 146.550 through 146.570, 418 KAR Chapter 1, any memorandum of agreement between the board and the recipient, and any conservation easement, deed restriction, or articles of dedication pertaining to the project site. The applicant shall follow the final RMP instructions, Forms HL-2A and HL-2B.

(2) The applicant shall develop the final RMP using the findings contained in biological and archeological inventories. The board may grant an exception to the inventory requirements if the applicant demonstrates that either inventory would be nonproductive considering the conditions at the project site.

(3) The board shall vote to accept or reject the final RMP. If it is rejected, the board shall identify the deficiencies and notify the applicant of those deficiencies. The applicant shall correct these deficiencies within sixty (60) days of notification from the board or other time deadline approved by the board.

Section 4. Land acquired, in whole or in part, with money from the fund shall be managed in accordance with the requirements of KRS 146.550 through 146.570, the most recent RMP approved by the board, any conservation easement or deed restriction pertaining to the site, any articles of dedication pertaining to the project site, and 418 KAR Chapter 1.

Section 5. Amendment of RMPs. RMPs may be amended only upon prior written board approval. Until board approval of an amendment is obtained, the recipient of fund money shall adhere to the most recent RMP approved by the board.

Section 6. Management Agreements. A recipient of fund money may, with prior written board approval upon determination that the third party has the experience and resources to implement the RMP approved for the project site, enter into agreements with third parties for management of land. Despite the terms of any management agreement, the recipient of fund money shall retain full responsibility for management of the land in accordance with

the requirements of KRS 146.550 through 146.570, 418 KAR Chapter 1, any memorandum of agreement between the board and the recipient, any conservation easement or deed restriction pertaining to the project site, any articles of dedication pertaining to the project site, and the most recent RMP approved by the board.

Section 7. Time Limits. Money initially approved by the board for management shall be expended within two and one-half (2 1/2) years of the board's approval of the Final RMP. An extension may, upon determination that an extension request would facilitate implementation of the RMP approved for the project site, be granted by the board upon receipt of a written request for extension, including an explanation of and reason for the request.

Section 8. Application for Additional Management Funds.

- (1) The board may grant written requests for additional management money.
- (2) The board shall consider the following factors in its evaluation of requests for additional management money:
 - (a) The applicant's past management record;
 - (b) The applicant's need for additional management funds; and
 - (c) Funds available.

Section 9. Joint RMPs. Applicants may submit joint RMPs that specify which entity shall perform each aspect of management. Each applicant shall remain responsible for all aspects of management.

Section 10. Reports.

- (1) Recipients of fund money shall submit to the board Annual Management Reports using Form HL-2C detailing:
 - (a) The status of the project;
 - (b) The applicant's compliance with the most recent RMP approved by the board; and
 - (c) The status of any final RMP that has yet to be submitted to, or approved by, the board.
- (2) Management reports shall be submitted annually on or before the date of the third board meeting of the year.

Section 11. Verification. Recipients of fund money shall provide to the board, along with their annual report, verification of money expended on land management upon the request of the board through the office.

Section 12. Transfer or Encumbrance of Land. Recipients of fund money shall not, without prior board approval, sell, give, devise, or otherwise convey or encumber land acquired, in whole or in part, with fund money. The board may approve land transfer to or encumbrance by any entity eligible for funding pursuant to KRS 146.570 or a federal land conservation agency. Transfer of encumbered land shall be managed in accordance with these administrative regulations, any articles of dedication pertaining to the project site, deed restrictions, any conservation easement, and the most recent RMP approved by the board.

Section 13. Identification. The project site shall be identified by one (1) or more signs, and literature or advertising, where appropriate, shall also identify the site as having been purchased with money from the fund.

Section 14. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Final Resource Management Plan Instructions", HL-2A, July 2018;
 - (b) "Final Resource Management Plan", HL-2B, July 2012; and
 - (c) "Annual Management Report", HL-2C, July 2018.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Kentucky Heritage Land Conservation Fund, 300 Sower Blvd, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. through 4:30 p.m.
(21 Ky.R. 2856; eff. 7-12-1995; 25 Ky.R. 2946; 26 Ky.R. 595; eff. 9-8-1999; TAm eff. 8-9-2007; 39 Ky.R. 852; 1201; 1395; eff. 2-1-2013; 45 Ky.R. 1811, 2661; eff. 4-5-2019; Crt eff. 3-25-2026.)