

# Conservation Partners Legacy Grant Program Program Manual

## FY 2011 Grant Cycle

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# Section A

## General Grant Requirements

### General requirements

Applicants must follow Federal, State, and local laws, regulations, policies, and codes, as applicable, and must obtain all required approvals and permits. Applicants must coordinate and obtain approvals from public Land Managers, Easement Holders, and/or private landowner(s) before any work begins.

### 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 habitat projects must conform to the [State Wildlife Action Plan](#).

### 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 purchase process needed 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.

### Request for additional information

CPL grant staff may request additional information regarding an application or a specific project during any of the review periods.

### Tax Identification Number required

Upon notification of receiving a grant, all grantees must provide their federal tax identification number to CPL staff. This is required to do business with the State of Minnesota and must be submitted before the grant agreement can be developed. If you are required to have a State tax identification number, provide that as well.

### Work on public lands

Public lands are governed by a variety of policies, regulations, rules and statutes. Applicants must follow these and work with the public Land Manager on all projects on public lands. See [Working on Public Lands](#) and [Working on DNR Lands](#) for more information.

### Work in public waters

Public waters that meet the definition under [MN Statute 103G.005, subdivision 15](#) are also governed by a variety of policies, regulations, rules and statutes. Applicants must follow and work closely with local DNR staff for all public waters projects. See Working in Public Waters (Section B, page 5) for more information.

### Work on private land

Work may only be done on private land that is protected by a permanent conservation easement. Any work on private lands must be consistent with the terms of the easement, and approved by both the private land owner and the Easement Holder. See [Working on Private Lands](#).

### **Use of the Conservation Corps of Minnesota (CCM)**

Under 2010 Law [Chapter 361, Article 1, Section 2, Subd 9\(i\)](#), 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 within 10 days of grant execution and will be filed with the L-SOHC.

### **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.

### **Accessibility**

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

### **Grantee's past performance**

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.

## Section B

### Restoration and Enhancement Projects

All restoration and enhancement projects must meet the requirements below.

1. All restoration or enhancement projects must be on land permanently protected by conservation easement or public ownership or in public waters as defined in [Minnesota Statutes, section 103G.005, subdivision 15.](#)
2. Restoration and enhancement activities will be considered permanent work and a conservation easement must be placed on private land impacted before work may begin. Funding for the easement/deed restriction and associated costs may be paid for with grant or match funds.
3. All conservation easements (either new or existing) must meet [Minnesota Statute 84C.](#)
4. All vegetation and seed used in restoration projects must be from ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible. Existing native prairies, grasslands, forests, wetlands and other aquatic systems must be protected from genetic contamination.
5. All vegetation and seed mixes must be approved by the appropriate Land Manager.
6. An Ecological Restoration and Management Plan must be prepared for all restorations, that is consistent with the highest quality conservation and ecological goals for the restoration site. This plan must be completed on the forms provided on the CPL website and will be due with the first payment request.
7. As required under [2010 Law Chapter 361, Article 1, Section 2, Subd 9\(b\):](#)  
“To the extent possible, a person conducting restoration with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies, grasslands, forests, wetlands, and other aquatic systems from genetic contamination.”

In order to meet these requirements, grantees must:

- a. Document their attempts to meet the requirements above.
- b. Obtain approval from the public Land Manager or Easement Holder for the vegetation or seed to be planted.
- c. 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.
- d. All seed shall be supplied as Pure Live Seed (PLS).
- e. 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.

- f. Follow BWSR's [Native Vegetation Establishment and Enhancement Guidelines](#) document, found at [http://www.bwsr.state.mn.us/native\\_vegetation/seeding\\_guidelines.pdf](http://www.bwsr.state.mn.us/native_vegetation/seeding_guidelines.pdf)
- g. Use seed mixes that are an appropriate match for the specific site conditions.
- h. Suggested seed mixes are available at [www.bwsr.state.mn.us/wetlands/vegetation/index.html](http://www.bwsr.state.mn.us/wetlands/vegetation/index.html). The public Land Manager or Easement Holder must approve the vegetation and/or seed mix to be used. 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.
- i. Avoid the use of cultivars or varieties that have undergone an intentional selection process.
- j. Use a high diversity of species originating from as close to the restoration site as possible. At least 20 species per seed mix (25 species if only one mix will be used) for a project is preferred.
- k. Protect existing prairies from genetic contamination and invasive/noxious species to the extent possible.
- l. Review the following documents for guidelines on the use of native seeds and plants, installation and maintenance:
  - i. Minnesota Wetland Restoration Guide [http://www.bwsr.state.mn.us/publications/restoration\\_guide.html](http://www.bwsr.state.mn.us/publications/restoration_guide.html)
  - ii. NRCS practice standard 643 [www.bwsr.state.mn.us/grantscostshare/native-buffer.html](http://www.bwsr.state.mn.us/grantscostshare/native-buffer.html)
  - iii. Plants for Stormwater Design [www.pca.state.mn.us/publications/manuals/stormwaterplants.html](http://www.pca.state.mn.us/publications/manuals/stormwaterplants.html)
  - iv. Restore Your Shore [www.dnr.state.mn.us/restoreyourshore/index.html](http://www.dnr.state.mn.us/restoreyourshore/index.html)
  - v. Going Native, A Prairie Restoration Guide for Minnesota Landowners [www.dnr.state.mn.us/eco/pubs\\_restoration.html](http://www.dnr.state.mn.us/eco/pubs_restoration.html)
  - vi. A Soil Bioengineering Guide for Streambank and Shoreline Stabilization [www.fs.fed.us/publications/soil-bio-guide/](http://www.fs.fed.us/publications/soil-bio-guide/)

### **Eligible Costs for Restoration and Enhancement Projects**

All costs must be direct to and necessary for the approved grant project and occur during the grant period.

Eligible costs include:

1. Materials;
2. Supplies;
3. Equipment (includes rental or lease costs). Capital equipment expenditures are not eligible;
4. Salary for staff to write the restoration and management plan;
5. Stewardship costs for easements, including monitoring and enforcement;
6. Project monitoring and evaluation costs specifically related to the project that are incurred during the grant project period.

See the [Eligible and In-Eligible Expenses](#) document for more information.

## **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.

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

## **Working in Public Waters**

As provided in [Chapter 361, Article 1, Section 2, Subd 5\(i\)](#), public waters are eligible for restoration and enhancement work. See [Requirements for Projects Involving Public Waters Work Permits](#) and [Do I need a Permit?](#) for permit requirements and information on the many permits that may be required for work within public waters.

In order to complete projects within public waters, there must be a minimum of two Project Review and Approval forms completed per public water project site.

1. DNR Waters Area Hydrologist;
2. DNR Area Fisheries Supervisor/ Assistant Supervisor or DNR Area Wildlife Manager/ Assistant Manager;
  - a. this depends on who is managing or has interest in the public water body;
  - b. both Fisheries and Wildlife may choose to provide input – applicants must contact both.
3. Appropriate grantee organizational approval, when necessary.
  - a. required to ensure funding is desired and application is approved by organization;
  - b. 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 along a public water completing restorations and enhancements both into the public water and along the shoreline. Project Review and Approval Forms are required from:

1. County
2. DNR Waters Area Hydrologist
3. DNR Area Fisheries Supervisor and/or DNR Area Wildlife Manager

**Example 2:** A Sportsman's Club applies to improve eroding shorelines and re-establish vegetation within the flood plain of a river, all within a WMA. Project Review and Approval Forms are required from:

1. DNR Waters Area Hydrologist
2. DNR Area Fisheries Supervisor and/or DNR Area Wildlife Manager

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

## Section C Protection Projects

### For all protection projects:

1. All acquisitions must be from willing sellers.
2. Lands already protected by permanent conservation easement are not eligible for fee title acquisition unless approved by a majority vote of L-SOHC Members (see [Chapter 361, Article 1, Section 4, Subd 9](#) for more details).
3. Each potential tract must be identified in the application. The applicant's priority for acquiring the tracts must be given.
4. 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.
5. Acquisitions must be completed by the end of the project period.
6. The minimum standard for all appraisals is the Uniform Standards of Professional Appraisal Practice (USPAP) standards.
7. All appraisals are subject to review by DNR staff.
8. The portion of the purchase price paid with CPL or other state funds may not exceed 110% of the appraised value.
9. 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.
10. A restoration and management plan must be prepared for all newly acquired lands as described under Section B, Restoration and Enhancement Work. Sufficient funding for implementation of the plan must also be identified.
11. The Commissioner of Natural Resources must agree to each proposed acquisition of land or interest in land.

### For easement projects:

1. All easements must:
  - a. Meet [MN Statute 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. Be sent to the office of the Lessard-Sams Outdoor Heritage Council; and
  - f. Include a long-term stewardship plan and funding for monitoring and enforcing the agreement.
2. Appraisals for conservation easements must be done by a person trained and experienced in doing conservation easements.
3. 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).



4. 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.
5. 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.

### **Acquisitions that will be conveyed to 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 any parcels have the prior approval needed.

Applicants must include \$3,000 per parcel in their application budget for DNR land acquisition costs incurred by DNR's Lands and Minerals realty specialists. Grant funds may be requested for this amount. A letter assigning these costs to the DNR will be required of grantees before grant execution. Unspent funds will be returned to the grantee for additional project work, or will be returned to the OHF.

### **Initial Development Plans for DNR lands**

Lands that will be conveyed to a DNR for long-term management must be brought up to the agency's minimum operating standards before being conveyed. Initial Development Plans (IDPs) are required on all fee-title acquisitions that will be transferred to the DNR, and may be required by other public agencies. 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.

Applicants should work with the Land Manager to determine the work and costs for each parcel. This information is part of the Project Review and Approval Form and must be entered into the application system. Work may be paid for with grant or match funds, and the costs of all IDP work must be included within the grant application.

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 public Land Manager for information on other public lands.

### **Acquisitions that will NOT be conveyed to DNR**

Applicants intending to acquire land that will be not conveyed to DNR will be required to follow [Land Acquisition Procedures for Land NOT Conveyed to DNR](#). All acquisition work such as appraisals, appraisal review, etc., must be done to the receiving agency's standards. Lands that will be conveyed to a state agency for long-term management must be brought up to the agency's minimum operating



standards before being conveyed. The costs for this work must be identified in the application and may be paid for with grant or match funds.

Other public agencies may require initial development work as well. Applicants must meet the requirements of the agency receiving the land.

### **Land acquisition restrictions**

The following restrictions apply to land acquisitions:

2010 Law [Chapter 361, Article 1, Sect. 2, Subd. 13:](#)

1. 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.
2. 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 Outdoor Heritage Council or its successor. 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:
  - a. the interest is at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and
  - b. the interest is in a reasonably equivalent location and has a reasonably equivalent useful conservation purpose compared to the interest being replaced.

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:

1. a legal description of the interest in real property covered by the funding agreement;
2. a reference to the underlying funding agreement;
3. a reference to this section; and
4. 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 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 preclude its use for the intended purpose as specified in the appropriation."

### **Acquisition costs**

Applicants should specify each tract they are interested in acquiring. 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. Costs incurred before the grant agreement is executed are not eligible for reimbursement with grant funds or for use as match except as specified in Section 3 D. of the RFP.

Eligible acquisition costs include:

1. Appraisal fees;
2. Appraisal review fees;
3. Acquisition negotiations;
4. Acquisition legal costs;
5. Deed fees;
6. Boundary surveys;
7. Initial development costs;
8. Travel and transportation, and
9. Cost of the property being acquired.

### **Acquisition documentation requirements**

For all acquisition projects, grantees must submit an acquisition packet within 30 days of the property closing. This packet must contain\*:

1. Documentation of the selection process used to identify the parcels acquired;
2. Documentation of all related transaction costs for all parties involved in the transaction, including but not limited to:
  - a. appraisals
  - b. legal fees
  - c. recording fees
  - d. commissions
  - e. other similar costs, and
  - f. donations;
3. Documentation of any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal; and
4. 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.

Upon receiving and approving the packet, CPL staff will forward appropriate documents to the L-SOHC and other entities, as required.

[\\*2010 Law Chapter 361, Article 1, Sect. 2, Subds. 9, 13](#)

### **Transferring Lands to the State**

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\*:

1. 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;
2. 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
3. The total net revenues as determined by subtracting the costs described in clause (2) from the revenues described in clause (1).

[\\*2010 Law Chapter 361, Article 1, Sect. 6, Subd. 8](#)

### **Lands in Public Domain**

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\*:

1. 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
2. The purchase is approved by an affirmative vote of at least nine members of the council.

[\\*2010 Law Chapter 361, Article 1, Sect. 7, Subd. 9](#)

### **Real property interest report**

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

By December 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 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:

1. inform the person to whom the responsibility is transferred of that person's reporting responsibility;
2. inform the person to whom the responsibility is transferred of the property restrictions under subdivision 14;
3. 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
4. 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.

[\\*2010 Law Chapter 361, Article 1, Sect. 2, Subd. 14](#)

## **Section D**

### **Permitting and Environmental Compliance**

The information in this section is intended to help applicants understand the permitting and environmental compliance process associated with CPL projects. This section applies to all restoration, enhancement, and protection projects.

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

1. Evaluate the project idea to see if it meets guidelines for the public land management unit where the work will be done;
2. Perform a Natural Heritage Database Review to check for any federal or state listed threatened or endangered species or critical habitats;
3. Discuss other applicable permitting or environmental compliance needed;
4. Discuss the cost and timelines to complete this work.

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

1. Evaluate the project idea to see if it is allowed under the terms of the easement;
2. Complete or request a Natural Heritage Database Review to check for any federally or state listed threatened or endangered species or critical habitats;
3. Discuss other applicable permitting or environmental compliance needed;
4. Discuss the cost and timelines to complete this work.

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

Applicants may include the cost of any environmental compliance in their request for grant funding. The amount should be based on the actual expected permitting and/or environmental compliance costs. Provide a detailed description of the expected costs.

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.

Permitting and environmental compliance costs that are included in the applicant's budget application are considered project costs and may be paid with either grant or match funds. Any costs that exceed the amount budgeted are the responsibility of the grantee and may be used for match if approved by CPL staff. Any costs that come in under budget may be used for other work within the approved project, or will be returned to the Outdoor Heritage Fund.

## **Section E**

### **Match Information**

Match can come from a variety of public and private sources and can include in-kind goods and services and volunteer labor. See [In-kind Information and Rates](#). Applicants are permitted to combine contributions from non-state partners to meet the match requirement. CPL match funds cannot be used as match for any other state grant programs. One eligible applicant must lead the partnership effort and assume program and financial responsibility for all work in the application.

The match requirement for FY 2011 is at least 10% for all projects requesting \$100,000 and less, and at least 15% for grant requests over \$100,000. No more than one-third of the total match amount may be in-kind. Successful applicants should be prepared to carefully document matching contributions, including the number of volunteers and volunteer hours on individual projects.

Match funding must be supported with letters of commitment. A sample letter is included on the grant website. Letters of commitment (preferably on the organization's letterhead) should:

1. Identify the amount of funding commitment;
2. Identify the source of the funds;
3. Describe any time constraints on the availability of funds;
4. Describe any other contingencies associated with the funding commitment; and
5. Be signed by member(s) of the organization with authority to commit the organization to the match.

Some large projects involve multiple funding sources that may not be match for this grant. Keep these amounts separate. There is an "Additional Funding" box with in the application that can be used to list the additional funding sources and amounts.

#### **Contractors vs. Volunteers**

Contractors (including subgrantees) 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. Volunteers are individuals or groups who perform the work as outlined 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. 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.

All volunteer work must be documented. Forms are provided for this purpose and can be found in the Payment Manual, available on the [CPL website](#). Grantees may

use their own forms, but they must include at least the same information required within the CPL Volunteer forms.

## Section F

### Application Information

Applicants should thoroughly read the RFP, Program Manual, Payment Manual and all associated documents. The application deadline is September 16, 2010 at 5pm CST. No late submissions will be accepted. All required information must be in at this time or the application will be considered incomplete. A valid email address for the project manager and fiscal contact (if used) is required.

A [Project Planning Form](#) is available on the [CPL Grant website](#) to help pull together the information needed for the application. Use this form as a tool to collect the information required and to guide your 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.

For each tract of land, the public Land Manager or Easement Holder must approve the project using the Project Review and Approval Form. A Natural Heritage Review must be completed and the results recorded on this form as well. **Applications that are missing this form will be considered incomplete.** See Project Review and Approval below for more information.

#### Online Application System

The online application system is currently available on the CPL Grant Website- [How to Apply Page](#). Applicants must create a Log-in name and Password to access the application, which will allow them to save the application and return to it multiple times before submitting. There are several sections to the application, each focusing on a different aspect of the project. Supporting documents, such as the Project Review and Approval, letters of commitment, financial documentation, easement information, etc. will need to be uploaded to the system. See below for required documentation.

After all sections are complete, applicants must click the Submit Application button on the Application Submission page to actually submit the application. Once submitted, no changes can be made to the application, although the complete application can be reviewed. Grant staff have 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 delete entire applications if the applicant needs to make major changes and has to start again. Any changes requested after the application deadline will not be accommodated.

#### Application Sections (pages)

The application will require the same basic information as the Project Planning Form, only with more details.

#### Project Summary Page

1. Project name, organization name, project manager name/ title/ contact info



2. Location information (primary county, primary site name, primary land ownership)
3. Project information (primary activity and habitat, total project sites, total project acres, grant funding request, match amount pledged, additional funding, total project cost)
4. Project Description and Outcomes (detailed summary of materials, objectives, measures of success, current description of sites, follow-up treatment)
5. Project Timeline
6. Acquisition/ initial development information OR project long-term maintenance information

**Project Information Page-** this page asks questions specific to the Criteria and Scoring Table

**Site Information/ Mapping Page**

1. Site by site entry of project location(s), activity, habitat, ownership, acres; grouped by specific Land Manager
2. Mapping associated with each of these site entries

**Budget Information Page** (fiscal contact information, line item budget entries and descriptions)

**Project Review and Approval, Natural Heritage page**

1. Project Review and Approval
2. Natural Heritage information

**Additional Information Page**

1. Letters of support;
2. Partner commitment letters;
3. Easement information;
4. Financial documentation

**Application Submission Page-** Applicants certify that they:

1. Have read the appropriation language;
2. Understand all requirements of this program;
3. Will make timely written contact to CCM for use of their services if awarded;
4. Understand the Project Review and Approval requirements of this application.
5. Understand the CPL Grant program as laid out in the RFP, Program Manual and Payment Manual;
6. Are authorized to apply for and manage grant by their organization; and
7. Are providing correct information in the application.
8. Applicants complete this page by using the Submission Button to finalize and submit the application.

**Incomplete Applications**

Applications that are not complete at time of application deadline will not be considered for funding. No late submissions will be accepted and no changes or

additions will be applied to applications after this deadline. Applications will be considered incomplete if:

1. One or all Project Review and Approval forms are missing;
2. Any Project Review and Approval form is incomplete or unsigned;
3. Any required financial documentation is missing;
4. The match amount does not meet requirements.

CPL staff will perform an initial review to make sure all information provided is accurate and all uploaded documents meet the requirements. Any application that does not meet the minimums will be excluded from scoring and will be ineligible for grant awards. Contact CPL staff with any application questions or for help with the application system prior to the application deadline.

### **Project Review and Approval Form**

The Project Review and Approval form is a document signed by the Land Manager or Easement Holder of each project site. If this person remains the same over multiple sites, then only one form needs to be submitted as long as each site is listed. The form is meant to:

1. Provide feedback to the applicant with regards to the project plan;
2. Document a Natural Heritage Database review of each project site to ensure protected elements will not be affected by project activities;
3. Provide the applicant with measures of avoidance or mitigation that will allow a project to proceed without negative impact; and
4. Document that the project has been approved by the Land Manager or Easement Holder.

It is the applicant's responsibilities to ensure that all forms are completed, signed and uploaded in PDF form. Each must have an original 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.

If the Land Manager or Easement Holder cannot access the Natural Heritage Database, they must contact CPL Grant Staff for assistance no later than Friday, August 27<sup>th</sup>, 2010 for the first grant cycle and no later than Friday, February 4<sup>th</sup>, 2011 for the spring grant cycle, if it is held. 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 Project Review and Approval Form.

If applicants find they are exceeding upload size limits due to the number of attachments, contact CPL staff prior to submitting the application. This contact must be made before the application deadline.

## Section G

### Application Criteria and Scoring Table

Applicants should be sure that their application contains enough information for reviewers to score and rank the application based on the criteria below. All criteria will be scored on a scale of 0-9, with 9 being the highest possible. Reviewers will score only on the information provided within the application.

Criteria 1 – 14, 18, and 19 are required under [2010 MN Law Chapter 361 Article 1, Section 2, Subd 5\(i\)](#).

	<b>Criteria</b>	<b>Definition</b>
1.	Amount of habitat restored, enhanced and/ or protected	Number of acres, miles, etc.
2.	Local support	Is the project supported by adjacent landowners, local governments, local organizations, etc.? Is there any opposition? Why?
3.	Degree of collaboration	Besides the applicant, is any other group, government, private individual, etc., contributing funds to the project? Has the applicant coordinated with other groups or agencies to plan the project, or provide expertise?
4.	Urgency	How important is it to fund this project now? If project is not funded, will listed or game species be lost? Are critical habitats likely to be lost? Is development encroaching on this site?
5.	Multiple benefits	Will multiple or diverse species benefit? Will habitat or water quality be improved? Specifically, what species will benefit?
6.	Habitat benefits	Will the proposed work benefit the intended habitats? What is the current quality of the habitat impacted? What will it be at the conclusion of the project? Is there native prairie, or a high biodiversity site present?
7.	Consistency with sound conservation science	Is the project consistent with sound conservation science? Does it follow the appropriate public land management guidelines or private land easement requirements?
8.	Adjacent to protected lands	Will the work be done on land that is adjacent to other protected lands?
9.	Full funding of project	Are all costs of the project identified? Are there sufficient funds (grant, match, other) available to cover the entire cost? Do match contributions follow guidelines? Are there letters of commitment?

10.	Supplants existing funding	Does the project supplant funding?
11.	Public access for hunting and fishing	Is the land is open to the public for hunting and fishing during open seasons (unless otherwise provided by state law)? What seasons are open?
12.	Sustainability	What is the life expectancy of the work in this project? Is the project sustainable? Are there short- or long-term maintenance requirements? What are those requirements and how will they be completed?
13.	Use of native plant materials	Is any vegetation or seed used only of ecotypes native to MN? Are they of local ecotype? What is the diversity of the seed mix? Is the source identified?
14.	Budget and cost effectiveness	Is the budget complete and appropriate for the location and activity? Is the cost per unit reasonable?
15.	Applicant's capacity to successfully complete work	Has the applicant successfully completed similar projects? Do they have the fiscal capability to manage the grant? Has the applicant managed grants in the past? For how much and for what work? What partners has the applicant worked with in the past?
16.	Supports existing landscape level plans	Does the project implement priorities within existing landscape level plans (i.e., focus areas; watersheds plans, regional or landscape level priorities, etc.)? Are the links to the plans clear? <a href="#">Click here for DNR's existing landscape level plans.</a> <a href="#">Click here to see Province and Subsection Profile sheets.</a> Use plans not listed here as well.
17.	Supports species plans	Does the project support species plans for game or endangered species? Are the links to the plans clear? <a href="#">Click here for some species plans available online.</a> Use plans not listed here as well.
18.	Conforms to the Statewide Conservation and Preservation Plan	Is there a clear link from the project to recommendations in the plan? Specifically, how does this project benefit threatened and endangered species? <a href="#">Click here for a link to the Statewide Conservation and Preservation Plan.</a>
19.	Conforms to the State Wildlife Action Plan (wildlife projects)	Have Species of Greatest Conservation Need (SGCN) that will benefit from this project been identified? Have the key habitats that will benefit from this project been identified? <a href="#">Click here for a link to the State Wildlife Action Plan.</a> <a href="#">Click here for a link to a list of the SGCN by habitat.</a>

## **Section H**

### **Application Review and Selection**

CPL Grant Staff will be available to work with applicants as much as possible to ensure that applications are submitted as required. Grant staff may be able to review applications before being submitted.

The application review process will have 4 steps:

#### **1. Initial Review**

CPL staff will review applications to ensure that:

- a. The application meets the requirements of the RFP and PM, including submission of all required forms;
- b. The applicant meets the eligibility requirements for the program;
- c. The applicant (and any partners) meets the required non-state match;
- d. The application meets the description of eligible projects in Sections B and C of this document and is within the scope of the Conservation Partners Legacy Grant Program; and
- e. The project can be accomplished within the grant period. The project must be able to accomplish measurable, on-the-ground improvements annually.

An application must pass all Initial Review criteria in order for it to be forwarded for further consideration at the Technical Review phase. Applications that do not pass the initial review are considered ineligible. See [Ineligible Applications in RFP \(Section III, page 7\)](#) for details on additional ineligible submissions.

#### **2. Technical Review**

The technical review will be performed by Technical Review Committees made up of experts in each of the habitat types. These committees may include representatives from DNR, BWSR, the University of MN, and the US Fish and Wildlife Service, 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 this score will be presented to the Chief Financial Officer (CFO) and Division Directors (DD) of the DNR.

#### **3. 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 among the most highly scored applications, the DDs will consider the following factors:

- a. A public agency's ability and/or readiness to support proposed project activities;
- b. Geographic distribution of funding;
- c. Balance of grants under \$125,000 and over \$125,000.

#### **4. Commissioner's Approval**

The Commissioner will make final approvals on all projects to be funded based on all information provided by the Technical Review Committees and Division Directors.

The DNR reserves the right to reject any and all applications which do not meet the requirements of this RFP and PM, 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. The review process will remain the same if a second round is necessary.

## Section I Insurance

Grantees are required to carry insurance that meets 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 executed.

Insurance costs directly related to the project may be used as match. 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 could not be used as match for the grant. Grant funds may not be used to pay for insurance.

### General Insurance Requirements

1. 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.
2. All policies and certificates shall provide that the policies shall remain in force and effect throughout the term of the service being provided.
3. Policy shall provide the State of Minnesota with thirty (30) days advance written notice of cancellation.
4. 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.
5. **The State of Minnesota must be endorsed as an additional insured on the general liability coverage.**
6. If Grantee is self-insured, a Certificate of Self-Insurance must be attached.
7. 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.
8. 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.

### Workers’ Compensation Insurance:

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



Evidence of subcontractor insurance shall be filed with the Grantee.

If [MN Statute 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.

### **Automobile Liability Insurance:**

Minimum Limits of Liability:

1. Passenger vehicle such as car, van or pickup truck: Minnesota State No-fault
2. 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
3. Coverages required:
  - Any Auto
  - All Owned Auto
  - Scheduled Auto
  - Hired Auto
  - Non-owned Auto

The grantee and any subcontractors, 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 subcontractor insurance shall be filed with the grantee.

### **General Liability Insurance:**

Minimum Limits of Liability:

1. \$1,500,000 - Per Occurrence
2. \$1,500,000 - Annual Aggregate
3. Coverages required:
  - Premises and Operations Bodily Injury and Property Damage
  - Personal & Advertising Injury
  - Blanket Contractual
  - Products and Completed Operations
  - State of Minnesota and its agencies, officers, and employees (State) endorsed as an Additional Insured
  - Other (Note: please list, i.e. pollution liability, water or aircraft, chemical liability)(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.)

The grantee shall maintain insurance to cover claims, which may arise from operations under this contract, whether such operations are by grantee or subcontractor 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.

**Insurance May Be Modified Under The Following Conditions:**

**1. 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 Statute, Section 3.736, and other applicable law."

**2. Other Modifications**

**a. Work involving only hand or small power equipment:**

- i. Insurance Required: Worker's comp and minimum state no-fault auto insurance
- ii. This includes projects that are labor intensive with no equipment involved except transportation of crews or hand equipment.
- iii. Possible activities: Site cleanup, seed harvest, hand planting of trees, shrubs or other plants, hand timber stand work, hand herbicide application.

**b. Remote area work:**

- i. 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 is 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.
- ii. Insurance Required: Worker's comp and minimum state no-fault auto insurance
- iii. Possible activities: Farming operation work such as mowing, plowing, shearing, discing, and mechanical tree planting.

## Section J

# Payment Information

### Grant Payments

Grantees will be paid on a reimbursement basis unless other arrangements are specified and approved in a grantee's application and work program. Reasonable amounts may be advanced to projects to accommodate cash flow needs, to match federal share, or for acquisitions. Advances must be requested in the grantee's application and specified in the final grant agreement or work program. Partial payments will be allowed. See the Payment Manual, [CPL Website](#) for more information.

[State Grant Policy 08-08, Grant Payments](#) has more information on grant payment methods and schedules, and other payment information.

### Payment Requests

An FY2011 Grantee Information page will be created for all successful applicants to access payment information and forms. Payment request checklists will be available to aid grantees in submitting complete requests. All payment requests must be received by 3:00 pm local time, July 31, 2014. The Final Accomplishment Report and all supporting documentation must also be submitted with the final payment request.

### Acquisition Payments

Payments may be requested for acquisitions in advance of scheduled closing dates. Payments can be processed up to 5 days prior to closing date to allow grantee access to funds prior to purchase. Grantees may submit for requests for payment up to 2 weeks ahead of closing, but no later than 5 business days prior to closing. The closing date must be noted on the request. The 5% holdback applies to acquisition projects and will be held until the acquisition packet and final report have been submitted. An acquisition document checklist will be available on the website.

### Payment Timeline

If all required documentation is submitted with the payment request, Grant Program Staff can generally review and approve requests for payment from grantees within a week. If questions arise or invoices or other documents are missing, payment approval may take longer. Checklists to be used as cover sheets are provided on the CPL website to help grantees submit the correct documents. Once payments are approved, they are sent for payment. The payment process could take up to 2 additional weeks, depending on the time of year.

### Direct Deposit of Payments

The fastest way to receive payment is by signing up for direct deposit from Minnesota Management and Budget at [www.mmb.state.mn.us/maps-efit](http://www.mmb.state.mn.us/maps-efit). This program will also allow grantees to review payment details for the past three months.

### **Holdback of Final Payment**

Under [2010 MN Law Chapter 361, Article 1, Section 2, Subd.5 \(i\)](#):

No less than 5 percent of the total amount of each grant must be held back from reimbursement until the grant recipient has completed a final grant accomplishment report by the deadline and in the form prescribed by and satisfactory to the Lessard - Outdoor Heritage Council and all required documentation has been submitted.

While acquisitions may be paid differently than enhancement and restoration work, this holdback will apply to acquisitions as well. The remaining 5% will be paid in full to the grantee when all reporting and documentation requirements have been fulfilled for the acquisition. If an acquisition has development, enhancement or restoration funds associated with it, the 5% will be applied to the final payment of this work.

### **Payment Manual**

Specific steps for requesting payment and documentation requirements can be found in the Payment Manual. Document checklists will be available on the website for all FY2011 grant recipients. Until the current Payment Manual is posted, applicants can look at all requirements found within the [FY2010 Payment Manual](#), as the requirements of FY2011 will be similar. The FY2011 Payment Manual will be posted before grants are executed.

### **Changes to the work program or grant agreement**

Any changes to the approved work program must be submitted to and approved by CPL Grant Staff before the grant agreement is signed and work begins. Changes that are significant enough to alter the project beyond scope of the approved application are not allowed.

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.