



**Illinois Department of
Natural Resources**

**Off-Highway Vehicle Recreational Trails
Grant Program**

2016

Program Information for Applicants



IDNR Trails Grant Programs

Equal opportunity to participate in programs of the Illinois Department of Natural Resources (IDNR) and those funded by the U.S. Fish and Wildlife Service and other agencies is available to all individuals regardless of race, sex, national origin, disability, age, religion or other non-merit factors. If you believe you have been discriminated against, contact the funding source's civil rights office and/or the Equal Employment Opportunity Officer, IDNR, One Natural Resources Way, Springfield, Ill. 62702-1271; 217/785-0067; TTY 217/782-9175.

Grant Basics

The Off-Highway Vehicle Recreational Trails Program is offered annually through the Illinois Department of Natural Resources (IDNR). The following pages contain a very brief overview of this grant program; please read the grant guidelines for more detailed information.

Off-Highway Vehicle Recreational Trails Program (OHV): This is a **reimbursement** grant program that provides up-to 100 percent project funding assistance on total approved project costs. The programs does not have a grant limit established for either acquisition or development projects.

The following types of projects are eligible for OHV funding:

- Land acquisition of property from *willing sellers* in fee simple title, permanent easements, or long term leases, for OHV trails and parks, including approved appraisal costs, title insurance, closing costs and property survey costs, if necessary
- Construction, rehabilitation, maintenance and necessary design services for OHV trails/routes and scramble areas including site preparation work, signage, fencing, bridges, trail grooming equipment, etc. and associated support facilities including parking, shelters, restrooms, potable and non-potable water supply, lighting, and other related amenities deemed necessary
- Restoration of areas damaged by OHV usage
- Rider education and safety programs
- Cost of facility security (fencing, lighting, etc. BUT not security or site staff)

OHV funding is available to: Units of local government, private OHV clubs or organizations in Illinois having not-for-profit incorporation status, business entities and private individuals.

Entities other than governmental bodies seeking financial assistance through the grant program must also possess minimum liability insurance coverage of \$1,000,000 per occurrence on the facilities to be operated under the scope of the proposed project application.

The following types of projects are not eligible for OHV funding:

- Land acquisition through eminent domain;
- Construction of OHV trails and areas on IDNR owned and managed lands and on U.S. Forest Service lands designated as wilderness or currently not authorized for such use by an approved management plan
- Any project which, either in whole or in part, will not be open to the general public for OHV use

Frequently Asked Questions

Please see grant guidelines for additional details

I am not sure which grant program is better suited for my project. What are the funding priorities with OHV?

The IDNR funding priorities include projects proposing long distance, integrated, intra-county and inter-county trails or large scramble areas rather than short, isolated trails or small scramble areas; projects proposing initial development of OHV facilities; projects promoting multiple recreation use of the project site; projects located in areas (counties) of high demand as determined by population and/or number of registered OHVs in the area; projects having minimal adverse environmental and social impact; and projects providing the most long term, stable management potential.

It is DNR's current policy that the OHV grant program be used primarily to assist applicants in purchasing necessary materials and contract for specialized labor to develop and maintain public OHV facilities. Labor necessary for project operation shall be the responsibility of the applicant.

How much money is available through the program?

The funds available for the OHV grant program vary on an annual basis based on the revenues received the previous fiscal year.

Is there an application fee?

Yes, the OHV program requires a non-refundable application fee. This fee is calculated as $\frac{1}{4}$ of 1% (0.0025%) of the grant request. There is a minimum fee of \$100 and a maximum fee of \$300. See Attachment 3 of the Common Application.

Can I apply for multiple grants through OHV?

There is no limit on the number of individual OHV grants that one entity can apply for.

What is the maximum amount of funding assistance I can apply for?

OHV provides up-to 100% reimbursement funding assistance on approved projects. No maximum grant award amount is set for development or acquisition projects.

When is the grant deadline?

Applications are due no later than 5:00 pm on March 1st of each year. If the application deadline date is on a weekend or holiday, applications will be accepted until 5:00 pm on the first business day of the month.

Can I make changes to my proposed project scope after it has been selected for funding?

All proposed grant projects are competitively scored and selected on the basis of merit. Under most circumstances grantees may not deviate from the scope of an approved project. Occasionally circumstances arise whereby the project sponsor may request authorization to minimally revise the scope of an approved project. Such changes are made at the sole discretion of the IDNR staff.

Can I complete my grant application on-line?

Yes, applications should be submitted on-line. Some forms do require a signature and maps are also a requirement. The ability to upload information is not available at this time; therefore certain items will need to be mailed to the IDNR.

Where do I send my completed grant application?

Mail **ONE** copy of the necessary application attachments, maps, and plans along with **THREE** copies of the CERP form with required maps to the Illinois Department of Natural Resources at any time prior to the application deadline. ***Send all applications and inquiries to:***

Illinois Department of Natural Resources
Office of Architecture, Engineering & Grants
Attn: Division of Grants
One Natural Resources Way
Springfield, IL 62702-1271

Faxed applications will **NOT** be accepted. Original signatures are required. The deadline is final, and no extensions will be given. Applicants should keep a copy of the application for their records. ***Please do not send multiple copies of your grant application.***

Is there a fee if my project is selected for funding?

Yes, there is a Grant Award Fee of 1% of the total funding assistance awarded with a maximum fee of \$5,000.

How are awarded projects selected?

All applications undergo extensive review, often including a site visit. After project site visits have been completed, professional staff members score all applications. Projects and scores are then reviewed and approved by the Off-Highway Vehicle Trails Advisory Board and recommendations sent to the Director of IDNR. At the completion of this process, award announcements are made.

What is meant by reimbursement?

If your project is selected for funding you must have adequate funds on hand to pay for your entire project. The project sponsor (grantee) pays all costs associated with the project and, when completed, submits the billing documents (provided in the Implementation & Billing Packet) to the IDNR. IDNR then reviews the documentation and, once approved, will pay the project sponsor the eligible grant percentage. Reimbursement time turnaround is estimated at 4-6 weeks.

My project proposal includes construction on land that is owned by others. Is this allowable?

All grant assisted construction projects must be located on property that is owned, leased (minimum 25-year non-revocable lease) or on an easement held by the project sponsor.

How long do I have to complete my project?

Do not start your project until you have entered into formal agreement with the IDNR. You should plan to complete your project within ***24 months of entering into the agreement with the IDNR.***

Are there any requirements for contracting of project work to be completed?

All local governments may complete approved OHV projects by any of the following methods or combinations thereof: 1) competitively bid contract(s) per local/state procurement guidelines, 2) directly hired labor and material purchases IF qualifying as bid exempt or 3) using Grantee Force Account labor (in-house staff).

All local governments must comply with applicable state statutes and applicable local ordinances concerning bidding requirements for construction contracts and equipment/material purchases. DNR may request documentation from the local agency to verify compliance with applicable state statutes.

All **non-governmental agencies** must solicit a minimum of three (3) price quotes per project element. To avoid problems, contact DNR's Manager of Motorized Grant Programs.

If my staff members work on the project, is the value of their time eligible as a project cost?

Only **local governments** may count in-house labor as part of the awarded project costs. Documentation of their hourly wages will be required.

Will there be any project reporting requirements?

Status of project progress should be reported to the IDNR **each January 1, April 1, July 1 and October 1** throughout the duration of project implementation (until the FINAL project billing is submitted to DNR). Forms for reporting can be found in the Implementation & Billing packet located at <http://dnr.state.il.us/ocd/newohv2.htm>.

Are there specific billing requirements on awarded projects?

Projects that are awarded are required to follow certain procedures and billing protocols that are explained in the Implementation & Billing packet located at <http://dnr.state.il.us/ocd/newohv2.htm>.

Who can I contact if I have questions?

Illinois Department of Natural Resources
Office of Architecture, Engineering & Grants
Attn: Division of Grants
One Natural Resources Way
Springfield, IL 62702-1271
Email: dnr.grants@illinois.gov
telephone: (217) 782-7481 fax: (217) 782-9599

Guidelines for the Off-Highway Vehicle Recreational Trails Program

Introduction and Purpose

Introduction and Purpose

The primary purpose of the Off-Highway Vehicle Recreational Trails Program is to provide financial aid to government agencies, not-for-profit organizations, and other eligible groups or individuals to develop, operate, maintain, and acquire land for OHV parks, trails and trail side facilities that are open and accessible to the public in Illinois and to restore areas damaged by unauthorized OHV use. Funds for the grant program are derived from revenue generated in the State Treasurer's "Off-Highway Vehicle Trails Fund."

I. Revenue

A. Source and Amount

Funding for the program is derived from revenue generated from fees collected pursuant to the Illinois Vehicle Code (625 ILCS 5/3-821).

B. Distribution

Distribution of funds to eligible applicants will be on a statewide competitive basis, as determined by need, type of project, project costs, and the capability of the project sponsor (applicant) to fund, operate, and maintain the project. Additional considerations are included in the Project Selection Process.

C. Cost Sharing

OHV will reimburse up to 100 percent of total approved project costs up to the maximum. If necessary, the remainder of the costs will be borne by the project sponsor. OHV is a reimbursement program, meaning that a project sponsor must have sufficient cash, donations, or eligible in-kind services to pay for work, and then be paid back the grant percentage after approval of a reimbursement request.

II. Types of Eligible OHV Projects

- A. Land acquisition of property from *willing sellers* in fee simple title, permanent easements, or long term leases, for OHV trails and parks, including approved appraisal costs, title insurance, acquisition costs and archeological survey costs (if necessary).
- B. Construction, rehabilitation, maintenance and necessary design services for OHV trails/routes and scramble areas including site preparation work, signage, fencing, bridges, trail grooming equipment, etc. and associated support facilities including parking, shelters, restrooms, potable and non-potable water supply, lighting, and other related amenities deemed necessary.
- C. Restoration of areas damaged by OHV usage.
- D. Rider education and safety programs.
- E. Cost of facility security (fencing, lighting, etc. BUT not security or site staff).

III. Ineligible OHV Projects

Off-Highway Vehicle Recreational Trails Program funds may **NOT** be used for any of the following:

- A. Land acquisition through eminent domain.
- B. Construction of OHV trails and areas on IDNR owned and managed lands and on U.S. Forest Service lands designated as wilderness or currently not authorized for such use by an approved management plan.
- C. Any project which, either in whole or in part, will not be open to the general public for OHV use.

IV. Allowable Costs

A. **Basic Concept**

The Off-Highway Vehicle Recreational Trails Program is a reimbursement grant program. To be eligible for matching assistance, costs other than engineering and design costs must be incurred within the project period, stipulated by a signed project agreement. All projects must allow public OHV use.

B. **Development and Renovation**

Upon notice of award by the IDNR for a project, development and renovation costs are eligible for reimbursement and are incurred on the date construction contracts are signed or at the start of actual physical work on the project site and continue through the period the work is being done. Costs must be incurred within the project period (project agreement award date through expiration date) to be eligible for reimbursement. Initial master plan costs are not eligible, but applicable construction drawings may be eligible.

C. **Acquisition**

Acquisition costs eligible for reimbursement include appraisal costs approved by the IDNR; survey fees, title insurance and closing costs. All eligible acquisitions should be done under an approved grant contract and during the grant period. The acquisition must be completed using state guidelines. Costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account/agent for the property. No purchase agreement, option, etc., or price negotiations shall be entered into without IDNR approval. Title to any property for which grant reimbursement is sought cannot be taken by the grantee before IDNR approval of Certified Market Value (CMV) for the property is received.

For acquisition of less than fee simple title, such as a lease agreement, the agreement must cover a minimum time period of 25 years. The IDNR will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a **local government** from entering into such a long-term agreement, or other circumstances beyond their control prohibit such arrangements.

Reimbursement is based upon the approved (CMV) of the land and associated costs.

E. Planning

The maximum allowable claim for "contracted" Architectural/Engineering (A/E) services used for proper project design and construction supervision/administration of an approved OHV development project shall be based upon the following percentages of actual OHV-assisted construction costs:

10.25% Initial analysis, design & bid work

5.0% On-site construction supervision and final project close-out work

Planning work is not eligible as a stand-alone project.

NOTE: For governmental agencies, project A/E services may be accomplished "in-house" (force account) IF qualified staff exists and approved by the Illinois DNR. (See Force Account guidelines for funding limits).

V. ADMINISTRATION

A. General Responsibility

The Office of Grant Management and Assistance will administer the Off-Highway Recreational Trails Program and insure both the successful performance of the project and the continued operation and maintenance of aided facilities for public recreational trail use. The IDNR Office of Grant Management and Assistance will also inspect projects to insure compliance with the intent of the program.

B. Eligible Applicants

Units of local government, private OHV clubs or organizations in Illinois having not-for-profit incorporation status, business entities and private individuals are all eligible applicants to the OHV program (*see Note below*).

Entities other than governmental bodies seeking financial assistance through the grant program must also possess minimum liability insurance coverage of \$1,000,000 per occurrence on the facilities to be operated under the scope of the proposed project application.

NOTE: Private individuals receiving OHV grant assistance may incur additional tax responsibilities. Therefore, prior to submitting an application as an individual, it is recommended that applicants confer with a tax advisor/attorney to determine if it would be preferable to have the grant application submitted by a legal entity such as a Limited Liability Company or a Corporation.

C. Applicant Procedures

Grant applications for funding assistance under the OHV grant program must be submitted to and received by the IDNR **NO LATER THAN 5:00 PM ON MARCH 1** of each year. *If the application deadline date is on a weekend, applications will be accepted until 5:00 PM on the first business day of the month.*

Application forms and instructions are located at <http://dnr.state.il.us/ocd/newohv2.htm>.

Applications **must** be submitted on-line with attachments and original signature pages submitted by regular mail to the IDNR.

Grants are awarded on a competitive basis and made under the sole authority and directive of the Director of the Illinois Department of Natural Resources after consultation with IDNR staff and the Off-Highway Vehicle Trails Advisory Board. The amount of grant funds awarded shall be determined by the IDNR based upon the appropriation level for the program in a given fiscal year and demonstrated need.

1. Application

The following must be included with any application submitted:

- a. Completed application forms including the DOC-5;
- b. A copy of the incorporation papers for private OHV club/organization applicants;
- c. Itemized project cost estimate;
- d. Project narrative statement describing the project concept, location, need for and objectives of project, type of OHV's authorized to use project site, anticipated benefits and method of financing or accomplishing the project;
- e. Project maps including: 1) Location map, 2) Premise Plat map, 3) Development Plan, 4) Wetlands inventory map, 5) topographical map (all must be labeled correctly);
- f. Completed project Environmental Assessment Statement and CERP form;
- g. Application fee.

2. Ownership

A project sponsor must either own or have a sufficient long term non-revocable lease or easement for an OHV project area. A long term lease or easement must be for a minimum of 25 years. A copy of the following must be provided with the application:

- a. Property deed and/or lease showing adequate control and tenure of the project site (development projects)
- b. Commitment for title insurance and appraiser qualifications (acquisition projects)

3. Public Hearings

Applicants proposing *initial* acquisition or development of an undeveloped area for the creation of a new OHV site must do the following:

- a. Local government: a **public hearing** MUST be conducted to discuss the project and solicit public comments. Minutes of the hearing, along with any written comments received and a copy of the public notice must be submitted to the IDNR as part of the grant application. Notice of the public hearing must appear, at a minimum, in one local newspaper of general circulation at least seven (7) days prior to the hearing.
- b. Non-government entity: **approval (or documentation that the approval process has been initiated) from the local zoning board(s)** having jurisdiction over the property must be documented in the application. Final action by the local zoning board(s) must be completed within 60 days of the grant submittal deadline. If the project is located in an area with *no zoning requirements*, notice of project intent must be 1) published / advertised in the local newspaper AND

2) publicly posted for 30 days at the county courthouse and at two (2) other prominent public locations (municipal building of nearby community(ies), post office, etc.) within the county near the project site. See the example **Public Notice Form**.

5. Financial Certification

The applicant must certify in a written affidavit that it possesses the funding capability to initially finance the total amount of project costs, if approved, and the ability to comply with program regulations. See **Common Application Form DOC-5**.

6. Application Fee

The OHV program requires a non-refundable application fee. This fee is calculated as ¼ of 1% (0.0025%) of the grant request. There is a minimum fee of \$100 and a maximum fee of \$300. See **Common Application Attachment 3**.

6. Conflict of Interest

No official or employee of the local political subdivision who is authorized in his/her official capacity to negotiate, make, accept, approve or take part in decisions regarding a contract or subcontract in connection with an approved OHV grant project shall have any financial or other personal interest in that contract or subcontract.

No person performing services for a local government in connection with an approved OHV grant projects shall have a financial or other personal interest other than his/her employment or retention by the local government in any contract or subcontract in connection with said OHV grant project. No officer or employee of a person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved OHV grant project unless that interest is openly disclosed on the public records of the local government and that officer, employee or person has not participated in the acquisition for, or on behalf of, the local political subdivision.

D. Project Evaluation

The following factors are used by the IDNR in evaluating and recommending project applications for funding assistance consideration:

- a) Projects proposing long distance, integrated, intra-county and inter-county trails or large scramble areas rather than short, isolated trails or small scramble areas;
- b) Projects proposing initial development of OHV facilities, special consideration will also be given to those projects representing initial requests for funding assistance in a county;
- c) Projects promoting multiple recreation use of the project site;
- d) Projects located in areas (counties) of high demand as determined by population and the number of registered OHVs in the area;
- e) Projects where long-term operations and maintenance capability is clearly demonstrated by the project sponsor;
- f) Projects having minimal adverse environmental impact; and
- g) Projects providing the most long term, stable management potential.

E. User Fees

User fees are permitted at areas and facilities assisted with program funds, however approval from the IDNR must be received for the proposed fee schedule.

F. Matching Requirements

Project sponsors will be reimbursed up to 100 percent of the total cost of acquisition, development or renovation undertaken. The remaining share of the project costs will be borne by the project sponsor.

VI. RESPONSIBILITY OF OHV PARK OWNERS AND OPERATORS

- A. With the exception of designated OHV routes on or along local roads and streets, all OHV facilities developed with assistance from the OHV grant program shall be posted with a liability disclaimer sign at ingress/egress points to the facility warning users that they use the facility at their own risk.
- B. With the exception of designated OHV routes on or along local roads and streets, it shall be the sole responsibility of the project sponsor to adequately patrol the OHV-assisted facility to ensure proper usage of the facility and user compliance with all State and local OHV regulations. Failure of the project sponsor to take corrective measures that bring the facility into compliance with this Part or to help remedy complaints lodged by local citizens concerning misuse of OHV-assisted facilities shall be grounds for a finding of program non-compliance as specified in this Section and be subject to corrective measures by the Department as deemed appropriate.
- C. During all times of operation of an OHV grant assisted facility, the project sponsor (excluding government entities) must possess insurance protection providing a minimum of \$1,000,000 per occurrence liability coverage.

VII. AVAILABILITY TO USERS

Projects acquired or developed through assistance from the Off-Highway Vehicle Recreational Trails Program must be open to the general public for OHV use including all persons regardless of race, color, religion, creed, gender, national origin, age, or disability. This also applies to any lessee or licensee operating within the project area or providing a service to the public including concessions and accommodations.

A. Use Limitations

- i. All off-highway vehicles operated on sites or trails that have received OHV grant assistance must display an Illinois OHV public use sticker on the front center of the OHV or have a receipt for a one-day competitive event for that day on that site. The sticker is available from the Department and approved vendors. Off-highway vehicles that display a similar decal from states that have reciprocity agreements with Illinois do not need the Illinois sticker. Government-owned or -leased OHVs are exempt from this requirement.
- ii. The charging of user fees for general public use must be approved by the Department.
- iii. Except as noted below, all OHV grant-assisted facilities must be open and available for general public use and enjoyment without regard to sex, race, color, creed, national origin or residence.

- a. Use of the project facility can be restricted to only those users that can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.
 - b. Use of the project facility may be restricted by type of OHV use if specified in the approved project agreement or if justified and approved by the Department.
- iv. All OHV grant assisted facilities shall be operated, maintained and utilized for general public use in a safe and attractive manner so as to maximize the facility's intended public benefit.
 - v. Department personnel shall have access to OHV grant assisted facilities at all times during hours of normal operation for inspection purposes to ensure continued compliance with program regulations.
 - vi. The possession, sale or consumption of alcoholic beverages on OHV grant assisted sites is expressly prohibited.
 - vii. Project sponsors may impose reasonable limits, with prior IDNR approval, on the type and extent of use of areas and facilities acquired, developed, maintained, or rehabilitated with OHV assistance when such a limitation is necessary for maintenance or preservation. It is highly encouraged that trails be operated and maintained to promote use on a year round basis.

B. Access

The IDNR shall have access to OHV grant assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with the OHV guidelines.

All facilities constructed with OHV assistance must be developed and designed to accommodate full accessibility standards as per the most current "Americans with Disabilities Act" (ADA) guidelines and "Illinois Accessibility Code". If you have any questions or doubts regarding the design standards being proposed for your project, it is strongly encouraged that "working drawings" be submitted to the IDNR for review and approval prior to construction and/or bid solicitations.

C. Concessionaires

Project sponsors may enter into a contract or agreement with responsible concessionaires to operate and/or construct OHV rental facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring entity. Any and all concession revenue in excess of the costs of operation and maintenance of Program-assisted OHV facilities shall be used for the improvement of said facilities.

All sub-leases or licenses entered into by the sponsoring entity with third persons relating to accommodations or concessions to be provided for or at the OHV facility for the benefit of the general public shall be submitted to the IDNR, upon request, for its approval prior to said sub-lease or license being entered into or granted by the sponsoring agency.

D. Non Residents

Discrimination on the basis of residence is prohibited.

VIII. RESPONSIBILITIES AFTER PROJECT COMPLETION

A. Operation and Maintenance

All areas and facilities acquired, developed or renovated with OHV assistance must be adequately operated and maintained by the project sponsor at no cost to the IDNR to insure continuing public use in a safe and sanitary manner and must be open to the general public during reasonable hours of operation to maximize its intended public benefit.

B. Retention

The project sponsor is obligated to maintenance and use of the project as follows:

All land and equipment/materials purchased through the OHV grant program, except those purchased by government agencies, shall be subject to repossession and disposition by the IDNR as deemed appropriate upon the dissolution of the project sponsor or as a result of unresolved project sponsor non-compliance with program regulations as stated in 17 IL Adm Code 3045. Land and equipment/materials purchased by government agencies where the project sponsor fails to comply with the program regulations shall be responsible for repayment of funds to the IDNR equal to the original grant amount disbursed to the sponsor or the property's certified market value at the time of non-compliance, whichever is deemed more appropriate by the IDNR.

1. Acquisition

Land acquired with funding from the Off-Highway Vehicle Recreational Trails Program shall be operated and maintained in perpetuity for public OHV recreation use, as so stated in the approved grant project agreement. Development and use of the project site for trail purposes, as specified in the approved grant agreement, must commence within three (3) years following the property's acquisition.

2. Development

For projects receiving development grant assistance only, terms of the contractual agreement between the project sponsor and IDNR shall no longer apply after the time period specified below relating to the total amount of grant funds expended on the project:

<u>Total Grant Award</u>	<u>Time Period After Final Project Billing Requiring Program Compliance</u>
<u>0 - \$50,000</u>	<u>5 Years</u>
<i>for every \$10,000 increment over \$50,000</i>	<i>add 1 year</i>

3. Conversion of Property

Conversion of property acquired or developed through assistance from the Off-Highway Vehicle Recreational Trails Program may not be converted to a use which would deny OHV use as provided by terms of the Project Agreement without prior IDNR approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property equal in market value and comparable in outdoor recreation usefulness, quality and location.

C. Penalties

Failure of the project sponsor to comply with any of the provisions of this program shall be considered just cause for the IDNR, at his/her election, to debar the project sponsor from all IDNR grant program eligibility for a period of two (2) grant cycles.

D. Termination

The IDNR will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the project sponsor.

1. **March 1st – SUBMISSION** – The project applicant submits the application to the Illinois Department of Natural Resources (IDNR). Receipt of the application is acknowledged. IDNR staff reviews the proposal to determine the applicant's and the project's eligibility. The application is also checked for completeness. If it is found to be incomplete or unacceptable, the applicant will be notified.
2. **SITE VISITS AND REVIEW – April 1st through July 1st (approximately)** –All eligible proposals are reviewed by IDNR staff. Site visits will be conducted for all proposed projects. Projects are then scored by the review team.
3. **RECOMMENDATIONS, APPROVAL AND NOTIFICATION** – When the review process is complete, the Off-Highway Vehicle Trails Advisory Board along with IDNR staff will provide their recommendations to the Director of IDNR who then reviews these recommendations for final approval. Project sponsors are notified in writing of the status of the application(s). ***Project sponsor may not begin the project until a project agreement is executed between IDNR and the project sponsor.*** If the proposal(s) is not selected, the applicant will be notified. Applications are not returned.
4. **AGREEMENT** – A contract is signed to assure that the applicant will complete the project within 24 months and be eligible to receive up to 100 percent reimbursement. The contract is between the State (IDNR) and the project sponsor. After the signing of the agreement, a copy will be sent to the project sponsor.
5. **PROJECT IMPLEMENTATION** – The project sponsor may proceed with project acquisition or development after completing any additional steps required to attain a fully executed agreement. Any change orders +/- \$10,000 that may occur within a contract bid under this OHV grant must be approved by IDNR prior to executing the change. Reimbursement requests may be made after funds have been expended unless otherwise approved by the IDNR.
6. **PROJECT COMPLETION** – The project should be completed within 24 months. A site inspection will be made after the project is complete; IDNR staff may also visit the project at any time during construction. An OHV acknowledgement sign must be posted in a conspicuous location when the project is complete. The required sign language will be furnished by the IDNR.

Changes in Project Scope

The IDNR has established a policy that generally prohibits major project scope changes in their grant programs. Occasionally circumstances arise whereby the project sponsor may request authorization to revise the scope of an approved project. Such changes are made at the sole discretion of the IDNR. All requests for project scope changes must be made in writing to the IDNR Division of Grants.

All proposed grant projects are competitively scored and selected on the basis of merit. Under most circumstances grantees may not deviate from the scope of an approved project. The scope of an approved project is described in the Project Agreement and is based upon the original grant application. For these reasons, IDNR will avoid the approval of significant changes to approved projects in order to maintain the integrity of the selection process that is centered on the merit of the original proposal.

If a grantee finds it necessary to seek a change in project scope the following will be considered:

- What factors create a valid need for the proposed project change?
- Will the proposed project change solve the problem identified in the purpose and need section of the original project application to the same (or greater) extent as the original proposal?
- Is the proposed project change eligible for grant assistance under grant program guidelines/rules?
- Does the change involve a different location/site?
- Does the proposed change constitute a major or minor revision to the project as originally defined?
- Will additional environmental and State Historic Preservation Office review be required? (Additional review will usually be required when considering a new site or different type of development that was not a part of the project's original definition.)
- Does the change require an official Change Order to an existing contract for work currently being done on the project? Will the change be +/- \$10,000? If so IDNR approval must be obtained prior to initiation of this change order.

IDNR policy also prohibits project sponsors from using unspent funds from an approved grant for another unrelated project. Unspent funds will be reallocated into future funding cycles for the respective programs so all potential applicants can compete for these funds.

Note: Grantees are strongly encouraged to discuss possible changes in project scope with the IDNR Division of Grants staff prior to submitting a formal request.

SIGN REQUIREMENTS

Off-Highway Vehicle Recreational Trails Program

An Off-Highway Vehicle Recreational Trails Program acknowledgement sign must be permanently placed within the project site, and should be located at a highly visible spot. If grant monies are used to fund the development of a single trail structure (for example a trail head or restroom) the sign should be placed adjacent to, or on, the structure. An acknowledgement sign is also required for acquisition, equipment (decal required), and maintenance projects. The sign may be posted at an acquisition project after the acquisition process is complete.

This sign, at a minimum, must include the following wording:

**“THIS SITE RECEIVED FUNDING ASSISTANCE THROUGH
THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES’
OFF-HIGHWAY VEHICLE GRANT PROGRAM”**

With the exception of designated OHV routes on or along local roads and streets, the Grantee must also post a liability disclaimer sign at all ingress/egress points to the OHV grant program site warning users that they use the facility at their own risk.

IDNR Trails Grant Program

LAND ACQUISITION CRITERIA AND PROCEDURES

ELIGIBLE ACQUISITIONS

Land may be purchased from either private landowners or a public agency if the land has not been owned by the public agency in the past 5 years.

Sites already owned by the town, city, township or county which the grant recipient represents, but which have been under the control of another department of the same local unit, may not be purchased with grant funds.

Property which the current owner (not the grant applicant) acquired with federal funds may not be purchased with Off-Highway Vehicle Recreational Trails Program funds nor could it be used as an in-kind land contribution match for a grant. However, a grant could be made to develop facilities on it if the source of local match were other than the land value.

STATE AND FEDERAL ACQUISITION POLICIES

Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970

All acquisitions must conform to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Federal Uniform Act) P.L. 91-646. This law prescribes policies and procedures to ensure fair, equitable, and uniform treatment of persons whose land is acquired through federal/state assisted programs.

The provisions of the Federal Uniform Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects which receive federal/state assistance. The Act applies regardless of whether federal/state assistance is used for acquisition or development. For example, an organization cannot knowingly circumvent the federal law by acquiring the land with local funds and not follow the regulations of the Act and then apply for development funds in a later project. For all development projects, proof must be supplied that the project site was acquired in accord with P.L. 91-646 if the land was acquired after January 2, 1971.

There are two major sections to the law: policies regarding the acquisition of land and relocation benefits to landowners. Each section will be discussed separately in this chapter. The acquisition procedures explained in Attachment V, should be read with extreme care. If the procedures are not followed, the sponsor could encounter severe problems in being reimbursed regardless of the method of acquisition.

LAND ACQUISITION COSTS

Eligible Costs

The following land acquisition costs are allowable and eligible for reimbursement under the IDNR OHV Grant Program:

- 1. The appraised fair market value of fee simple title or an easement for the use of real property acquired by negotiated purchase.**
- 2. Incidental acquisition and relocation costs only as described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act.**
- 3. Appraisal Fees.**
- 4. Architectural and Engineering fees (limited to 15.25% of project construction costs) and Archeological Survey fees.**

Ineligible Costs

Costs ineligible for reimbursement in an acquisition project include:

- 1. The purchase of real property to which the project sponsor became committed prior to approval of the grant.**
- 2. Title search, legal fees, fines and penalties paid by the project sponsor.**
- 3. Incidental costs relating to real property acquisition and interests in real property unless allowable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.**
- 4. Taxes for which the local sponsor would not have been liable to pay.**
- 5. Damage judgments arising out of acquisition whether determined by judicial decision, arbitration or otherwise.**

Transfer of Title

Land is transferred on the date the warranty deed is signed by the previous landowner and the buyer. The property may be reserved for the applicant by having a private third party acquire and hold title to the land or until grantee receives approval to purchase the property through the grant from IDNR.

Options

The applicant may wish to take an option on the property to prevent the land being sold prior to the approval of a project. The option may include special conditions or terms which govern whether or not the buyer will purchase. For example, one condition could be the availability of funds or financing. An option is unacceptable if it is exercised longer than 6 months prior to project application.

PROPERTY RIGHTS FOR CONTROL AND TENURE

Adequacy of Title

For lands included in a project, the sponsor must have title or adequate control and tenure of the project area in order to provide reasonable assurances that a conversion to a use other than public trail use will not occur without IDNR approval. Copies of the property titles, leases, easements, or appropriate documents must be submitted as part of a project's application.

The most common method of acquiring property is by fee simple title. This is the preferred method of acquisition since it gives the holder an absolute right to the property within limitations imposed by state or federal law.

In some instances the agency may wish to purchase less than fee simple title, such as easements, rights-of-way and title subject to deed restrictions. This would be permissible when fee simple is excessively expensive and a lesser control of the area will not detract from the recreational use of the land. Title to land may be conveyed by warranty or trustee deed to the applicant.

Reservations, Adverse Rights, and Deed Restrictions

Oil, gas, mineral, or other reservations and rights held by others are permissible only if it is determined the project purposes and the environment would not be adversely affected. Such reservations must be described in the narrative of the project proposal, and how they will be dealt with to avoid impacting recreation and the environment. The acquisition of land which is subject to the reservation of surface rights extending more than 5 years must be justified. Reservations that are incompatible with project purposes will not be accepted.

Often landowners desire to specify restrictions in the property deed. The most frequent example would be that the land can only be used for park purposes. If a deed restriction for park purposes indicates the grantor's intent and does not provide for reversion of title upon failure to comply with the grantor's wishes, the condition may be acceptable. In certain situations a landowner may retain a life estate, under which he or she retains use of the property while living.

Outstanding property rights may affect the value of the land. Examples include mineral rights, road rights-of-way, utility easements, and other deed restrictions. An appraiser should be fully aware of, and take into consideration the legal description of the property and any restrictions to be placed on the rights transferred. An appraisal of a property's value involves full consideration of the rights remaining with the property and, where appropriate, the effect the loss of these rights has on its value.

Easements

In some instances, the applicant will not be able to purchase the property but can acquire an easement. An easement must be held in perpetuity. The easement cannot be revoked at will by the landowner. The land must be retained in public trail use. Provisions stated in the easement cannot be detrimental to the proposed recreational development.

Negotiations for easements must follow general negotiated land purchase regulations including the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

METHODS OF ACQUIRING LAND

Negotiated Purchases

This section outlines specific procedures under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (49 CFR 24) to follow in acquiring land through negotiated purchases involving federal or state assistance. The following steps must be taken by the applicant in negotiating with the landowner.

1. Make initial informal contact with the seller to see if the land might be available for sale. At this point, the price should not be negotiated since the purchase amount must be based on an appraisal.
2. Obtain information as to whether or not the owners, business (es), or tenants will be eligible for relocation assistance. The property residents must be advised of their right to relocation assistance.
3. If an acquisition OHV project is funded, an appraisal is necessary to determine market value. An appraisal is not necessary until the project is awarded however an estimate purchase price must be justified in the application. The appraisal must also be completed in accordance to the IDNR Trails Grant Program Appraisal Specifications which will be given to the grant applicant to forward to their selected appraiser.
4. Submit the appraisal to the Division of Grants for review by a review appraiser in the IDNR's Division of Realty. Upon receiving approval of the appraisal, the applicant then knows the acceptable fair market value of the property to be acquired.
5. Inform the owner in writing of the value of the property based on the results of the appraisal and offer to purchase the property for this price. Also, inform the landowner of his or her eligibility for relocation benefits. It is not necessary to show the appraisal itself to the landowner. The authorized agent of the applicant and the property owner must sign the *Statement of Just Compensation* and *Written Offer to Purchase* form, which should indicate the appraised value of the property. A copy of this form is included in the Implementation and Billing Packet that will be provided upon grant award.
6. Based on the written offer at the appraised value, the final selling price is negotiated. If the price is less than the appraised value, the acquisition is called a "bargain sale", and a *Waiver of Just Compensation* must be signed by the landowner as explained in the section on bargain

sales.

Applicants should be aware that state regulations, which apply to acquisitions by public agencies for which federal funds are not provided, follow the same sequences of steps, except the IDNR does not review local documentation. The state also specifies relocation benefits for landowners and tenants.

Land purchased by negotiated purchase is based on a fair market value for the property as established in an independent appraisal prepared by a real estate appraiser hired by the applicant. An appraisal, if competently compiled by a qualified person, should be an acceptable estimate of property value. It cannot be assumed, however, to be a final determination of value. The approved appraisal value is the minimum floor value for establishing the amount of just compensation offered to the owner at the initiation of negotiations. The negotiations between a willing seller and a willing buyer will sometimes set a price that is higher than the appraisal, and this marketplace value must be considered with the appraised value in establishing the purchase price of the property. The Illinois Department of Natural Resources will only reimburse the applicant for the approved appraised value of the property and not for any costs over and above this value. Additional consideration given to the property owner will be at the purchasers expense and not eligible for reimbursement under the OHV program.

Condemnation

Condemnation is allowed in the OHV program as a last resort and only if no other option exists to purchase the land.

Bargain Sale

In some cases, a landowner may be willing to sell real property for less than the full market value; this is called a Bargain Sale. The appraised value is used for determining reimbursement, not the lower sale price.

Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the applicant is required to offer the landowner the full appraised value of the land. When the lesser sale price is negotiated the owner must sign a *Waiver of Right to Just Compensation*. A waiver of entitlements under the Act by property owners or displaced person will be approved only in fully documented cases where the reasons for the waiver are explained. The purpose of the Act is to ensure each displaced person and property owner receives a just and equitable settlement through the purchase price and payment of relocation expenses. Few landowners would involuntarily accept an amount less than their entitlement, although in some instances landowners may be willing to accept less than the appraised value for their property. In such cases, the landowner must sign a waiver which includes the following information:

1. That the owner has been fully informed of his or her rights and benefits under Uniform Relocation Assistance and Real Property Acquisition Policies Act.
2. That the acquiring agency has provided a written *Statement of Just Compensation and Offer to Purchase* for the appraised property value (state the amount).
3. That the owner is satisfied with the negotiated price, even though it is less than the appraised

fair market value, and/or

4. That he or she elected to waive entitlement to the relocation benefits (this would include the dollar amount by category of moving expenses, payments for replacement housing, incidental expenses, etc.).
5. A statement setting forth the reasons for accepting a lesser amount than the appraised value offered by the local agency or for waiving relocation benefits.

SUMMARY OF STEPS TO TAKE IN NEGOTIATING WITH LANDOWNERS

Purchases and Bargain Sales:

1. Make contact with the landowner regarding availability of the property and permission to appraise. Obtain information on the owner's and any tenant's eligibility for relocation benefits.
2. Have the land appraised (only after a grant has been awarded) according to the Uniform Standards for Professional Appraisal Practice by a state certified general appraiser. The landowner must be given the opportunity to accompany the appraiser.
3. Submit the appraisal for approval by the Illinois Department of Natural Resources.
4. Offer to purchase the property for the approved appraised value using the *Statement of Just Compensation* and *Offer to Purchase*. Also inform the landowner and any tenants of their eligibility for relocation benefits.
5. Negotiate the selling price.
 - a. If the owner wishes to donate part of the land's value, the acquisition will be a bargain sale and the owner needs to complete the *Waiver of Right to Just Compensation*. Similarly, if a person to be relocated does not want reimbursement for relocation expenses, that person needs to sign a similar waiver for these benefits.
 - b. In cases where the sale price is negotiated higher than the appraised value IDNR will only reimburse for the approved appraised value of the property.
6. Obtain title insurance and correct deed to the land. The project sponsor pays for the land, closing and incidental acquisition costs and relocation benefits.
7. A reimbursement request for the state share of the acquisition costs may then be submitted to the Illinois Department of Natural Resources along with all other documents as required in the *Implementation & Billing Packet*.

Illinois Vehicle Code Definitions

Projects allowing the use of any type of trucks or vehicles outside of the definitions of recreational vehicles according to the Illinois vehicle code on the premises continue to be excluded from eligibility for project consideration and grant funding (OHV and RTP). The use of trucks and vehicles not classified by the code often impedes OHV riding, in direct conflict with the purposes and intent of statutes and policies pertaining to OHV. This is also consistent with the statutory definition of OHV.

The IL Vehicle Code defines an **all-terrain vehicle** as any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

The IL Vehicle Code defines a **recreational off-highway vehicle** as any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers. (Source: P.A. 96-428, eff. 8-13-09.) Illinois 625ILCS 5/1-101.8, 625 ILCS 5/1-168.8

The Illinois Greenways & Trails Council approves and adopts this language, and further supports the Illinois Department of Natural Resources in all regulatory actions pertaining to all state laws and IDNR policies as they relate to the administration of the Recreational Trails Program.

PUBLIC NOTICE

of intent to develop a Off-Highway Vehicle Recreational Area

COUNTY LOCATION: _____

Site Location Legal Description (see attached map also): _____

Proposed Project Description:

EXAMPLE

Name & Address of Project Sponsor:

_____, IL
(City) (State) (Zip Code)

Notice is hereby given that the above indicated individual / business / partnership / club or organization is seeking state grant funding from the agency listed below to develop a public, off-highway motorized vehicle recreation area/trail at the above indicated location. Anyone having comments on this proposal may contact either the Project Sponsor or government agency listed below which will be considering the proposal for possible financial grant assistance.

ILLINOIS DEPT. OF NATURAL RESOURCES
Office of Grant Management and Assistance
One Natural Resources Way
Springfield, IL 62702-1271

tele: 217/782-7481
FAX: 217/782-9599
email: dnr.grants@illinois.gov

