

**CONSERVATION PARTNERS LEGACY GRANT PROGRAM  
REQUEST FOR PROPOSAL  
Over \$25,000/ \$25,000 and Under (O25K/U25K) Grant Requests  
General Information**

Award Type:	Competitive Grant						
Posted Date:	Wednesday, August 15, 2012 at noon						
Due Date for Applications:	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Round 1</u></td> <td style="text-align: center;"><u>Round 2*</u></td> </tr> <tr> <td>Open: August 15, 2012</td> <td>December 12, 2012</td> </tr> <tr> <td>Closed: September 26, 2012</td> <td>January 30, 2012</td> </tr> </table> <p>No late submissions or incomplete applications will be considered for funding. *If funding remains from Round 1.</p>	<u>Round 1</u>	<u>Round 2*</u>	Open: August 15, 2012	December 12, 2012	Closed: September 26, 2012	January 30, 2012
<u>Round 1</u>	<u>Round 2*</u>						
Open: August 15, 2012	December 12, 2012						
Closed: September 26, 2012	January 30, 2012						
Application Method:	Online application system, <a href="#">O25K/U25K Grant Cycle</a> webpage						
Eligible Applicants:	Local, regional, state, and national nonprofit organizations, including government entities.						
Expected Award Announcement Date:	Round 1: November 15, 2012 Round 2: April 15, 2013						
Project Completion Date:	June 30, 2016						
Estimated Funding This Year:	\$2,624,000						
Maximum Award:	\$400,000						
Minimum Award:	\$5,000						
Match Requirement:	10% nonstate funds for all grants. Match may be cash or in-kind resources						
Fund Source:	The Outdoor Heritage Fund						
Grant Program Webpage:	<a href="http://www.dnr.state.mn.us/grants/habitat/cpl">http://www.dnr.state.mn.us/grants/habitat/cpl</a>						
Grant Program Email:	<a href="mailto:LSCPLgrants.DNR@state.mn.us">LSCPLgrants.DNR@state.mn.us</a>						
Grant Program Contact:	<p>Jamie Gangaware Conservation Resource Specialist 651-259-5174</p> <p>Pete Skwira Administrative Services Section Chief 651-259-5238</p> <p>MN Department of Natural Resources 500 Lafayette Road, Box #20 Saint Paul, MN 55155-4020</p>						



# CONSERVATION PARTNERS LEGACY GRANT PROGRAM REQUEST FOR PROPOSAL AND PROGRAM MANUAL

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## Grant Program Information

### I. Grant Opportunity Description

#### A. Summary

The Minnesota Department of Natural Resources (DNR) manages this program to provide competitive matching grants of up to \$400,000 to local, regional, state, and national non-profit organizations, including government entities. The grants must restore, protect or enhance prairies, wetlands, forests, or habitat for fish, game, or wildlife in Minnesota. A 10 percent match of non-state funds is required for all grants. The match may be cash or in-kind resources. The amount and source of match must be identified at the time of application.

#### B. Funding Source

Funding for the CPL grant program is from the Outdoor Heritage Fund created by the people of Minnesota. This fund receives 33 percent of the sales tax revenues resulting from the Clean Water, Land, and Legacy Constitutional Amendment passed by the voters in the November 2008 election.

For State Fiscal Year 2012 (FY13), a total of \$4,624,000 in grant funds were recommended by the Lessard-Sams Outdoor Heritage Council (LSOHC) to, and approved by, the 2012 Minnesota Legislature as [ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 5\(i\)](#) as the Outdoor Heritage Conservation Partners Grant Program [also known as the "Conservation Partners Legacy Grant Program" (CPL)].

\$2,624,000 is dedicated to the Over \$25,000 and Under \$25,000 grant categories. The remainder is made available through the new Expedited Conservation Projects grant cycle (see [ECP Grant Cycle webpage](#) for more information).

#### C. Program Priorities

Grant activities include the enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife in Minnesota.

Restoration and enhancement projects will only be funded on lands that are:

- permanently protected by a conservation easement as defined in [MN Statutes 84C.01](#);
- in public ownership; or in waters designated as public waters as defined in [MN Statutes, Section 103G.005, subdivision 15](#).

Acquisitions will protect wetlands, prairies, forests, and habitat for fish, game, and wildlife by acquiring land through fee title or permanent conservation easement. Lands acquired in fee title must be open to the public for hunting and fishing during open seasons unless otherwise provided by state law. Easements must include stewardship provisions to perpetually monitor and enforce the conditions of the easements.

#### D. Funding Cycles

There are three categories of funding this year: over \$25,000 (O25K), \$25,000 and under (U25K), and a new cycle called the Expedited Conservation Projects, or "ECP". (See the [ECP Grant Cycle webpage](#) for more information).

Grant requests for the O25K and U25K funding cycles have the same application and review process as in previous years.

All CPL Program information within this RFP applies to the O25K and U25K funding cycles. All applications, regardless of amount requested, must be submitted online using the O25K/U25K Application System, found on the [O25K/U25K Grant Cycle](#) webpage. See the Application and Grant Award Information Section of this RFP for more details. There is no limit to the number of applications that can be submitted through the CPL Grant Program.

**1. O25K Grant Cycle Highlights**

- a. Only cycle where acquisition is an eligible activity.
- b. Same deadlines as U25K (See [CPL Funding Schedule](#) for more information).
- c. Will have 2 funding rounds/ year if funds are not all awarded during first round (See [CPL Funding Schedule](#) for more information).

**2. U25K Grant Cycle Highlights**

- a. Restoration and Enhancement projects only, no acquisition.
- b. Same deadlines as O25K (See [CPL Funding Schedule](#) for more information).
- c. Simplified application.
- d. Will have 2 funding rounds/ year if funds are not all awarded during first round (See [CPL Funding Schedule](#) for more information).

*All project requirements—regardless of level of funding—are the same. The difference is in the application process and how the projects are selected.*

**E. Eligible Applicants**

Eligible applicants are limited to local, regional, state, and national non-profit organizations, including government entities. Private individuals and for-profit organizations are not eligible to apply for these grants. Partnerships are encouraged.

State Grant Policy 08-13, [Grant Closeout Evaluation](#), requires State agencies to consider a grant applicant's performance on prior grants from that agency before making a new grant award of over \$5,000. Applicants who performed poorly on prior grants may not be funded or only allowed to work on small, specific projects.

**F. Grants and Public Information**

Under [MN Statutes 13.599](#), responses to a RFP are nonpublic until the application deadline is reached. At that time, the name and address of the grantee, and the amount requested becomes public.

After the application evaluation process is completed, data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed. Sensitive information, such as Natural Heritage Database review information, will be redacted on all applications prior to them becoming public.

[MN Statutes 13.44](#) categorizes estimated or appraised value of real property prior to purchase and sale as confidential data on individuals or protected nonpublic data. CPL staff may also protect landowner and location information. See also [Minnesota Government Data Privacy Act](#) for more information. This information, along with corresponding budget information, will be redacted from the applications before making them public. Once property transactions are completed, the location and landowner information will become public information.

## II. Program Information

### A. Grant Funds

A total of \$2,624,000 is available in state fiscal year 2013 for the ECP grant cycle (state FY13 runs from July 1, 2012- June 30, 2013). The maximum grant is \$400,000; the minimum grant is \$5,000. Grant projects may not exceed a total cost of \$575,000.

1. The DNR reserves the right to vary the amounts awarded in each of the grant categories.
2. Any funds not awarded in the first round will be available for a second round of grants.
3. The DNR reserves the right to award less than the total amount available if suitable projects are not submitted.
4. The DNR reserves the right to make additional awards under this announcement, consistent with DNR and Outdoor Heritage Fund policy and guidance, if additional funding becomes available; a project comes in under or over budget; or if a grantee cannot carry out their project as planned.
5. The DNR reserves the right to award amounts less than that requested in an application should it be determined aspects of a project are not desirable, eligible for funding, or are not cost effective.
6. Grant funds will be awarded to only one eligible organization (the "Grantee") per grant. The Grantee is responsible for the proper expenditure of funds, on-the-ground accomplishments, reporting, and meeting all program and legal requirements.

### B. Match Information

#### 1. Minimum Requirements

This program requires a match of 10 percent non-state funds for all grants. The match may be cash or in-kind resources. Funds used for match for CPL grants cannot be used as match for any other state grant programs. For more details, see the [In-kind Information and Rates](#) worksheet on the CPL website.

Match funds are generally subject to the same requirements as grant funds, unless specifically listed. Documentation of all match funds is required. Match can come from a variety of public (non-state origin) and private sources and can include in-kind goods and services and volunteer labor. Match funds are subject to audit just like grant funds.

#### 2. Partnerships

Applicants are encouraged to combine contributions from non-state partners to meet the match requirement. One eligible applicant must lead the partnership effort and assume program and financial responsibility for all work in the application. Successful applicants should be prepared to carefully document matching

contributions, including the number of volunteers and volunteer hours on individual projects.

Match funds must be supported with letters of commitment. A sample letter is included on the grant website. Letters of commitment should:

- a. Be written on the contributing organization's letterhead;
- b. Identify the applicant and name of the project they are partnering in;
- c. Identify the amount of funding they are committing;
- d. Identify the source of the funds;
- e. Describe any time constraints on the availability of funds;
- f. Describe any other contingencies associated with the funding commitment; and
- g. Be signed by member(s) of the contributing organization with authority to commit the organization to the match.

### 3. Determining Required Match

The match may be cash or in-kind resources. The match amount is determined by multiplying the grant amount requested by the total match requirement. The DNR will use the following formulas:

Total Grant Requested (\$) x 0.10 = Minimum Match Required

**Cash Match** is actual cash contributed to a project, such as:

- \$ Cash contributed by your organization;
- \$ Cash contributed by a third party that is supported by a Partner Commitment Letter and documented in the grantee's files; or
- \$ Supplies or contracted services (not grantee staff time) to be paid for by the grantee for project activities during the grant period;

**In-kind Match** is non-cash donations of a good or service, such as:

- > Personnel time given to the project (existing staff or volunteers);
- > Use of equipment; or
- > Donated supplies or services.

**All match funds must:**

- Be reasonable, necessary, and allowable for the performance of the grant award;
- Conform to grant program guidelines, including project dates;
- Be provided for in the approved budget;
- Be treated consistently with other costs incurred by the organization;
- Be in accordance with Generally Accepted Accounting Principles (GAAP); and
- Be adequately documented (i.e., are verifiable from the grantees records and reported to the grant program as requested).

### 4. Additional Funding

Some large projects involve multiple funding sources that may not be eligible as match for this grant. Keep these amounts separate. There is an "Additional Funding" box in the application that can be used to list the additional funding sources and amounts. Total project cost (grant + match + additional funds) may not exceed \$575,000.



### **C. General Program Requirements**

This program is funded by state dollars and requires a significant amount of documentation and transparency. All expenditures, and work done with these funds, must:

#### **1. Follow All Applicable Laws, Regulations, Policies and Codes**

Applicants must follow Federal, State, and local laws, regulations, policies, and codes, as applicable. Projects must meet the requirements set out by ML 2012, [Ch. 264, Art. 1, Sec. 2](#), and [MS 97A.056](#). Projects on public lands, and any project receiving state funds, may require more approvals and/or permits than other projects. It is the applicants' responsibility to obtain all required approvals and permits. Applicants must coordinate this with public Land Managers, Easement Holders, and/or private landowner(s) before any work begins.

#### **2. Commissioner's Approval**

The Commissioner of Natural Resources must approve all projects. All projects must conform to the [MN Statewide Conservation and Preservation Plan](#). Wildlife projects must conform to the [State Wildlife Action Plan](#).

#### **3. Grantee's Duties**

Grantees must be willing and able to perform all work required to complete the projects they are requesting funds for. This includes managing any bid, contract or purchasing process necessary to complete work under the grant. The grantee is also responsible for project oversight and management. DNR or other public Land Managers or Easement Holders may provide technical guidance to the grantee, but are not responsible for the work. Grantees are also responsible for understanding and following all program requirements and procedures.

#### **4. Conflict of Interest**

State Grant Policy 08-01, [Conflict of Interest for State Grant-making](#), also applies to grantees. Please review and follow this policy to ensure there are no conflicts of interest. Applications may be rejected or grants cancelled if conflicts are found and not resolved to the State's satisfaction.

Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

- a. a grantee is unable or potentially unable to render impartial assistance or advice to the State due to competing duties or loyalties;
- b. a grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties; and/or;
- c. a grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

An organization's conflict of Interest policy must be followed when selecting contractors. If no policy exists, the grantee must document that a fair process was used.

### **III. Eligibility Information**

#### **A. Ineligible Applications**

The following applications will not be considered eligible under this RFP and will be disqualified:

1. Applications requesting less than \$5,000 or greater than \$400,000;
2. Applications for projects that have a total project cost exceeding \$575,000;



3. Applications to fund activities on conservation easements that are the responsibilities of landowners under the terms of the easement;
4. Applications that do not meet the requirements set out in [ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 5\(i\)](#) and [MS 97A.056](#);
5. Applications that include:
  - a. Activities that constitute legally required mitigation for the adverse effects of an activity regulated or otherwise governed by local, state or federal law;
  - b. Activities that constitute restoration for natural resource damages under federal, state or local law;
  - c. Activities that constitute complying with a biological opinion under Section 7 of the Endangered Species Act, and/or;
  - d. Activities that are required by a separate consent decree, court order, statute, or regulation;
6. Projects that are currently receiving direct appropriations from the Outdoor Heritage Fund, or that were submitted during FY2014 Call for Funding by the LSOHC are not eligible. If a project is pulled from consideration of OHF funding by the applicant prior to the deadline for CPL applications, the project may be submitted for CPL funding. The CPL project must meet all CPL requirements and deadlines, and must be submitted using the CPL application system;
7. Previously funded, incomplete CPL projects that are in active grant status;
8. If an application requests funding for ineligible activities, or uses ineligible activities as match, the ineligible activities will not be considered and may result in the rejection of the entire proposal;
9. Applications which are not complete at time of application deadline. No late submissions will be accepted. Applications are considered incomplete if:
  - a. One or all Land Manager Review and Approval forms are missing;
  - b. Any Land Manager Review and Approval form is incomplete or unsigned;
  - c. Any required financial documentation is missing;
  - d. The match amount does not meet requirements.

## **B. Eligible Expenses**

Generally, if an expense is eligible as a grant cost, it is eligible as a match cost. Some costs have limits to the amount that will be paid from grant funds; any costs above that amount may be eligible as match.

Eligible expenses are those expenses (salary, equipment, supplies and materials, etc.) directly incurred through project activities that are direct to and necessary for the project described in the application. These expenses must be specified in the application and documented during the grant period as specified in the [Payment Manual](#).

All grant and match expenses must occur within the project period except for pre-award costs, described below. The grant period begins when the final signature on the grant contract is obtained and continues until all work is completed but no later than June 30, 2016 for FY13 funds (unless Federal funds are involved).

### **1. Grant Administration**

Up to 2.5 percent of the total grant funds requested may be used for grant administration and must be specified in the application and work program. Grant administration costs may be paid for with grant or match funds (in-kind only). This

includes staff salary, FICA, and benefits for work and direct costs required to administer the grant. Grant Administration costs apply to individuals within the organization that is applying for the grant and cover all work in regards to the administration of the grant after grant funds are awarded. These expenses are the only money available for staff or other individuals of the organization to be reimbursed for grant administration costs.

## **2. Personnel Costs**

Up to 5 percent of the total grant funds requested may be used for non-grant administration directly related to and necessary for on-the-ground grant work. Costs over 5 percent may be used to meet in-kind match requirements. Personnel costs apply to individuals within the organization applying for the grant, for all work completed outside of grant administration. These expenses are the only grant funds available for staff or other individuals of the organization to be reimbursed for project management costs.

## **3. Travel**

Transportation and travel expenses, such as lodging, meals, and mileage of personnel directly working on the grant, are eligible expenses (grant or cash/ in-kind match) in the same manner and in no greater amount than provided for in the current [Commissioner's Plan](#) promulgated by the Commissioner of Minnesota Management and Budget. Travel expenses shall not exceed 1 percent of total grant funds requested, unless justified and approved by CPL grant staff in the work program. Travel and subsistence expenses incurred outside Minnesota are not eligible expenses unless the State's prior written approval was received. Minnesota will be considered the home state for determining whether travel is out of state.

More information on travel costs can be found in the [Eligible and Ineligible Expenses](#) document.

## **4. Permitting and Environmental Compliance Expenses**

Applicants for CPL grant funding may include any costs associated with permitting and compliance requirements within their grant budget. These costs should be listed within the Additional Budget Items line of the budget and explained in the details section. Grant or match funds can be used to pay for these costs, but any permits or other requirements are the responsibility of the grantee to complete or apply for.

## **5. Acquisition Costs**

Each tract must be approved for acquisition in the work program. Costs related to tracts that are not in the work program are ineligible for payment. Any obligation to purchase property made before the grant agreement is executed is made at the grantee's risk.

Eligible acquisition costs include:

- a. Appraisal fees;
- b. Appraisal review fees;
- c. Acquisition negotiations;
- d. Acquisition legal costs;
- e. Deed fees;
- f. Boundary surveys;
- g. Initial development costs;
- h. Travel and transportation, and
- i. Cost of the property being acquired.

## **6. Donation of Value for Acquisitions**

A *donation of value* means a landowner receives less than the appraised value of the land. The difference between the appraised value and the amount the landowner receives is donated as cash match towards the grant. The donation may be only part of the difference (also referred to as a *bargain sale*), or the entire amount. Any difference between the amount paid to the seller and the appraised value must be reported to CPL staff.

## 7. Pre-award Match Costs

Pre-award costs are costs incurred before the grant agreement is executed. No pre-award costs are eligible for repayment using grant funds. There are only three pre-award costs that are eligible as match by grantees:

- a. Insurance. Insurance costs for CPL projects. These costs are eligible only if incurred after the grantee has been formally notified that they have been awarded a grant, but before the grant is in place.
- b. Appraisals. Appraisal fees that were incurred less than 12 months prior to the application deadline. The appraisal must be for the property(ies) specified in the grant application, and must meet all requirements in the [Land Acquisition Procedures documents](#).
- c. Engineering and Design. Engineering and design costs that were incurred within 18 months of the application deadline are eligible for match. Engineering and design documents must be submitted as uploads to the application. Engineering and design work must be site and outcome specific for the construction project being submitted for CPL funding.

**All pre-award costs are incurred at the applicant's risk and must be specified as match at time of application. No reimbursements will be made to unsuccessful applicants.**

## C. Ineligible Expenses

Indirect costs (overhead costs for basic operational functions such as lights, office rent, water, phone) costs are not eligible grant or match expenditures. See the [Eligible and Ineligible Expenses](#) document for further details.

Below are some common requests for funding that the CPL program will NOT fund with grant dollars or allow as match (unless specified). These requests will be removed from any application prior to review and may result in the rejection of the entire application.

1. Work on project sites not identified and approved in the work program.
2. Engineering and Design Costs. Grant funds may not be used to pay for engineering and design costs for any activity. Engineering and design work must be substantially complete before requesting grant funds for a project. CPL staff may request engineering and design plans from applicants during the review process to validate cost estimates and ensure the project will be completed within the allowed timeline. These costs are eligible to be used as match, as outlined in the Pre-Award Match costs section above.
3. Research.
4. Education activities.
5. Planning/Plan Development.
6. Capital Equipment. Capital equipment may not be purchased with CPL grant or match funds. Capital equipment includes vehicles, trailers, chainsaws, sprayers, seed drills, mowers, etc.

## Application and Grant Award Information

### I. Application Information

#### A. Online Grant Application System

Complete application information, including the required forms, instructions, and the O25K/U25K application system access can be found on the [O25K/U25K Grant Cycle](#) webpage of the CPL website. All grant applications must be submitted using this system.

#### B. Application Deadline

Applications for O25K/ U25K Round 1 will be accepted beginning at noon August 15, 2012 until 5:00 pm CST, September 26, 2012. At this time, the application system will close until grants have been awarded, work programs approved, and any remaining funds determined. It is anticipated that the first round of grants will be selected by mid-November 2012.

In the event that not all funds are awarded, a second round of grants may be held. The second round, if necessary, will open on December 12, 2012 and close at 5:00pm CST time on January 30, 2013.

#### C. Application Status

The DNR will notify all applicants by electronic mail of their status in November, 2012 for the first round of grants and spring of 2013 for a second round of grants, if applicable. This notification is not an authorization to begin work.

#### D. Start Date

Additional documentation, work program updates, etc., will be needed before the grant agreement can be executed. The agreement must be executed before work may begin. Applicants should not plan on starting any work before January 15, 2013 for the first grant cycle, at the earliest.

#### E. What NOT to Submit

Do not submit extra or unsolicited material, such as pamphlets, business cards, appraisals, etc. Do not embed these items in any of the required documents that you upload. Such material will be removed from the application and will not be sent to reviewers. Should any of this information be needed, CPL staff will request it from the applicant.

#### F. Photos

New this year is the opportunity to upload photos of the project site(s). Photos should be relevant to the project showing past/ current state of the site to demonstrate the need for funding. The application system allows photo uploads only on the Additional Information page of the application.

## II. Application System

### A. Application System Website

The online application system is available on the CPL Grant Website [O25K/U25K Grant Cycle](#) webpage. Applicants must create a Log-in name and Password the first time accessing the system for any funding cycle through CPL; only one account is necessary as the same log-in and password will allow access into both systems. The system allows applicants to save their application at any point and return to it as many times as needed before submitting. The ECP grant cycle uses a separate application system, but applicants will be able to see all applications they create on one page.

### B. Funding Categories

After logging into the O25K/ U25K application system, applicants must choose which grant funds they are requesting. Requests for \$25,001 or over will be directed to the standard application; requests for under \$25,000 will go to a simplified application.

### C. Completing the Application

There are several sections to each application, each focusing on a different aspect of the project. Supporting documents, such as the Land Manager Review and Approval Form, letters of commitment, financial documentation, easement information, etc. will need to be uploaded to the system based on the project and level of funding requested. Each project site must be mapped using the online mapping system. A valid email address for the project manager and fiscal contact is required. Applicants are responsible for the content of their application.

A Project Planning Form is available on the [Project Information](#) webpage to help pull together the information needed for the O25K/ U25K application. This form can be used as a tool to collect the information required and to guide the meeting with the public Land Manager or Easement Holder. This form should not be submitted and will not be accepted in lieu of an application. Applicants may copy and paste any electronic data from the Project Planning Form directly into any of the applications.

### D. Required Attachments

A list of the required and optional upload items, and additional information, is available on the CPL website at the bottom of the [O25K/U25K Grant Cycle](#) and [Project Information](#) webpages. It is the applicant's responsibilities to ensure that all forms are completed, signed and uploaded in PDF form. Each application must have a signature by the Land Manager or Easement Holder. These forms must be uploaded to the application and submitted electronically. No late submission of forms will be accepted. Applications with missing forms will be considered incomplete. Projects within public waters must also submit a Public Waters Project Form.

### E. Natural Heritage Database Review

The Natural Heritage Database Review section must be completed on all Land Manager Review and Approval Forms in order for an application to be considered complete. If the Land Manager or Easement Holder cannot access the Natural Heritage Database, they must contact CPL Grant Staff for assistance no later than Wednesday, September 5, 2012 (for Round 1), and Friday, January 4, 2013 (for Round 2). CPL staff will complete the review and return the information to the Land Manager

or Easement Holder as a letter in PDF form. The applicant must upload this letter in addition to the Land Manager Review and Approval Form.

## **F. Submitting the Application**

After all sections are complete, applicants must click the Submit Application button on the Application Submission page to submit the application. Once submitted, no changes can be made to the application, although the complete application can be reviewed and printed. Grant staff has limited ability to make changes to the application (correcting typos, changing contact information, etc.). Replacing large amounts of text or swapping uploaded documents is not possible. CPL staff will be able to unsubmit or delete applications if the applicant needs to make major changes or the project falls apart. Any changes requested after the application deadline will not be accommodated.

*Contact CPL staff with any application questions or for help with the application system **prior** to the application deadline.*

## **III. Application Review Information**

### **A. All Grant Cycles**

#### **1. Evaluation Criteria and Scoring**

The evaluation criteria that will be used to evaluate grant applications have been developed by the MN Legislature, LSOHC, Office of Grants Management, and CPL Staff.

Information needed to evaluate the criteria is requested on the Project Information page of the O25K application system. Applicants should review the Evaluation Criteria Table found at the end of this document to make sure all the information needed to evaluate their application on each criteria is included to ensure funding. Applications will be scored on all 6 criteria found in the table.

#### **2. Review and Selection Process**

This process consists of five (5) steps regardless of the amount of grant funds requested, unless noted:

##### **a. Initial Review**

An application must pass all Initial Review criteria in order for it to be forwarded for further consideration. Applications that do not pass the initial review are considered ineligible. CPL staff will review applications to ensure that:

- The applicant meets the eligibility requirements for the program;
- The application meets the eligibility requirements of the grant cycle applied for;
- The application meets the requirements of the RFP, including submission of all required forms;
- The match requirements are met;
- The projects are eligible and all work is within the scope of the Conservation Partners Legacy Grant Program; and



- The project can be accomplished within the grant period. The project must also be able to accomplish measurable, on-the-ground improvements annually.

**b. Financial Review of Nongovernmental Organizations—Requests Over \$25,000**

The [State Grant Policy 08-06](#), Financial Review of Nongovernmental Organizations, requires that before awarding an ECP grant of **over \$25,000** to a nongovernmental organization, Minnesota state agencies must assess a recent financial statement from that organization. Organizations submitting multiple applications (from any of the grant cycles) that total over \$25,000 will be asked to submit required financial documentation at that time. Items of significant concern must be discussed with the grant applicant and resolved to the satisfaction of state agency staff before a grant is awarded.

- Grant applicants with annual income of under \$50,000, or who have not been in existence long enough to have a completed IRS Form 990 or a certified financial audit must submit their most recent board-reviewed financial statements.
- Grant applicants with annual income of over \$50,000 and under \$750,000 must submit their most recent IRS Form 990.
- Grant applicants with annual income of over \$750,000 must submit their most recent certified financial audit.

Applicants will be prompted to upload these documents to the application system on the Additional Information page before any application over \$25,000 in grant funds requested is submitted. Financial review is completed by CPL Staff during the initial review process.

**c. Technical Review**

Technical review of applications will be performed by Technical Review Committee(s) (TRC) made up of experts in each of the habitat types and DNR Regional Managers.

- TRC committees may include representatives from DNR, BWSR, state universities, private colleges, the US Fish and Wildlife Service, Pheasants Forever, Ducks Unlimited, and other appropriate members from both government and non-profit organizations.
- A score will be given to each application at this time.
- Grant funding recommendations based on TRC outcomes will be forwarded for Division Directors Review.

**d. Division Director Review**

The Division Director (DD) review will be performed by the CFO, and DDs of the DNR's Fish and Wildlife, Ecological Resources, and Forestry Divisions. This review will recommend funding levels and make final recommendations to the DNR Commissioner.

In making the funding recommendations from the recommended applications, the DDs will consider the following factors:

- TRC scores, comments, and recommendations;
- DNR Regional Director comments;
- A public agency's ability and/or readiness to support proposed project activities;
- Applicants ability to successfully complete work; and



- Geographic distribution of funding.

**e. Final Approval**

The Commissioner of the Department of Natural Resources will make final approval on all projects to be funded based on all information provided by the Technical Review Committee(s), Regional Managers and Division Directors.

The DNR reserves the right to reject any and all applications which do not meet the requirements of this RFP or are outside the scope of the Conservation Partners Legacy Grant Program. All or part of a grant may be funded. The DNR also reserves the right to award less than the total grant funds available if suitable projects are not submitted.

**B. Unfunded Applications**

Applicants with ineligible or incomplete applications will be notified of such at the time the awards are announced. All applicants not awarded funding will be given the opportunity to have their applications reactivated, which will make them editable again. Applications will then need to be resubmitted after editing to be considered during the review process of the upcoming funding round. Applications cannot be transferred between application systems.

**C. Unawarded Funds**

Any grant funds that are not awarded during the first round of the O25K/U25K grant cycles may be made available for funding during a second round in 2013. Applications deemed eligible and complete but not funded during Round 1 may request the opportunity to edit their application before the Round 2 deadline.

Any unawarded O25K/ U25K funds remaining after Round 2 of funding will be made available to the ECP grant cycle. Any unawarded funding from ECP after the 5<sup>th</sup> funding round in May, 2013, will be rolled into available funds for FY14 CPL grants.

**IV. Award Administration Information**

**A. Anticipated Award Dates**

It is anticipated that the recipients of the first round of CPL grants will be announced in mid-November, 2012. The recipients of the second round of CPL grants (if necessary) will be announced in late spring 2013.

**B. Grant Award Information**

All grants will be awarded using a grant agreement. The grant agreement is the legal document containing the project description, budget, and other requirements. This is considered a contract between the award recipient and the State of MN.

**C. Executing the Grant Agreement**

Each grant agreement requires a minimum of three signatures, signed in this order:

1. State Encumbrance Verification—By a DNR staff member who verifies that the grant funds have been encumbered.
2. Grantee Signature—By the member(s) of the grantees' organization who have the authority to sign legal documents on behalf of the organization.

3. State Agency—By a DNR Division Director or other staff with delegated authority to approve the grant and expenditure of state funds.

The grant agreement is “executed” when all the above signatures have been obtained. Work may not begin until the grant agreement is executed. Do not plan to start work prior to January 15, 2013 for any project funded during Round 1 *at the earliest*. The agreement process moves at the speed set by the award recipient (grantee) as all requirements must be submitted by the grantee before execution of the agreement. Do not plan to start work prior to January 15, 2013 for any project funded during Round 1.

#### **D. Grant Period**

The grant period (also referred to as the project period) starts when the grant agreement is “executed,” meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds, and cannot be used as match, with the exception of the Pre-Award Costs outlined in this RFP.

The end date of a grant period is determined by the appropriation language. Projects funded with FY13 funds must be completed by June 30, 2016. All work must be completed and final products delivered by the grant expiration date.

If a project receives federal funds, the grant period may be extended to equal the length of time that the federal funds are available. The DNR must receive documentation that the project is receiving federal funds before executing or extending the grant agreement.

#### **E. Changes to the Application, Work Plan, or Grant Agreement**

Any changes to the approved application must be submitted to and approved by CPL Grant Staff before the grant agreement is signed and work begins. The application is called the “work plan” after the project is funded, and is incorporated into the grant agreement. Changes that are significant enough to alter the work plan beyond scope of the originally approved application are not allowed.

Minor changes to the work plan such as dropping or adding project sites, and modifying the timeline, can be made by requesting the change in writing from CPL Staff prior to the change. Any new project site will need a Land Manager Review and Approval Form completed, including a map and Natural Heritage Review.

Major changes may need a formal amendment. Contact CPL Grant Staff as soon as possible when changes are expected, and prior to doing any work. Any amendment(s) to the original grant agreement must be in writing and will not be effective until the amendment has been signed and approved by the same parties who executed and approved the original agreement, or their successors in office.

#### **F. Volunteers and Contractors**

##### **1. Volunteers**

Volunteers are individuals or groups who perform work described in the grant and are not paid for their time by any agency, grant or organization.

Volunteers working on DNR lands must register as DNR volunteers and are then covered by DNR’s Worker’s Compensation Insurance. Forms are available from the

DNR Land Manager or on the [Project Information](#) webpage. Volunteers working on other public lands must follow the volunteer guidelines for the agency that manages the land. Work performed by unregistered volunteers on either DNR or other public lands will not be counted as in-kind match.

Documented volunteer hours may be counted as in-kind match. Forms are provided for this purpose and are available on the [Project Information](#) webpage. Grantees may use their own forms as long as the same information is provided.

## **2. Contractors**

Contractors are individuals, groups or companies paid by a grantee to perform all or portions of the work as outlined in the grant. Contractors are subject to the same restrictions and responsibilities as the grantee.

It is strongly recommended that all contractors meet the same insurance requirements as the grantee. An organization's conflict of Interest policy must be followed when selecting subgrantees, contractors, or vendors. Contractors will be required to certify that they have not been debarred or suspended from participation in federal assistance awards in accordance with 40 CFR Part 32.

Suspended or debarred vendors may not be used for an CPL project, regardless if grant or match funds are being used to pay for contracted services. See the State of MN's [Suspended/ Debarred Vendor Report](#) to check for potential conflicts before hiring contractors, at: <http://www.mmd.admin.state.mn.us/debarredreport.asp>.

## **3. Selecting Contractors**

Contractors must be selected as described below, except for professional acquisition services provided by the DNR's Lands and Minerals Division for lands to be transferred to DNR.

- a. If the value of the services is anticipated to be less than \$5,000 a competitive process is not required.
- b. If the value is anticipated to be more than \$5,000, but less than \$50,000, an informal competitive process must be used unless the grantee prefers to use a more formal process.
  - i. The bid solicitation process must be open and available to all interested parties.
  - ii. The advertisement for bid must allow for fair competition among potentially qualified bidders.
- c. If the anticipated value is greater than \$50,000, a formal RFP and rating process must be used.
- d. In all cases, records of the process must be retained in the grantee's file.
- e. Contracts funded with CPL funds must incorporate all CPL, OHF and other requirements.

## **4. Prevailing Wages**

It is the responsibility of the grant recipient or contractor to pay prevailing wages on construction projects to which state prevailing wage laws apply ([MN Statutes 177.42-177.44](#)). All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with state funds included in this RFP shall be paid at least the prevailing wage rate as projects of a similar character in the locality.

Additional information on prevailing wage requirements is available on the Department of Labor and Industry (DOLI) website:

<http://www.dli.mn.gov/LS/PrevWage.asp>. Questions about the application of

prevailing wage rates should be directed to DOLI at 651-284-5091. The Grant recipient is solely responsible for payment of all required prevailing wage rates.

## **G. Grantee Responsibilities**

### **1. Project Manager**

- a. There can only be one Project (Grant) Manager at a time for each grant.
- b. The Project Manager cannot be the same as the Land Manager.
- c. The Project Manager receives all correspondence from CPL staff about the application and grant.
- d. The Project Manager serves as the immediate contact point for the grant, and must be actively involved in the application/grant process and available to provide information immediately after the proposal is submitted (for example, if there are questions about match eligibility), within a few weeks after the proposal is submitted (the Project Manager may be asked to respond to comments and questions about the application), after the application is funded (during the awarding of the grant agreement), and during the grant period (submit reports and respond to questions from CPL staff).
- e. The Project Manager must be affiliated with the grant recipient's organization and must be knowledgeable about biological, partnership, and administrative aspects of the proposal.
- f. The Project Manager is responsible for ensuring that all work is done according to grant and program requirements.
- g. The Project Manager coordinates work with the Land Manager, and is responsible for ordering and purchasing supplies, writing and administering contracts, organizing and documenting volunteers, meeting permit requirements, etc. Some of these duties may be shared with the fiscal contact.

### **2. Fiscal Contact Responsibilities**

- a. Fiscal Contacts are optional. There can only be one Fiscal Contact for each grant at a time.
- b. The Fiscal Contact works cooperatively with the Project Manager, but focuses on the fiscal side of the grant. Specific duties are determined by the grantee's organization, but generally include grant and match fund management, bill paying, submitting payment requests, etc.
- c. The Fiscal Contact will frequently be included on emails and other communications between CPL Staff and grantees.

## **H. Project Reports, Grant Monitoring, and Financial Audits**

### **1. Accomplishment Reports**

An Annual Accomplishment Report is required from grantees to document project accomplishments and actual costs. Annual Accomplishment Reports will be due by September 1st of each grant year the grant is active and a Final Accomplishment Report has not yet been submitted. These annual reports will summarize the work completed in each state fiscal year, running from July 1- June 30. The Final Accomplishment Report captures all costs and work completed during the grant period.

Payments requested by grantees with outstanding reports will not be processed. It is expected that grantees will meet or exceed the planned accomplishments as outlined in their work program. Annual and Final Project Report forms are available on the [Grantee Information](#) page on the CPL website.

## 2. Grant Monitoring

[State Grant Policy 08-10, Grant Monitoring](#), requires state agencies to conduct at least one monitoring visit (field review) per grant period on all state grants of over \$50,000 and to conduct at least annual monitoring visits on grants of over \$250,000. See the policy for more information.

Field reviews are intended to ensure that work was performed as described in the grant contract. Financial audits ensure grant funds and match funds are properly spent and accounted for. Ideas for improving the program are also discussed during both the review and the audit, which may occur while grant work is in progress, or after it is completed.

All CPL grants \$5,000- \$50,000 are subject to a site visit, based on grantee performance, grantee history of grants management and the activity that was funded. This site visit may occur while the grant is active or within 2 years after the grant period has ended.

## 3. Additional Audits

The DNR and/or Legislative Auditors may also conduct financial reconciliation audits.

As per [M.S. 97A.056, Subd. 10.](#), a technical evaluation panel will be created to evaluate restoration projects funded by the Outdoor Heritage Fund. Restoration projects funded by any grant cycle of CPL may be subject to an additional review by the Habitat Restoration Evaluation Program. If selected for this evaluation, the grantee will be notified of any needed information and process for this evaluation.

## I. Payment Information

### 1. Method of Payment

Grantees will be paid on a reimbursement basis unless a services rendered basis is specified and approved in a grantee's application and grant agreement.

- a. Services rendered basis: proof of work, service, or purchase of goods must be submitted to CPL Staff as an invoice along with a request for payment. Staff will pay the grantee based on the approved invoices. Proof that the vendor has been paid (receipt from vendor, cancelled check, etc.) is required before any additional payments will be made to the grantee.
- b. Reimbursement basis: exactly the same as above, except that proof of payment to vendors is included with the payment request. There is no outstanding documentation with this method of payment.
- c. [State Grant Policy 08-08, Grant Payments](#) has more information on grant payment methods and schedules, and other payment information.

### 2. Requesting Grant Payments

All payment requests must be on the Payment Request Form provided on the [Current Grantee Information](#) webpage of the CPL website. The Payment Request Form includes match expenditure as well. All documentation must be included, and any other requirements met (such as submission of restoration plans or annual reports) and approved before payment will be made. The [Payment Manual](#) provides more detailed information.

### 3. Match Documentation

All match must be spent and documented before the final grant payment will be made. Each payment request that claims match has been spent must include



documentation of the match. Volunteer reporting forms and material use forms are available on the [Project Information](#) to document this work.

The minimum required amount of match must be spent and documented before the final grant payment will be made. If the minimum required match is not met or cannot be accounted for by the end of the grant period, the amount of grant funds paid will be reduced. The amount eligible for reimbursement will be pro-rated, using the total documented match amount as a basis for the reduction.

#### **4. Payment Requests**

The [Current Grantee Information](#) page of the CPL website lists payment information and forms. Payment request checklists are available to aid grantees in submitting complete requests. All payment requests must be received by 3:00 pm CST, July 31, 2016. The Final Accomplishment Report and all supporting documentation must also be submitted with the final payment request.

#### **5. Acquisition Payments**

Acquisition payments may be requested in advance of scheduled closing dates. The Grantee should check with CPL staff to ensure that all acquisition requirements have been fulfilled prior to scheduling the closing. *At a minimum, an administrative review of the appraisal is required before payment will be authorized.*

Grantees may submit requests for payment up to three (3) weeks ahead of closing, but no later than ten (10) business days prior to closing if payment is needed before the closing. The closing date must be noted on the request. Advances must be specified in the grant agreement. The 5 percent holdback applies to acquisition projects as well; budget accordingly for payments.

#### **6. Payment Timeline**

If all required documentation is submitted with the payment request, CPL Grant Staff can generally review and approve requests for payment within a week of receiving the request. If questions arise or documents are missing, payment approval may take longer. Checklists that can be used as cover sheets to help grantees submit the correct documents can be found on the CPL website. Once payments are approved, they are sent to the DNR's business office for payment. The payment process will take up to 30 days from receipt of complete payment request.

#### **7. EFT Payments**

The fastest way to receive payment is by signing up for Electronic Funds Transfers (EFT) from Minnesota Management and Budget. This can be done online; vendor ID numbers are considered the log-name. Passwords can be created or reset if forgotten. Instructions can be found at the [eSupplier portal](#). Grantees can also review payment information online. Funds are deposited directly into the grantee's account, typically within 24 hours of payment processing.

#### **8. Holdback of Final Payment**

Under [ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 5\(i\)](#) no less than 5 percent of the total amount of each grant must be held back from final reimbursement until the grant recipient has completed a final grant accomplishment report by the deadline and in the form prescribed by and satisfactory to CPL staff. All required documentation must also have been submitted and accepted.

While acquisitions are paid differently than enhancement and restoration work, this holdback will apply to acquisitions as well. The 5 percent will be paid in full to the grantee when all reporting and documentation requirements have been fulfilled for the acquisition. If an acquisition also has enhancement or restoration money

associated with it, the 5 percent will be applied to the final payment for all work, as described above.

**9. Grantee Information Webpage**

The [Payment Manual](#), document checklists, in-kind reporting forms, Annual and Final Accomplishment Reports, and more can be found on the [Grantee Information](#) page of the CPL website. This page contains all information, forms, etc. that will be required once a project is funded.



## Project Information

### I. General Information

#### A. Permitting and Environmental Compliance Requirements

Because the CPL program is funded with state dollars, and work frequently occurs on public lands, the DNR, grantee, and any contractor must comply with various permitting requirements and environmental laws. Such compliance requires the participation and cooperation of the DNR, CPL grant applicant, appropriate public Land Manager, and/or private landowner and conservation Easement Holder. The grantee is responsible for understanding and following all these requirements. These requirements apply to all projects.

Each type of land has various legal, agency, and other requirements that must be met because of the different ownerships or designations. Specific administrative and environmental requirements can be found on the Working on DNR/Non-DNR Lands and Working on Private Lands documents on the CPL website.

#### B. Requirements for Work on Eligible Lands

##### 1. Public Lands

As part of the application approval process for work on public lands, the grant applicant and appropriate public Land Manager will:

- a. Evaluate the proposed project to confirm that it meets guidelines for the public land management unit where the work will be done;
- b. Complete or request a Natural Heritage Database Review to check for any federal or state listed threatened or endangered species, or critical habitats;
- c. Plan work to mitigate the introduction or spread of invasive species;
- d. Discuss other applicable legal requirements, permits or environmental compliance needed; and
- e. Discuss the cost and timelines to complete this work.

##### 2. Private Lands

As part of the application approval process for work on private lands, the grant applicant must work with the Easement Holder to:

- a. Evaluate the proposed project to confirm that it is allowed under the terms of the easement;
- b. Determine if the landowner is responsible for completing the proposed work under the terms of the easement;
- c. Complete or request a Natural Heritage Database Review to check for any federally or state listed threatened or endangered species, or critical habitats;
- d. Plan work to mitigate the introduction or spread of invasive species;
- e. Discuss other applicable legal requirements, permits or environmental compliance needed; and
- f. Discuss the cost and timelines to complete this work.

##### 3. Working in Public Waters

*Applicants planning to work in public waters should review the requirements and information found on the [Requirements for Projects Involving Public Waters Work Permits](#) and [Do I need a Permit?](#) pages of the DNR website prior to applying for funding. You must also work closely with the Land Manager and DNR Area Hydrologist throughout the project.*

As provided in [ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 5\(i\)](#) public waters are eligible for restoration and enhancement work. In order to complete projects within public waters, there must be a Public Waters Project Form and at least one Land Manager Review and Approval form completed per public water project site.

- a. DNR Area Hydrologist must complete the Public Waters Project Form.
- b. DNR Area Fisheries Supervisor/ Assistant Supervisor or DNR Area Wildlife Manager/ Assistant Manager must complete the Land Manager Review and Approval Form.
  - i. This depends on who is managing or has interest in the public water body;
  - ii. Both Fisheries and Wildlife may choose to provide input – applicants must contact both.
- c. Appropriate grantee organizational approval (county approval if the applicant is a county, etc.), when necessary.
  - i. Required to ensure funding is desired and application is approved by organization.
  - ii. Required when organizations are applying for funding to complete work within their own land (same requirement for non-public waters work).

**Example 1:** A County applies to work in a public water to complete restorations and enhancements both into the public water and along the shoreline. Required forms are:

- ☐ County: Land Manager Review and Approval Form
- ☐ DNR Area Hydrologist: Public Waters Project Form
- ☐ DNR Area Fisheries Supervisor and/or DNR Area Wildlife Manager: Land Manager Review and Approval Form

**Example 2:** A Sportsman’s Club applies to stabilize stream banks and re-establish vegetation within the flood plain of a river, all within a WMA. Forms are required from:

- ☐ DNR Area Hydrologist: Public Waters Project Form
- ☐ DNR Area Wildlife Manager and/or DNR Area Fisheries Supervisor: Land Manager Review and Approval Form

Call CPL Grant Staff with any questions and for any clarifications.

#### **4. Budgeting for Permitting and Environmental Compliance**

Applicants may include the cost of permits and environmental compliance in their request for grant funding. These are considered project costs and may be paid with either grant or match funds. The amount should be based on the actual expected permitting and/or environmental compliance cost, and a detailed description should be included. Any costs that exceed the amount budgeted are the responsibility of the grantee and may be used for match if approved by CPL Grant Staff. Any costs that come in under budget may be used for other work within the approved project.

During the application review and evaluation process, the application will be examined to determine whether any significant permitting and/or environmental issues are involved in the project, and if the applicant has budgeted appropriately for compliance. Applications will be scored on whether the amount budgeted appears reasonable.

### **C. Invasive Species Requirements**

*DNR Operational Order 113 and appropriate invasive species best management practices must be followed by all applicants, grantees, volunteers, and contractors, when working on ALL CPL funded projects, regardless of activity, land type, or ownership.*

DNR [Operational Order \(Op Order\) 113](#) applies to all DNR resource management activities by employees and non-DNR individuals or organizations on DNR-administered lands and public waters; and activities DNR regulates, permits, or funds (grants). This means all CPL funded activities, regardless of project location, must comply with this Op Order. The Op Order is designed to ensure that resource management activities protect our environment from invasive species impacts, comply with existing statutes and rules governing invasive species, and meet requirements for dual forest certification by Forest Stewardship Council and Sustainable Forestry Initiative.

Op Order 113, as well as guidelines for each DNR division can be found on the [CPL Grants Project Information](#) webpage. The [Division of Fish and Wildlife's Discipline Guidelines](#) contains specific activity protocols for best management practices to help prevent and manage invasive species. These guidelines should be discussed with the Land Manager when completing the Land Manager Review and Approval Form.

## II. Restoration and Enhancement Projects

These projects must restore or enhance habitat for fish, game, or wildlife on lands permanently protected by conservation easement as defined in [MN Statutes 84C.01](#), or protected by public ownership, or in waters designated as public waters as defined in [MN Statutes 103G.005, subdivision 15](#).

### A. General Requirements

1. Recipients of CPL grant funds must give consideration to and timely written contact to CCM for consideration of use of their services for restoration and enhancement work. A copy of this written contact must be submitted to CPL Grant staff before the grant agreement is executed. CPL staff will provide information on fulfilling this requirement after awards are announced.
2. All restorations must use current conservation science to achieve the best restoration results possible.
3. An Ecological Restoration and Management Plan must be prepared for all restorations that to the degree practicable, is consistent with the current conservation science and ecological goals for the restoration site. This plan must be completed on the forms provided on the [Current Grantee Information](#) and will be due with the first payment request.
4. Maintenance work necessary to ensure the project is successful (such as spraying, mowing, etc.), is required for the length of the grant period, and must be included in the application. This work may be paid for with either grant or match funds.

### B. Use of Pesticides

DNR [Operational Order 59](#) (Pesticides and Pest Control) and appropriate discipline guidelines must be followed when working on all lands and waters, regardless of ownership.

For pesticide use on all CPL projects:

1. Anyone applying pesticides must have a current MN commercial Applicator's License issued by the MN Department of Agriculture (MDA).
2. All applications of pesticides must be made in compliance with the pesticide label and labeling.
3. Records of pesticide use on all lands must be maintained according to MDA or DNR division guidelines. The Land Manager must be provided a copy of the records within 30 days of the final annual application or before the expiration of the grant agreement, whichever comes first.
4. Pesticide use may require the grantee and any contractors to carry additional Pollution Liability insurance.

### **C. Vegetation and Seed Requirements**

1. All vegetation and seed mixes must be approved by the appropriate Land Manager in writing. Any changes must also be approved by the appropriate Land Manager in writing. Substitutions of individual species are acceptable if they meet the intended goals of a project/program and are approved by the public Land Manager or Easement Holder.
2. Seed mixes should be an appropriate match for the specific site conditions.
3. Use seed sources within, or adjacent to, the same ecoregion, to the extent possible. The Minnesota Ecological Sections and Subsections map located at [www.bwsr.state.mn.us/wetlands/vegetation/index.html](http://www.bwsr.state.mn.us/wetlands/vegetation/index.html) shows areas of the state with ecological similarities and can be used as a guide for selecting seed.
4. All seed shall be supplied as Pure Live Seed (PLS).
5. Provide "yellow tags" to the public Land Manager or Easement Holder. If yellow tags are not available, provide written documentation describing where the seed originated from.

### **E. Monitoring and Evaluation**

Monitoring and evaluation activities are eligible as grant (up to 2.5 percent of grant funds requested) or match costs only if the results will be used to improve CPL project work at approved grant sites during the grant period. If monitoring and evaluation on a grant site is part of a larger project that covers non-grant sites, or work not funded by grant or match funds, only the portion of those costs related to grant work on grant sites is eligible. All monitoring and inventorying work must be described and approved in the application. Monitoring and inventory methodology is subject to DNR approval.

### **F. Facility Development**

Facility development or improvement projects such as parking lots, roads, and hunter blinds are not considered habitat projects. For CPL, limited approval of development will be permitted only as part of the initial development of newly acquired lands with these grant funds. Public use facilities must have a minimal impact on habitat on acquired lands.

### **G. Construction Projects**

Any projects requesting money for construction activities (water control structures, etc.) must have final engineering design and plans completed for the project prior to application submission. These plans are necessary to develop the best methods and

cost estimate for completing the project prior to requesting grant funds. All plans must be submitted with the application.

All design, engineering, survey costs, etc. may be used as match if completed within 18 months of application deadline. For more information, see "Pre-Award Costs."

CPL Grant Staff may request additional information from the applicant during the review process to verify project and cost information. All plans must include safety features that meet OSHA standards.

### III. Acquisition Projects

*Applicants applying for acquisition funds (for either fee title or permanent conservation easement acquisitions) should review the requirements and information found on the [Land Acquisition](#) page of the CPL website prior to applying for funding. You must also work closely with the Land Manager and DNR Lands and Minerals staff throughout the project.*

*Acquisitions may be made substantially less complicated if you are aware of these requirements AND the appropriate steps and documentation is completed in a timely fashion.*

#### A. General Acquisition Requirements

1. All acquisitions must be from willing sellers.
2. Each potential tract must be identified in the application. The applicant's priority for acquiring the tracts must be given.
3. Acquisitions must be completed by the end of the grant period.
4. The minimum standard for all appraisals is the Uniform Standards of Professional Appraisal Practice (USPAP) standards.
5. All appraisals are subject to review by DNR staff.
6. The portion of the purchase price paid with CPL or other state funds may not exceed 110 percent of the appraised value.
7. Acquisitions paid for with CPL funding may not impede snowmobile trails. All parcels acquired with an existing snowmobile trail in place must allow trails to remain during the snowmobile season.
8. A restoration and management plan must be prepared for all newly acquired lands. This plan must be completed on the forms provided on the [CPL website](#) and will be due with the first payment request. Sufficient funding for implementation of the plan must be identified.

#### B. Fee Title Acquisitions

1. Lands acquired in fee title must be open to the public for hunting and fishing during open seasons unless otherwise provided by state law. Lands acquired and transferred to the USFWS must be open to the taking of fish and game as according the National Wildlife Refuge System Improvement Act, U.S. Code Title
2. For fee title acquisitions, the final title holder and land manager must be specified in the application. Lands that will be conveyed to a public agency must be donated to that agency.
3. **Land acquisition restrictions**  
[ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 13-19, MS 97A.056](#)



- a. An interest in real property, including but not limited to an easement or fee title, that is acquired with money appropriated under this section must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made.
- b. A recipient of funding who acquires an interest in real property subject to this subdivision may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without the prior review and approval of the Lessard-Sams Outdoor Heritage Council or its successor. The council shall notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the outdoor heritage fund at least 15 business days before approval under this paragraph.
- c. The Council shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:
  - i. the interest is at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and
  - ii. the interest is in a reasonably equivalent location and has a reasonably equivalent useful conservation purpose compared to the interest being replaced, taking into consideration all effects from fragmentation of the whole habitat.
- d. A recipient of funding who acquires an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding agreement must contain:
  - i. a legal description of the interest in real property covered by the funding agreement;
  - ii. a reference to the underlying funding agreement;
  - iii. a reference to this section; and
  - iv. the following statement: "This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor. The ownership of the interest in real property shall transfer to the state if: (1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed on the land that precludes its use for the intended purpose as specified in the appropriation."

#### **4. Lands in Public Domain**

##### **[MS 97A.056](#)**

Money appropriated from the OHF shall not be used to purchase any land in fee title or a permanent conservation easement if the land in question is fully or partially owned by the State of MN or a political subdivision of the state, unless:

- a. The purchase creates additional direct benefit to protect, restore, or enhance the state's wetlands, prairies, forests, or habitat for fish, game, and wildlife; and

- b. The purchase is approved by an affirmative vote of at least nine members of the council.

**5. Acquisition Documentation Requirements**

[ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 13-19, MS 97A.056](#)

For all acquisition projects, grantees must submit an acquisition packet within 60 days of the property closing. This packet must contain:

- a. Documentation of the selection process used to identify the parcels acquired;
- b. Documentation of all related transaction costs for all parties involved in the transaction, including but not limited to:
  - i. appraisals
  - ii. legal fees
  - iii. recording fees
  - iv. commissions
  - v. other similar costs, and
  - vi. donations;
- c. Documentation of any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal; and
- d. An analysis describing the increased operations and management costs likely to be incurred by public entities as a result of the acquisition, and how these costs are to be paid.
- e. Upon receiving and approving the packet, CPL staff will forward appropriate documents to the L-SOHC and other entities, as required.

**6. Real Property Interest Report**

[ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 16](#)

For all lands that are acquired under this program, the grantee must make the following report:

By January 1 each year, a recipient of money appropriated under this section that is used for the acquisition of an interest in real property, including but not limited to an easement or fee title, must submit annual reports on the status of the real property to the Lessard-Sams Outdoor Heritage Council or its successor in a form determined by the Council. The responsibility for reporting under this section may be transferred by the recipient of the appropriation to another person or entity that holds the interest in the real property. To complete the transfer of reporting responsibility, the recipient of the appropriation must:

- a. inform the person to whom the responsibility is transferred of that person's reporting responsibility;
- b. inform the person to whom the responsibility is transferred of the property restrictions under subdivision 13;
- c. provide written notice to the council of the transfer of reporting responsibility, including contact information for the person to whom the responsibility is transferred; and
- d. provide the Lessard-Sams Outdoor Heritage Council or its successor written documentation from the person or entity holding the interest in real property certifying its acceptance of all reporting obligations and responsibilities previously held by the recipient of the appropriation.

After the transfer, the person or entity that holds the interest in the real property is responsible for reporting requirements under this section.



## 7. General Easement Requirements

- a. Appraisals for conservation easements must be done by a person trained and experienced in doing conservation easements.
- b. Some State programs have specific statutory guidelines for determining the value of easements acquired under that program. If that State program will be the final Easement Holder, any entity acquiring the easement may use that program's statutory method for the easement valuation. The easement must be gifted to the State program. For more information, see DNR's [Supplemental Appraisal and Appraisal Review Guidelines](#), Section 11 (O) (page 28).
- c. A copy of the proposed easement and stewardship plan must be sent to DNR for review prior to closing. If DNR will be a party to the easement, appropriate DNR staff must be involved in easement discussions and stewardship plan writing.
- d. Applicants intending to acquire permanent conservation easements are encouraged to adopt and implement the practices and procedures described in the Land Trust Alliance's [Trust Standards and Practices](#). Applicants must explain their standards and practices for easement stewardship on lands protected with OHF funds.

As described in [ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 13-19](#) and [MS 97A.056](#) all easements must:

- a. Meet [MN Statutes 84C](#);
- b. Be permanent;
- c. Specify the parties to an easement in the easement;
- d. Specify all of the provisions of an agreement that are permanent;
- e. Specify the habitat types and location being protected;
- f. Where appropriate for conservation or water protection outcomes, require the grantor to employ practices retaining water on the eased land as long as practicable;
- g. Specify the responsibilities of the parties for habitat enhancement and restoration and the associated costs of these activities;
- h. Include a long-term stewardship plan and funding for monitoring and enforcing the agreement; and
- i. Identify the parties responsible for monitoring and enforcing the easement agreement.

## C. Easement Monitoring and Enforcement Requirements

[ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 13-19](#), [MS 97A.056](#)

1. Money appropriated for easement monitoring and enforcement may be spent only on activities included in an easement monitoring and enforcement plan contained within the work plan.
2. Money received for monitoring and enforcement, including earnings on the money received, shall be kept in a monitoring and enforcement fund held by the organization and is appropriated for monitoring and enforcing conservation easements within Minnesota.
3. Within 120 days after the close of the entity's fiscal year, an entity receiving funding for easement monitoring and enforcement must provide an annual financial report to the Lessard-Sams Outdoor Heritage Council on the easement monitoring and enforcement fund as specified in the work plan.
4. Money awarded for monitoring and enforcement of easements and earnings of the money awarded shall revert to the state if:

- a. the easement transfers to the state under subdivision 13;
- b. the holder of the easement fails to file an annual report and then fails to cure that default within 30 days of notification of the default by the state; or
- c. the holder of the easement fails to comply with the terms of the monitoring and enforcement plan contained within the accomplishment plan and fails to cure that default within 90 days of notification of the default by the state.

#### **D. Acquisitions that will be Conveyed to the DNR**

Applicants intending to acquire land that will be conveyed to DNR must follow [Land Acquisition Procedures for Land to Be Conveyed to DNR](#). All proposed tracts must be on the DNR's approved acquisition priority list prior to the application deadline.

Applicants should work with the DNR manager who will manage the land to make sure all parcels have the prior approval needed.

##### **1. Land acquisition costs**

The DNR incurs costs when accepting gifts of land. To help cover these costs and prevent supplanting of other funds, Land Acquisition Fees must be included in the CPL grant budget. These fees are only payable with grant funds. Costs incurred include DNR realty staff time to manage and monitor acquisition projects, review appraisals, ensure proper procedures are followed, and that all DNR and OHF requirements are met.

Currently DNR's cost is estimated at an average of \$4,000 per acquisition. This amount must be budgeted in the application. If the acquisition is complex (multiple parcels, multiple landowners, unclear titles, etc.), acquisition costs may be higher and additional funds may be awarded to cover these costs. Any funds remaining after DNR costs are paid will be returned to the grantee's budget and will be available for use as part of the approved work program. Check with CPL staff if you have questions.

##### **2. County Board Approval Requirements**

DNR [Operational Order 6, Land Acquisition Procedures](#), provides for county notification as follows:

The DNR will notify the appropriate county official of all proposed land acquisitions and easements, including donations that will be transferred to the DNR. The DNR discipline initiating the transaction is responsible for the notification. For each transaction, the timing as to when the notification will occur will vary, but it will normally occur after an option has been signed but before there is an election to purchase.

County board approval is required for the purchase or lease of wildlife management area lands, wildlife management area easements and scientific and natural areas, and lands purchased with Reinvest in Minnesota (RIM) match funds (Minnesota Statutes, Secs. [84.033](#), subd. 3, [84.944](#), subd. 3, and [97A.145](#), subd. 2).

##### **3. Initial Development Plans**

Initial Development Plans (IDPs) are required on all fee-title acquisitions that will be transferred to the DNR, and may be required by other entities that will own or manage lands acquired with CPL funds. These plans lay out the specific work necessary to bring a parcel up to minimum standards for public use, including boundary posting, signs, parking lots, habitat development and site clean-up. The IDP may be paid for with either grant or match funds, and those plans are incorporated into the Land Manager Review and Approval form. The application's

budget page must reflect the information contained on that IDP form if grant or match funds are to be used.

See [DNR Development Standards for WMA/AMAs](#) for more information for lands that will be conveyed to DNR as Wildlife Management Areas (WMAs) or Aquatic Management Areas (AMAs). Contact the appropriate Land Manager for information on other lands.

#### **4. Transferring Lands to the State**

[MS 97A.056](#) states that when a parcel of land that was previously purchased with Outdoor Heritage Funds is transferred to the state, the owner of the land shall disclose to CPL staff:

- a. All revenues generated from activities on the land from the time the land was purchased with Outdoor Heritage Funds until the land was transferred to the state;
- b. All holding costs associated with managing the land between the time of purchase with outdoor heritage funds and the time the land was transferred to the state; and
- c. The total net revenues as determined by subtracting the costs described in clause (2) from the revenues described in clause (1).

#### **E. Acquisitions that will NOT be Conveyed to the DNR**

Applicants intending to acquire land that will be not conveyed to DNR must follow [Land Acquisition Procedures for Land NOT Conveyed to DNR](#). For lands to be conveyed to a governmental agency, a copy of the appraisal and appraisal review must be submitted to CPL staff. For lands to be conveyed to a non-governmental entity, the appraisal must be reviewed by CPL staff. This review is administrative only and is not a full technical review.

Other requirements such as county board approvals, and initial development work should be discussed with the entity that will receive the land. Properties to be conveyed to a federal agency or other public agency must have the proper approvals from that agency prior to application. Applicants must meet the requirements of the receiving entity.

### **IV. Other Requirements and Information**

#### **A. Insurance**

Grantees are required to carry insurance that meets or exceeds the requirements of the landowner whose land they will be working on. Insurance requirements for working on State lands are listed below. For all other lands, grantees should discuss insurance with the landowner/ land manager during their project meeting and follow their requirements. Proof of insurance will be required prior to a grant being encumbered. The cost of insurance is eligible to be used as match, and also as a pre-award cost. Grant funds may not be used to pay for insurance. *Applicants should investigate the cost of insurance before submitting an application.*

Insurance costs must be directly related to the project. For example, an organization carries insurance for a fishing tournament and needs to add a rider to cover grant-funded upland enhancement work. Only the rider for the upland enhancement work

may be used as match for the grant—the cost of insurance for the fishing tournament does not apply to the upland work.

### **1. General Insurance Requirements**

- a. The grantee must submit a copy of the Certificate of Insurance to the Grant Program Staff before the grant agreement is executed. The industry standard Accord form is the typical Certificate of Insurance provided.
- b. All policies and certificates shall provide that the policies shall remain in force and effect throughout the term of the service being provided.
- c. Policy shall provide the state of Minnesota with thirty (30) days advance written notice of cancellation.
- d. The policy(ies) shall be primary insurance available to the state of Minnesota with respect to any claim arising out of providing service to the State.
- e. The state of Minnesota must be endorsed as an additional insured on the general liability coverage.
- f. It is strongly recommended that all contractors meet the same insurance requirements as the grantee. Contractors must file evidence of insurance with the grantee.
- g. If Grantee is self-insured, a Certificate of Self-Insurance must be attached.
- h. The Insurance Companies must have an “AM Best” rating of A- (minus), Financial Size Category (FSC) VII or better, and be authorized to do business in the state of Minnesota.
- i. The Grantee’s insurance company waives its right to assert the immunity of the State as a defense to any claims made under said insurance.

*The grantee shall maintain insurance to cover claims, which may arise from operations under this contract, whether such operations are by grantee or contractor or by anyone directly or indirectly employed under the grant.*

*An Umbrella or Excess Liability insurance policy may be used to supplement the grantee’s policy limit to satisfy the full policy limits required by the contract.*

### **2. Workers’ Compensation Insurance**

- a. Statutory Compensation Coverage
- b. Coverage B – Employer’s Liability with limits of not less than:
  - i. \$100,000 Bodily Injury by Disease per Employee
  - ii. \$500,000 Bodily Injury by Disease Aggregate
  - iii. \$100,000 Bodily Injury by Accident

The grantee and subcontractors, if any, must provide Workers’ Compensation insurance for all employees, in accordance with the statutory requirements of the state of Minnesota, including Coverage B, Employer’s Liability.

If [MN Statutes 176.041](#) exempts Grantee from Workers’ Compensation insurance or if the Grantee has no employees in the State of Minnesota, Grantee must provide a written statement, signed by the authorized signer of the contract, stating the qualifying exemption that excludes Grantee from MN Workers’ Compensation requirements.

The statement must also include–If during the course of the contract the Grantee becomes eligible for Workers’ Compensation, the Grantee will comply with the

Workers' Compensation Insurance requirements and provide the State of Minnesota with a certificate of insurance.

### **3. Automobile Liability Insurance**

Minimum Limits of Liability:

- a. Passenger vehicle such as car, van or pickup truck: Minnesota State No-fault
- b. If vehicle is towing anything or is a commercial vehicle, the combined single limit shall be the same as required under the General Liability Insurance, below.
- c. Coverages required:
  - i. Any Auto
  - ii. All Owned Auto
  - iii. Scheduled Auto
  - iv. Hired Auto
  - v. Non-owned Auto
- d. The grantee and any contractors, if any, shall maintain insurance to cover liability arising out of the operations, use, or maintenance of all owned, non-owned and hired automobiles. Evidence of contractor insurance shall be filed with the grantee.

### **4. Pollution Insurance**

#### **a. Required Automobile Insurance when hauling hazardous substances, materials or pollutants:**

The following endorsement to the Vendor's/Contractor's Auto policy is required to cover liabilities, i.e., clean up monitoring, testing, stemming from pollutant discharge, release, spills, while being transported if an accident occurs:

- i. CA 9948 – Pollution Liability – Broadened Coverage Endorsement (or equivalent), and
- ii. MCS 90 Endorsement (based on commodity transported and the type of vehicle transporting it):
  - For-hire (in Interstate or foreign commerce) with a gross vehicle weight rating of 10,000 or more pounds – Commodity Transported – Property (nonhazardous)
  - For-hire and private (in Interstate, foreign, or intrastate commerce) with a gross vehicle weight rating of 10,000 or more pounds – Commodity Transported – Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks or hopper-type vehicles with capacities in excess of 3,500 water gallons or in bulk.
  - For-hire and private (in Interstate or foreign commerce, in any quantity; or in Intrastate commerce) with a gross vehicle weight rating of 10,000 or more pounds – Commodity Transported – Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101.
  - For-hire and private (in Interstate or foreign commerce, in any quantity) with a gross vehicle weight rating of less than 10,000 pounds – Commodity Transported – Any quantity of Division 1.1, 1.2, or 1.3 material, any quantity of a Division 2.3, Hazard A, or

Division 6.1, Packing Group 1, Hazard A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403.

- b. **Require Full Pollution Insurance:**
  - i. Aerial applications of pesticides - if a vehicle is required to carry pesticides to the airplane, they will need additional automobile endorsement: CA 9948 Endorsement – Pollution Liability – Broadened coverage
  - ii. Old Riverboat at Itasca due to potential risk if vessel were to sink.
- c. **Require only \$500,000 Pollution Insurance:**

Broadcast ground spraying of pesticides with the use of a:

  - i. skidder
  - ii. tractor
  - iii. dozer
  - iv. ATV
- d. **Waive Pollution Insurance:**
  - i. pesticide cut-stump applications
  - ii. ground spot spraying
  - iii. spraying individual plants
  - iv. backpack spraying
  - v. spraying of animal browse repellents: Animal browse repellents are considered by MN Dept of Agriculture as a pesticide but most use non-chemical means of repelling with application on individual plants.

## 5. General Liability Insurance

Minimum Limits of Liability:

- a. \$1,500,000 - Per Occurrence
- b. \$1,500,000 - Annual Aggregate
- c. Coverages required:
  - i. Premises and Operations Bodily Injury and Property Damage
  - ii. Personal & Advertising Injury
  - iii. Blanket Contractual
  - iv. Products and Completed Operations
  - v. State of Minnesota and its agencies, officers, and employees (State) endorsed as an Additional Insured
  - vi. Other (Note: please list, i.e., pollution liability, water or aircraft, chemical liability)
  - vii. Aircraft liability limits - \$1,500,000 single limit for each occurrence for bodily injury and property damage combined and \$100,000 single limit for each occurrence for aircraft passenger liability.
- d. Contractor's Pollution Liability (or equivalent) Pollution Liability coverage endorsed on another form of liability coverage, such as general liability or professional errors and omissions policy. Required for any project with herbicide application/chemical treatment  
Pollution Insurance **minimum** amounts are as follows:
  - \$2,000,000 per Claim
  - \$2,000,000 Annual AggregateThe following coverages shall be included:
  - Policy will include non-owned disposal site Pollution Liability.



- Policy will not include a lead exclusion.

It is a requirement of the State that coverage for the period of the Contract will be maintained for a period of no less than three (3) years for claims-made coverage or (1) year for occurrence coverage, after the expiration of the Contract.

Name the State, its officers and employees, and CPV members, their officers and employees, as additional insureds with respect to services provided, except with respect to an equivalent (to Contractor's pollution) pollution liability coverage **endorsed on a professional errors and omissions policy** as approved by the State.

## **6. Insurance May Be Modified Under the Following Conditions**

### **a. Government Agencies and Utility Companies**

Insurance may be waived on all contractual services performed by government agencies and utility companies provided the following clause is included on all contracts over \$500. "Each party agrees that it will be responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts of the other party and results thereof. The State's liability will be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, Section 3.736, and other applicable law."

### **b. Other Modifications**

#### **i. Work involving only hand or small power equipment:**

- Insurance Required: Workers' compensation and minimum state no-fault auto insurance.
- This includes projects that are labor intensive with no equipment involved except transportation of crews or hand equipment.
- Possible activities: Site cleanup, seed harvest, hand planting of trees, shrubs or other plants, hand timber stand work, bud capping, hand herbicide application.
- Beaver trapping

#### **ii. Remote area work:**

- Remote area defined: Areas where public contact is unlikely, no generally traveled public roads are adjacent to the area, and no recreation area or area where members of the public would be adjacent to the area. The State Land Manager must confirm that the project site and/or timing of the work qualify it as a remote area.
- Insurance Required: Workers' compensation and minimum state no-fault auto insurance
- Possible activities: Farming operation work such as mowing, plowing, shearing, disking, and mechanical tree planting.

## **B. Tax Identification Number Required**

Upon notification of receiving a grant, all grantees must register or verify correct information for their vendor status with the State. A federal tax identification number is required to do business with the State of Minnesota and grantees must be registered within the state vendor system. Grantees will be required to submit their state Vendor ID# before the grant agreement can be developed. See the Vendor Information page

[https://supplier.swift.state.mn.us/psp/fmssupap/SUPPLIER/ERP/h/?tab=SUP\\_GUEST](https://supplier.swift.state.mn.us/psp/fmssupap/SUPPLIER/ERP/h/?tab=SUP_GUEST) to register or update information. The vendor address on file with the state must match either the project manager or fiscal contact mailing address within the application/ work plan.

### **C. Purchase of Recycled and Recyclable Materials**

Grantees and any subgrantees must use grant funds in compliance with Minnesota Statutes, sections [16B.121](#), regarding purchase of recycled, repairable, and durable materials, and [16B.122](#), regarding purchase and use of paper stock and printing.

### **D. Accessibility**

Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.

### **E. Logo and Signage**

A recipient of CPL funds shall display, where practicable, a sign with the Legacy logo on construction projects and at access points to any land or water resources acquired in fee or an interest in less than fee title, or that were restored, protected, or enhanced. The logo shall be incorporated, where practicable, into printed and other materials funded with CPL funds.

Signs have been designed and will be ordered and paid for by the CPL program; recipients of funding will be asked how many signs will be needed to fulfill the sign requirement. Signs will be delivered to grant recipient or land manager, whichever is most appropriate and that party should be identified at time of ordering.

The Legacy logo may be downloaded from the Minnesota Legacy website's [Legacy Logo](#) page for publications, press releases or other printed documents. Contact CPL Staff for more information on ordering Legacy logo signs for use at project sites. Only these approved logos and signs may be used.

## **V. General Definitions**

**Applicant:** An eligible organization or government entity that is applying for grant funds under the CPL program.

**Conflict of Interest (COI):** May be actual or perceived. COI occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse or favorable to one or both parties. A conflict of interest exists even if no unethical, improper or illegal act results from it.

**Encumber:** The process in which DNR accounting staff tie up funds in the state accounting system. This happens after the grant has been awarded and the grant agreement has been prepared, but not routed for execution.

**Execute:** When the last signature is obtained on the grant agreement. The steps to fully execute a grant are: encumber, authorized grantee signature, and FAW Division Director signature. Work may not begin until all signatures are obtained.

**Fiscal Contact:** Person responsible for managing and tracking all grant and match expenses, maintaining files to meet generally accepted accounting standards, submitting requests for payment, paying vendors, etc. This may be the same as the Project Manager.

**Grant Funds:** All funds originating from State's Outdoor Heritage Funds and awarded through the CPL Grant program.

**Grantee:** An applicant who has been awarded grant funds.

**Grant Administration:** Activities necessary to directly implement the grant, such as compiling and writing required grant reports, documenting expenditures, requesting payment, etc.

**Grant Agreement:** The legal document containing the project description, budget, and other legal requirements.

**Initial Development Plan (IDP):** Required for all acquisitions that will be transferred to the DNR. An IDP may be required by other entities as well. This plan discusses the cost, responsibility, and timing of initial work needed to bring new properties up to agency standards, as well as who is responsible for this work. Work may include surveying, posting boundaries, parking lot and access development, habitat development, etc. An IDP must be part of the application for acquisition projects. All costs are eligible to be paid for with grant funds.

**Land Manager (LM):** Person responsible for the long-term management of the land that will be acquired or where work will be done. Every parcel of land has a Land Manager. The Land Manager provides oversight and input for the grant work but does not do the work. Land Managers also complete the Land Manager Review and Approval form (including a Natural Heritage Review) for the project site. For government agencies, this person must be someone authorized to approve the acquisition or work to be done. If the grant involves work on multiple sites, there may be multiple Land Managers involved with each project. The Land Manager cannot be the same person as the Project Manager.

**Match funds:** All funds provided by grantee or a partner, as part of the required contributions of non-state origins. This includes in-kind resources that may not be actual cash (supplies, volunteer work, etc.). The match may be cash or in-kind resources.

**Project (Grant) Manager (PM):** Person responsible for applying for and managing the grant, making sure the work being done meets all grant program, legal, and other requirements, work is completed in a timely manner, and work is done as proposed. This person coordinates with the Land Manager, and completes all reports according to deadlines. The Project Manager cannot be the same as person as the Land Manager.

**Work program:** The final, approved version of the grantee's application that specifies the work to be done, who will do the work, budget, timeline, and other details. The work program must include quantifiable project deliverables (acres, miles, etc.), so that outcomes can be accurately measured. The work program will be attached to and incorporated into the grant agreement.

## VI. Budget Definitions

*Definitions are listed in the order they appear on the Budget Information page of the CPL application. They should be used when completing a CPL application. Definitions are derived from the "Proposal Definitions" document developed by the LSOHC.*

**Personnel:** Costs for paid staff directly related to and necessary for grant work. The staff must be employees of the grantee's organization. Costs may include salary and fringe. Grant administration costs may not exceed 2.5 percent of grant funds requested. On-the-ground personnel costs may not exceed 5 percent of the grant amount requested.

**Contracts:** Include all contracted professional or service work associated with projects that are not included in personnel above. Examples include burn crews, tree removal, and seed planting.

**Fee Acquisition with PILT:** The price paid for the fee interest in real property that will have future PILT requirements. Do not include personnel costs or other professional services fees necessary for the fee acquisition. Those should be listed in the appropriate categories.

**Fee Acquisition without PILT:** The price paid for the fee interest in real property that will not have future PILT requirements. Do not include personnel costs or other professional services fees necessary for the fee acquisition. Those should be listed in the appropriate categories.

**PILT:** Payments in lieu of taxes (PILT) is a local governmental aid payment for state owned natural resource lands that is made by the state to counties, townships, and some school districts.

**Easement Acquisition:** The price paid for the acquisition of permanent easement on real property. Do not include personnel costs or other professional services fees necessary for the acquisition. Those should be listed in the appropriate categories.

**Easement Stewardship:** Onetime payment to perpetually fund all costs directly associated with the on-going landowner relations, monitoring and defending of permanent easements. This may include legal, financial or public education costs. Travel and contractual costs for stewardship should be listed here and not listed in travel or contractual line.

**Travel:** Expenses related to travel in Minnesota directly necessary for the success of the project, including mileage, lodging, parking and per diem expenses.

**Professional Services:** Costs associated with appraisals, surveys, design, engineering, legal fees, etc that are necessary to support the project. Do not include these costs in other line items.

**DNR Land Acquisition Costs:** Costs associated with appraisal review, negotiators time, title, and legal fees that are necessary to support the land acquisition process for parcels to be ultimately conveyed to the DNR. The average cost per parcel is estimated to be \$4,000.

**Equipment/Tools/Supplies:** Costs for equipment, tools or supplies directly related to the project. Most equipment should be rented or leased, not purchased. Supplies include fencing, posts, seed, trees, lumber, etc.

## VII. Evaluation Criteria Table

There are 6 criteria that will be scored upon for the O25K/ U25K. Criteria will be scored on a scale of 1-10, with 10 being the highest score. Reviewers will score only on the information provided within the application. All criteria carry equal weight. This table is also available as a stand-alone document on the CPL website.

Applicants should be sure their application contains enough information for reviewers to score and rank the application based on the criteria below. Information may be provided on the Project Summary page of the application, or specifically requested on the Project Information page.

<b>1</b>	<b>Overall Project Value</b>	
	Amount of habitat	# of acres, miles, etc. restored, protected and/or enhanced
	Consistent with current conservation science	project use of currently accepted science and methods, increased efficiency and life expectancy of work completed
	Sustainability	overall life expectancy of project
	Use of native plants	use of local ecotype, native vegetation in form of seed, seedlings, root stock, etc.
<b>2</b>	<b>Applicant Performance</b>	
	Encouragement of local conservation culture	applicant's past activities with local community in regards to conservation
	Collaboration and local support	applicant's current interaction with other groups or agencies; current application support by multiple entities
	Capacity to successfully complete work	applicant's history of receiving and successfully completing conservation work and grants
<b>3</b>	<b>Project Benefits</b>	
	Multiple benefits	multiple or diverse species benefits; project directly improves intended species, indirect benefit to others
	Habitat benefits	multiple or diverse habitat benefits; project directly improves intended habitat, indirect benefit to others
<b>4</b>	<b>Public Benefits</b>	
	Adjacent to protected lands	project site(s) proximity to current protected land (public or private)
	Public access for hunting and fishing	project site(s) availability for public access during all seasons of hunting and fishing
<b>5</b>	<b>Financial Assessment</b>	
	Full funding of project	all costs are identified and accounted for; all partners have submitted letters committing funds
	Supplements existing funding	project would not be completed without CPL funding; CPL does not replace traditional sources of funding
	Budget and cost effectiveness	project is succinct- no unnecessary costs or work has been added; costs are relative to location of project
<b>6</b>	<b>Urgency</b>	
	Urgency	funding importance at this time: species or opportunity potentially lost



## VIII. Program Contacts

Grant program webpage: <http://www.dnr.state.mn.us/grants/habitat/cpl/index.html>

Grant program email: [LSCPLgrants.DNR@state.mn.us](mailto:LSCPLgrants.DNR@state.mn.us)

Grant program staff:

Pete Skwira  
Administrative Services Section Chief  
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Department of Natural Resources  
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651-259-5233

Jamie Gangaware  
Conservation Resource Specialist  
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651-259-5174