

Parks and Trails Legacy Grant Program

Program Manual



mn DEPARTMENT OF
NATURAL RESOURCES



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I. INTRODUCTION

The Greater Minnesota Regional Parks and Trails Commission (GMRPTC) has recommended your project for funding from the Minnesota Parks and Trails Legacy 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 Minnesota 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 GMRPTC 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. It is also recommended that a consultation with relevant Tribal Historic Preservation Offices is done to assess cultural resources that may be on site.

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. A Parks and Trails Legacy Reimbursement Manual with forms and instructions will be provided to you to request reimbursement of your grant.

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 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.

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 Accessibility Guidelines for Outdoor Developed Areas September 26, 2013](#)

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

REPORTING

It is the policy of the GMRPTC to monitor progress on state grants by requiring grantees to submit written progress reports approximately every six months 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 GMRPTC staff and shared with the DNR grant manager. 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.

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. A conversion of use is when parkland is used for non-outdoor recreation purposes.

CONFLICT OF INTEREST

It is the policy of the State to work to deliberately to avoid actual or potential conflict of interests related to grant-making and grant administration at both the individual and organizational levels.

A conflict of interest 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 person's decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.
- **Potential Conflict of Interest**
A potential conflict of interest may exist if a person 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.

Organizational Conflict of Interest

A conflict of interest can also occur with an organization that is a grant applicant in a competitive grant process or grantee of a state agency.

Organizational conflicts of interest occur when:

- A grantee's objectivity in carrying out the grant is impaired or compromised due to competing duties or loyalties
- A grantee, potential grantee or grant applicant has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

The grantee must maintain an adequate Conflict of Interest Policy and, throughout the term of the contract, monitor and report any actual or potential conflicts of interest to the State. Grantees are expected to follow their own documented conflict of interest policy and procedures.

CLOSEOUT PROCEDURES

Upon completion of your project, a final billing must be submitted to our office. Program staff and GMRPTC staff will complete an on-site 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 or trail. 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 park facilities, amenities and costs are items that may not be funded by a GMRPTC grant or included as part of a local match. Including, but not limited to:

- ❖ Construction of any facility on land not owned by the grantee. Construction of a trail not having a minimum 20-year lease agreement
- ❖ Construction of ballfields, rinks or soccer fields
- ❖ Construction projects within state parks, state recreation areas and state trails
- ❖ Administration expenses – examples include:
 - Appraisals
 - Closing Costs
 - Boundary Surveys
 - Archeological Surveys
- ❖ Design and engineering expense in excess of 10% for park projects and 20% for trail projects

- ❖ Acquisition of land already in public ownership
- ❖ Advertising expenses for bids and project management
- ❖ Any expenditure that occurs outside the dates of the grant contract
- ❖ Bad debt, interest or contingency funds
- ❖ Concession only buildings
- ❖ Condemnation costs
- ❖ Decorative fountains, statues and plaques
- ❖ Dredging, water impoundments and dams
- ❖ Entertainment or gifts
- ❖ Facilities not available for public use

- ❖ Fund raising
- ❖ Golf courses
- ❖ Hard structure playground
- ❖ Improvements to highways or roadways, including but not limited to lighting, striping on street/road routing and shoulder work
- ❖ Indoor recreational facilities
- ❖ Insurance
- ❖ Invasive species removal, woodland management, or prairie restoration
- ❖ Legal fees
- ❖ Lobbyists or political contributions
- ❖ Maintenance equipment
- ❖ Memberships
- ❖ Non-permanent infrastructure (i.e. portable snow guns)
- ❖ Non-permanent skate park ramps and equipment
- ❖ Office rental costs and overhead
- ❖ Overhead
- ❖ Press boxes
- ❖ Volunteer or donated labor
- ❖ Wages and expenses of grant recipient's employees

III. PROJECT REQUIREMENTS

The following items will need to be completed, 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 SHPO:

Please submit materials to ENReviewSHPO@state.mn.us with cover letter and attachments, preferably in a single PDF. Please include valid return email address for recipient of SHPO response letter. **Copy your DNR grant manager.**

**Expect the review to take at least 1-2 months to complete.*

Submit a copy of the SHPO response letter to your DNR grant manager.

2. NATURAL HERITAGE INFORMATION SYSTEM REQUEST: ALL PROJECTS

Review of your project by the Natural Heritage Review Team 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. All requests for a Natural Heritage Review should now be submitted through the [Minnesota Conservation Explorer \(MCE\)](#). Please click on the Help Tab for instructions.

Submit a copy of the response to your DNR grant manager. If a review has been completed for a prior project on this property within the last year, you may submit the previous letter and reports.

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 to the DNR grant manager 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 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 Minnesota 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.

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 (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 Bicycle 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.

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](#).