

# Natural and Scenic Area Grant Program

## 2021 Program Manual



## ***I. PROGRAM INFORMATION***

Deadline  
Funding  
Grant Awards and Match Requirements  
Eligible Applicants  
Eligible Projects  
Ineligible Facilities and Costs  
Guidelines for Use and Development of Natural and Scenic Areas

## ***II. APPLICATION PROCESS***

Public Participation and Use  
Appraisal Requirements  
Competitive Review and Selection Process  
Minnesota State Comprehensive Outdoor Recreation Plan  
Selection Priorities  
Award of Funds  
Grants and Public Information

## ***III. PROGRAM REQUIREMENTS***

Accessibility Requirements  
Land Retention Requirements  
Conversion of Use  
Deed Retention Requirements  
Native Restoration Requirements  
Review for Potential Impact on Historical/Archeological Resources  
Reporting Requirements  
Monitoring Requirement  
Conflicts of Interest  
Closeout Procedures  
Acknowledgment Sign  
Availability to Users

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## ***I. PROGRAM INFORMATION***

The Natural and Scenic Area Grant Program assists local governments and school districts in acquiring fee title acquisition and permanent easement acquisition to protect high quality natural and/ or scenic areas. Public access should be provided to the extent necessary to allow users to experience the natural and scenic qualities protected. High levels of development or active use are not appropriate.

### ***DEADLINE***

Applications must be submitted by March 31, 2021 to be eligible for funding assistance for the current year.

### ***FUNDING***

There are two sources of funding for the Outdoor Recreation Grant Program: federal and state funds. Federal funds come from the [Land and Water Conservation Fund \(LWCF\)](#). Federal funding available for FY 2022 has not yet been allocated but should be at least \$1.5 million for the Outdoor Recreation Grant Program and the Natural and Scenic Areas Grant Program.

State Environment and Natural Resources Trust Fund dollars have been recommended by the [Legislative Citizens Commission on Minnesota Resources \(LCCMR\)](#) and other state funding may be available but are subject to Legislative approval. Final amounts available will not be known until after the application deadline.

### ***GRANT AWARDS AND MATCH REQUIREMENTS***

The minimum grant award is \$10,000 (for a total project cost of \$20,000). The maximum grant award is \$500,000 (for a total project cost of at least \$1,000,000). Grants are reimbursed up to 50 percent of the total eligible costs. The remaining 50 percent "local share" can consist of cash or the value of materials, labor and equipment usage provided by the local sponsor or by donations or any combination thereof. Volunteer unskilled labor is valued, for this grant program, at \$9.00 per hour. Volunteer skilled labor is valued at its going rate. The invoice/letter must be on a company letterhead, detailing the work completed and the amount of the donation.

Costs must be incurred and paid for before reimbursement can be made. Grant agreements generally expire within 24 months and projects must be completed by then.

### ***ELIGIBLE APPLICANTS***

Cities, counties, townships and school districts.

Note: The applicant must be the current or intended owner and manager of the property to be acquired or developed. Multi-organization collaboration is not required for this program.

## ***ELIGIBLE PROJECTS***

- Fee title acquisition of natural or scenic areas.
- Permanent easement acquisition of natural or scenic areas.
- Minimal betterment activities are eligible as part of an acquisition project including site surveying, boundary signing, and immediate measures needed to stabilize the site and ensure the safety of users.
- Active restoration efforts are eligible as part of an acquisition project that would significantly improve the site's natural resource values.

## ***INELIGIBLE FACILITIES AND COSTS***

Ineligible facilities or costs are those items that cannot be funded with a Natural & Scenic Areas Grant or included as part of the local match requirement. The following list includes common types of ineligible facilities. A determination of eligibility will be made by the Department of Natural Resources.

- Acquisition of land already in public ownership.
- Any expenditure that occurs outside the dates of the grant contract.
- Administrative expenses, contingency allowances, archeological surveys and legal fees.
- Incidental costs of land acquisition (Appraisals, closing costs and legal fees)
- Recreational development.
- Operation and maintenance.

## ***GUIDELINES FOR USE AND DEVELOPMENT OF NATURAL AND SCENIC AREAS***

### **1. Compatible Use and Development**

In general, outdoor recreation use of natural and scenic areas should be limited to passive outdoor recreation activities, such as nature observation, walking or hiking, bird watching, cross country skiing, snow shoeing, canoeing, photography and similar low impact activities. In some cases, environmental education activities may be appropriate. Limited facilities to support these activities, such as trails, overlooks, interpretive displays, benches, informational and boundary signage, protective fencing, and parking are allowable uses. In some cases, rest room facilities and limited picnic facilities may also be compatible.

All development plans should be submitted for review and prior approval by the Grants staff of the Department of Natural Resources (DNR). Development proposals will be reviewed on a case-by-case basis, taking into account the specific characteristics of the natural and scenic area. Any development should be designed to avoid damage to natural resources and features, steer activities away from sensitive areas (such as steep bluffs, erosion prone shorelines, rare plant communities, etc.), and discourage inappropriate recreational use. Facilities must meet all safety and accessibility standards.

## **2. Incompatible Use and Development**

Natural and scenic areas should not be developed for more active outdoor recreational uses, such as athletic fields and courts, campgrounds, motorized sports, etc. Any use or development that could result in damage to significant natural and/or scenic resources must be avoided. In some cases, it may be necessary to prohibit access to certain portions of the property to avoid damage to highly sensitive or rare resources. Protective fencing may be used when appropriate. Natural and Scenic Areas sites may not be used for a wetland mitigation or banking area. The intent of this program is to expand and protect natural and scenic areas and not provide areas that can be used for replacement of natural areas lost through development.

## ***II. APPLICATION PROCESS***

The application is available to download from the [Natural and Scenic Area Grant Program](#) web page. We urge applicants to begin the application process early in order to allow time to complete application requirements such as obtaining community involvement and completion of appraisals.

Completed applications are to be submitted electronically in a “.pdf” format by **March 31, 2021** using the instructions in the application form. Staff members are available to discuss your project or review application materials. You are encouraged to submit any draft application or materials by **March 10th** if you would like staff to provide comments. Incomplete applications or applications received after the deadline will not be eligible for funding consideration.

### ***PUBLIC PARTICIPATION AND COMMENTS***

Prior to the submission of your application, it is our expectation that you have engaged the general public, especially those homeowners and businesses near the proposed project. You may do this through public meetings, announcements in the newspaper, letters or flyers, newsletters, an announcement on your website, emails, or face-to-face meetings. The public must have an opportunity to review and comment on the proposed project. Information detailing your public participation process and comments received are required in your application.

All facilities within the park must be designed and available for general public use and open during typical park hours.

### ***APPRAISAL REQUIREMENTS***

The application must include an appraisal report by a general real property appraiser licensed by the State of MN and meet the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA). The appraisal must include the Minnesota Department of Natural Resources (DNR) and the National Park Service (NPS) as intended users and the landowner or designated representative must be given an opportunity to accompany the appraiser during the inspection of the property. Appraisals must have an effective date within 13 months of the application deadline.

If your application is selected for funding, you may be required to submit a technical review of the appraisal report conducted by an appraiser who is not associated with the original appraiser and who is qualified to perform technical reviews under the UASFLA and 49 CFR Part 24.104.

See UASFLA Section C-1 for further guidance on technical reviews.

## ***COMPETITIVE REVIEW AND SELECTION PROCESS***

The program is competitive and requires a review and ranking process to make funding determinations and awards. The review and ranking process will take place after March 31, 2021 and funding announcements will be made in the summer. Program staff will review applications and, if necessary, a site visit will be conducted. The review will focus on priorities set in the State Comprehensive Outdoor Recreation Plan and project specific criteria identified below.

## ***MINNESOTA'S 2020-2024 STATE COMPREHENSIVE OUTDOOR RECREATION PLAN***

Minnesota's [2020-2024 State Comprehensive Outdoor Recreation Plan](#) (SCORP) provides guidance and direction to the state's outdoor recreation providers for their work in protecting, maintaining and enhancing outdoor recreation opportunities for the state's residents and visitors.

An important part of developing the SCORP is public and stakeholder input. To better understand patterns and priorities for outdoor recreation in Minnesota, several efforts were used to gather information and feedback from outdoor recreation providers and from the public including an Outdoor Recreation Household Survey, Parks and Trails Legacy Celebration Events and an Outdoor Recreation Providers Survey. A twelve member Steering Committee was formed to help guide the development of the SCORP. The Steering Committee included local and regional park agency staff, members of outdoor recreation advocacy groups, and community leaders involved with health, youth, and accessibility issues.

The SCORP identifies current and future trends affecting outdoor recreation in Minnesota including: issues around public health; addressing diversity, equity and inclusion challenges; demographic changes in Minnesota's population; climate change impacts and accessibility. Taken together, these trends and the strategies within the four Strategic Directions represent both challenges and opportunities for Minnesota's outdoor recreation providers for the next five years. The intention is that the 2020-2024 SCORP will aid these agencies and organizations as they plan for and invest in facilities and programs to meet the outdoor recreation interests of Minnesota's residents and visitors.

Applications are assessed to ensure that the proposed project is consistent with identified priorities established in the SCORP.

## ***SELECTION PRIORITIES***

### **Natural Resources Qualities** (Approximately 45%)

Natural resources qualities include endangered, threatened, or special concern species or communities; high quality native terrestrial or aquatic ecosystems; ecological viability; outstanding geological or physiographic features; protection of water quality; protection of shore land along rivers, lakes or streams, restoration efforts; high priority inholdings and potential vulnerability to exotic species.

### **Scenic Qualities** (Approximately 25%)

Scenic qualities include bluff lands or other elevated terrain that afford an opportunity for viewing scenic vistas, viewing unique natural features, viewing unique historical or cultural features, protection of the scenic character of the landscape, and availability of public access.

### **Other Review Components** (Approximately 30%)

Other review components include adjacent lands, educational and scientific values, open space and historical/cultural values, cost vs. benefit, match and local government commitment.

### ***AWARD OF FUNDS***

All applicants will receive official written notification regarding their request for funding in the summer. If your proposed project has received preliminary approval for funding, you will be contacted regarding additional information requirements needed before a grant agreement can be processed. These requirements may include State Historic Preservation Office (SHPO) review, permits and other details.

The project start date will be the fall of 2021 or later depending on requirements for environmental resources, historical and archeological resources, and federal approval, if applicable. All work must be completed by June 30, 2023. Most of our funding does not allow for a project extension beyond this date. Any project costs incurred prior to the start date of the grant agreement will not be eligible for reimbursement.

Payment of grant funds to the local sponsor is on a reimbursement basis. The grant recipient must initially expend monies that are then reimbursed under the terms of the grant agreement. A portion of the grant funds will be retained until a final inspection has been completed.

### ***GRANTS AND PUBLIC INFORMATION***

Under [MN Statute 13.599](#), responses to a request for proposal 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.

[MN Statute 13.44](#) categorizes estimated or appraised value of real property prior to purchase and sale as confidential data on individuals or protected nonpublic data. 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.

## ***III. PROGRAM REQUIREMENTS***

### ***ACCESSIBILITY STANDARDS***

All facilities improved with this grant project must meet current Americans with Disabilities (ADA) standards. All critical components of the park listed below must be accessible to persons

with disabilities.

Critical components include:

- Accessible parking spaces serving each area of the park.
- Accessible restrooms, if restrooms are provided.
- Accessible drinking water, if drinking water is provided.
- Access routes to all facilities provided in the park.

If a grant is awarded, part of the grant will be withheld pending verification of ADA compliance by an on-site final inspection.

The following guidelines will help you design your facilities. Copies can be ordered from the U.S. Access Board at (800) 872-2253, or downloaded from their website at [United States Access Board](#).

1. [ADA Accessibility Standards for Buildings and Facilities](#)

(For buildings and certain recreation facilities including playgrounds, recreational boating facilities, and fishing piers)

2. [Final Accessibility Guidelines for Outdoor Developed Areas September 26, 2013](#)

(For outdoor developed areas such as campgrounds, picnic areas, trails, and beaches. These guidelines, developed for federal facilities subject to the Architectural Barriers Act, are to be used for facilities improved by this Outdoor Recreation Grant Program.)

### ***LAND RETENTION REQUIREMENTS***

**All land acquired with assistance from this grant program must be retained and operated solely for its intended use into perpetuity.**

The Site Boundary Map submitted with your application will delineate and establish the property boundaries subject to the grant agreement. Therefore, it is very important that any existing public facilities and easements are clearly identified and excluded from the boundaries of the project.

### ***CONVERSION OF USE***

The Grantee shall not, at any time, convert this property to other uses without the prior written approval of the State acting through the Department of Natural Resources (DNR) and, for federal grants, the NPS. The DNR will consider a conversion request only after the following pre-requisites have been met:

1. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
2. The Grantee has agreed to replace the converted lands with other lands of, at least, equal fair market value and reasonably equivalent usefulness as determined by the State.

The DNR shall have the authority to approve or disapprove state conversion requests. For federal

grants, the NPS will approve or disapprove the conversion requests.

### ***DEED RESTRICTION REQUIREMENT***

The Grantee will be required to record a condition with the deed of the real property funded by the grant agreement that notifies the public of the grant and the grant program requirements. The specific deed restriction language varies depending on the source of funding and will be outlined in the grant contract.

### ***NATIVE RESTORATION REQUIREMENTS***

All restoration activities will require a restoration and management plan to be submitted prior to contract approval and must follow the Board of Soil and Water Resources “[Native Vegetation Establishment and Enhancement Guidelines](#)” in order to ensure ecological integrity and pollinator enhancement.

When restoration activities are completed using grant funds, the grantee must conduct evaluations on parcels where activities were implemented both 1) initially after activity completion and 2) three years later as a follow-up. Evaluations should analyze improvements to the parcel and whether goals have been met, identify any problems with the implementation, and identify any findings that can be used to improve implementation of future restoration efforts at the site or elsewhere. Evaluation reports must be submitted to the DNR.

The grantee should consider contracting with the [Conservation Corps of Minnesota](#) for restoration activities.

### ***REVIEW FOR POTENTIAL IMPACTS ON HISTORICAL/ARCHEOLOGICAL RESOURCES***

If funded, the DNR will initiate the federal Section 106 and/or state review process with the Minnesota State Historic Preservation Officer (SHPO). If during the Section 106 or state review process, the SHPO determines you need to complete a Phase I or Phase II survey, the survey will need to be completed prior to project approval for development projects and prior to the final reimbursement of the grant funds for acquisition projects.

For projects that have archeological and or historic properties identified with potential impacts, you will need to re-engage your public review process. You will need to identify consulting parties\*. The consulting parties and public need to have an opportunity to review and comment on the park plans in relation to the historic and archeological resources and potential impacts. The views of consulting parties and the public are essential to informed decision making. We encourage you to start consultation as early as possible.

\* Consulting party: individuals or organizations with demonstrated interest in the project. This interest could be legal or economic or it could be interest in the project’s effects on historic properties. The National Park Service, in concurrence with the SHPO and the appropriate Tribal Historic Preservation Officer (THPO), will evaluate and determine who will become a consulting party to the federal Section 106 process.

## ***REPORTING REQUIREMENTS***

It is the policy of the State to monitor progress on state grants by requiring grantees to submit written progress reports at least annually until all grant funds have been expended and all of the terms in the grant agreement have been met. A progress report form will be provided by program staff. Grant payments shall not be made on grants with past due progress reports unless program staff have given the grantee a written extension. See [Policy 08-09: Grant Progress Reports](#) for more information.

## ***MONITORING REQUIREMENTS***

It is the policy of the State to conduct at least one monitoring visit 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 [Policy 08-10: Grant Monitoring](#) for more information.

## ***CONFLICTS OF INTEREST***

It is the policy of the State to work to deliberately avoid actual, potential and perceived conflicts of interests related to grant making at both the individual and organizational levels.

A conflict of interest (actual, potential, or perceived) 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 to one or both parties. A conflict of interest exists even if no unethical, improper, or illegal act results from it.

### **Actual Conflict of Interest**

An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict. Examples include, but are not limited to:

- One party uses his or her position to obtain special advantage, benefit, or access to the other party's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.
- One party receives or accepts money (or anything else of value) from another party or has equity or a financial interest in or partial or whole ownership of the other party's organization.
- One party is an employee, board member or family member of the other party.

### **Potential Conflict of Interest**

A potential conflict of interest may exist if one party has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, when one party serves in a volunteer capacity for another party, it has the potential to, but does not necessarily, create a conflict of interest, depending on the nature of the relationship between the two parties. A disclosed potential conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

### **Perceived Conflict of Interest**

A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist. A disclosed perceived conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

### **Organizational Conflict of Interest**

A conflict of interest can also occur with an organization that is a grant applicant or grantee of a state agency. Organizational conflicts of interest occur when:

- A grantee is unable or potentially unable to render impartial assistance or advice to the State due to competing duties or loyalties
- A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties
- 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.

The Grantee, by signing a grant contract with the State, must certify it has read and understands the Office of Grants Management [Conflict of Interest Policy 08-01](#), will maintain an adequate Conflict of Interest Policy and, throughout the term of the contract, monitor and report any actual, potential, or perceived conflicts of interests to the State.

### ***CLOSEOUT PROCEDURES***

Upon completion of your project, a final billing must be submitted to our office. Program staff will complete a final inspection of all development and/or redevelopment projects. The inspection will focus on ensuring that the project was completed in accordance with the grant agreement, that facilities developed are accessible and a funding acknowledgment sign is installed. Prior to final reimbursement of your grant and official closeout notification of your project, any problems that are revealed during the inspection must be corrected and a copy of the recorded deed restriction received.

All expenditures are subject to verification by an independent state audit and, therefore, you must retain all project records for a period of at least six years after you receive the official closeout notification letter.

Periodic post-completion inspections will be conducted to ensure that the site is being properly operated and maintained and that no conversion of use has occurred.

### ***ACKNOWLEDGMENT SIGN***

All projects acquired or developed with assistance from this program must display a state approved funding acknowledgment sign at the main entrance to the park. The grant program staff will provide the specific sign information.

## ***AVAILABILITY TO USERS***

Public property, facilities & programs shall be open to entry by all persons regardless of race, color, national origin, religion or sex. No person, on the basis of disability, shall be excluded from participation in any program or activity receiving assistance. Discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained. Fees charged to non-residents cannot exceed twice that charged to residents and must be comparable to fees charged at other state or local facilities.