

Parks and Trails Legacy Grant Program

Program Manual



Table of Contents

I. INTRODUCTION

II. PROGRAM REQUIREMENTS

- Land Retention
- Americans with Disabilities Act
- Natural Resource Restoration
- Reporting
- Monitoring
- Conflict of Interest
- Closeout Procedures
- Acknowledgment Sign
- Availability to Users
- Ineligible Expenses

III. PROJECT REQUIREMENT

- Minnesota Historical Sites Act and Minnesota Field Archaeology Act Review
- Natural Heritage Information System Request
- Water and Wetlands Permit
- Environment Assessment Statement (EAS) Checklist
- MN Environmental Quality Board Review Rules – Trail Projects Only
- Landowner Approval Certification – Trail Projects Only
- Campground Plan Approval (if applicable)
- Appraisal (if applicable)

IV. TRAIL DESIGN REQUIREMENTS

V. CONTACT INFORMATION

I. INTRODUCTION

The Greater Minnesota Regional Park and Trail Commission (GMRPTC) has recommended your project for funding from the Minnesota Parks and Trails Fund. Eligible project components and costs have been determined as part of your application and approval process through the GMRPTC.

The contracts will be administered by the Department of Natural Resources (DNR) through the Parks and Trails Legacy Grant Program under MN Statutes 85.535 in accordance with all applicable laws and State Office of Grants Management Policies. The application received and recommended by the Commission will be incorporated into the final application needed by the DNR to process a grant contract for your project. A grant contract cannot be processed until we have a complete application with all required documentation listed in Section III below.

Do not incur any project costs until after a grant contract has been processed for your project. Any project costs incurred prior to the start date of the grant contract will not be eligible for reimbursement. Projects involving ground-disturbing development may not begin until the State Historic Preservation Office (SHPO) has issued a letter stating no historical/archeological resources will be harmed by the project and all other environmental documentation has been received.

A Parks and Trails Legacy Reimbursement Manual with forms and instructions will be provided to you for requesting reimbursement of your grant. Payment of grant funds to the Grantee is by reimbursement only. The Grantee must initially pay project expenses which are then reimbursed under the terms of the grant contract. Ten percent of the grant funds will be retained until a final inspection has been completed and/or final documentation received.

Funding for these grants is provided through the state Parks and Trails Fund, which constitutes a portion of the dedicated sales tax revenue resulting from the Clean Water, Land and Legacy constitutional amendment approved by voters in 2008. **The dedicated money under this amendment must supplement traditional sources of funding for these purposes and may not be used as a substitute.**

II. PROGRAM REQUIREMENTS

LAND RETENTION & USE REQUIREMENT:

The grant contract will require all lands acquired and facilities developed with assistance from the MN Parks and Trails Fund be retained and operated solely for outdoor recreation.

For Trail Projects: Developed land must be retained and operated for outdoor recreation and available for use to the general public for a minimum of 20 years. Acquired lands must be retained for outdoor recreation in perpetuity and a condition of this requirement must be recorded with the deed using language provided in the grant contract.

For Park Projects (Including acquisition and/or development): All land within the project boundary must be retained and operated for outdoor recreation in perpetuity and a condition of this requirement must be recorded with the deed using language provided in the grant contract. This boundary must include all contiguous lands currently owned by the applicant and managed for public recreation and any additional land to be acquired with this grant.

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

AMERICANS WITH DISABILITIES ACT:

Grantees must comply with the Americans with Disability Act (ADA) and the standards and guidelines listed below. In addition, all critical components must be made accessible even if they are not part of this proposal. Critical components include parking, restroom, drinking fountains and accessible routes to all facilities. This program requires all facility access routes to be a minimum of 5 feet wide.

The following documents are available from the [U.S. Access Board](http://access-board.gov) at access-board.gov.

1. [ADA Standards for Accessible Design, 2010](#)

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

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

(For outdoor developed areas such as campgrounds, picnic areas, trails, and beaches)

NATURAL RESOURCE RESTORATION

To the extent possible, a person conducting restoration 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 from genetic contamination.

REPORTING

It is the policy of the State of Minnesota 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 contract 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.

MONITORING

It is the policy of the State of Minnesota 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.

CONFLICT OF INTEREST

It is the policy of the State of Minnesota to work to deliberately avoid actual, potential and perceived conflict 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, certifies 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 interest to the State.

CLOSEOUT PROCEDURES

Upon completion of your project, a final billing must be submitted to our office. Program staff may complete a final inspection. 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 an inspection must be corrected and/or all final documentation has been received and approved including a copy of the recorded deed restriction, if applicable.

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.

ACKNOWLEDGEMENT SIGN

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

AVAILABILITY OF USERS

Public property, facilities & programs that receive state assistance and future development of a site that has received state assistance shall be open to entry by all persons regardless of race, color, national origin, religion or sex. No person shall, on the basis of disability, be excluded from participation in any program or activity receiving state assistance. Finally, 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 on the basis of residence. 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. Any campground or marina facilities funded by this grant program should be operated in conformance with the [Campground/Marina Rental Policy](#), MN DNR Recreation Grant Programs. This policy is available on the program web page.

INELIGIBLE EXPENSES

Ineligible expenses are items that may not be funded by the grant or included as part of the local match. These include, but are not limited to:

- Construction of any facility on land not owned by the grant recipient. Construction of a trail not having a 20-year lease agreement.
- Construction projects within state parks, state recreation areas and state trails.
- Administration expenses including:
 - Appraisals
 - Closing Costs
 - Boundary Surveys
 - Archeological Surveys
- Design and engineering expense in excess of 10% for park projects and 20% for trail projects.
- Facilities not available for public use.
- Acquisition of land already in public ownership.
- Legal fees.
- Memberships, Overhead, Insurance, Fund raising.
- Volunteer or donated labor.
- Bad debt, interest or contingency funds.
- Lobbyists or political contributions.
- Condemnation costs.
- Wages and expenses of grant recipient's employees.
- Entertainment or gifts.
- Advertising expenses.
- Office rental costs and overhead.
- Any expenditure that occurs outside the dates of the grant contract

III. PROJECT REQUIREMENTS

The following items will need to be completed as part of the required DNR application, if applicable, prior to a grant contract being executed.

1. MINNESOTA HISTORICAL SITES ACT AND MINNESOTA FIELD ARCHAEOLOGY ACT REVIEW: ALL PROJECTS

The State Historic Preservation Office (SHPO) must be contacted to review your project to determine if the site is a potential location for historical or archeological findings. If SHPO determines that a survey is required, the survey would need to be completed prior to any site disturbance for development projects and prior to the final reimbursement of the grant funds for acquisition projects.

For review of your project, complete and send the [Request for Project Review form](#) and required documentation directly to the State Historical Preservation Office:

Please direct your correspondence to and copy your DNR Grant Coordinator:

[State Historic Preservation Office](#)

Sarah Beimers, Environmental Review Program Manager

Administration Building #203

50 Sherburne Avenue

St. Paul, MN 55155

**Expect the review to take at least 30 days to complete.*

2. NATURAL HERITAGE INFORMATION SYSTEM REQUEST: ALL PROJECTS

Review of your project by the DNR's Endangered Species Environmental Review Coordinator is required to determine if there are any state-listed endangered, threatened, or special concern species; rare plant communities, or other rare or sensitive ecological resources that may be affected by the project. You will need to provide the information requested on the [form](#) to the Natural Heritage and Non-game Research Program for review.

3. WATER AND WETLANDS PERMITS: ALL PROJECTS

Development or alteration of shoreline adjacent to rivers, streams, lakes, and other public water bodies and wetlands may require written permits. Evidence of compliance with water and wetland regulations must be submitted including a determination whether a permit is required for your project. This [link](#) will provide general information related to permit requirements.

If a permit is required, this [link](#) will take you to an online joint application process when DNR, Board of Water and Soil Resources and U.S. Army Corp of Engineer permits are needed.

4. ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) CHECKLIST: ALL PROJECTS

Completion of an Environmental Assessment Statement (EAS) is required for every project. The EAS will provide information necessary to determine the impacts of the project, if any, on the environmental and cultural resources of the area. The required form is incorporated in the application.

5. MN ENVIRONMENTAL QUALITY BOARD (EQB) REVIEW RULES: TRAIL PROJECTS ONLY

Projects need to be evaluated for applicability of environmental review under Minnesota Rules, Chapter 4410. Mandatory EAW categories are described at Minnesota Rules, [4410.4300](#). Exemptions from environmental review are described at Minnesota Rules, [4410.4600](#). In addition, an EAW is warranted when a project is not exempt under part 4410.4600, and when a governmental unit with approval authority over the proposed project determines that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects, either in response to a petition or otherwise (MN Rules [4410.1000](#), Sub. 3A).

A letter from the local RGU (responsible governmental unit) officially making the determination that your project can proceed and is in compliance with all EQB rules is required. This letter must identify which exemption(s) and how your project qualifies for this exemption and how this determination was made.

6. LAND APPROVAL CERTIFICATION: TRAIL PROJECTS ONLY

A [Certification Form](#) must be signed by all administrators of public land crossed or utilized by the trail project providing approval of the trail proposal and agreeing to provide assistance to seek formal authorization. If a leased, permit or easement is required, it must be for a minimum of 20 years.

7. CAMPGROUND PLAN APPROVAL: CAMPGROUND PROJECTS ONLY

Campgrounds must comply with state laws and rules set by the Minnesota Department of Health. A summary of these requirements is available at [Summary of General Requirements for Recreational Camping Areas](#). You must submit plans and receive approval for the development of a recreational camping area to the MN Department of Health or your local health authority before construction begins. Upon completion of the campground, a license application, license fee and inspection by the area health inspector is required. A copy of the license must be submitted with your final payment request.

8. APPRAISAL(S): LAND ACQUISITION PROJECTS ONLY

Submit an appraisal(s) report for all land acquired with the grant or required match. Appraisals must be performed by a qualified licensed appraiser and meet the Uniform Standards of Professional Appraisal Practice (USPAP) and the DNR Supplemental Appraisal and Appraisal Review Guidelines.

The appraisal must include the DNR as an intended user and the landowner or designated representative must be given an opportunity to accompany the appraiser during the inspection of the property.

To ensure the appraiser understands the appraisal requirements, we suggest using the sample engagement letter provided in the grant application form.

Appraisals will be reviewed by the state to ensure that they meet applicable standards. If the appraisal is not accepted, the applicant will be contacted for additional clarification or modification. If you or the appraiser have any questions, please contact the program staff assigned to your area prior to completing the appraisal assignment.

IV. TRAIL DESIGN REQUIREMENTS

All paved multi-use bicycle/pedestrian trails must have a paved surface at least 10 feet in width to be considered for funding through this program. Very short distance exceptions might be allowed on a case by case basis and limited in distance (i.e. 20-30 feet for example).

Bicycle trails will be required to conform to the recommendations contained within the 2007 “Minnesota Bikeway Facility Design Manual” developed by the Minnesota Department of Transportation, with the exception that all paved bicycle trails must be 10 feet wide versus the minimum 8 feet wide mentioned in this manual. See [Minnesota Bikeway Facility Design Manual/manual.pdf](#).

For other uses, applicants must follow the “Trail Planning, Design, and Development Guidelines” developed by the Minnesota Department of Natural Resources – Parks and Trails Division. Contact the trail grant administer for information.

Applicants are also encouraged to follow recommendations made in “Designing Sidewalks and Trails for Access, Part II of II: Best Practices Design Guide” produced by the Federal Highway Administration. See [Designing Sidewalks and Trails for Access](#).

When developing natural surface trails, applicants are encouraged to follow principles outlined in “Trail Solutions: IMBA’s Guide to Building Sweet Single Track”. See [IMBA's Guide to Building Sweet Singletrack](#).

V. CONTACT INFORMATION

Minnesota Department of Natural Resources
Division of Parks and Trails
500 Lafayette Road, Box 39
Saint Paul, MN 55155

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