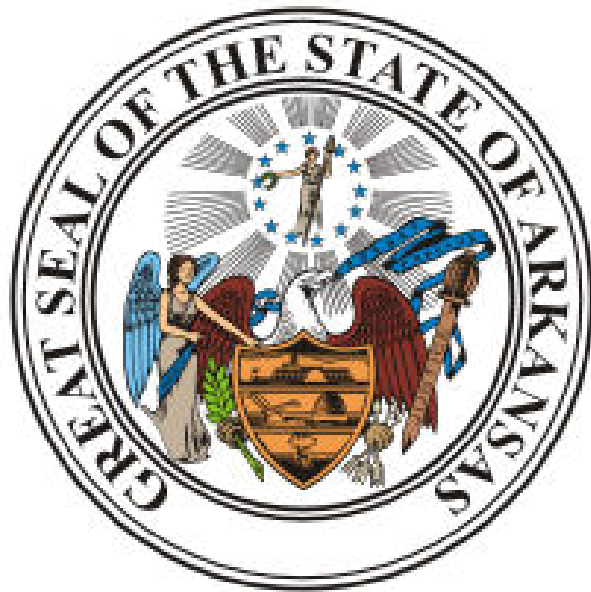


ARKANSAS DEPARTMENT OF PARKS AND TOURISM



REGULATIONS FOR THE WILDLIFE OBSERVATION TRAILS PILOT PROGRAM

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CHAPTER I—GENERAL PROVISIONS

Reg. §101 Effective Date

This regulation shall be effective ten (10) days after filing the same with the Secretary of State, the State Library, and the Bureau of Legislative Research following adoption by the Arkansas Department of Parks and Tourism and review by the Legislative Subcommittee on Administrative Rules and Regulations.

Reg. §102 Purpose

This regulation is promulgated pursuant to Ark. Code Ann. §15-11-701 and following, establishing the Wildlife Observation Trails Pilot Program. This program was established as a partnership between the Arkansas Game and Fish Commission and the Arkansas Department of Parks and Tourism to ignite interest in the natural, cultural, scenic beauty, fish, wildlife and other natural resources of Arkansas and to promote economic development in a healthy and environmentally sound manner. This regulation delineates the procedures for administering the Wildlife Observation Trails Pilot Program in accordance with Amendment 35 to the Arkansas Constitution, relevant statutes and memoranda of understanding between the cooperating agencies.

Reg. §103 Definitions

For the purposes of this regulation, unless otherwise stated herein, the following definitions apply:

- (A) “Administratively complete” means an application which has been determined by the Department to be fully and accurately completed by an applicant, including any supplemental exhibits, schedules, appendices, or other documents required;
- (B) “Advisory board” means the Wildlife Observation Trails Pilot Program Advisory Board;
- (C) “Commission” means the Arkansas Game and Fish Commission;
- (D) “Department” means the Arkansas Department of Parks and Tourism;
- (E) “Director” means the Director of the Arkansas Department of Parks and Tourism;
- (F) “Fiscal year” means a period which begins on July 1 and ends on June 30 of the following calendar year;
- (G) “Grantee” means an entity which has been awarded a grant under this program;
- (H) “Motorized vehicle” means every device self-propelled by internal combustion, electricity or other similar mechanical power upon which any person is or may be transported, but does not include motorized

- wheelchairs or other conveyances designed for the use of disabled or mobility-impaired persons;
- (I) "Program" means the Wildlife Observation Trails Pilot Program;
 - (J) "Rural area" means any area not within the outer boundary of any city or town having a population of 20,000 or more persons;
 - (K) "Timely" means submitted on or before established deadlines;
 - (L) "Tourism attraction" means a place likely to induce persons to visit for recreational purposes due to its inherent natural beauty, cultural value, or historical significance; and,
 - (M) "Wildlife observation trail" means a trail route designed to promote conservation and management of wildlife resources of the state, and to promote tourism and economic development through the enjoyment, use, protection, and improvement of the natural resources of Arkansas.

Reg. §104 Funding Agreement by the Commission

- (A) The Commission agrees to make available up to one million dollars (\$1,000,000.00) for fiscal year 2010-2011 and up to one million dollars (\$1,000,000.00) for fiscal year 2011-2012 for the program for the development of wildlife observation trails from moneys that the Commission receives from oil and gas leases in the Fayetteville shale. Funding for the program is contingent upon approval by Commission minute order and receipt of such moneys by the Commission.
- (B) The Commission's agreement to fund the program for two (2) years does not constitute a mandate by the General Assembly, an appropriation of funds by the General Assembly, or a waiver or relinquishment by the Commission of the authority vested in the Commission under Amendment 35 of the Arkansas Constitution.

Reg. §105 Consultation with Commission

Before amending these regulations, the Director shall first receive consent for all proposed amendments from the Director of the Arkansas Game and Fish Commission.

Reg. §106 Wildlife Observation Trails Pilot Program Advisory Board

- (A) The advisory board consists of seven members appointed by the Director as follows:
 - (1) One representative of the Commission;
 - (2) One representative of the Arkansas Economic Development Commission;
 - (3) One representative of the Arkansas Recreation and Parks Association;
 - (4) One representative of the Association of Arkansas Counties;

- (5) One representative of the Arkansas Game and Fish Foundation;
- (6) One representative of the Arkansas Audubon Society; and,
- (7) One representative of the Arkansas Municipal League.
- (B) The advisory board shall use Robert's Rules of Order to govern procedure at meetings.
- (C) The advisory board shall use these regulations and any memoranda of understanding between the cooperating agencies to make recommendations for grant funding.
- (D) The Department shall provide for appropriate public notice for advisory board meetings and actions in order to comply with the Arkansas Freedom of Information Act.

Reg. §107 Deadlines

If any deadline under this regulation falls on a Saturday, Sunday, or legal holiday, the deadline is extended to the next business day.

Reg. §108 Severability

If any provision of this regulation or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are declared to be severable.

CHAPTER II—APPLICANTS AND APPLICATIONS

Reg. §201 Eligible Applicants

- (A) Applicants eligible to receive funds from the program are cities, counties, nonprofit organizations, and state agencies within the State of Arkansas.
- (B) Projects located on the property of, or constructed in cooperation with, other local government organizations (e.g., school districts, levee districts, conservation districts, etc.) are permitted, but application must be made by a city, county, nonprofit organization, or state agencies which assumes all grant responsibilities for the entire project.
- (C) Nonprofit organizations must provide proof of nonprofit status with applications.

Reg. §202 Wildlife Recreation Facilities Pilot Program

Entities which have applied for grants from the Wildlife Recreation Facilities Pilot Program administered by the Department of Rural Services are ineligible for grants from this program during the same fiscal year.

Reg. §203 Grant Distribution

- (A) A maximum of eighty percent of available grant funds annually shall be designated for applications from cities or counties.
- (B) A maximum of twenty percent of available grant funds annually shall be designated for applications from nonprofit organizations or state agencies.

Reg. §204 Application Forms

The Department, with the consultation and approval of the Commission, shall develop and furnish application forms for the program.

Reg. §205 Application Deadline

Each year, the Director shall establish a deadline by which applications for the program must be received by the Department.

CHAPTER III—GRANT REQUIREMENTS

Reg. §301 Maximum Grant

The maximum amount of grant funds for which any project may qualify is one hundred thousand dollars (\$100,000.00) per year.

Reg. §302 Eligible Projects and Costs

- (A) Projects eligible to be funded by the program are new trails, renovations of trails not constructed using funds from this program, or extensions or relocations of existing trails that are specifically designed to encourage and enhance the ability of the general public to observe wildlife.
- (B) Costs eligible for grant funding include, but are not limited to:
 - (1) Materials for trail construction, such as gravel, cement, asphalt, lumber, etc.
 - (2) Interpretive or directional signage directly related to the proposed wildlife observation trail;
 - (3) Design fees, including engineering, inspection, planning, or architect fees, provided that such costs shall not exceed 10% of total requested grant funds;
 - (4) Restrooms, provided that such costs shall not exceed 20% of total requested grant funds;
 - (5) Rent of equipment directly related to trail construction and used for no other purpose; and,
 - (6) Trail amenities such as benches, observation blinds, trash receptacles, etc.
- (C) Trails funded by this program may be either terrestrial or water trails.

Reg. §303 Ineligible Projects and Costs

Projects and costs that are ineligible for funding through this program include, but are not limited to:

- (A) Land acquisition, whether by purchase of fee title, rights-of-way, easements, or payment of leases, rents, permit fees or other land-use related fees or costs;
- (B) Construction, maintenance, or operation of enclosed buildings;
- (C) Trails designed specifically for motorized vehicles;
- (D) Fuel;
- (E) Books, publications, or brochures;
- (F) Advertising fees or materials;
- (G) Website development;
- (H) Salaries, direct or indirect employee costs, or any other payroll-related expenses;
- (I) Interpretive programs;

- (J) Payment of public utilities;
- (K) Purchase of personal athletic equipment;
- (L) Projects which provide private or selected patronage;
- (M) Landscaping beyond that necessary to heal construction damage along trails;
- (N) Planting or establishment of gardens or row-crop agriculture;
- (O) Irrigation equipment; or,
- (P) Playground equipment.

Reg. §304 Required Grant Criteria

In order to be considered for a grant from the program, the application must include, at a minimum, the following:

- (A) Proof that the applicant has an interest in the land upon which the trail will be located, either through fee simple ownership, or right-of-way, easement, or other conveyance with a term of no less than ten years;
- (B) A commitment by a responsible organization to maintain and operate the trail for a minimum period of ten years;
- (C) Design plans that adhere to state trail standards and guidelines for the trail type designated;
- (D) Proof that the trail is located and designed so that it is optimally attractive for wildlife observation;
- (E) A commitment to open the trail to public use;
- (F) A statement that the trail conforms to goals established in the Statewide Comprehensive Outdoor Recreation Plan or the Arkansas Trails Plan;
- (G) Projected impact on tourism and economic development in the area in which the trail is located;
- (H) Projected benefit to improved access areas for hunting and/or fishing activities;
- (I) If the trail is located within an incorporated area, a resolution passed by the city council signed by the mayor and the city clerk;
- (J) If the trail is located within an unincorporated area, a resolution passed by the quorum court signed by the county judge and the county clerk;
- (K) A preliminary site plan with reasonable detail, including the proposed trail path, the location of any amenities, and proper marking and signage;
- (L) A location map showing the county in which the project lies and its relation to the nearest municipality;
- (M) A signed cover letter from the applicant; and,
- (N) A detailed project cost estimate, with backup documentation for items listed therein.

Reg. §305 Preferential Consideration

When designating which projects will be selected for funding, the advisory board may give more consideration to projects that:

- (A) Have particular appeal to youth for optimal wildlife observation;
- (B) Provide access for hunting or fishing activities;
- (C) Demonstrate, with reasonable specificity, promotion of economic development;
- (D) The board determines to be a tourism attraction;
- (E) Have written commitments from other parties or the applicant to provide additional cash for the project;
- (F) Have site preparations made prior to making an application;
- (G) Can specifically document written commitments of volunteer labor or material donations for the project;
- (H) Include additional items of public support, such as resolutions from neighboring municipalities or letter of support from local government officials; or,
- (I) Meet accessibility guidelines under the Americans With Disabilities Act.

Reg. §306 Negative Consideration

When designating which projects will be selected for funding, the advisory board may give less consideration to projects that:

- (A) Have received funding from the program within the last five fiscal years;
- (B) Are contingent on the actions or inactions of entities other than the applicant or the occurrence or nonoccurrence of events beyond the applicant's control;
- (C) Are submitted by applicants with poor records of maintenance and operation on prior construction projects using funds from this or any other state grant program.

Reg. §307 No Consideration

- (A) The Department will only forward to the advisory board applications which are timely and administratively complete. Applications which are untimely or are administratively incomplete will not be considered.
- (B) New applications from prior grantees or for prior projects with new grantees that have not received certificates of completion or have failed to return to the Department any required document or report from a previous grant will not be considered.

Reg. §308 Grant Evaluation Process

- (A) No more than thirty days after the annual deadline set by the Director passes, the Department will determine which grant applications are timely and administratively complete and transmit those applications to the advisory board.
- (B) No later than sixty days after the Department transmits applications eligible for consideration to the advisory board, the advisory board shall meet to deliberate which grant applications will be recommended for funding and will transmit those recommendations to the Director.
- (C) The advisory board may recommend funding the full amount requested, a partial amount, or no amount.
- (D) The advisory board shall prioritize its recommendations in order from the highest priority to the lowest priority.
- (E) The advisory board may, but is not required to, permit applicants to make presentations to the advisory board concerning proposed projects. If the advisory board allows presentations, it must allow all applicants an opportunity to make a presentation. The advisory board may set limits on the time, place, or manner of presentations.
- (F) No later than fifteen days after determining its recommendations on which, if any, applications should be approved for funding, the advisory board shall transmit its recommendations to the Director.
- (G) No later than fourteen days after receiving the advisory board's recommendations, the Director shall forward the recommended projects to the Director of the Commission.

Reg. §309 Funding Decision

Recommendations for grant funding will be presented to the Commission within sixty days after receipt by the Director of the Commission. The Commission will determine in its sole discretion which of the recommended projects to fund and in what amounts, if any.

Reg. §310 Funding Source

Grants funded by the program are paid by the Commission from oil and gas revenues as accounted for in the Commission's Game Protection Fund. However, if a court of competent jurisdiction and/or governing federal entity orders in the future that Commission oil and gas revenues shall not be used as trail grant funds, then any obligations of the Commission under this agreement shall immediately cease and no additional grant funds shall be payable by the Commission.

Reg. §311 Memorandum of Agreement

Selected grantees will be required to promptly execute an agreement with the Commission specifying the grantee's obligations for grant funds. Failure to do so may result in the Commission selecting another grantee's project to fund instead.

Reg. §312 Project Management Workshop

Each grantee must attend a project management workshop before being issued a notice to proceed. Representatives of the grantee directly involved with the day-to-day management of the project must attend the workshop.

Reg. §313 Notice to Proceed

After grantees have executed an agreement with the Commission and satisfied all necessary requirements to receive grant funding, the Commission will forward funds to the grantee along with a notice to proceed. The grantee may then deposit grant funds and expend them as outlined in the agreement.

CHAPTER IV—GRANTEE RESPONSIBILITIES AND ACTIVITIES

Reg. §401 Compliance with Applicable Laws

Each grantee must comply with federal and state laws which may apply to grant funded projects, including, but not limited to, laws controlling bidding; procurement; use of registered engineers, architects, or other professionals; building codes; and civil rights acts.

Reg. §402 Segregation of Funds

Grantees must keep funds awarded from this program in a separate account and must not commingle grant funds and funds from non-grant sources.

Reg. §403 Record Keeping Requirements

- (A) Grantees are responsible for documenting the expenditure of all grant funds, keep all cancelled checks, invoices, statements, and contracts.
- (B) If the Commission determines at any time that the grantee has failed to keep the necessary records, the Commission may require that the grantee repay the amount of the grant money.
- (C) As a condition of receiving the grants, all records of the grantee pertaining to grant funded projects, including, but not limited to, bank statements, financial statements, cancelled checks, invoices, statements, contracts, correspondence, and emails are subject to inspection by the Commission, Department, or state auditors.
- (D) All records must be retained for a minimum of five years after the Commission issues a certification of closure.

Reg. §404 Project Inspection

The Commission may inspect the project at any reasonable time during and after construction. As a condition of accepting the grant, the grantees accept that the Commission may bring representatives of the Department, its engineers, or any other persons it deems advisable as part of the inspection team and consents to their entry on grantee-owned or controlled property.

Reg. §405 Time to Complete

All grant-funded projects must be completed within two years of the date of the grantee's notice to proceed from the Commission.

Reg. §406 Notice of Completion

At the end of grant-funded project construction, the grantee shall submit to the Commission a notice of completion for the project.

Reg. §407 Final Inspection and Certificate of Closure

- (A) After receiving the grantee's notice of completion or the expiration of the two-year construction period, the Commission will perform a final inspection of the project.
- (B) If the Commission determines that the project has been satisfactorily completed, it will transmit to the grantee a certificate of closure.
- (C) A copy of the certificate of closure will be forwarded to the Department.
- (D) If the final inspection reveals that the grantee has not substantially followed the design drawings and specifications submitted in the application with authorization, the grantee may be required to remove and replace the equipment or facility at its cost.

Reg. §408 Unexpended Funds

If any grant funds remain unexpended at the completion of grant-funded activities, the grantee must remit those funds to the Commission.

Reg. §409 Reimbursement of Grant Funds

- (A) Grantees agree to maintain grant-funded projects for at least ten years after the execution of a memorandum of agreement with the Commission.
- (B) If a grantee fails to start work on, abandons, or removes a grant-funded project without the written permission of the Commission before the expiration of the ten year period, the grantee shall reimburse grant funds to the Commission on a prorated basis.
- (C) Reimbursement to the Commission shall be prorated as follows:
 - (1) If the project is not started, is removed, or abandoned within two years of the date of the memorandum of agreement, the grantee shall reimburse the Commission one hundred percent (100%) of the original grant amount.

- (2) If the project is removed or abandoned after two but before three years of the date of the memorandum of agreement, the grantee shall reimburse the Commission eighty percent (80%) of the original grant amount.
- (3) If the project is removed or abandoned after three but before four years of the date of the memorandum of agreement, the grantee shall reimburse the Commission seventy percent (70%) of the original grant amount.
- (4) If the project is removed or abandoned after four but before five years of the date of the memorandum of agreement, the grantee shall reimburse the Commission sixty percent (60%) of the original grant amount.
- (5) If the project is removed or abandoned after five but before six years of the date of the memorandum of agreement, the grantee shall reimburse the Commission fifty percent (50%) of the original grant amount.
- (6) If the project is removed or abandoned after six but before seven years of the date of the memorandum of agreement, the grantee shall reimburse the Commission forty percent (40%) of the original grant amount.
- (7) If the project is removed or abandoned after seven but before eight years of the date of the memorandum of agreement, the grantee shall reimburse the Commission thirty percent (30%) of the original grant amount.
- (8) If the project is removed or abandoned after eight but before nine years of the date of the memorandum of agreement, the grantee shall reimburse the Commission twenty percent (20%) of the original grant amount.
- (9) If the project is removed or abandoned after nine but before ten years of the date of the memorandum of agreement, the grantee shall reimburse the Commission ten percent (10%) of the original grant amount.

Grant Deadline: 5:00 P.M. ??????, 20??

FY 20?? APPLICATION



Wildlife Observation Trail Grant Program

DRAFT

for
Administrative Procedures

*A Cooperative Government Program
Funded by the Arkansas Game and Fish Commission
Application Administered by Arkansas Department of Parks & Tourism's
Outdoor Recreation Grants Program
<http://www.outdoorgrants.com>*

Wildlife Observation Trail Grant Program

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Wildlife Observation Trail Grant Program

Introduction

PURPOSE

The purpose of the Wildlife Observation Trails Grant Program is to make grant funds available to cities, counties, state agencies and non-profit organizations to provide access to Arkansas's natural resources and wildlife through the development of trails and associated facilities.

F U N D I N G

Act 686 of 2009 (AR Code Ann. 15-11-701) established The **Wildlife Observation Trails Pilot Program** which authorizes the Arkansas Game and Fish Commission to make available one million dollars for fiscal year 20??-20?? from money the Arkansas Game and Fish Commission has received from the oil and gas leases in the Fayetteville Shale.

COOPERATION

The Arkansas Game and Fish Commission and the Arkansas Department of Parks and Tourism are cooperating to solicit applications and make available funds for the development and enhancement of trails for the observation of Arkansas wildlife.

OTHER GRANT OPTIONS

The Wildlife Observation Trails Grant Program is intended only for the development of trails and support facilities for the observation of wildlife.

Other grants for recreational trails are available through the Arkansas Recreational Trails Grant Program administered by the Arkansas State Highway and Transportation Department; 50/50 Matching Grant Program administered by the Arkansas Department of Parks and Tourism; Rural Community Development Grant Program administered by the Arkansas Department of Rural Services; Trails for Life Grant Program administered by the Arkansas Department of Parks and Tourism.

Wildlife Observation Trail Grant Program

Wildlife Observation Trail Grant Program

Grant Process

The Wildlife Observation Trail Grant Program is a cooperative effort between the Arkansas Game and Fish Commission and the Arkansas Department of Parks and Tourism. The Arkansas Department of Parks and Tourism will administer the grant application process. The Arkansas Game and Fish Commission will administer the project construction process.

Applicants will submit one (1) copy of the application. The Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Staff will review it for deficiencies. The applicant will then be given until ???, ??? 20?? to submit any additional required content.

The Outdoor Recreation Grants Program Staff will schedule a public hearing of the Wildlife Observation Trail Advisory Board. Each applicant will be notified by mail and given the opportunity to schedule an appearance before the Board to explain their grant proposal.

The Board will make funding recommendations to the Executive Director of the Arkansas Department of Parks and Tourism.

The Arkansas Game and Fish Commission will notify all applicants of the

Board's decision regarding their grant request. Those selected for funding will be required to attend a Project Management Workshop presented by Arkansas Game and Fish Commission personnel.

Eligible Projects

The objective of the Wildlife Observation Trail Grant Program is to provide grants to construct, enhance, extend or renovate trails and support facilities that provide enhanced opportunities for the enjoyment and observation of Arkansas's wildlife by the general public

(A) Projects eligible to be funded by the program are:

- (1) new trails,
- (2) renovations of trails not constructed using funds from this program,
- (3) extensions or relocations of existing trails that are specifically designed to encourage and enhance the ability of the general public to observe wildlife.

(B) Trails funded by this program may be either terrestrial or water trails.

Maximum Grant Amount

The maximum amount that any applicant can apply for annually is \$100,000.

Eligible Applicants

(A) Applicants eligible to receive funds

Wildlife Observation Trail Grant Program

from the program are cities, counties, nonprofit organizations, and state agencies within the State of Arkansas.

(B) Projects located on the property of, or constructed in cooperation with, other local government organizations (e.g., school districts, levee districts, conservation districts, etc.) are permitted, but the application must be made by a city, county, nonprofit organization, or state agency which assumes all grant responsibilities for the entire project.

(C) Nonprofit organizations must provide proof of nonprofit status with applications.

Ineligible Applicants

Entities which have applied for Wildlife Recreation Facilities Pilot Program grants administered by the Department of Rural Services are ineligible for grants from this program until construction of Wildlife Recreation Facilities are completed.

Annual Grant Distribution

(A) A maximum of eighty percent of available grant funds annually shall be designated for applications from cities or counties.

(B) A maximum of twenty percent of available grant funds annually shall be designated for applications from nonprofit organizations or state agencies.

Costs Eligible For Grant Funding Include, But Are Not Limited To:

(1) Materials for trail construction, such as gravel, cement, asphalt, lumber, etc.

(2) Interpretive or directional signage directly related to the proposed wildlife

observation trail;

(3) Design fees, including engineering, inspection, planning, or architect fees, provided that such costs shall not exceed 10% of total requested grant funds;

(4) Restrooms, provided that such costs shall not exceed 20% of total requested grant funds;

(5) Rent of equipment directly related to trail construction and used for no other purpose; and,

(6) Trail amenities such as benches, observation blinds, trash receptacles, etc.

Projects Receiving Preferential Consideration

The Wildlife Observation Trails Grant Committee will give preferential considerations to application proposals that:

(A) Have particular appeal to youth for optimal wildlife observation;

(B) Provide access for hunting or fishing activities;

(C) Demonstrate, with reasonable specificity, promotion of economic development;

(D) The board determines the projects to be a tourism attraction;

(E) Have written commitments from other parties or the applicant to provide additional cash for the project;

(F) Have site preparations made prior to making an application;

(G) Can specifically document written commitments of volunteer labor or material donations for the project;

(H) Include additional items of public support, such as resolutions from neighboring municipalities or letter of support from local government officials;

Wildlife Observation Trail Grant Program

or,

(I) Meet accessibility guidelines under the Americans With Disabilities Act.

Grant Funds May Not Be Used For

- (A) Land acquisition, whether by purchase of fee title, rights-of-way, easements, or payment of leases, rents, permit fees or other land-use related fees or costs;
- (B) Construction, maintenance, or operation of enclosed buildings other than restrooms;
- (C) Trails designed specifically for motorized vehicles;
- (D) Fuel;
- (E) Books, publications, or brochures;
- (F) Advertising fees or materials;
- (G) Website development;
- (H) Salaries, direct or indirect employee costs, or any other payroll-related expenses;
- (I) Interpretive programs;
- (J) Payment of public utilities;
- (K) Purchase of personal athletic equipment;
- (L) Projects which provide private or selected patronage;
- (M) Landscaping beyond that necessary to heal construction damage along trails;
- (N) Planting or establishment of gardens or row-crop agriculture;
- (O) Irrigation equipment; or,
- (P) Playground equipment.

How Much Funding will be Available Annually?

Because this is a pilot program \$1,000,000 is available for Fiscal Year 20??-20??.

Eighty percent (80%) of the funds will

be available annually to cities and counties and 20% available to state agencies.

Who is Eligible to Apply?

State agencies, incorporated city governments and county governments (unincorporated communities must apply through the county). Joint applications may be submitted between city or county governments and schools, non profit corporations, or private industry. Joint sponsors must sign a binding contract agreement making each party responsible for the operation and maintenance of the project which shall remain open for public use at all reasonable times. Nonprofit organizations must provide proof of nonprofit status with the application. Grant applicants may submit only one application per year.

Grant Deadline

One original application must be submitted to the Arkansas Department of Parks and Tourism, Outdoor Recreation Grants Program, One Capitol Mall, Little Rock, AR 72201, prior to the grant deadline of 5:00 PM, ?????, 20??. Applications may be faxed to 501-682-0081; however, in order to be eligible, the original application must be mailed and post-marked no later than ?????, 20??

Property Requirements and Responsibilities

To be eligible for a Wildlife Observation Trail Grant, the applicant (city or county) must include with their application proof of ownership or control of the property. A deed, lease, easement, or a letter of intent to sell, donate,

Wildlife Observation Trail Grant Program

lease or provide an easement for the proposed project property. An easement or lease must have a term of 10 years or more. (See example lease on pages 19-21). A letter from the owner expressing the intent to sell, lease or provide an easement for the project property is acceptable if the applicant does not have possession at the time of the application (see example letter on page 15) but funds will not be released to the grantee until an executed deed or lease is submitted.

Matching Requirement

There is *no* monetary match for this grant program. The applicant must provide land suitable for the project.

Local Project Support

The applicant will be required to provide the Department with a City Council or Quorum Court Resolution supporting the project application as shown on page 22 of this guide.

Who Selects Which Grants are Funded?

Projects will be selected for funding by the Wildlife Observation Trail Pilot Program Advisory Board that consists of seven members: one (1) representative from the Arkansas Game and Fish Commission one (1) representative from the Arkansas Economic Development Commission; one (1) representative from the Arkansas Recreation and Parks Association; one (1) representative from the Arkansas Association of Counties; one (1) representative from the Arkansas Game and Fish Foundation; one (1) representative from the Arkansas Municipal

League and one (1) representative from the Arkansas Audubon Society.

During the grant hearings that are to be held ????, 20??, photographs of project sites will be projected onto a screen during the 5-minute presentations by each of the grant applicants. The photographs are intended to familiarize the Wildlife Observation Trail Pilot Program Advisory Board with the grant applications and provide the applicants a tool to better describe their project. Each applicant may submit up to 10 digital photographs of their project site and surrounding area, numbered in the order they should be shown. The Outdoor Recreation Grants Program staff will incorporate these photographs into the PowerPoint presentation that will be shown at the public hearing. We may edit the number of photographs to allow sufficient time for your presentation and questions from the Wildlife Observation Trail Pilot Program Advisory Board.

Photographs must be submitted in jpg. format, on a CD or as an e-mail attachment sent to bryan.kellar@arkansas.gov. All photos must be submitted by ????, 20??. No movie clips or mpegs. If you are invited to attend the hearings you will receive a letter notifying you to call and schedule your presentation time. When you call to schedule a time, we will then e-mail a copy of your presentation we will show at the public hearing so that you know which pictures will appear.

Criteria for Selecting Projects to be Funded?

Applications will be reviewed by Outdoor Recreation Grant Program staff

Wildlife Observation Trail Grant Program

when submitted. Only approved applications will be submitted to the Grants Advisory Committee for funding consideration. The Committee will review each project application based on its individual merits. Projects that provide additional cash, site preparations, volunteer labor, material donations, facility enhancements, programs that encourage use, promotional literature, and signage will be considered for funding priority. Projects in underserved and rural areas will also be considered for funding priority.

Grantee Responsibilities

The applicant will be responsible for securing any required state or federal permits prior to construction. If the development is located in a wetland a federal 404 permit may be required.

How Will Grant Funds Be Administered and Distributed

The Executive Director of the Arkansas Department of Parks and Tourism will review the funding recommendations of the Wildlife Observation Trail Pilot Program Advisory Board and then present them to the Arkansas Game and Fish Commission. The Commission will notify each applicant of their funding status. The Arkansas Game and Fish Commission will require each grantee to attend a Project Management Workshop in order to receive instructions about how to complete their project.

Requirement for Professional Design Services

AR. Code 22-9-101. Observation by

registered professionals required

(a) Neither the state nor any township, county, municipality, village, or other political subdivision of the state shall engage in the construction of any public works involving engineering or architecture for which the plans, specifications, and estimates have not been made by, and the construction executed under the observation of, a registered professional engineer or architect, in their respective areas of expertise, who are licensed to practice under the laws of Arkansas.

(b) Nothing in this section shall be held to apply to any public works wherein the contemplated construction expenditure:

(1) For an engineering project does not exceed twenty-five thousand dollars (\$25,000); or

(2) For an architectural project does not exceed one hundred thousand dollars (\$100,000).

(c) This section shall not apply to any school district, county, municipality, or township project which is planned and executed according to plans and specifications furnished by authorized state agencies.

Professional Design and Administrative Fees:

Administrative and licensed design professional fees are an eligible cost item for up to 10% of the total grant amount.

Barrier Free Accessibility

All developed facilities shall provide barrier free access as provided by the Americans with Disabilities Act of 1990 (42 U.S.C. 12181); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); Arkansas Architectural Barriers Act 122 of 1967.

Wildlife Observation Trail Grant Application

FY 20?? - (Maximum \$100,000)

Application Form - (Please Print or Type)

A. Applicant (City or County) Name: _____

Mailing Address: _____

ZIP: _____ Phone Number: () _____

County: _____

B. Certification of Chief Executive Officer:

"I hereby certify that the information contained in the attached application is true and correct to the best of my knowledge.

Signature: _____ ☐ Mayor ☐ County Judge

Printed Name: _____ Date: _____

C. Joint-Sponsor 's Name: (if any) _____

Mailing Address: _____

Signature: _____ Phone Number: () _____

D. Application Preparers Name: _____

Mailing Address: _____

ZIP: _____ Phone Number: () _____

E. Amount of Grant Funds Requested \$ _____

F. Is the project in a floodplain? _____

Wetland? _____

G. What is the population of your city or community? _____

- H.** Describe each element of this project and how it will provide a trail / facilities located and designed so that they are optimally attractive for wildlife observation.
- I.** Describe in detail the impact this project will have on tourism and economic development in the area in which the trail is located
- J.** Describe how the proposed improvements will appeal to Arkansas's youth
- K.** Does the proposed project provide improved access to hunting or fishing? If yes, explain.
- L.** Operating and maintaining these facilities will take people and financial resources. Who will provide maintenance for this project? Will the city or county budget contain a line item specifically for this project? If not, how will the operation and maintenance be paid for?
- M.** Attach a copy of any proposed or current contractual agreement with any committee, club, organization, group, or individual that will perform maintenance or maintain the proposed trail facilities
- N.** Describe any site preparations made prior to making this application
- O.** List additional local cash funds or project elements that the local sponsor will construct at their expense, or that will be donated or be included as a part of this project. *Examples might include benches, large trail sign, additional parking, trail lights, etc.* (If none, state "none")
- P.** Describe what local labor the sponsor will contractually contribute to the project. (If none, state "none")
- Q.** Describe what programs the local sponsor presently has or will establish to make use of the project facilities. Start up dates and program specifics must be described in detail. (If none, state "none")
- R.** A staff person will be visiting your proposed project site. Please provide a map and detailed instructions on how to get to the site from the nearest major highway:
- S.** The Wildlife Observation Trail Grants Advisory Board may recommend funding the full amount requested, or a partial amount. Clearly describe in priority order of your proposed project elements and the minimum you consider necessary to complete a viable project.

Required Attachments

1. A signed cover letter from the applicant;
2. Copies of deeds, leases, right-of-way, easement, letter of intent to lease or donate or other conveyance with a term of no less than ten years proving that the applicant has an interest in the land upon which the trail will be located;
3. A commitment by a responsible organization to maintain and operate the trail for a minimum period of ten years;
4. Design plans that adhere to state trail standards and guidelines for the trail type designated;
5. If the trail is located within an incorporated area, a resolution passed by the city council signed by the mayor and the city clerk; (see example page 22)
6. If the trail is located within an unincorporated area, a resolution passed by the quorum court signed by the county judge and the county clerk; (see example page 22)
7. A preliminary site plan with reasonable detail, including the existing/proposed trail path, the location of any existing / proposed amenities, and examples of proposed or existing marking and signage;
8. Attach a location map showing the county in which the project lies and its relation to the nearest municipality; (see page 14)
9. Letter of from the applicant and/or other parties detailing additional cash commitments for the proposed project;
10. Letters detailing commitments of volunteer labor or material donations for the project;
11. Include additional items of public support, such as resolutions from neighboring municipalities or letter of support from local government and elected officials;

Detailed Cost Estimate - Wildlife Observation Trail Project

Applicant (City or County) Name: _____ Date _____

[illegible]

Total \$ _____

Project Location Map

(Place an "X" on the map locating your proposed project)



June 22, 20??

The Honorable Nathan Mills
Mayor of Anytown
Anytown, Arkansas 79998

Dear Mayor Mills:

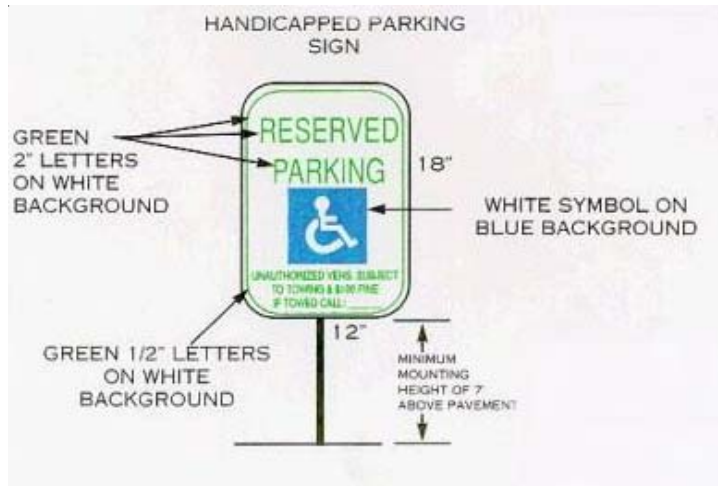
I am hereby submitting this letter confirming my intent to lease to the City of Anytown, for a term of 10 years, a ____ acre parcel of land located at the corner of 12th and Popular Street. The execution of this lease is contingent on the City of Anytown receiving a FY 20?? Wildlife Observation Trail Grant from the Arkansas Game and Fish Commission to develop for public use.

If I can be of further assistance, please do not hesitate to call me at (501) 222-1111.

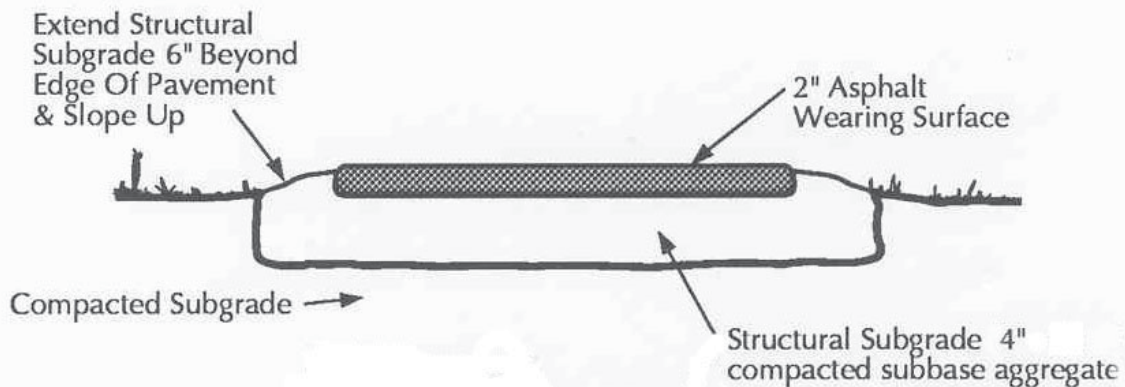
Sincerely,

SAMPLE

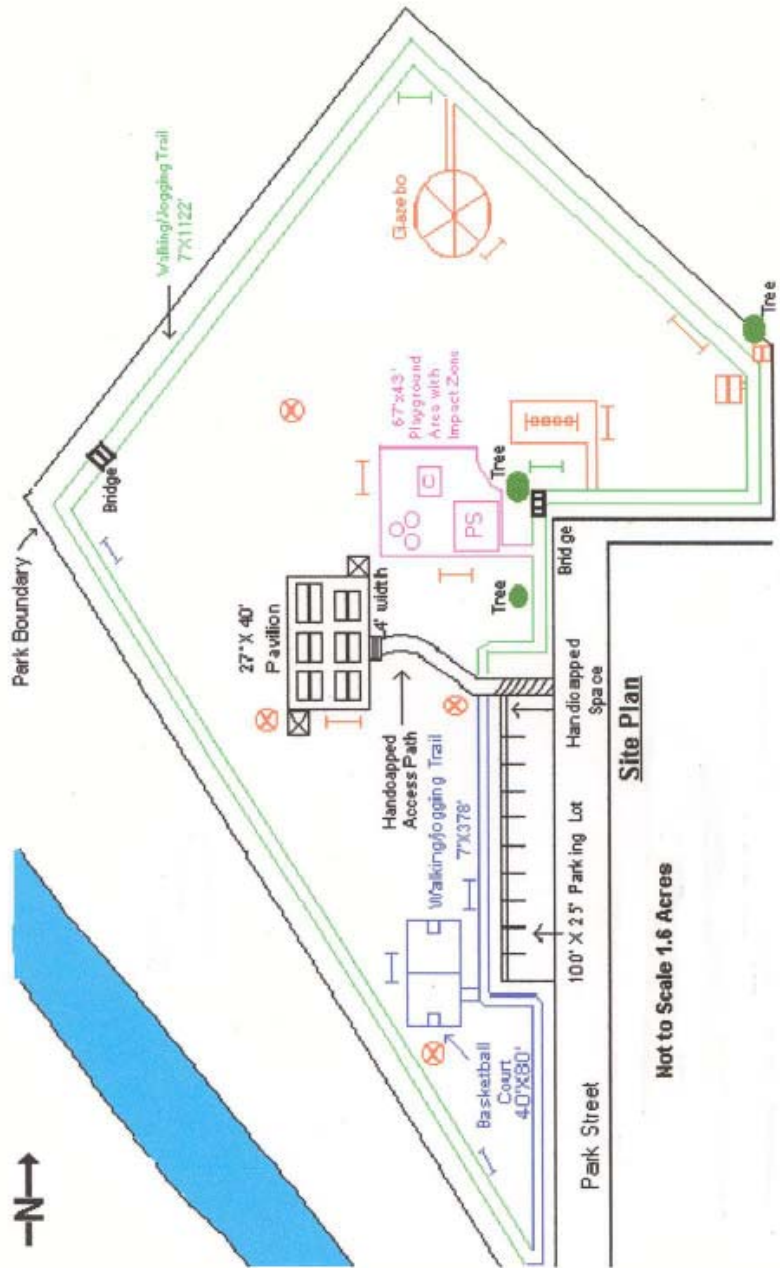
Bob White



Typical Handicapped Parking Sign



Typical Trail Cross Section



LEGEND

4' Walkway	PS	Play Structure
Picnic Table	Handicapped Access Ramp	Trash Receptacles
Grill	Bench	Spring Animals
Climber	Swingset	

Site Plan

Not to Scale 1.6 Acres

Sources of Application Preparation Assistance

Arkansas Department of Parks and Tourism - Outdoor Recreation Grants Program

One Capitol Mall
Little Rock, AR 72201
(501) 682-1301

Director: Bryan Kellar

Project Officers:

John Beneke
Brenda Rowell
Anita Chouinard

Northwest Arkansas Regional Planning Commission

1311 Clayton Street
Springdale, Arkansas 72762
Telephone (479) 751-7125

Northwest Arkansas Economic Development District

Post Office Box 190
818 Hwy 62-65-412 North
Harrison, Arkansas 72601
Telephone (870) 741-5404

Western Arkansas Planning and Development District

Post Office Box 2067
1109 South 16th Street
Fort Smith, Arkansas 72902
Telephone (479) 785-2651

West Central Arkansas Planning and Development District

Post Office Box 21100
835 Central Avenue, Suite 201
Hot Springs, Arkansas 71903
Telephone (501) 525-7577

Southwest Arkansas Planning and Development District

Post Office Box 767
600 Bessie Street
Magnolia, Arkansas 71754
Telephone (870) 234-4030

White River Planning and Development District

Post Office Box 2396
1652 White Drive
Batesville, Arkansas 72503
Telephone (870) 793-5233

Central Arkansas Planning and Development District

Post Office Box 300
902 N. Center Street
Lonoke, Arkansas 72086
Telephone (501) 676-2721

East Arkansas Planning and Development District

Post Office Box 1403
2905 King Street
Jonesboro, Arkansas 72403
Telephone (870) 932-3957

Southeast Arkansas Economic Development District

Post Office Box 6806
721 South Walnut
Pine Bluff, Arkansas 71611
Telephone (870) 536-1971

Before entering into an agreement, both the lessor and lessee should seek the advice of separate legal council. This "Example Lease Agreement" has been prepared to demonstrate many of the elements that will serve to protect the interests of both the lessor and the lessee. Both parties should consider reviewing this example and make a conscious decision before eliminating any of the basic elements contained in this example.

EXAMPLE LEASE AGREEMENT

This Lease Agreement is made by and between _____, hereinafter known as the Lessor, for and in consideration of Ten dollars (\$10.00) and the terms and conditions herein stated, hereby leases to, _____, hereinafter known as the Lessee, the following described property:

Legal Description:

(Place Written Legal Description Here)

hereinafter known as the leased property.

Said Lessee hereby covenants and agrees with said Lessor as follows:

1. Term: The Lessor shall lease to the Lessee the above described property for the term of _____ years, beginning on the _____ day of _____, 20____, and lasting until _____, 20____, unless otherwise terminated or extended as herein provided. Lessee shall have the option to renew this Lease Agreement for term and under the same conditions, or under other conditions mutually agreed upon, with a minimum of ninety (90) days written notice to the Lessor.

2. Use and Subordination: Lessee shall use and occupy the leased premises only for constructing, operating and maintaining a public recreation trails area and associated activities and programs and shall not have any other right not expressed herein. Lessee and Lessor understand that these leased premises are for general public use and no one may be denied use of these premises because of their race, creed, color, gender, disability or national origin. Additionally, this Lease is and shall be subordinated to any and all existing liens and encumbrances against the leased property.

3. Assignment: Lessee shall not assign this Lease and understands and agrees that no portion of these premises may be sublet. The Lessee, however, may enter into agreements with others for the purposes of maintenance of the premises, public recreation programming, or other associated activities.

4. Ordinances and Statutes: Lessee may enact and enforce statutes, ordinances, procedures, policies, and requirements as it deems necessary for the health, safety and welfare of the public use of the leased premises.

5. Liability and Indemnification: In accordance with the provisions of State Statute 18-11-301 to 18-11-307 (ACA 1987), the Lessor shall not be liable for any and all claims for expenses, loss,

damage, injury or other casualty to any person or property caused by, or arising out of, Lessee's use and occupancy of said premises and the Lessee agrees and covenants to hold the Lessor harmless from any such claim or claims. In addition, the Lessee agrees to indemnify the Lessor for any and all liability, loss or damage the Lessor may suffer as a result of claims, demands, costs or judgments arising out of Lessee's operations hereinafter. Such indemnification shall include the reimbursement to the Lessor for any attorney fees incurred by the Lessor in connection with the defense of any action covered by this indemnification. Further, Lessee agrees to hold the Lessor, its agents, successors or assigns free from any claim for damages to the Lessee's Lease use purpose resulting from Lessor's normal business operations.

6. Care, Maintenance & Taxes: Lessee understands and agrees that the leased premises are in good order and repair, unless otherwise indicated herein. Lessee shall, at his own expense and at all times, maintain the premises in good and safe condition, to include all facilities thereon. It shall be the Lessee's obligation to obtain all necessary permits to implement the purpose of this agreement from all organizations, public or private, who may have an interest or jurisdiction in these matters. It shall also be the Lessee's responsibility to collect and/or pay all required taxes and fees necessary to fulfill the purpose of this Agreement. Lessee shall also be solely responsible for any and all capital improvements, repairs and utilities, to include all costs required on the premises and facilities thereon. It shall also be the responsibility of the Lessee to pay any and all taxes or assessments levied upon the leased premises during the term of this agreement.

7. Termination: This agreement may be terminated by either party subject to:

- a. The mutual written consent of both parties with at least ninety days written notice;
- b. The default of any of the conditions herein listed;
- c. The said lease use ceasing for any reason not agreed to between the parties, for a period of 120 consecutive days.

A written Notice of Complaint or Intent to Terminate shall be sent to the Applicable Party(ies) below:

Lessor

(Name; Address; Telephone Number)

Lessee

(Name; Address; Telephone Number)

Notice shall be deemed to have been duly delivered when personally delivered or when deposited in the United States mail, certified mail, postage pre-paid. Forty-five (45) days shall be allowed after delivery of the Notice of Complaint for the party or parties to correct the item(s) identified in the complaint. Should the party or parties fail to correct the items identified in the complaint, a written Intent of Termination shall be effective fifteen (15) days after the date of delivery of the Intent of Termination notice.

Upon termination of this agreement, the Lessee shall peaceably surrender the leased premises and all facilities thereon in as good condition as they were received, normal wear and tear excepted. In addition, the Lessee may, at their option, leave any and all improvements constructed on the leased premises without penalty.

8. Right of First Refusal: The Lessor understands and agrees that should he be made a legitimate offer to sell the leased premises that he will in turn notify, in writing, the Lessee of this offer and offer the leased premises to the Lessee at the same terms, conditions and price as offered to the Lessor. The Lessee shall have ninety (90) days after notification by the Lessor in which to reach an agreement with the Lessor and to sign an Offer and Acceptance, or some other such document, for the purchase of the leased premises. Should a purchase agreement between the parties prove to be impossible to consummate within the time frame provided, then this right is terminated.

9. Amendments, etc.: This Lease Agreement shall not be amended, modified, or altered in any way except in writing executed by both parties, and any oral notice, consent or any other event required to be in writing herein shall not be valid unless confirmed in writing.

10. Special Conditions/Restrictions:

(Place special conditions or use restrictions here)

IN WITNESS WHEREOF the said Lease is executed by the said Lessor and Lessee who individually represent that each has the authority to enter into this Lease.

LESSEE(S):

LESSOR(S):

By: _____ By:

DATE: _____ DATE: _____

By: _____ By: _____

ATTEST: _____ ATTEST: _____

Sample

RESOLUTION No. _____

WHEREAS, _____, Arkansas recognizes the need to provide or improve public access for the Observation of Arkansas's wildlife ; and

WHEREAS, the City/County wishes to apply for Wildlife Observation Trails grant funds through the cooperative program of the Arkansas Game and Fish Commission and the Arkansas Department of Parks and Tourism ; and

WHEREAS, the Mayor/County Judge and the City Council/Quorum Court understands that if granted funds for development, they must provide land, by lease, or ownership or other means, to develop the facilities on; and

WHEREAS, _____, Arkansas will sign a contract agreeing to provide the necessary resources to maintain this park and facilities for a period of 10 years; _____

NOW, THEREFORE, BE IT RESOLVED the City Council/Quorum Court of _____, Arkansas hereby authorizes the Mayor/County Judge to submit an application for grant funding to the Arkansas Department of Parks and Tourism.

Passed this _____ day of _____, 20??

APPROVED: _____
Mayor/County Judge

Clerk

**Wildlife Observation Trail
A Cooperative Program of the
Arkansas Game and Fish Commission
and the
Arkansas Department of Parks and Tourism**



**Arkansas Department of Parks & Tourism
Outdoor Recreation Grants
One Capitol Mall
Little Rock, Arkansas 72201
Phone (501) 682-1301 FAX (501) 682-0081
www.outdoorgrants.com**