

# South Dakota

## RECREATIONAL TRAILS PROGRAM

Grant Manual and Application Packet

# 2014



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## **Application Deadline**

Postmarked April 11, 2014

# The Recreational Trails Program



## Program Overview

## Recreational Trails Program

The Recreational Trails Program (RTP) is a federal aid assistance program to help states provide and maintain recreational trails for both motorized and non-motorized use. The program provides up to 80 percent reimbursement funds for all kinds of recreational trail uses including, but not limited to:

- pedestrian use
- bicycling
- in-line skating
- equestrian use
- cross-country skiing
- off-road motorcycling
- all-terrain vehicle riding
- four wheeling
- snowmobiling



The RTP encourages all kinds of trail enthusiasts to work together to provide a variety of recreational trail opportunities. In South Dakota, the Department of Game, Fish and Parks administers the RTP with guidance from the RTP Advisory Committee.

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### 1.1 Reimbursement Process

Payment takes place on a reimbursement basis: the project sponsor must incur costs for work actually completed, and then submit reimbursement request form and supporting documentation to the State for payment. Reimbursement is not normally permitted for work that takes place prior to project approval. However, working capital advances may be permitted on a case-by-case basis, and some project development costs may be reimbursable. Also, prior planning and environmental assessment costs may be credited toward the non-federal share. This is limited to costs incurred less than 18 months prior to project approval.

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### 1.2 RTP Advisory Council

South Dakota has a five-person RTP Advisory Council that represents both motorized and non-motorized recreational trail users. The council is appointed by the governor and meets a minimum of once each fiscal year. Current Advisory Council members include:

- Kitty Kinsman, Rapid City
- Dave Sweet, Sioux Falls
- DeEtte Goss, Belle Fourche
- Ken Buhler, Pierre
- Jeff Johnson, Sioux Falls

The RTP Advisory Council makes recommendations on project funding. These recommendations are based upon a scoring system and staff recommendations from the Department of Game, Fish and Parks' Division of Parks and Recreation. The group generally meets during the month of June.

## 1.3 Apportionment to the States

The RTP exists because of fuel tax revenue generated by snowmobiles, off-highway motorcycles, all-terrain vehicles, off-highway light trucks and other motorized trail uses. Each state receives a different apportionment of RTP funds, of which one-half is based on an estimate of non-highway recreational fuel use within each state. Individual grants generally range between \$40,000 and \$60,000.

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## 1.4 40-30-30 Requirement

The RTP legislation requires states to use 40 percent of their funds apportioned in a fiscal year for diverse recreational use, 30 percent for motorized recreation and 30 percent for non-motorized recreation. Diversified projects may include motorized and non-motorized uses or a combination of uses from either category. Diversified projects that include both motorized and non-motorized uses generally score higher than other projects.

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## 1.5 Sponsor Eligibility

The RTP is intended to be a program through which states provide grants to trail project sponsors through an open competition process based on the merit of project proposals. The State of South Dakota will award grants to private, non-profit organizations, municipal agencies, state agencies, federal agencies and other governmental entities. Examples are:

### Private, Non-Profit Organizations

- Youth conservations corps
- Youth or civic clubs
- Conservation organizations
- Land trusts
- Trail clubs or associations
- Police athletic leagues
- Utilities
- Private schools

It is the intention that non-profit RTP sponsors maintain non-profit status throughout the duration of a project. Since this is not always possible, a successor organization must agree, in writing, to complete all RTP project responsibilities required by the contract if the original organization's status changes. The responsibilities are identified in the RTP Project Agreement (contract). A qualified successor is any party that meets the eligibility criteria to apply for RTP funds and is capable of complying with all Project Agreement responsibilities. The Division of Parks and Recreation recommends, whenever possible, a public agency be sought as a successor.

### Municipal Agencies

- Cities, counties and towns
- Townships
- Public schools
- Regional parks or forests
- Public utilities
- Public housing agencies

### State Agencies

- State park agencies
- State game agencies
- State education institutes
- State housing agencies

### Federal Agencies

- USDA - Forest Service
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- National Park Service
- US Fish and Wildlife Service
- U.S. Army Corps of Engineers
- Military installations

A federal agency may provide its own funds toward RTP projects as additional federal share up to 95 percent of the project cost. The 5 percent balance must come from non-federal sources.

### Other Government Entities

- Tribal governments
- Multi-state public agencies
- Public transit operators

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## 1.6 Public Benefit

Federal aid projects must have a public benefit. Where private investments or joint use activities are part of a project proposal, the federal funds are limited to the portions of the project that primarily benefit the public interest. Because South Dakota's share of the RTP fund is relatively small, preference is given to projects that provide the greatest public benefit. Here are a few things to consider:

- Projects using federal aid funds must be accessible, open and available to the general public, or targeted to a broad segment of the general public.
- The facility cannot be restricted only to particular residents or only to members of specific organizations or clubs.
- Federal aid funds cannot be used for projects that have such limited capacity that only a few paying (or potentially paying) guests have access. The portions of a project using federal aid funds must be open for general public use or viewing at times when visitors are likely.
- Where private investment or joint use activities are part of a project proposal, or where access is restricted only to a few paying (or potentially paying) guests, the federal funds are limited to the portions of the project that primarily benefit the public interest.
- Nothing in the RTP legislation prohibits project sponsors from charging fees for use. Before the project is approved, however, the sponsor and the state should reach a clear agreement on which areas or activities will have a fee, and how income generated will be used.
- The fee must be “reasonable” which should be determined between the state, the RTP Advisory Committee and the project sponsor. The fee should not be set so high as to restrict general public access.
- It may be appropriate for club members to receive a discount, since a portion of their membership may be counted toward use of the area, but the price differential should not be set so high as to restrict general public access.
- A maintenance plan should include reserves for long-term maintenance and periodic repair. Part or all of the fees generated should be a component of the maintenance plan.
- **NOTE:** Charging a fee to use a recreation facility may eliminate landowner liability protection offered under state recreational use statutes.

## 1.7 Project Eligibility

The RTP will fund a variety of trail projects from the following seven categories:

A. Maintenance and Restoration

This category broadly authorizes any kind of trail maintenance, restoration, rehabilitation, or relocation, including trail bridges and signs.

B. Trailside and Trailhead Facilities

This category broadly authorizes the development or rehabilitation of trailside and trailhead facilities. “Rehabilitation” means extensive repair needed to bring a facility up to standards suitable for public use, not routine maintenance. Trailside and trailhead facilities should have a direct relationship with a recreational trail. For example, a highway rest area or visitor center is not an appropriate use of RTP funds.

C. Trail Construction Equipment

This category broadly authorizes the purchase and lease of trail construction, maintenance, or assessment equipment including lawn mowers and trail grooming machines. The equipment must be used primarily to construct, maintain, or assess recreational trails. This provision does not authorize equipment for purposes unrelated to trails. For example, a lawn mower purchased under the RTP must be used primarily for trail and trailside maintenance, not to maintain open lawn areas or sport fields.

D. New Recreational Trail Construction

This category broadly authorizes any kind of new trail construction, including trail bridges and signs, except for limits on new trails located on federal lands. For projects on federal lands, the most important requirement is that the federal agency land manager must approve the project in accordance with other applicable federal laws and regulations.

E. Land or Easement Acquisition

This category authorizes purchases of trail easements across private property and property acquisition for trail corridors or trail systems, including areas intended for future trail development. Acquisition may include purchase and relocation of old road or railroad bridges. Easements or property acquired should correspond to the land necessary for a useful trail corridor or trail system. RTP funds should not be used to acquire easements or land for parks or conservation areas that will not have recreational trails.

The program prohibits condemnation of any kind of interest in property under the principles of eminent domain. Acquisition of any kind of interest in property must be from a willing landowner or seller.

F. Trail Accessibility Assessment

This category authorizes specific projects to assess trails to determine the level of accessibility for people who have disabilities, to develop programs to provide trail access information, and to assess trails for current or future maintenance needs.



### G. Educational Projects

This category authorizes development and dissemination of publications and operation of educational programs to promote safety and environmental protection. Typical education projects may include: trail safety education programs; trail-related environmental education programs; training on trail accessibility and sustainability; trail-related educational materials; trail patrols (non-law enforcement); training that promotes safety or environmental protection related to recreational trails.

Some materials are only partially educational. For example, a trail system map generally is not an educational project. However, if one side of a map is dedicated to trail safety and environmental protection education, educational funds may be used to fund one half of the map's cost.

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## Projects Not Eligible for Funding

- Sidewalks
- Condemned Land
- Campgrounds
- Feasibility Studies
- Insurance
- Law Enforcement
- Legal Fees
- Picnic Facilities
- Playground Equipment
- Promotional Items
- Roads
- Skateboard Parks

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## 1.8 Match Requirement

RTP grant funds will not exceed 80 percent of a project's total cost. Sponsors must provide at least 20 percent of a project's cost. The "match" may include:

- Cash.
- The value of volunteer labor, equipment and materials. Donated labor, equipment, and materials should be based on fair market value. This means that services should be valued at a rate that would ordinarily be paid for similar work. The IRS publishes many of the rates.
- Federal, state and local grants (If other grants are used as match, the other grant must be approved before it can be allowed as match).

Federal Matching Share: In some cases, RTP grant funds may be matched with funds from other federal programs. They may be credited as the non-federal share if expended on an eligible project in accordance with the requirements of that particular federal program. In cases where federal funds are pledged as the RTP project match the combined total of RTP grant funds requested and other federal matching share may not exceed 95 percent of the total project costs. **A minimum of 5 percent of the project cost must come from state, local or private cosponsors.**



## 1.9 Control and Tenure

Applicants must establish adequate control over any land (public or private) to be improved/developed with RTP grant funds. This must include documentation of:

- Fee title
- Lease
- Easement
- Use agreement

The application must identify all outstanding rights or interests held by others on land upon which the project is proposed.

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## 1.10 Environmental Requirements

Federal RTP guidance requires documentation of compliance with the National Environmental Policy Act (NEPA) and other federal environmental laws, regulations and executive orders as part of an authorized project. **Your application will not be reviewed if your environmental documentation is not complete and included in your application.** Compliance with NEPA is required regardless of project sponsorship.

Each project that is selected for funding is required by the FHWA and GF&P to hire an archeologist to complete a Level III Archeological Survey of the project site. A copy of the completed report will need to be submitted to this office. We will forward this report to FHWA for their approval. You should plan to include \$1,000 in your project proposal to cover your expense of hiring an archeologist and having the report completed. No earth disturbing activities may be conducted until the Game, Fish and Parks Department informs you that these clearances have been secured. In some cases it may take several months to secure the needed clearances. A Social, Economic and Environmental Impact Form is provided as part of the application packet and must be completed and signed by all project applicants.