Illinois Department of Natural Resources

Off-Highway Vehicle Recreational Trails Grant Program

Fiscal Year 2020

Program Manual
Information and Application for Applicants

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 program 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 contracts 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. The amount for this year's program will be posted in the Notice of Funding Opportunity (NOFO) on the Grants Accountability and Transparency Act (GATA) website.

Do I have to be registered in the GATA system prior to applying for funding?

Yes, all applicants to this program must be fully registered by the close of the application period in the GATA system or their application will not be accepted. To access the Grantee Portal: https://grants.illinois.gov/portal/ .

Is there an application fee?

Yes, 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 Attachment 3 in the grant program manual.

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 2, 2020. 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?

No, at this time all forms must be a hard copy received by the IDNR Office of Grants Management and Assistance (OGMA) by 5:00 on the application closing date.

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 Grant Management and Assistance
Attn: OHV 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 IDNR's Office of Grant Management and Assistance.

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.

Can I apply to OHV and RTP for the same project?
Yes, however IDNR will determine which funding source is the best fit for your application and will determine which program it will be evaluated under.

What is the purpose of the CERP form and do I have to follow these rules?
Every application that is for anything other than equipment must contain a completed CERP form. The CERP form is used by the IDNR to review possible historic and/or cultural resource impacts; threatened and endangered species impacts; and wetlands impacts. It is possible that an archaeological survey will be necessary on newly acquired land or an area that has not previously been developed. These can be expensive so an applicant may want to included funds in their budget.

Who can I contact if I have questions?

Illinois Department of Natural Resources
Office Grant Management and Assistance
Attn: OHV 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 receipt of a fully executed grant agreement with 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 as described in this manual. 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 Grant Management and Assistance will administer the Off-Highway Vehicle Recreational Trails Program for the IDNR 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 2, 2020**. *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 included in this manual

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 GATA application and budget;
   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:

   a. Property deed (no less than a warranty or trustee 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 **Application Appendix 3 Public Notice Form Funding Certification.**

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 **Form DOC-5** in the grant program manual.

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 **Attachment 3** in the grant program manual.

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 or 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. 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

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.

No projects shall allow 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. The use of trucks and vehicles not classified by the code often imped the OHV riding, in direct conflict with the purposes and intent of statutes and policies pertain to OHV. This is also consistent with the statutory definition of OHV.

The Illinois Vehicle Code defines an all-terrain vehicle and a recreational off-highway vehicle. Both definitions are included with this manual as Appendix 4.

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.

VII. 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:

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:

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

- **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.

Off-Highway Vehicle Recreational Trails Program Application and Implementation Process

1. **APPLICATION SUBMISSION** – The project applicant submits the application to the Illinois Department of Natural Resources (IDNR) by the date indicated in the posted Notice of Funding Opportunity (NOFO). 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 fully 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** – After awarded projects are selected, a Notice of State Award (NOSA) will be posted to the GATA website. If the NOSA is accepted, an agreement will be produced for signature. Once the agreement is fully executed by both party's, the applicant will complete the project within 24 months and be eligible to receive up to 100 percent reimbursement. The agreement 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 + or- $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.

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.

Application Procedures

The following application documents have been provided to assist you in preparing your application for the Illinois Department of Natural Resources (IDNR) Off-Highway Vehicle Recreational Trails Grant Program (OHV) which is offered annually:

This application packet requires you to read the grant manual for more detailed information regarding this grant program. Application forms are located in the back of this packet. Applications **cannot** be submitted on-line at this time. All applications must be submitted by mail to the IDNR.

Grant applications for funding assistance must be submitted to and received by the IDNR **NO LATER THAN 5:00 PM ON MARCH 14ST.** *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.*

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 Illinois Off-Highway Vehicle Trails Advisory Board. The amount of grant funds awarded shall be determined by the IDNR based upon the appropriation level for each particular program in a given fiscal year and demonstrated need.

PLEASE NOTE: Project costs for which reimbursement is sought cannot be incurred by the project applicant until after IDNR grant execution. Costs incurred prior to IDNR grant execution are ***INELIGIBLE*** *for grant assistance. For Acquisition projects, costs are considered incurred when 1) property deed, lease or other conveyance is accepted by the project sponsor or 2) first payment is made on the project property or to an escrow account/agent for the property. In addition, no purchase agreement, option, etc. or price negotiations shall be entered into prior to IDNR approval. Non-governmental applicants, however, may enter into an option agreement with a property owner prior to grant application submittal. If the project is approved, the cost of the option may be reimbursed through the grant program. Development project costs are considered incurred on the date construction contracts are signed or actual physical work begins on the project site or project materials are delivered.*

NOTE: Application cannot be made in the SAME grant cycle for both land acquisition and trail development assistance on the same site UNLESS the acquisition portion of the proposed project constitutes an eligible land donation that will be used by the project applicant as part or all of the required project grant match.

1. Application

The following must be included with any application submitted:

h. Completed application forms;
i. Itemized project cost estimate (including price quotes for equipment);
j. Project narrative statement describing the project concept, location, need for and objectives of project, anticipated benefits and method of financing or accomplishing the project;
k. Project maps including: 1) Location map, 2) Premise Plat map, 3) Development Plan including floor plans for structural projects. (all must be labeled correctly)
l. Completed project Environmental Assessment Statement and CERP form;

2. **Ownership**

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

c. Property deed (deed must be at least a warranty or trustee deed) and/or lease showing adequate control and tenure of the project site (development projects)
d. Commitment for title insurance and appraiser qualifications (acquisition projects)

3. **Public Hearings**

Governmental applicants proposing initial acquisition of development of an undeveloped area for the creation of a new trail within a linear corridor must conduct a Public Hearing, held specifically to solicit public review and comments on the proposed trail. Notice of the Hearing must be advertised in a local newspaper of general circulation at least seven (7) days prior to the Hearing date. Minutes of the Hearing, along with written comments received and a copy of the newspaper notice must be submitted as part of the application. **(See Appendix 3 Public Notice Form)**

4. **Funding 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 **Form DOC-5**.

5. **Application Fee**

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

6. **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.

- **State and Local Funds**
  Any eligible local government funds may be used toward the required match. This could include tax sources, bond issues, cash, or force account contributions.

- **Private Donations**
  Private individuals, entities, organizations, or corporations may donate funds, rights-of-way, or real property toward the local matching share required. The IDNR will approve documentation of the fair market value of donated private rights-of-way. The value of each donation must be estimated at the time of application. Applicant cannot take possession of any real property until a state/local agreement is signed (only if applicant intends to use the value of the real property for cost sharing purposes).

Grant Application Checklist

☐ Form OHV/DOC-1	General Project Information
☐ Form OHV/DOC-2	Acquisition Data
☐ Form OHV/DOC-2a	Acquisition Budget Narrative & Cost Analysis
☐ Form OHV/DOC-3	Development/Equipment Purchase Data
☐ Form OHV/DOC-4	Project Narrative Statement
☐ Form OHV/DOC-5	Financial Certification Statement
☐ Form OHV/DOC-6	Civil Right Compliance
☐ Form OHV/DOC-7	Interagency Agreements

☐ Attachment 1	Site Location Map
☐ Attachment 2	Development Plans and Maps
☐ Attachment 3	Application Fee & Payment Form
☐ Attachment 4	Environmental Assessment Statement & CERP
☐ Attachment 5	Land Acquisition Criteria and Procedures

☐ Appendix A-1	Certification for Development Projects
☐ Appendix A-2	Donation with Appraisal
☐ Appendix A-3	Public Notice
☐ Appendix A-4	IL Vehicle Code Definitions

GATA Application
GATA Budget

Off-Highway Vehicle Grant Program

OHV/DOC-1

General Project Information (Please Type or Print in Ink)

1. **Project Title:** _____

2. **Applicant (Sponsor) Legal Name:** _____

Applicant Executive Officer		**Applicant Contact Person**	
Name:		**Name:**	
Title:		**Title:**	
Address:		**Address:**	
City, State, Zip:		**City, State, Zip:**	
Phone #:		**Phone #:**	
Email Address:		**Email Address:**	

3. **Trail Project Type:** ☐ **Off-Highway Vehicle (OHV)**

Other permitted, secondary trail uses:

4. **Project Type:**
   - ☐ **Acquisition**
   - ☐ **Development (includes trail signage)**
   - ☐ **Development with land donation**
   - ☐ **Rehabilitation / Restoration**
   - ☐ **Equipment**

5. **Intended Use** ☐ **Motorized Use**

6. **Concise Description of the Proposed Project:** **(USE ALLOCATED SPACE ONLY, DO NOT ATTACH ADDITIONAL SHEETS)**
   (Be sure to indicate proposed project trail length, width & surface material)

Off-Highway Vehicle Grant Program

General Project Information (Please Type or Print in Ink)

OHV/DOC-1

Continued page 2

7. Project Costs:

Land Acquisition Costs: (complete & attach Form OHV/DOC-2)
(include relocation costs & appraisal fees, as applicable) **$** _____

Development / Equipment Costs: (complete & attach Form OHV/DOC-3)
(New Construction and Rehab) **$** _____

Restoration Costs: (complete & attach Form OHV/DOC-3) **$** _____

TOTAL PROJECT COSTS: **$** _____

GRANT FUNDS REQUESTED: **$** _____

8. Project Location: _____ _____
(County / Counties) **(Township / Townships)**

9. For Project Site: **IL Legislative (Senate) District:** _____ **IL Representative District:** _____

US Congressional District: _____

10. Miles of Trails Constructed / Improved with this Project: _____

11. Miles of Trail Directly Linked with Proposed Project: _____

12. Population Within Sponsor's Jurisdiction (Local Government Applicants Only): _____

13. Source(s) of Initial Project Funding & Match Funding:

Note: Illinois Recreational Trails Grant Programs operate on a reimbursement basis. Project sponsor must initially finance 100% of the project costs after DNR grant approval.

- ☐ **General Funds** ☐ **Non-Referendum Bonds** ☐ **Referendum Bonds**
- ☐ **Donations (specify):** _____
- ☐ **Other Federal or State Funds (specify):** _____
- ☐ **Other (specify):** _____

14. List any other prior state or federal funds involved in the proposed project facility or site. (list applicable project numbers and status):

15. **Local Government Applicants:** If this project will ***initially*** establish a trail within a linear corridor, a **public hearing** must be held to discuss the project and solicit public comments. If your project meets this criteria, provide the following:

Date the hearing was advertised in a local newspaper: _____

Date of the public hearing: _____

Were **negative** comments received: Yes ____ No ____

NOTE: Minutes of the public hearing must be submitted to IDNR at time of application.

Off-Highway Vehicle Grant Program

OHV/DOC-2

(Please Type or Print in Ink)

(Acquisition Projects Only)

Acquisition Data

Applicant (Sponsor) Legal Name: _____

Project Title: _____

1. (Proposed Acquisition Schedule)

Parcel #	Acreage	Estimated Cost	Estimated Relocation Cost ($15,000 max)	Acquisition Method (*)
SUB-TOTAL				
Estimated Appraisal Fees				
TOTAL				

(*) F - fee simple title E - easement L - lease arrangement (If other, please specify)

2. List all existing structures on the property to be acquired and briefly describe their condition and what you intend to do with the structures. Also indicate if anyone is currently residing, storing personal property or farming the property, or if there appears to be any "encroachment" on the property by adjacent landowners. ALSO, IDENTIFY ALL STRUCTURES ON THE PROJECT PLAT MAP (Attachment #2a).

3. Is any part or all of the land to be acquired currently leased by the applicant or covered in a purchase agreement, option-to-buy agreement, etc.?

   Yes [ ] No [ ] (If yes, please submit copy of lease, agreement, etc.)

4. Attach a copy of the Commitment for Title Insurance on the property being acquired with the project sponsor listed as the proposed insured.

5. Attach the qualifications (credentials) of two independent fee appraisers (must be state certified) showing their education and work experience including a list of appraisal clients and their state certification number.

Off-Highway Vehicle Grant Program

OHV/DOC-2a

(Please Type or Print in Ink)

(Acquisition Projects Only)

Acquisition Data

Acquisition Budget Narrative and Cost Analysis

1. **Applicant (Sponsor) Legal Name:** _____

2. **Project Title:** _____

3. **Acquisition Cost Analysis:**

Parcel #	Acreage	Estimated FMV of Parcel	Estimated Value of Existing Non-Recreation Property Improvements (if applicable)*	Estimated Relocation Costs (if applicable)	Total Estimated Grant Eligible Purchase Price

Other Acquisition Expenses (include overmatching funds here)	Description	Estimated Costs
	OHV Cost Share	
	Sub-Grantee Cost Share	
	Total Acquisition Costs	

4. **Project Cost Narrative: (backup to your costs must be provided.)**

Off-Highway Vehicle Grant Program

OHV/DOC-3

(Please Type or Print in Ink)

Development/Equipment Purchase Data

Applicant (Sponsor) Legal Name: _____

Project Title: _____

1. (Proposed Development Costs)

Development / Equipment purchase items	Quantity	Construction Method	
		Cost Estimate	(see below)
A/E Design Fees ≤ 15.25% of Construction Costs			
(10.25% initial analysis & design; 5% const. supervision & close-out)			

TOTAL COST $ _____

C – Bid Contract
FA – Force Account Labor

DM – Donated Material
DL – Donated Labor
O - Other

NOTE: The value of donated materials and labor are not eligible for reimbursement. They are eligible to be used as matching funds (labor for governmental units only).

NOTE: Contingency Costs are NOT Allowable – do not include in the budget.

2. **Provide a quarterly expenditure schedule for the grant funds to the best of your knowledge or ability. Use quarterly time increments. Example: Year 1, Quarter 1 = $10K (engineering fees). The project sponsor is not bound to this schedule and revisions can be made during the course of the project as necessary.**

3. **As applicable, attach a copy of the deed(s) showing proof of ownership or a copy of the lease agreement. (If the deed is less than Warranty such as Trustees or Quit Claim Deed, Title Insurance is REQUIRED.)**

4. **Estimated costs for equipment purchases must include the price quote.**

Off-Highway Vehicle Grant Program

OHV/DOC-4

(Please Type or Print in Ink)

Project Narrative Statement

Applicant (Sponsor) Legal Name: _____

Project Title: _____

Instructions:
Describe, at a minimum, the overall concept of the project, project site, current OHV park trail system including layout and size, and new trail system. Include the project funding, agencies involved, approach to implementation, project location, trail mileage to be provided through the project, need for the project, anticipated benefits and the proposed schedule of operation (daily and/or seasonal hours of operation) for the project facility. Be thorough and explicit, this narrative should completely describe the project and expected outcome. If application is for equipment, describe anticipated usage in this park.

Off-Highway Vehicle Grant Program

OHV/DOC-5

(Please Type or Print in Ink)

Financial Certification Statement

Applicant (Sponsor) Legal Name: _____

Project Title: _____

As the individual duly designated to represent the _____ (Sponsor), I do hereby certify that the information presented in this grant application is true and correct. I do further certify that the project, if approved for funding, will be completed in accordance with the provisions set forth in the Off-Highway Vehicle Grant Manual and that the _____ (Sponsor) has the financial resources to initially fund 100% of the proposed project costs within the time frame imposed by the Illinois Department of Natural Resources for project execution prior to receiving grant reimbursement. Failure to complete said project within the specified time frame could be cause for project termination. In addition, failure to complete a project or withdrawal of a project due to lack of performance, insufficient funds or change in recreation priorities by the applicant shall result in the ineligibility of the project applicant for IDNR grant assistance consideration in the next two (2) consecutive grant cycles.

Acquisition and Development Projects

It is understood that the project should be completed within the timeframe established in the project agreement and the reimbursement request must be submitted within one year of the expiration date. Failure to do so will result in the Project Sponsor forfeiting all project reimbursements, and relieves IDNR from further payment obligations on the grant.

The _____ (Sponsor) hereby further certifies that 1) it will indemnify, protect and hold harmless the State of Illinois, Department of Natural Resources and its representatives from any and all liabilities, costs, damages or claims arising as a direct or indirect result of the actions and/or omissions of the _____ (Sponsor) or its representatives in the construction, operation or maintenance of the above referenced project, and 2) that adequate public notice was given, and local approval solicited on the proposed project and 3) that the facility will be operated and maintained in an attractive and safe manner, and open and available to the public without regard to race, color, sex, national origin, age, disability or place of residence in accordance with provisions of IDNR Off-Highway Vehicle grant program regulations.

This Certification Statement was duly acted upon and adopted by the _____ (Sponsor) on the _____ day of _____ (month), _____ (year)

_____
Name (printed / typed)

Attested by: _____ _____
Signature

Date: _____ _____
Title

Off-Highway Vehicle Grant Program OHV/DOC-6

Applicant (Sponsor) Legal Name: _____

Project Title: _____

Civil Rights Compliance State of Illinois, U.S. Department of Transportation

As the authorized representative of the applicant, I certify that the applicant agrees that, as a condition to receiving any state assistance or federal financial assistance from the Department of Transportation, it will comply with all Federal laws relating to nondiscrimination. These laws include but are not limited to: (a) Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the applicant. THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE shall apply to all aspects of the applicant's operations including those parts that have not received or benefited from federal financial assistance.

If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applicants for federal financial assistance which were approved before such date.

The Applicant recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, and sub-recipients and the person whose signature appears below who is authorized to sign this assurance on behalf of the Applicant. Your OHV proposal must be reviewed by your local intergovernmental review agency, and the Illinois Historic Preservation Office.

Signature of Authorized Certifying Official	Title
Applicant/Organization	Date Submitted
Applicant/Organization Mailing Address	

Off-Highway Vehicle Grant Program OHV/DOC-7

Applicant (Sponsor) Legal Name: _____

Project Title: _____

Inter-Agency Agreements

An Inter-Agency Agreement is an agreement between two or more public or private agencies involved with funding, operating, or maintaining the trail project.

Do you have an interagency agreement for your proposed project?

☐ **Yes, An Inter-Agency Agreement exists for the project. Please complete Part 1.**

☐ **No, An Inter-Agency Agreement does not exist for the project. Please complete Part 2.**

PART 1

☐ **INTER-AGENCY AGREEMENTS DO EXIST**

a. **If an inter-agency agreement exists, describe in detail any division of responsibility that may exist for completing acquisition, development and operation and maintenance. A copy of the agreements must be submitted with the application.**

b. **If any future local inter-agency agreements are anticipated, please explain why.**

PART 2

☐ **INTER-AGENCY AGREEMENTS DO NOT EXIST**

a. **If no inter-agency agreements exist, complete and sign the statement below and submit this form with the application.**

Applicant-Agency_____

THE APPLICATION FOR _____

(Project Title)

IS NOT SUBJECT TO ANY LOCAL INTER-AGENCY AGREEMENTS

_____
(Original Signature)

_____
(Title)

_____
(Date)

Off-Highway Vehicle Grant Program

Attachment 1

Site Location Map

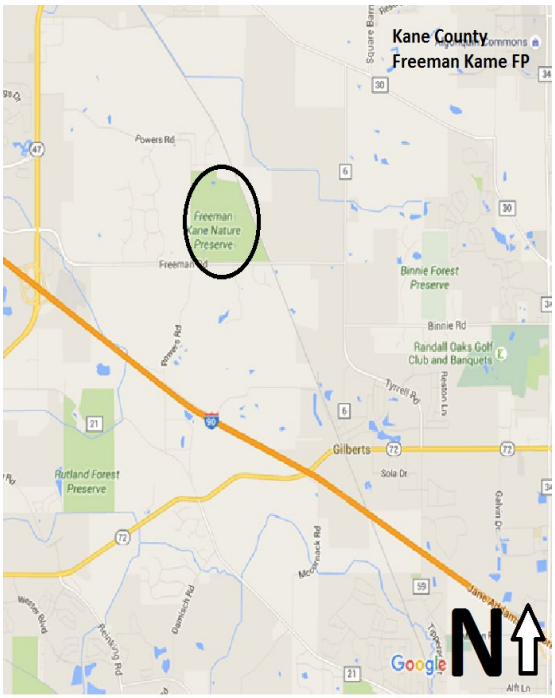
Applicant (Sponsor) Legal Name: _____

Project Title: _____

1. **Submit a highway, street, county, or other map that will clearly locate your project in relation to nearby streets, highways, towns, and other important landmarks. Be sure to indicate north on the maps. Label it as Attachment 1: Site Location Map and include the Applicant (Sponsor) Legal Name and Project Title.**

Example: **Location Map (City)**

Example: **Location Map (Village)**



2. **Directions to project site: Provide directions to a logical project entry point from a numbered interstate exit or municipality that is shown on the <u>State of Illinois Transportation Map.</u> Indicate the project start and ending point.**

_____

_____

_____

_____

_____

_____

Off-Highway Vehicle Grant Program

Attachment 2

Plans and Maps

Applicant (Sponsor) Legal Name: _____

Project Title: _____

The following plans and maps are required for all acquisition, development, rehabilitation and maintenance projects. Plans need not be professionally drawn, but must be complete, accurate, to scale.

1. **Plat Map(s): available through your county offices, or equivalent, showing evidence of ownership of all parcels on which you plan to develop your project. If the boundary map is larger than 8-1/2" x 14" (legal size paper) submit two (2) copies. The maps should be signed and dated. Please also submit a copy of the deed(s) to confirm ownership of the project site. The land described by the deed and map will be the project boundary and will be subject to the conditions described on Form 9, "Acknowledgement of Compliance." Project sponsors must own, have a long term (min. 25 years), non-revocable lease, or easement on all grant project properties.**
   Label it as Attachment 2a: Plat Map and include the Applicant (Sponsor) Legal Name and Project Title.

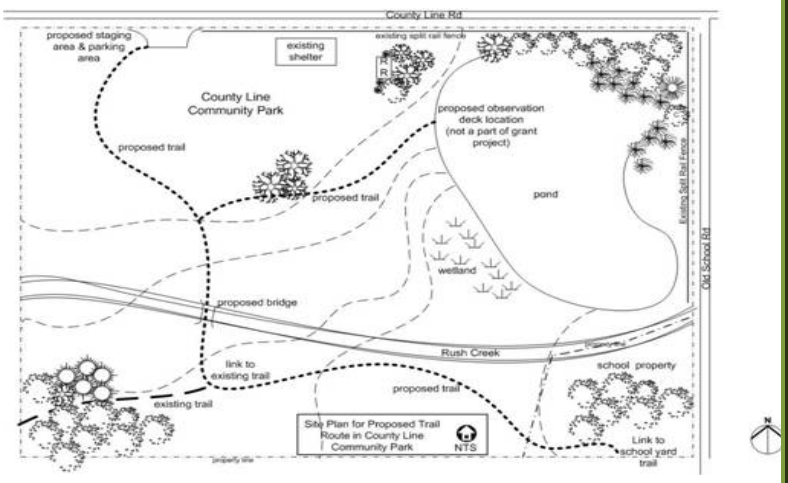
2. **Development Plan(s): clearly illustrating your development, rehabilitation and/or maintenance proposal. These can be master plans, site plans and/or preliminary construction drawings. On all plans, please provide a clear differentiation between the following:**

   - **Proposed project submitted for grant funding.**
   - **Planned development that is not a part of this grant application.**
   - **Existing site elements.**
   - **The starting and ending points of your proposed grant project.**
   - **All existing easements.**
   - **Proposed support facilities including floor plans.**
   - **The boundary of the project area must be shown, thus establishing the limits of Recreational Trails Program/Clean Illinois Trails Fund regulation.**

   Label it as Attachment 2b: Development Plan and include the Applicant (Sponsor) Legal Name and Project Title.

3. **Trail Linkages Map: showing existing and planned trails in the vicinity/region of the proposed project. Clearly differentiate between existing trails, planned trails and the grant proposal trail.**

   Label it as Attachment 2c: Trail Linkage Map and include the Applicant (Sponsor) Legal Name and Project Title.



State of Illinois, IDNR
Off-Highway Vehicle Grant Program

Attachment 3

Application Fee

The Trails Grant Programs require a non-refundable **Application Fee** which shall be calculated as ¼ of 1% (0.0025%) of the grant request with a minimum fee of $100 and a maximum fee of $300. The following exceptions apply:

- Grants for which the total value of the financial assistance being sought is less than $25,000
- Grants to the federal government; and
- Operational grants

This fee is **not** a reimbursable expense and **cannot** be included in the project budget.

EXAMPLES:

A $50,000 funding assistance request would require a $125 application fee
($50,000 x 0.0025 = $125)

A $200,000 funding assistance request would require a $300 application fee
($200,000 x 0.0025 = $500 which exceeds the $300 maximum)

The **Application Fee** shall be rounded up to the nearest whole dollar amount.

Applications submitted without the required Application Fee, or with an incorrect amount, will not be accepted by IDNR. Failure of an Initial Application Fee to clear the bank it is drawn against will result in the automatic denial and return of the application to the applicant without consideration.

Please submit this form with the project application and Initial Application Fee.

OFF-HIGHWAY VEHICLE GRANT PROGRAM

APPLICANT (Sponsor) LEGAL NAME: _____

PROJECT TITLE: _____

TOTAL PROJECT COST: _____

TOTAL GRANT ASSISTANCE REQUEST: _____
(Application fee based on this amount)

INITIAL APPLICATION FEE AMOUNT ATTACHED: _____
Must be in the form of a bank draft made payable to the "Illinois Department of Natural Resources"

NOTE: Grant application fees submitted with this grant application will not be refunded by IDNR to the grant applicant. Grant application fees are tendered for consideration of the application only and do not imply any promise of financial assistance by IDNR.

Please contact the DNR Office of Grant Management and Assistance at 217/782-7481 or dnr.grants@illinois.gov if you have any questions.

Off-Highway Vehicle Grant Program

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS)

Attachment 4

Applicant (Sponsor) Legal Name: _____

Project Title: _____

Instructions:

1. Attach to this EAS checklist a concise (no more than 1 page) description of the project site including dimensions (size), physical characteristics (pay particular attention to unique features), and existing improvements on the property.
2. For each of the following environmental and social factors, indicate to the best of your knowledge whether the proposed project will have a Beneficial (B), Neutral (N), or Adverse (A) impact or is Not Applicable (NA). Consider both temporary (during construction) and long-term impacts.
3. For Adverse (A) impacts, explain in the Comment Section of this EAS the nature of the impact and whether 1) it can be minimized by mitigation measures OR 2) is unavoidable and cannot be positively addressed/mitigated.

FACTORS **Key to impacts:** **(B) Beneficial,** **(N) Neutral,** **(A) Adverse** **(N/A) Not Applicable**

(Check only 1 box for each factor)

Socio-Economic Factors

	Type of Impact B	N	A	n/a
1. Adjacent Land Use (describe): _____	☐	☐	☐	☐
2. Disruption of Neighborhood/Community Cohesion	☐	☐	☐	☐
3. Impact on churches / cemeteries / schools / healthcare facilities / elderly housing	☐	☐	☐	☐
4. Local economic/business impacts	☐	☐	☐	☐
5. Displacement / Relocation of residence(s) or business	☐	☐	☐	☐
6. Local Tax Base (i.e., property tax loss)	☐	☐	☐	☐
7. Land Use Change / Zoning (current zoning classification): _____	☐	☐	☐	☐
8. **Agricultural Activities / Prime Farmland Conversion (*)**	☐	☐	☐	☐

(*) In compliance with the 1982 Illinois Farmland Preservation Act, it is MANDATORY that notification be sent to the IL Dept. of Agriculture (IDOA), Bureau of Land Water Resources, State Fairgrounds, Springfield, IL 62794-9281 (tele: 217/785-4458) regarding all land acquisition projects located **outside** municipal corporate limits regardless of the land's current use. Application material to be provided includes "copies" of: 1) project location map (attachment 1) with project boundary **clearly** delineated, 2) project plat map (attachment 2a) with current zoning and adjacent land uses identified on the map, 3) county soil survey map with the project site boundary delineated (soil maps can be obtained from the County Soil & Water Conservation District office), and 4) completed application Narrative Statement (Attachment RT/DOC-4). *Comments provided by the IDOA to the project sponsor must be submitted to the IDNR as part of the project application review process.*

☐ Project requires IDOA review. Date Sent: _____

☐ Project does not require IDOA review.

Physical Resource Factors

		Type of Impact B	N	A	n/a
9. Wildlife / Wildlife Habitat:	Game Species				
	Non-Game Species				
10. Fisheries					
11. Soils (erosion, removal, contamination)					
12. Air Quality					
13. Noise					
14. Energy Useage					

Physical Resource Factors (cont.)

		Type of Impact			
		B	N	A	n/a
15.	Water Useage	☐	☐	☐	☐
16.	Mineral Resources	☐	☐	☐	☐
17.	Tree Removal	☐	☐	☐	☐
18.	Surface Waters (lakes, streams, drainageways, etc.)	☐	☐	☐	☐
19.	Groundwater	☐	☐	☐	☐
20.	Floodplains (percent of project area within 100 year floodplain): _____	☐	☐	☐	☐
21.	**Wetlands (*)**	☐	☐	☐	☐
22.	**Threatened and Endangered species (*)**	☐	☐	☐	☐
23.	**Archaeological Resources and Historic Sites/Districts (*)**	☐	☐	☐	☐

(*) See required "Cultural Resource, Endangered Species & Wetlands Review Report" form located at the end of this EAS report that must be completed (with the requested map attachments and photos, if applicable) and attached in duplicate (3 copies) to the EAS as part of the project application submitted to the IDNR. *As part of the cultural resource review, an on-site archaeological reconnaissance survey may be required to determine the existence and/or significance of such resources and potential impacts to them. The cost of such a survey is the responsibility of the local applicant and is not eligible for grant assistance. You will be notified if such a survey is required.* **PLEASE NOTE that the survey, if required, will prevent the funding of this project.**

Other Factors

24.	Public Roadway / Traffic / Public Transit / Railroad Impacts	☐	☐	☐	☐
25.	Public Utilities / Transmission Facilities	☐	☐	☐	☐
26.	Visual Impacts	☐	☐	☐	☐
27.	Hazardous Waste/Mater ials	☐	☐	☐	☐
28.	Consistency with Local Plans (if no, explain)	☐	☐	☐	☐
29.	Known Project Controversy (if yes, explain)	YES		NO	
30.	Identify any Other Adverse Impact(s)	YES		NO	

==========

COMMENT SECTION for "Adverse Impacts" (do not generalize or use vague/ambiguous terms in your comments)

Describe each adverse impact in an objective and quantified manner and describe specifically HOW MITIGATION will be accomplished to minimize the adverse impact OR which impacts are unavoidable and cannot be positively addressed through mitigation measures. BE CONCISE.

Factor #	Comment

COMMENTS SECTION cont.

Factor #	Comment

(Attach additional pages if necessary)

PROJECT PERMIT REQUIREMENTS:

Section 10 Navigational Permits (COE)	YES		NO	
Section 404 Permit (COE)	YES		NO	
Illinois Rivers, Lakes & Streams Permit (IL DNR)	YES		NO	
NPDES Permit (US/IL EPA)	YES		NO	

PERSON RESPONSIBLE FOR PREPARING THIS DOCUMENT:

Name & Title (printed or typed) _____ Agency _____

Signature _____ Date _____

Attach list (bibliography) of persons, agencies, references, etc. consulted in preparing this Environmental Assessment Statement

ILLINOIS
DEPARTMENT OF NATURAL RESOURCES

E.A.S. - CERP FORM

CERP #: **Due Date:**

CULTURAL RESOURCES, ENDANGERED SPECIES & WETLANDS REVIEW REPORT

Project Sponsor: _____
Project Title/Site Name: _____
Contact Person: _____
Address _____
Phone: _____ Date: _____
email: _____

Indicate Grant Program Type

___	Bike Path	___	OLT
___	Boat Access	___	OSLAD/LWCF
___	Line Item	___	RTP
X	OHV	___	Snowmobile

Check appropriate response: ☐ New Project Application (*not previously reviewed/considered by IDNR)*
☐ Application Resubmittal*

*If resubmittal, indicate the year(s) previously submitted: _____

Has project proposal changed in scope or design layout from previous submittal(s)? ☐ Yes ☐ No
If this is a development project was the property acquired with IDNR funds? ☐ Yes ☐ No

Project Location

Street Address and City: _____ County: _____
USGS Numeric Location Designation: Township: _____ Range: _____ Section: _____

Please attach: 1) project site development plan
2) topographic map
(Note: photocopy ONLY that portion of Topo map where project site is located. Copies should be no larger that 11" x 17".)

(Clearly delineate and identify the project site/park boundary on the map with a dashed black line)

Topographic maps may be obtained from:
Illinois State Geological Society
Champaign, IL
(217) 244-2414

Size of Project Site: _____ acres

Topographical maps may also be available from local and/or regional planning commissions.

Does the project include tree removal? ☐ Yes ☐ No If yes, anticipated number to be removed: _____

Concise Project Description: (Also, attach 2 sets of color phots of any existing buildings/structures on project site.)

DEPARTMENT USE ONLY	Approved	Approved w/ Restrictions*	Comments*	Grant Adm. _____
Cultural Resources				
T&E Species/NP/Natural Area/LWR				
Wetlands (Sec.404, see reverse side)				

* see attached letter/comments

OREP/RR&C/CERP Coordinator _____ Date _____

Signature indicated IDNR CERP sign-off for ONLY the project information included in this submittal. Any changes must be resubmitted for review.

3 COPIES OF THIS FORM AND THE SPECIFIED ATTACHMENTS MUST BE SUBMITTED WITH APPLICATION

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. Structures are not to be demolished in anticipation of receiving a grant. Please include information on all of these elements within your project description. If impacts to historic resources are anticipated, the applicant 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.**

Rev. 10/15

ELIGIBLE ACQUSITIONS

Land may be purchased from either private landowners or other units of state or local government that has not been used for recreational purposes in the past.

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 OHV 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 federally 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 assistance. The Act applies regardless of whether federal 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. 9 1-646 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 Off-Highway Vehicle 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. **The purchase price for an easement or fee title to real property acquired by bargain sale (below appraised value). The donated land value (the difference between the purchase price and appraised value) may be used as a match for grant funds to purchase that parcel of land, purchase other pieces of property, or develop facilities. Similarly, lands for which 100% of the value is donated may only be used as the organization's share of a project to purchase other land or build facilities.**

3. **Incidental acquisition and relocation costs only as described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act.**

4. **Appraisal Fees.**

5. **Engineering reconnaissance fees where a land acquisition project involves proposed major facilities and their feasibility needs to be established. Examples of such eligible fees include hydrologic investigations, subsurface explorations, availability of construction materials and preliminary cost outlines. Detailed plans and specifications for construction of the facilities would not be eligible in a grant for only the land purchase, but would be eligible in a grant which included building the facilities.**

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 state approval of the grant.**

2. **Boundary surveys, 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. If reimbursement is to be requested for the cost of a land purchase, the deed cannot be signed by the seller and buyer until the project is approved by the IDNR. The applicant also cannot make a commitment to purchase real property prior to grant approval as described below under timing for purchases. The applicant may need or want to guarantee land will be available for purchase after grant approval. The property may be reserved for the applicant by: (1) having a private third party acquire and hold title to the land, or (2) by securing an option to purchase by a later date. A third party could be an individual, private business or educational institution, not-for-profit organization other than the applicant, or other similar entity.

TIMING FOR PURCHASES AND DATE WHEN COSTS ARE INCURRED

The applicant may not commit to purchase land prior to state approval of the grant with the following exceptions: (a) an option to purchase is exercised; (b) payment is made to an escrow agent even though the applicant has not received the deed from the escrow agent; (c) a contract to purchase is executed; (d) the deed is accepted although payment has not been made; (e) the buyer takes possession of the property; or (f) other written promises to purchase have been made.

Confusion often arises in acquisition projects on the exact date when land purchase costs are incurred. To be eligible for matching assistance, purchase payment(s) to the landowner must be incurred within the project period (date of executed project agreement to the date of project expiration). Acquisition costs are incurred on the date when the earliest of any of the following transactions take place:

1. **Project sponsors accept deed or other appropriate conveyance.**

2. **Project sponsor makes full payment for the property.**

3. **Project sponsor makes the first payment in a series of spaced or time payments.**

4. **Project sponsor makes the first payment or as much as 10% of the purchase price as stipulated in an option agreement. (The cost of the option is not an allowable cost from grant funds.)**

5. **Project sponsor makes first partial or full payment to an escrow agent.**

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 date an option is exercised is normally the date the buyer advises the seller that he desires to complete the purchase under the terms of the option. 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 prior to project approval, unless it specifies that acceptance is contingent on the availability of OHV grant money, so the date of project approval would be the exercise date.

If an option is signed prior to state approval of the project, then it should extend at least until fall so it may be exercised after the grant is approved. Since competition for funds is often intense, applicants may find it helpful to negotiate an option which can be extended at no cost for a second year. This could enable the project to compete for funds a second time if it were not approved the first year.

The purchase price in an option is to be the amount negotiated after the land has been appraised and the fair market value offered to the landowner as explained in the section on negotiated purchases. Only one payment toward the property may be made under an option. A maximum of 10 percent of the approved appraised value of the property may be paid at the time the option is transacted. This amount should be part of the purchase price of the property. Any additional payments prior to grant approval may make the acquisition ineligible. It is important that documentation of the option payment required for reimbursement billings be kept for later use. Project sponsors are encouraged to consult the Office of Real Estate before negotiating an option to ensure the eligibility of the land acquisition under the option conditions.

TIMING FOR LAND DONATIONS

Property donations may be transferred to the applicant after project approval. If a land donor wants to convey the property before project approval the land could be given to a third party, such as a foundation or other not-for-profit organization other than the applicant. This third entity could donate the land in a later year and the land value would be eligible as a match. Land donations will be credited toward the sponsors match. No direct reimbursement will be given for a land donation.

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 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 documentation.

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 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 quit claim deed to the applicant. The project sponsor must submit a description of the character and nature of the title received before requesting reimbursement. This evidence of title must include the recorded property deed and either a written opinion from an attorney on the adequacy of title or a title insurance policy. A survey may be required when there is reasonable doubt about the exact location of the boundary or of the size of tract being acquired. The project sponsor is responsible for quieting claims against title and for replacing property found to have defective title with other properties of equivalent value, usefulness and location acceptable to the Department of Natural Resources.

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.

Land which has a reversionary clause in the deed whereby the landowner could repossess the property if it ceased to be used solely for the purpose specified in the deed may make the project ineligible. If a reversionary clause in the deed specifies that the land must be developed for a specific purpose, even though the project includes that type of development, the project may be ineligible. A development project to construct a facility on land with a reversionary clause in the deed may also be ineligible. IDNR approval is required to acquire or develop land with reversionary clauses or outstanding interests in the property deeds. The Office of Grant Management and Assistance should be consulted prior to submitting a project application involving deed clauses and restrictions.

If at some later date the rights to subsurface reservation or other deed restrictions adversely affect recreation use of the land or facilities, the applicant will be responsible for acquiring replacement property of equivalent usefulness, value and location or returning the funds used in the project.

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.

If state assistance is being requested on the purchase of an easement, the document cannot be transacted until the project has received state approval.

RAIL BANKING

If the applicant is planning on developing trail facilities on land involved in the "Rail Banking" process, please contact the Office of Grant Management and Assistance to determine the eligibility of your project proposal.

Please have a copy of any agreements involved with this process.

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 state assistance. The following steps must be taken by the applicant in negotiating with the landowner.

1. **Make initial 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. **Have the land appraised according to the Uniform Standards of Professional Appraisal Practice (USPAP), with the landowner given the opportunity to accompany the appraiser. The appraiser must have a copy of the appraisal requirements which are located on the web at http://www.uspap.org/ . The appraisal must also be completed in accordance to the IDNR's Off-Highway Vehicle Grant Program Appraisal Specifications which will be given to the grant applicant to forward to their selected appraiser.**

4. **Submit the appraisal to the Office of Grant Management and Assistance 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 purchase price is more than the appraised value, additional documentation explaining the difference in value will be needed, as explained later in this section. 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. At this point, the applicant may sign an option to purchase, if desired, but before the grant receives federal approval the applicant may not make a commitment to acquire the property.**

   A project application may be submitted during any of the above steps to acquire the land. The appraisal, however, must have been submitted and approved prior to Step 6. Again, the land can only be acquired during the approved project period to be eligible for reimbursement of acquisition costs. The above procedure is mandatory and must be followed for all negotiated purchases.

   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 purchaser's expense and not eligible for reimbursement under the OHV program.

Sometimes a seller or purchaser desires to spread payments for land over several years. "Contract Sales", where installment payments are made over a specified period of time at the end of which the buyer receives title are not acceptable for OHV. The risk is in the event the periodic payments are not paid when due, the seller could foreclose and regain complete ownership of the land. Thus, the state and local funds would have been spent with nothing to show for the expenditure.

A suggested alternative is to subdivide a tract into smaller parcels. The applicant may acquire full title to each parcel individually and receive reimbursement as each is acquired. This does not jeopardize the investment of public funds.

Assistance for separate parcels may need to be applied for in different grants over a period of years, depending upon the cost and timing of the acquisitions.

Condemnation

Condemnation is not allowed with the Off-Highway Vehicle Grant Program. All land acquired with OHV monies must be acquired from a willing seller.

Land Donations

A donation of land from a private landowner can be used as part of the sponsor's entire share of the project costs, provided the donor did not acquire the land with state/federal funds. The donation may be used to match the state funds for: (1) the purchase of land at the same site, (2) the development of facilities on or at the same site as the land gift, or (3) the purchase of land or construction of facilities at other sites serving a similar purchase. A letter of intent to donate the property to the applicant from the landowner must accompany the project application.

The date when title to a land gift is transferred to the applicant is critical to the eligibility of the land value for a match. The earlier section on timing for land donations should be clearly understood.

A written offer to purchase and a Statement of Just Compensation are not necessary when acquisition is by full donation. The legal act of donation itself precludes the necessity for these documents which relate only to negotiated purchases and bargain sales. However, the donor should sign a statement for donation (with or without) an appraisal (see appendix A-2, A-3).

Two appraisals for a land donation are required. To appraise a land donation, the appraiser should first be approved by the Illinois Department of Natural Resources, Office of Real Estate. A list of approved appraisers can be had by contacting

Illinois Department of Transportation
Central Bureau of Land Acquisition
2300 South Dirksen Parkway, Room 210
Springfield, Illinois 62764
telephone: (217) 782-3982 fax: (217) 782-3813

The appraisals must be paid for by the project sponsor. Appraisals provided by landowners may not be used as the basis for assistance.

For the project application, one copy of each appraisal must be submitted. Since a land donation constitutes all or part of the local matching share of a project's costs, it is important that the land value be established early in advance of application to enable the applicant to take full advantage of the donated land value and at the same time prevent the project sponsor from having to provide additional local funds if the land value is later found to be less than anticipated.

Once the appraisals are approved, state approval is obtained, and the property is transferred the donated land value will be credited towards the grantee's matching share. If the match has been met, then the development costs will be reimbursed at 100%.

Bargain Sale

In some cases, a landowner may be willing to sell real property for less than the full market value, but is not able to donate the entire value of the land. A bargain sale involves the purchase of a tract of land. The difference between the sale and the appraised fair market value is considered donated land value. For an OHV project, state reimbursement may be provided for the purchase part of the acquisition. The fee simple donated value in a bargain sale may be used to match the purchase of the same tract, or other land purchases and facility construction, similar to lands which are 100% donated.

The appraisal requirements for full purchases also apply to bargain sales. 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 P.L. 91-646.**

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 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.**

RELOCATION ASSISTANCE

Relocation Benefits

A resident or residential business or farm property to be acquired may be eligible for relocation assistance. This resident, who can be either a landowner or a tenant, may be reimbursed for expenses incurred in moving from the purchased property to a new dwelling. The purpose of providing relocation benefits is to enable a property resident to move to a new residence or business location without undue personal hardship.

These costs are based on maximum and minimum schedules specified in the law. Relocation costs are to be paid for moving expenses, replacement of business, or housing, search, closing and other costs the occupant may pay related to moving into another dwelling or relocating a business.

Landowners are also entitled to reimbursement of certain incidental expenses incurred in conveying title. These costs may be incurred even though no one was living on the property at the time of purchase.

These costs include:

1. **Recording fees, transfer taxes, revenue stamps, notary fees or similar expenses.**

2. **Penalty costs for prepayment of pre-existing recorded mortgages as may be required to convey a clear title.**

3. **The pro rate portion of real property taxes which would apply to the period after the date title vests in the government or the effective date of possession by the government, whichever is earlier.**

Often these costs are paid by the applicant upon acquisition of the land. Payment of these costs should be documented at the time of the billing. When an applicant determines the land proposed for purchase may involve relocation, the Office of Real Estate should be contacted for brochures, forms, and guidelines for procedures and determining costs. It is essential that landowners be informed of relocation benefits. They must also receive payment unless they voluntarily waive their benefits.

Relocation Plan

A relocation plan shall be developed for projects where land acquisition will cause displacement of persons from their dwellings, business, or farm operations. The relocation plan shall be undertaken during the planning phase of the project prior to the initiation of land acquisition negotiations for the project. Based on this plan, the project sponsor should proceed with a project only after it has been determined that within a reasonable period of time prior to displacement, decent, safe and sanitary replacement housing will be available. Then information brochures and forms for claiming costs should be distributed to the persons to be relocated.

A relocation plan needs to include:

1. **The number of individuals, families, businesses, farms, and non-profit organizations to be relocated.**

2. **The availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being relocated.**

3. **The estimated total cost of payment to displaced persons for all benefits under P.L. 9 1-646 for replacement housing; and**

4. **The estimated cost of administering required relocation services to displaced persons. The relocation plan may be coordinated with the Dept. of Housing and Urban Development and other agencies performing relocation in the area. Applicants may contract with a city relocation agency, such as the Community Development Department, or a private firm to handle relocation services. The plan is to be submitted with the project application. Relocation costs should be part of the cost estimates for the project. Payments to relocated persons are eligible to be reimbursed on an 80-20 basis.**

Appeals

Although technical assistance is available through the IDNR, the project sponsor will be responsible for all negotiations with landowners or tenants concerning relocation benefits. These persons relocated have the right to appeal the determination of the amounts they are eligible to receive and need to be informed in writing of their right to appeal. Formal appeals may be submitted by relocated individuals to the IDNR.

Department staff will review all data concerning the calculation of relocation payments. If the person is still dissatisfied, a hearing will be scheduled with the Director of the Department of Natural Resources.

The appellant shall be given a full opportunity to be heard at the appeal hearing. After the hearing, the result may still be appealed through the judicial review of the Illinois Court System.

Waiver of Relocation Benefits

As indicated in the land acquisition section on bargain sales, tenants and landowners may waive their rights to relocation benefits. In such instances a waiver must be signed.

Any land purchased by an applicant is subject to paying relocation benefits. A circumvention of the state land acquisition procedures will jeopardize the eligibility of a future development project at this site.

DEVELOPMENT ON LAND ACQUIRED WITH STATE or F ASSISTANCE

Future Development Conditions

It is not necessary that the future development be carried out with state assistance or the proposed unassisted development receives prior approvals so long as it is in accord with the purposes for which the acquisition was made. Once the land is acquired with OHV assistance, it must always be used for public OHV purposes.

On land where state funds were reimbursed on the acquisition, certain regulations for the development of facilities must be followed. All facilities must be accessible to persons with disabilities. Permits and approvals may need to be obtained for construction projects.

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 according to the Uniform Standards of Professional Appraisal Practice (USPAP) 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. **An option to purchase may be obtained once the price has been determined for a negotiated purchase.**

7. **State grant approval and a must be received by this point.**

8. **Obtain title insurance or an abstract opinion, and then title to the land. The project sponsor pays for the land, closing and incidental acquisition costs and relocation benefits.**

9. **A reimbursement request for the state share of the acquisition costs may then be submitted to the Illinois Department of Natural Resources.**

Donations

1. **After the landowner offers to donate the property, obtain permission to appraise and information on the owner's and any tenant's eligibility for relocation benefits.**

2. **Have the land appraised according to the Uniform Standards of Professional Appraisal Practice (USPAP), with the donor being given the opportunity to accompany the appraiser.**

3. **Submit the appraisal for IDNR review.**

4. **Obtain title insurance, the property deed, and pay for closing costs and any relocation benefits.**

ACQUISTION COST ANALYSIS SCHEDULE

DIRECTIONS
List separately each parcel of land to be acquired and give all the information requested. Parcel identification numbers may be taken from a tax map or may be arbitrary numbers listed in sequence. However, they must correspond with parcel identification listed on maps or other attachments within the application. Relocation costs are the costs incurred when owners or tenants are displaced from their homes, farms, or places of business.

NOTE: Included in the total relocation cost is the actual cost of moving the tenant or owner to a new location. If relocation costs are involved in an acquisition project, contact the Illinois Department of Natural Resources prior to filling out the application, (217) 782-7490.

The OHV grants do not allow Eminent Domain procedures.

IMPORTANT
Do not purchase any land prior to approval by the Illinois Department of Natural Resources. If any written agreements are made prior to this approval, the acquisition may not be eligible for funding.

NOTE: IDNR will only cost share on the approved appraised value of the parcel of land to be acquired for your project. IDNR WILL NOT cost share on any premium value associated or paid for this property.

NOTE: All appraisals must be completed by an IDNR approved appraiser.

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 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.)**

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 Office of Grant Management and Assistance Grant Manager prior to submitting a formal request.

APPENDIX

Certification for Development Projects _____ **A-1**

Donation with Appraisal _____ **A-2**

Public Notice _____ **A-3**

IL Vehicle Code Definitions _____ **A-4**

Appendix A-1

Certification for Development Projects

This certification must be provided for development projects for which the land was acquired after September 2, 1971, if the acquisition procedures were not in accord with P.L. 9 1-646, the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.

I,_____,_____
Signature of Authorized Certifying Official **Applicant/Organization**

hereby certify, under penalty for willful misstatement (18 U.S.C. 1001) that at the time of the acquisition and last known displacement on the project lands for which this State financial assistance is being sought, no planning had been initiated by this agency to obtain this financial assistance.

SIGNATURE_____

DATE_____

***"Whoever, in any matter within jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."**

Appendix A-2

(Insert Local Public Agency Letterhead)
(Land Donation With Appraisal)

OHV No. _____
Project No. _____
Parcel No. _____
Parcel Owner _____

As owner(s) of real estate for the above referenced parcel which is needed for the above referenced project and acknowledging the fact that (I) (We) have been offered $ _____ based upon an approved appraisal of the fair market value, or market estimate, of the subject real estate as just compensation, nevertheless, desire to donate the right of way and will execute the necessary conveyance instruments to place title of said needed right of way in the City/County/Town of _____.

This offer to the (Project Sponsor Name) of _____, Illinois, is made without any coercive action of any nature.

_____ _____
Signature of Parcel Owner **Date**

_____ _____
Signature of Parcel Owner **Date**

Before me, a Notary Public in and for said County and State personally appeared_____,
who acknowledges the truth of the statements in the foregoing affidavit on this _____ day of____, 20__.

_____
Notary Public (Signature)

_____
Notary Public (Printed)

My Commission expires _____

My County of Residence is _____

Appendix A-3

PUBLIC NOTICE

of intent to develop a Off-Highway Vehicle Recreation Area

COUNTY LOCATION: _____

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

_____

_____

Proposed Project Description:

_____

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 and/or federal 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

Appendix A-4

Illinois Vehicle Code Definitions

Projects allowing the use of any type of trucks or vehicles outside of the definitions of recreational vehicles according 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