



**Illinois Department of
Natural Resources**

Illinois Snowmobile Grant Program

2024

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.

FY 2024 SNOW PROGRAM CHANGES

- **The Snowmobile Local Government (SNOW) Program will only accept applications electronically through the AmpliFund Grant Management System.**
- **No other form of submission will be allowed or eligible.**
- **Any submission that does not include all required documents and/or completed responses in the SNOW Application will be considered ineligible and will not be reviewed.**
- **Applications must be submitted on the applicant organization's AmpliFund account. Applications that have been submitted on an incorrect account will not be considered for funding.**

- **All applications must be submitted to:**
 - <https://il.amplifund.com/Public/Opportunities/Details/d6c15a3d-4cac-4c05-8cec-2ebc97e0b922>

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Grant Basics

The Illinois Snowmobile Grant 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.

Illinois Snowmobile Grant Program (SNOW): This is a **reimbursement** grant program that provides up-to:

- 100% of eligible development/rehabilitation and equipment costs incurred by a local agency that benefit public snowmobiling opportunities.
- 90% of eligible acquisition costs to purchase "linear rights-of-way" (ROW) for public snowmobile trail purposes.
- 50% for development and/or rehabilitation and equipment costs that will seasonally benefit public snowmobiling opportunities but also benefit general recreation use of a site OR acquisition of land (other than linear ROWs) for snowmobiling and general outdoor recreation benefit.

The following types of projects are eligible for SNOW funding:

- Acquisition of land for snowmobile trails and areas. May be funded up to 90% for corridor/rights-of-way acquisition generally not exceeding 100' width OR up to 50% funding for non-linear acquisitions such as open field scramble areas, etc.
- Snowmobile trail development, including the signing of snowmobile routes along public roadways as designated by the local government agency having jurisdiction and authority as granted under 625 ILCS 40/5-2. May be funded up to 100%.
- Construction of parking areas, access roads, warming shelters, security lighting and other snowmobiling support facilities. This is generally limited to 50% funding.
- Purchase of communication and first aid equipment for local agency patrol use. Limited to 50% funding.
- Purchase of trail grooming equipment; signs; snowmobiles; associated protective gear; and trailers. May be funded up to 100%.
- Lease of tractors used to pull snowmobile groomer drags for maintenance of public snowmobile trails. May be funded up to 100%.
- Annual trail maintenance costs and minor equipment repairs to cover the cost of necessary fuel, oils/fluids, vehicle insurance and routine maintenance parts directly associated with the operation and transport of snowmobile trail grooming equipment while maintaining snowmobile trails open for general, public use. May be funded up to 100%.

SNOW funding is available to: Units of local government.

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

- Land acquisition through eminent domain.
- Any project which, either in whole or in part, will not be open to the general public for public snowmobile use.

Frequently Asked Questions

Please see grant guidelines for additional details

How much money is available through the program?

The funds available for the SNOW grant program varies on an annual basis based on the revenues received the previous fiscal year. For FY24 that amount is approximately \$350,000.

Do I have to be registered in the Grants Accountability and Transparency Act (GATA) system prior to applying for funding?

Yes, all applicants to this program must be fully registered by the closed of the application period in the GATA system or their application will not be accepted.

Is there an application fee?

Yes, the SNOW program requires a non-refundable application fee. This fee is calculated as $\frac{1}{4}$ of 1% (0.25%) of the grant request. There is a minimum fee of \$100 and a maximum fee of \$300.

Can I apply for multiple grants through SNOW?

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

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

There is no maximum amount funding threshold in the SNOW program. However, awards are limited to the amount of funding available for that round.

When is the grant deadline?

Applications must be submitted through AmpliFund by 5:00 pm on **March 22, 2024**.

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 based on **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 mail, fax, or hand-deliver my application?

No, all applications must be submitted through AmpliFund:

- <https://il.amplifund.com/Public/Opportunities/Details/d6c15a3d-4cac-4c05-8cec-2ebc97e0b922>

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 for the SNOW program. Recommendations are then 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 8-10 weeks.

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

For projects requesting development assistance, the local project sponsor must have either fee simple title to the land being developed or a lease or easement arrangement commensurate with the conversion amortization schedule established for development grant projects.

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

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

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

Who can I contact if I have questions?

Illinois Department of Natural Resources
Office of Grant Management and Assistance
Attn: SNOW Grants
One Natural Resources Way
Springfield, IL 62702-1271
Email: dnr.grants@illinois.gov
Telephone: (217) 782-7481

Guidelines for the Illinois Snowmobile Grant Program

Introduction and Purpose

Introduction and Purpose

The primary purpose of the Illinois Snowmobile Grant Program is to provide financial aid to government agencies to develop, operate, maintain, and acquire land and/or equipment for snowmobile trails, trail maintenance, and trail side facilities that are open and accessible to the public in Illinois for snowmobile use.

I. Revenue

A. Source and Amount

Funding for the grant program is derived from revenue generated by snowmobile registration fees, fines, and bond forfeitures pursuant to the Illinois Vehicle Code ([625 ILCS 40/9.1](#)).

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

SNOW will reimburse up to 50%, 90% or 100% of total approved project costs up to the maximum (see page 3 for breakdown). If necessary, the remainder of the costs will be borne by the project sponsor. SNOW 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 SNOW Projects

- A. Acquisition of land for snowmobile trails and areas from *willing sellers* in fee simple title, permanent easements, or long-term leases, for SNOW trails and support facilities, including approved appraisal costs, title insurance, acquisition costs and archeological survey costs (if necessary).
- B. Snowmobile trail development, including the signing of snowmobile routes along public roadways as designated by the local government agency having jurisdiction and authority as granted under [625 ILCS 40/5-2](#). Construction of parking areas, access roads, warming shelters, security lighting and other snowmobiling support facilities.
- C. Purchase of communication and first aid equipment for local agency patrol use.
- D. Purchase of trail grooming equipment; signs; snowmobiles; associated protective gear; and trailers.

- E. Lease of tractors used to pull snowmobile groomer drags for maintenance of public snowmobile trails.
- F. Annual trail maintenance costs and minor equipment repairs to cover the cost of necessary fuel, oils/fluids, vehicle insurance and routine maintenance parts directly associated with the operation and transport of snowmobile trail-grooming equipment while maintaining snowmobile trails open for general public use.

III. Ineligible SNOW Projects

Illinois Snowmobile Grant Program funds may **NOT** be used for any of the following:

- A. Land acquisition through eminent domain.
- B. Any project which, either in whole or in part, will not be open to the general public for public snowmobile use.

IV. Allowable Costs

A. **Basic Concept**

The SNOW 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 grant agreement. All projects must allow public snowmobile 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 execution 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 SNOW development project shall be based upon the following percentages of actual SNOW-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 Grant Management and Assistance will administer the Illinois Snowmobile Grant 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 Division of Grants will also inspect projects to ensure compliance with the intent of the program.

B. Eligible Applicants

Units of local government with statutory authority to acquire and develop lands for public parks and recreational purposes are considered eligible to apply to this program.

C. Applicant Procedures

Grant applications for funding assistance under the SNOW grant program must be submitted **NO LATER THAN 5:00 PM ON March 22, 2024.**

Applications can be completed and submitted through AmpliFund:

<https://il.amplifund.com/Public/Opportunities/Details/d6c15a3d-4cac-4c05-8cec-2ebc97e0b922>

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. 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 will be completed in the application process:

- a. GATA Application and Budget Template
- b. Completed application forms
- c. Itemized project cost estimate
- d. Project narrative statement describing the project concept, location, need for and objectives of project, anticipated benefits and method of financing or accomplishing the project
- e. Copy of the deed, lease or easement for property to be developed

- f. Project maps including: 1) location map, 2) premise plat map(s), 3) development plan, 4) wetlands inventory map, 5) topographical map (all must be labeled correctly)
- g. Completed project Environmental Assessment Statement and CERP form
- h. Minutes and written comments received from required Public Hearing
- i. A written affidavit certifying that adequate snow cover (a minimum of 4 inches) is, in fact, a normal climatic condition for the project area for a minimum of 14 days from November 1 through March 31 with supporting documentation
- j. Necessary state/local construction permits, if applicable
- k. Letters of project support from local snowmobile clubs
- l. Application fee

2. **Ownership**

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

- 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**

For all projects, except those projects which involve only equipment purchase, a **public hearing** MUST be conducted by the local project sponsor 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.

4. **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.

5. **Application Fee**

The SNOW 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.

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 SNOW 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 SNOW 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 SNOW 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 SNOW 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 advocating land acquisition in perpetuity or long-term leases or easements.
- b) Projects proposing the development of a trail system, especially well-developed long-distance trails, connector trails linking several existing trails, or multiple use trails.
- c) Projects located in areas having adequate snow cover and exhibiting high demand as determined by the number of registered snowmobiles in the area where the project is located.
- d) Projects proposing high quality snowmobile facilities readily accessible to major population centers and highways in the State or proposing initial establishment of snowmobile facilities in a high demand area.
- e) Projects proposing initial development of snowmobile facilities at the project site.
- f) Projects having documented support from the snowmobiling public.

F. Matching Requirements

Project sponsors will be reimbursed up to the percent of the stated match in the grant agreement for the cost of acquisition, development or renovation undertaken. The remaining share of the project costs will be borne by the project sponsor.

VI. Availability to Users

Projects acquired or developed through assistance from the Illinois Snowmobile Grant Program must be open to the general public for snowmobiling 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

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 SNOW 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 always have access to SNOW grant-assisted facilities and equipment for inspection purposes to ensure the project sponsor's continued compliance with the SNOW guidelines.

All facilities constructed with SNOW 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 SNOW 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 SNOW 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 SNOW 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 based on residence is prohibited.

VII. Responsibilities After Project Completion

A. Operation and Maintenance

All areas and facilities acquired, developed, or renovated with SNOW 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:

1. Acquisition

Land acquired with funding from the Illinois Snowmobile Grant Program shall be operated and maintained in perpetuity for public SNOW 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>
<i>0 - \$10,000</i>	<i>5 Years</i>
<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 Illinois Snowmobile Grant Program may not be converted to a use which would deny SNOW 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.

Illinois Snowmobile Grant Program Application and Implementation Process

- 1. March 22nd – 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** – 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 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 awarded between IDNR and the project sponsor.*** If the proposal(s) is not selected, the applicant will be notified.
- 4. AGREEMENT** – A Notice of State Award is produced and accepted by the project sponsor. Then an agreement is written to assure that the applicant will complete the project within 24 months and be eligible to receive up to 100 percent reimbursement up to award maximum. 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. Any change orders +/- \$10,000 that may occur within a contract bid under this SNOW 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. A SNOW 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 Office of Grant Management and Assistance.

All proposed grant projects are competitively scored and selected based on 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 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

Illinois Snowmobile Grant Program

An Illinois Snowmobile Grant 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 land acquisition, purchase of 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:

**“PUBLIC SNOWMOBILE TRAIL (FACILITY) PROVIDED
THROUGH COOPERATION OF THE ILLINOIS
DEPARTMENT OF NATURAL RESOURCES AND
FINANCED IN PART BY THE ILLINOI SNOWMOBILE
GRANT PROGRAM”**

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 Illinois Snowmobile Grant 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 SNOW 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 project is funded, an appraisal is necessary to determine market value. An appraisal is not necessary until the project is awarded. 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 SNOW 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.**

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OVERVIEW

Information contained on this form is used by Illinois DNR to evaluate compliance of the proposed project with three state laws protecting cultural resources, threatened and endangered species, and wetland resources. Results of the review will be indicated either on this signed form or an accompanying letter detailing anticipated impacts and compliance with state law.

Cultural Resource Review

Pursuant to Section 106 of the "National Historic Preservation Act of 1966" for federally assisted projects and the "Illinois State Agency Historic Resources Preservation Act" for state-assisted projects, ALL local agency grant projects must be reviewed for possible historic/cultural resource impacts. The Illinois DNR is responsible for ensuring compliance with these laws and will coordinate all necessary project reviews with the State Historic Preservation Office (SHPO). The historic value of buildings is determined in part by their age, architectural style, and building materials. These elements are to be considered in association with interior and exterior modifications proposed for the building, which may affect the structure's historic significance. Please include information on all of these elements within your project description. If impacts to historic resources are anticipated, the public museum is encouraged to consult with Illinois Department of Natural Resources as early in the planning process as possible. Contact person for IDNR is Dawn Cobb – (217) 785-4992.

Threatened & Endangered Species Consultation

The Endangered Species Protection Act requires state and local units of government to consult with the DNR to determine the impacts of their actions in regards to endangered and threatened species. This process affords valuable protection to the 500 species of plants and animals listed as endangered or threatened within the state of Illinois. If a state listed species is known to occur within the vicinity of the proposed action, additional information will be required. If a determination is made that a listed species will be adversely impacted, recommendations will be made as to how those impacts may be avoided or minimized. **Threatened & Endangered Species consultation (sign-off) is valid for two (2) years. If project is not initiated within this time period, resubmittal is necessary.**

Interagency Wetlands Policy Act of 1989

A wetland is defined as land that has a predominance of hydric soils and is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation.

The Interagency Wetlands Policy Act (IWPA) of 1989 directs state agencies to preserve wetlands as a priority action. The provisions of the Act apply to all state and state supported actions including grants and other financial assistance provided by DNR to local units of government, private organizations or individuals.

The Act requires that all practicable alternatives be evaluated to *avoid* adverse wetland impacts. When avoidance is not possible then alternatives to *minimize* the adverse wetland impact are to be considered. If adverse wetland impacts are still unavoidable, then *compensation* is required.

Wetland Compensation Plan

When unavoidable impacts to wetlands are evident, a wetland compensation plan must be developed and implemented that adequately compensates for the adverse impact. This is best accomplished by hiring a qualified firm to evaluate the wetland and associated impact. The DNR will review the wetland compensation plan and determine compliance with the Act.

The Act required compensation for reductions in the size or functional capability of the wetland. Interim requirements of the Act require a compensation ratio of 1.5 units of compensation per 1.0 unit of impact. Replacement of the wetland type is required (emergent wetland for emergent wetland, etc.) in a similar location in the landscape (flood plain, pothole, etc.). The compensation site should be located as near to the impacted wetland as practicable. It is preferable that the compensation site have hydric soils. The hydrology of the compensation site should closely resemble that of the affected wetland.

The wetland compensation plan should be completed either prior to or concurrently with the project. The project sponsor is required to certify that the compensation plan was successfully completed and annually monitor the success of the compensation wetland for at least three years.

Relationship of Section 404 of the Clean Water Act

The IWPA has many provisions similar to the Section 404 program. However, there are several differences. Section 404 regulates the placement of dredged and fill material into waters of the U.S., of which wetlands are a subset. The IWPA regulates any action that would adversely impact a wetland. **Compliance with either law does not ensure compliance with the other. Separate applications need to be submitted to IDNR and Army Corps of Engineers.**

IDNR Trail Programs

PROJECT DEVELOPMENT SCHEDULE

Provide a schedule that adequately details your proposed project timeline. This schedule allows us to gain specific insight into the anticipated progression and life cycle of your project. If your project is selected for funding, the project sponsor will be asked to provide quarterly status reports updating the IDNR on the project progress.

Example of Project Development Schedule									
	01/01/16	04/01/16	07/01/16	10/01/16	01/01/17	04/01/17	07/01/17	10/17/17	01/01/18
Acquisition									
Design & Engineering	X	X							
Bid Package			X						
Construction				X	X	X	X		
Other									
Final Closeout								X	