



**STATE OF NEVADA  
RECREATIONAL TRAILS PROGRAM  
2017 GRANTS MANUAL  
CFDA 20.219**

**Please read this manual thoroughly before proceeding with an application.**

**APPLICATIONS DUE: FEBRUARY 3, 2017, 5:00 PM PACIFIC STANDARD TIME**

**PLEASE SUBMIT: 3 FULL COLOR COPIES, DOUBLE SIDED  
ONE ELECTRONIC COPY ON CD OR FLASHDRIVE**

**TO: NEVADA DIVISION OF STATE PARKS  
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**The policy of the Department of Conservation and Natural Resources is to fully comply with the intent of Title VI of the Civil Rights Act of 1964. Title VI provides that no person in the United States shall, on grounds of race, color, or national origin, be excluded from participating in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.**

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## QUICK FACTS

Grant Opens :	November 2016
Applications Due:	February 3, 2017
Committee Meeting:	March 2017
Available Funding:	Approximately \$1,250,000
Permissible Uses:	New trail construction Trail restoration Trail head facilities Purchase of tools to construct and/or renovate trail Land acquisition for trail purposes Safety and educational programs Engineered trail design/maintenance documents
Grants available to:	Governmental agencies Non-profit organizations Tribal governments
Match Requirements:	20% for non-motorized and education 5% for motorized

## RECREATIONAL TRAILS PROGRAM SUMMARY

The Recreational Trails Program (RTP) is administered by the Federal Highway Administration (FHWA). Administration of the program has been delegated by the Governor through the Nevada Department of Transportation to the Nevada Division of State Parks (NDSP). RTP funding is authorized under the “Fixing America’s Surface Transportation (FAST) Act” as a set-aside of funds from the Transportation Alternatives (TA) set-aside under the Surface Transportation Block Grant Program.

The RTP is designed to supplement and assist current federal, state, local and volunteer trail efforts. Through financial and technical assistance, and improved communications among all trail interests, the program is intended to expand the quantity and improve the quality of recreational trails in America. This program requires states to: (1) designate a state official responsible for the trails program, (2) create a state recreational trails advisory board and (3) use the funds to meet the goals of the Act.

NDSP has a 2005 State Recreational Trails Plan with a complete list of all 13 State Trails Plan issues (see Appendix F). In addition, the 2010 Statewide Comprehensive Outdoor Recreation Plan (SCORP) addresses issues related to recreational trails. Projects submitted for funding will be specifically assessed as they address State Recreational Trails Plan issues and issues discussed in the SCORP.

FHWA guidelines require each state to establish a State Recreational Trails Advisory Committee consisting of both motorized and non-motorized trail users. This committee is charged with evaluating proposed projects and making recommendations on projects to be funded. In Nevada, an Ad Hoc Nevada State Recreational Trails Advisory Committee, comprised of federal, state, and local government officials and representatives of trail user groups from across Nevada, performs this function.

States may provide funds in the form of grants to city, county, state, and federal governmental entities, American Tribes, and special government districts such as General Improvement Districts, and private individuals and organizations.

Applicants may submit more than one application. In addition, applicants may be the lead on an application and a partner for others. However, grantees should prioritize their own projects if they are submitting multiple applications since they would be competing against themselves. Special attention will be paid to prescreening of applications. If an application is not complete, it will not be forwarded to the committee for review.

## DISTRIBUTION OF FUNDS

Nevada's FY 2017 RTP apportionment for projects is approximately **\$1,250,265**.

**40 % or \$500,106** shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse non-motorized use, or to accommodate both motorized and non-motorized recreational trail use;

**30 % or \$375,080** shall be used for uses relating to motorized recreation; and

**30 % or \$375,080** shall be used for uses relating to non-motorized recreation.

The State has the option of using 5% for education projects. If the State chooses not to use the 5%, this money is redistributed into the assured access funding categories (motorized, non-motorized and diversified) according to the required 40/30/30 distribution. **All Education Projects must be completed by September 30, 2017.**

Federal requirements mandate that a maximum of 7% of the state's allocation may be used by the state to administer the program.

## PROJECT CATEGORIES

The FHWA established five categories to distinguish between projects. These categories were developed in order to aid applicants in describing their projects and to assist the RTP committee in assessing the potential impact projects might have. The funding categories are defined as:

Category 1 - Non-motorized for single use.

Projects in this category compete for the 30% of funds available for non-motorized recreation. These projects are primarily intended to benefit only one mode of non-motorized recreational trail use, such as pedestrian only, or equestrian only. Projects serving various pedestrian uses (such as walking, hiking, wheelchair use, running, bird-watching, education, interpretation, backpacking, etc.) constitute a single use for the purposes of this category. Note: wheelchair use by mobility-impaired people, whether operated manually or powered, constitutes pedestrian use, not motorized trail use. Projects serving various non-motorized human-powered snow uses (such as skiing, snow shoeing, etc.) constitute a single use for this category.

#### Category 2 - Non-motorized for diverse use.

These projects compete for funds available for either non-motorized or diverse recreation (which together account for 70% of available RTP funds). These projects are primarily intended to benefit more than one mode of non-motorized recreational trail use such as: walking, bicycling, and skating; both pedestrian and equestrian use; and pedestrian use in summer and cross-country ski use in winter.

#### Category 3 - Diverse use (motorized and non-motorized).

These projects compete for the 40% of funds available for diverse recreation. These projects are intended to benefit both non-motorized and motorized recreational trail use. This category includes projects where motorized use is permitted, but is not the predominant beneficiary. This category includes projects where motorized and non-motorized uses are separated by season, such as equestrian use in summer and snowmobile use in winter. Other examples: a common trailhead project serving separate ATV and bicycle trails; purchasing a machine to groom both snowmobile and cross-country ski trails.

#### Category 4 - Motorized for single use.

These projects compete for the 30% of funding available for motorized recreation. These projects are primarily intended to benefit only one mode of motorized recreational use, such as snowmobile trail grooming. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non-motorized uses), but the primary intent must be for the benefit of motorized use.

#### Category 5 - Motorized for diverse use.

These projects compete for funds available for either motorized or diverse recreation (which together account for 70% of available RTP funds). These projects are primarily intended to benefit more than one mode of motorized recreational use, such as: motorcycle and ATV use; or ATV use in summer and snowmobile use in winter. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non-motorized uses), but the primary intent must be for the benefit of motorized use.

<b>Intended Use</b>	<b>Type of Use Examples</b>	<b>Funding Categories</b>
Non-Motorized Single Use	Pedestrian only, equestrian only, bicycles only	Non-Motorized Funding
Non-Motorized Diverse Use	Pedestrian, bicycle and equestrian	Non-Motorized and Diverse Funding
Diverse Use	Equestrian in summer, snowmobile in winter (includes both motorized and non-motorized trail use)	Diverse Funding
Motorized Single Use	Motorcycles only	Motorized Funding
Motorized Diverse Use	Motorcycles and snowmobiles	Motorized and Diverse Funding

### **PERMISSIBLE USES**

**According to RTP Legislation: 23 U.S.C. 206:**

A grant recipient may use funds received from the Recreational Trails Program to:

1. Provide for trail related educational programs, completed and reimbursed by September 30, 2017;
2. Purchase trail building tools: non-profit citizen volunteer organizations ONLY. They must be in conjunction with current trail projects (don't have to be RTP funded projects) and must be inventoried and reported to State Parks annually for five years after receipt from a grant;
3. Develop urban trail linkages near homes and workplaces; community gardens with trail components;
4. Maintain existing recreational trails, including the grooming and maintenance of trails across snow;
5. Restore areas damaged by unauthorized recreational use, long time wear and tear, and natural disasters;
6. Develop trailside and trailhead facilities;
7. Provide features that facilitate the access and use of trails by persons with disabilities;
8. Acquire easements for trails, or for trail corridors;

9. Acquire fee simple title to property from a willing seller when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;
10. Construct new trails facilities including signage;
11. Maintenance of previous RTP projects that have not been funded within five (5) years of current application;
12. Construction of new trails crossing federal lands if the construction is approved by the administering agency of the State and the Federal agency charged with management of all impacted lands. **Sponsor must include NEPA decision document, proof of section 106 compliance and tribal consultation; and support letter by the agency in the grant application;**
13. Landscaping of trail facilities, however, landscaping should be a relatively small portion of an overall project;
14. Utilities that are directly related to the trail project such as lighting, drinking fountains, horse washing stations, toilets, electric, irrigation etc.

#### **USES NOT PERMITTED**

A grant recipient may not use funds received from the Recreational Trails Program for:

1. The purchase of promotional items such as pens, cups, shoelaces, key chains, baseball caps, paperweights, magnets, matchbooks, patches, t-shirts, scissors, balloons, and buttons. Also, you may not use the value of the items to count as a match for Federal funds.
2. Condemnation of any kind or interest in property;
3. Construction of any recreational trail on federal land that is inconsistent with the management direction in the approved land and resource management plan;
4. Trail Feasibility Studies: Permissible use relates to actual on-the-ground trail projects.
5. Trail Planning: A project proposal solely for the purpose of trail planning is not eligible for funding. However, if trail planning is a relatively small portion of an overall trail project (15%), it may be allowed.
6. Sidewalks or bike lanes: RTP funds should not be used to provide sidewalks along or adjacent to public roads or streets, unless the path or sidewalk is needed to complete a missing link between other recreational trails. Bike lanes in the road are not eligible.
7. Parks: Parks and park related features such as picnic areas, day use or camping areas or amphitheaters are not eligible. Trail components or associated facilities must specifically serve the purpose and safe use of the recreational trail.



8. Operations: Trail or park operations are not eligible (annual management and maintenance of a facility or area).
9. Law Enforcement costs.

### **MATCHING REQUIREMENTS**

1. There is a required matching share from a project sponsor. In Nevada, the match requirements are: 20% matching share for non-motorized and education projects and 5% for motorized projects.
2. Federal funds can be used toward the 20% matching share; the total federal share cannot exceed 95% of the total project cost. Non-federal funds must provide a minimum of 5% of the total project cost.
3. All match must be directly related to the project in the grant application. If the project covers a broad recreation use, do not include the costs of items or tasks that are not directly related to the project proposal.
4. The matching share may include volunteer labor, in-kind services, cash, materials, and services at fair market value. Do not over inflate your match. Match expenditures must meet the same eligibility standards as grant monies.
5. In 2012, the RTP committee voted to allow (beginning with 2012 grants) for one public trail work day to occur per project and the costs including volunteer hours can be used as match not to exceed \$2,000.00. (Volunteer rate valued at \$23.56 per hour per Independent Sector.org).
6. Planning and Environmental Assessment costs incurred prior to project approval: The Secretary may allow preapproval planning and environmental compliance costs **to be credited toward the non-Federal share** of the cost of a project described in RTP Legislation 23 U.S.C. 206(h)(1)(C), limited to costs incurred less than 18 months prior to project approval. **They may not be reimbursed, only used as match.**
7. Indirect costs - If the applicant has an ICAP (Indirect Cost Allocation Plan), they can claim that % of the federal grant amount. They may choose not to claim that amount and use those costs as match. The ICAP must be current and not expire, with the cognizant federal agency.
8. If a grantee does not have an ICAP, they may claim up to 10% de-minimus of the federal grant amount. If a grantee wishes to develop an ICAP, they must submit one with this application to State Parks, who will work with Federal Highways to accept ICAP proposals prior to grant award. The ICAP must be listed in the application budget and must be matched.

9. For the year 2017 grants, trained volunteer hours-in-kind has a value of \$23.56 per hour, for use as match.
10. Mileage rate for 2017 is .54/mile and includes gas and maintenance of the vehicle.

## **DESIGN STANDARDS**

Project sponsors are required to identify the standards used for each trail project. A final inspection will be conducted to ensure the design standards stated on the application were applied. The final reimbursement will not be released until the project has passed a final inspection, as determined by Nevada State Parks.

Bicycle transportation facilities must meet or exceed the guidelines in AASHTO's *Guide for the Development of Bicycle Facilities*. Signs should conform to the *Manual on Uniform Traffic Control Devices* and/or *Standard Highway Signs*, particularly for trails within or crossing highway rights-of-way. The latter manual does allow some variable dimensions for trail signs. **NOTE:** All proposed projects that include bicycle transportation paths and routes should be included in both Local and State Bicycle Plans (sidewalks and bike lanes are not eligible).

## **ENVIRONMENTAL AND CULTURAL REQUIREMENTS**

**Please read this section completely and compile the documents as described herein.**

All RTP projects must comply with environmental and cultural regulations in order to avoid impacts to resources such as historic buildings, archaeology sites, and sensitive ecological areas. This section is designed to guide RTP applicants through this process. Most of this work will be done by the grant team staff at the Nevada NDSP (NDSP), but applicants will need to understand the general process and be ready to supply particular documents to NDSP staff, as needed.

### **Environmental Process**

All projects that use Federal funds are subject to the National Environmental Policy Act (NEPA). While RTP funds are managed by NDSP, they originate with the Federal Highway Administration (FHWA). As a result, RTP projects must establish compliance with NEPA.

Enacted in 1970, this law requires that projects identify their potential effects to the environment. While NEPA compliance can be a long and complex process overall, the requirements for RTP projects remain fairly straightforward.

The first step is to establish whether NEPA has been done within the project area. This is important because specific NEPA documents are required for the RTP application. In Nevada, NEPA compliance has probably been met if one of the applicants is a Federal agency or the project is located on Federal land. If the project is on tribal, state, county, or municipal lands, NEPA may have been done. If a project is on private land, NEPA was probably not completed.

To determine if NEPA was completed, applicants must contact government entities associated with their project, in order to obtain specific documents. These documents can take one of several

forms: a *Categorical Exclusion* (or other exemption), a *Finding of No Significant Impact*, or a *Record of Decision*. If NEPA was completed, one (or more) of these documents will be on file with the government entities associated with your project.

If NEPA was not completed within your project area, you must determine if the project can be excluded from NEPA review. RTP projects may be excluded from the NEPA process if they involve either of the following types of activity:

1. Minor trail relocation or development of less than one mile on compatible trail networks using existing roads or other established routes that have been previously surveyed for cultural resources and are not within or adjacent to historic properties.
2. Maintenance of existing trails, bicycle lanes, and pedestrian walkways such as: debris removal, brush clearing, surface re-grading, drainage structures, and course design features within previously disturbed soils, unless on or adjacent to a historic property including:
  - a. Trail way surface replacement; rehabilitation, resurfacing, or reconstruction; overlays; laying down of crushed stone or gravel, and pavement marking.
  - b. Shoulder treatments; pavement repair; seal coating; pavement grinding.
  - c. Installation of new signals or other traffic control devices, landscaping, bike racks, fences, signage and/or kiosks, benches, trash cans, pit or vault toilets, and other amenities, excluding lighting.
  - d. Trail heads and trail accesses that do not involve rehabilitation or alteration of historic properties and occur within areas previously disturbed by vertical and horizontal construction activities.
  - e. Parking lots that occur within areas previously disturbed by vertical or horizontal construction activities when such activities do not take place adjacent to or within a historic property.
  - f. Replacement in kind of minor structures and facilities (comfort stations, pit toilets, fences, kiosks, signs, displays) with little or no change in location, capacity, or appearance, if they are not in or adjacent to historic properties.

Even if your project meets one (or both) of these conditions, documentation may still be required. NDSP staff will contact you if further information is needed. In most cases, the additional documentation will include items such as maps, confirmation of land ownership, etc.

For most projects seeking RTP funding, either NEPA compliance has been completed for the project area or the project itself qualifies as a categorical exclusion. If your project does not fall under either of these circumstances, please contact NDSP staff.

### **Cultural Process**

All projects that use Federal funds are subject to the National Historic Preservation Act (NHPA). While RTP funds are managed by NDSP, they originate with the Federal Highway Administration (FHWA). As a result, RTP projects must establish compliance with the NHPA.

Enacted in 1965, this law requires that projects consider their effects on cultural resources such as historic buildings and archaeology sites. Unlike NEPA, there are no categorical exclusions to the NHPA. Every project must identify its effect upon cultural resources, as detailed in Section 106 of the NHPA.

For RTP applicants, there is more than one way to complete the Section 106 process.

1. If a project partner has cultural resource survey capability, that entity must complete the process. In other words: if you, a project partner, or the landowner, has archaeologists and/or architectural historians on staff, they must complete this process and provide the necessary documentation (i.e., evidence of SHPO compliance with a Finding of Effect). NOTE: if this is your situation, Section 106 compliance may have already been done. Ask your partners if compliance was already met.
2. If cultural resource professionals are not on staff with you or a partner, NDSP has the capability to ensure compliance. (More specifically, NDSP maintains an agreement with NDOT to complete this process on your behalf. NDOT archaeologists will confirm the presence/absence of cultural resources in your project area and ensure that your project is compliant).
3. Many RTP applicants do not have cultural resource professionals on staff, but they do have the financial capability to hire a cultural resource firm. Even if you do not have the financial ability to hire a firm, there may be cultural resource professionals willing to work *pro bono* in your area. This could be a worthwhile strategy since expenses incurred on Section 106 compliance, if accrued within 18 months of a grant award, can be used as match. In addition, that compliance work could reduce your waiting period, as NDOT reviews the project (in these situations, NDOT must still review any work done).

If your situation falls under circumstance 2 (above), NDSP staff will do most of the work towards completing the Section 106 process, but there are a few elements that applicants must make clear in their proposal:

1. Project Area: to determine if an RTP project will impact cultural resources, the project area must be made clear on maps. Officially called the “Area of Potential Effect (APE)”, this boundary is best shown on a topographic map. If providing a topo map, please be sure to include the map name. However, for the RTP application, the project boundary can be depicted on an aerial photo, which is more easily obtained through common websites, apps, and other sources.
2. Ground-disturbing Activity: if the project includes ground disturbance, please make clear the nature and extent of the work. Describe the length, width, and depth of the project activity. For example, if a kiosk is being installed at a trailhead, how deep will the footings go?

3. Land Use (past and present): Were there any past disturbances in the area? What are current conditions like? This information need not be detailed, but NDSP staff appreciates any context that project partners might have.
4. Known Resources: Are there cultural resources already known to be on the property? These would include archaeology sites, as well as any buildings or other objects estimated to be 50 years or older.
5. Photographs: provide a general overview of the project area from different angles and distances. Please include photographs of known cultural resources, as described above.

While not usually difficult, environmental and cultural compliance must be completed for every RTP project before a Notice to Proceed is issued. It is not necessary for a project to have finished the compliance processes (NEPA and NHPA), to receive an award, but it will improve the chances of getting funded, as the project will be more “shovel ready”. It is critical that every applicant have a clear sense of the requirements and stay in contact with NDSP staff as questions arise.

### **PROGRAM TECHNICAL ASSISTANCE**

Technical assistance is available through the Nevada NDSP. Planning staff will make every effort possible to answer questions regarding procedures, the proper completion of quarterly reports and requests for reimbursement.

### **COMMITTEE MEETING AND PRESENTATION**

Each applicant will be required to attend a committee meeting and present their proposal. The ad hoc committee is comprised of federal, state, and local government officials and representatives of trail user groups from across Nevada. The date and time of this meeting will be announced at a future date.

### **NOTIFICATION OF GRANT ACCEPTANCE AND FUNDING APPROVAL**

The Recreational Trails Program Manager will notify all applicants of grant eligibility following the grant application deadline. Projects accepted as viable will be included in the state's grant application to the FHWA.

Only after NDSP has been notified of FHWA's approval will individual grant agreements be approved. Funds will be allocated to projects based on the priority scoring and conditions set forth by the Administrator of State Parks until available funds are depleted. Viable projects that do not score high enough to receive funding will have to reapply the next year.

**No project will be considered active or viable for reimbursement until a Notice to Proceed is issued.**

### **PROJECT IMPLEMENTATION**

Upon receipt of a fully executed Project Agreement and Notice to Proceed, the grant recipient shall initiate activities to undertake the approved scope of work. Costs incurred by grant recipients

*prior* to receipt of a fully executed Project Agreement and Notice to Proceed are not eligible for funding unless specifically authorized as planning or environmental compliance match as described under the “Matching Requirements” section and specifically listed in the funding agreement.

**Key Factors in implementing an RTP project:**

1. Once approved, the grant application and funding agreement are both part of the binding contract. The grant recipient shall treat the application as a binding contract and plan the implementation of the RTP project accordingly.
2. The RTP project shall be completed by the date cited in the Project Agreement issued by NDSP to the grant recipient and is generally not to exceed three years.
3. Project implementation shall include the timely submission of all quarterly progress reports. The sponsor shall be aware that NDSP must report the progress of all active RTP projects to the Federal Highway Administration (FHWA) Division Office for the State of Nevada. The State report is based on quarterly reports submitted by grant recipients. Failure to submit the required quarterly progress reports on a timely basis could result in unfavorable actions by both NDSP and the FHWA regarding current and future RTP projects in which the grant recipient is involved.
4. The Recreational Trails Program is a **reimbursable grant program**. The grant recipient can only submit requests for reimbursements *after* the costs are incurred, not in advance. Credit for the sponsor’s match can only be awarded after the match has been accomplished and appropriately justified through complete documentation of costs. . Project sponsors may request reimbursement as needed while the project is underway. Costs incurred prior to project approval and issuance of a Notice to Proceed, are not eligible for reimbursement unless authorized as a planning or environmental compliance match, as described in the “Matching Requirements” section. Payments usually take over one month to process.
5. A reimbursement request MUST be submitted within 12 months of project approval, otherwise the project will become inactive and funds may be reallocated to other programs.
6. Receipts and/or invoices from vendors and proof of payment MUST support requests for reimbursements. This includes MATCH.
7. Final requests for reimbursement will be approved only if the match specified in the project application has been fulfilled. 10% of the grant will be withheld until all match is met. Failure to provide match or complete the project can result in repayment of previous reimbursements in full.
8. All requests for reimbursement must be submitted on the Request for Reimbursement form.
9. Deviations from the project scope will require an amendment to the project agreement. The grant recipient must consult with the RTP Program Manager **before** implementing any

changes. After consultation with the RTP Program Manager, the grant recipient shall submit, in writing, a request to amend the scope. The RTP Program Manager will process the request per the guidelines outlined under “Project Deadlines and Extensions”. Any amendments to the scope must keep the project within its original intent and funding category. In addition, environmental and cultural compliance must be re-established. For more information, see page 19.

10. Land owned by the grantee, or in the case of a nonprofit grantee or governmental entity, which is **acquired** with RTP funds, shall have a deed restriction upon said property as an outdoor recreational site open, accessible, and maintained for the use and benefit of the general public for ninety-nine (99) years. Land under ownership of the grantee or controlled such as by lease, shall be dedicated as an outdoor recreation trail open, accessible and maintained for the use and benefit of the general public for a minimum of twenty-five (25) years after the project completion date as set forth in the Project Agreement. A lease must not be revocable at will and must contain a clause which enables the grantee to dedicate the land for the twenty-five (25) year period. All deed dedications must be recorded in the public property records by the grantee, or in the case of a nonprofit grantee, by the land owner.
11. The grantee must prove sufficient control and tenure of the project site so that a loss of use will not occur without appropriate mitigation.

### **FINANCIAL RESPONSIBILITY**

The grant recipient shall be responsible for the financial management of approved projects and shall appoint a financial manager or supervisor who will be responsible for financial administration of the project. The appointed financial manager shall adopt and install the appropriate internal controls to ensure the project is accomplished in the most efficient and economical manner.

### **PROCUREMENT PROCEDURES**

For federal, state and local agency projects, the internal agency procurement procedures shall apply to all procurement activities and contract work, unless otherwise waived by proper authorities. Please refer to page 21 for more information.

### **TRAVEL COMPENSATION**

Reimbursement to the grantee for travel, meals, or lodging shall be subject to amounts and limitations used by the State of Nevada, as they are amended from time to time. Travel costs should be clearly delineated in the project budget. Mileage rate for 2017 is .54/mile and includes gas and maintenance of the vehicle.

## ACCOUNTING PROCEDURES

The total reimbursable funds made available for an approved project shall not exceed the approved budget as identified in the project agreement. Project sponsors shall be reimbursed only for actual expenses made in accordance with the project agreement and project application.

Grant recipients may recover administrative costs if they have a current ICAP with a cognizant federal agency. Administration costs must pertain to the approved federal project cost and be included in the approved budget.

The grant recipient shall:

1. Keep adequate records on the particular project.
2. Fully support quarterly reimbursement requests with complete documentation of funds spent and match, such as invoices paid, timesheets, volunteer documentation and copies of checks and submit them in an orderly manner.
3. Provide accounting procedures necessary to assure proper disbursement and accounting for money paid.
4. Base the accounting procedures on generally accepted accounting standards and meet the following minimum requirements unless NDSP agrees to specific exceptions:
  - a) Establishment of separate accounts and supporting documentation. Each project account should be identified by the number assigned to the project by NDSP.
  - b) Identification of all receipts in sufficient detail to show the dates and sources of such receipts. Receipts and/or invoices should be labeled and costs clearly marked as to whether they apply to the grant share or matching share.
  - c) Itemization of all supporting records of project expenditures in sufficient detail to show the exact nature of expenditures.
  - d) When payment is by check, the canceled check should be properly identified and filed. Receipts and/or invoices must support all cash disbursements.
  - e) Do not submit more information than what is required for justification.

The Federal Highway Administration and State of Nevada can audit projects. Records maintained by NDSP are subject to FHWA and state audits as well.

NDSP will maintain all records provided by the project sponsor until such audits are conducted. The project sponsor shall retain all project records (including design plans, specifications, contracts, vouchers, etc.) for four years after the completion of the project.

As a recipient of federal funds, each project sponsor is reminded that they must comply with the audit requirements of the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996. The Single Audit Act threshold is \$750,000 in federal expenditures. The \$750,000 audit threshold means that state and local governments, and non-profit organizations acting as RTP project sponsors are required to hire an independent firm to audit them when the *total of all federal grants* awarded to the sponsor in a sponsor's fiscal year from all federal sources reaches \$750,000. In such circumstances, the project sponsor shall provide the Nevada NDSP **a copy of the findings** of that audit.



## Documentation for Sponsor's Matching Share

*The same amount of back-up justification is required for match as for reimbursements.* If the sponsor's matching share includes volunteer labor, the grant recipient shall keep volunteer sign-in sheets which show the volunteer's name, date worked, number of hours worked, and type of work (i.e., clearing, planting, crew supervisor, equipment operator, etc.).

If "In-Kind Services" or "Hard Cash" are applied as match, the grant recipient will be required to provide adequate documentation in a format that fully accounts for the services or funds expended. The same amount of back-up justification is required for match as for reimbursements. Donated skilled labor (e.g., carpenter, mason, surveyor, crew supervisor, or equipment operator) is valued at the average or regular cost if you were to hire that work out. Donations of cash, labor or equipment must also be documented. Timesheets are required for all "work force labor" used as match. Payroll registers are also accepted.

If a construction company is donating equipment or services, such as the donation of a grader, some type of record must be kept indicating what was donated and the value of the donation. In this example, the number of hours the grader was in operation and the standard charge-out rate would have to be documented to count as a matching donation.

## QUARTERLY PROGRESS REPORTS

Project sponsors shall submit quarterly progress reports (Appendix B) throughout the duration of the grant. Each project sponsor must submit quarterly progress reports to NDSP on or before January 10, April 10, July 10, and October 10 of each year. The first quarterly report shall be due the first of these four dates that occurs after the issuance of the Notice to Proceed. NDSP shall report the quarterly progress of all active RTP projects to the FHWA Division Office in Nevada.

**Sponsors who do not submit quarterly progress reports on time may risk losing their grant funds and/or eligibility for future grant awards.**

**Projects must begin construction/implementation within one year of the grant award or they can be terminated.**

## REIMBURSEMENT REQUESTS

Project sponsors must submit reimbursement requests on the Request for Reimbursement form (Appendix C). Reimbursement requests do not need to be submitted with quarterly reports and can be submitted as often as needed. The first request must be submitted within 12 months after issuance of the Notice to Proceed and at least every 12 months thereafter.

**Failure to submit a reimbursement request every 12 months will cause the project to become inactive and at risk of losing their grant funds.**

## **CONSTRUCTION COMPLETION AND INSPECTION**

At the completion of each project and before the final reimbursement, the grantee will request NDSP to conduct an on-site inspection of the project. The inspection will verify the project was completed per the approved Project Agreement, and all funded items are accounted for. The grantee may be asked to submit a FINAL REPORT, a map, and photos demonstrating how the grant deliverables have been met.

Program compliance and project inspections will include, but not be limited to:

- Compliance with specifications and guidelines stated in project application.
- General project compliance and account records.
- Conformance to approved project scope.
- Compliance with environmental and cultural requirements.
- Compliance with design standards.
- Accessibility for persons with disabilities.
- Compliance with project timelines.

## **RECORD RETENTION**

The grant recipient shall retain all program and financial records for four years after the project is complete. At a minimum, the following records shall be maintained and made available for audit, with copies forwarded to NDSP:

- Payroll register by pay period showing the names, hours worked, hourly rate, benefits, deductions, gross pay and net pay.
- Final Cost Summary of all payroll registers indicating applicable totals.
- Time Sheets signed by both employees and their respective supervisors, including volunteers.
- Receipts/Invoices for purchased materials.
- Receipts/Invoices for all design and construction costs.
- Each receipt/invoice shall include the date paid and check number.
- Canceled checks or copies thereof.

## **RECREATIONAL TRAIL RESPONSIBILITIES**

At the federal level, the administration of the RTP Program rests with the Federal Highway Administration. In Nevada, the FHWA Division Office oversees the RTP Grants Program. Responsibility for the state's compliance with the terms of the RTP rests with NDSP. Project sponsors are responsible for keeping accurate and clear records, and completing each project within the terms of the Project Agreement and Project Application in accordance with all federal and state guidelines, including this grants manual.

## PENALTIES

Failure to comply with the provisions of this grants manual and other established guidelines may be considered cause for NDSP to cancel the grant, request repayment, or withhold future payments to the project sponsor responsible until any such discrepancies are corrected.

## PROJECT DEADLINES AND EXTENSIONS

Project sponsors will be given 36 months to complete an RTP project. Requests for extensions will be considered solely to complete a viable project and to protect the taxpayer's investment.

NDSP does not guarantee that requests for extensions will be approved. If approved, extensions will be in six-month increments, or as deemed prudent by NDSP.

Before submitting a request for an extension, all grantees should meet the criteria listed below:

- Submit requests for extensions in writing for receipt by the Recreational Trails Program Manager 3 months before the expiration date of the grant.
- Fully justify requests for time extensions, illustrating unavoidable delays.
- The Federal Highway Administration will not approve extensions and a major scope change. In this instance, the project/grant would be cancelled and the applicant would have to reapply during the next round with a new scope and budget. If grantee has received approval for a minor scope change, NDSP may consider approving an extension.
- To receive favorable consideration for a time extension, the grantee should have submitted timely quarterly progress reports throughout the life of the grant. For reporting purposes, (NDSP to the Federal Highway Administration) quarterly progress reports submitted after the 10<sup>th</sup> of the month following the end of the previous quarter are considered late. Quarterly progress reports received after the 15<sup>th</sup> of the month following the end of the quarter are considered missing.

Failure to submit timely quarterly progress reports, as outlined above, or reports that reflect little or no progress toward completing the scope of work, will reflect unfavorably on the grantee's request for a time extension and could result in cancellation of the grant.

If an extension is necessary, grantees are strongly encouraged to determine how much time it will take to complete the project and request one extension accordingly. Multiple time extensions will only be considered if:

- Significant progress was made throughout the life of the project, including during the first extension.
- The grantee encounters problems caused by external factors completely beyond their control (new regulatory requirements, catastrophic events).
- Unforeseen circumstances arise during construction (physical, site specific problems).

## TERMINATING A GRANT

1. Termination Without Cause. Any discretionary or vested right of renewal notwithstanding, this contract may be terminated upon written notice by mutual consent of both parties or unilaterally by either party without cause.
2. State Termination for Non-appropriation. The State may terminate this contract, and Grantee waives any and all claim(s) for damages, effective immediately upon receipt of written notice (or any date specified therein) if for any reason the Contracting Agency's funding from State and/or federal sources is not appropriated or is withdrawn, limited, or impaired.
3. Cause Termination for Default or Breach. A default or breach may be declared with or without termination. This contract may be terminated upon written notice of default or breach as follows:
  - a. If Grantee fails to provide or satisfactorily perform any of the conditions, work, deliverables, goods, documentation or services called for by this Contract within the time requirements specified in this contract or within any granted extension of those time requirements; or
  - b. If any state, county, city or federal license, authorization, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Grantee to provide the goods or services required by this contract is for any reason denied, revoked, debarred, excluded, terminated, suspended, lapsed, or not renewed; or
  - c. If Grantee becomes insolvent, subject to receivership, or becomes voluntarily or involuntarily subject to the jurisdiction of the bankruptcy court; or
  - d. If it is found by the State that any quid pro quo or gratuities in the form of money, services, entertainment, gifts, or otherwise were offered or given by Grantee, or any agent or representative of Grantee, to any officer or employee of the State of Nevada with a view toward securing a contract or securing favorable treatment with respect to awarding, extending, amending, or making any determination with respect to the performing of such contract; or
  - e. If it is found by the State that Grantee has failed to disclose any material conflict of interest relative to the performance of this contract.
4. Time to Correct. Termination upon a declared default or breach may be exercised only after service of formal written notice and the subsequent failure of the defaulting party within 15 calendar days of receipt of that notice to provide evidence, satisfactory to the State, showing that the declared default or breach has been corrected.
5. Winding Up Affairs Upon Termination. In the event of termination of this contract for any reason, the parties agree that the provisions of this paragraph survive termination:

- a. The grantee shall account for and be responsible for all claims for fees and expenses for the project as identified in the Project Agreement.
  - b. Grantee shall preserve, protect and promptly deliver into State possession all proprietary information.
  - c. In the case of Cause Termination for Default or Breach, the Grantee will reimburse NDSP all federal grant monies previously received through the RTP program for the project in question.
6. **Remedies.** Except as otherwise provided for by law or this manual, which will become of part of the grant agreement contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including, without limitation, actual damages, and to a prevailing party reasonable attorneys' fees and costs. It is specifically agreed that reasonable attorneys' fees shall include without limitation \$154.36 per hour for State-employed attorneys. The State may set off consideration against any unpaid obligation of Grantee to any State agency in accordance with NRS 353C.190.

#### **FEDERAL GUIDANCE**

Please refer to the following links for financial guidance related to the RTP grant program.

[http://www.fhwa.dot.gov/environment/recreational\\_trails/guidance/financial\\_management/](http://www.fhwa.dot.gov/environment/recreational_trails/guidance/financial_management/)

[http://www.fhwa.dot.gov/environment/transportation\\_enhancements/guidance/allowcosts.cfm](http://www.fhwa.dot.gov/environment/transportation_enhancements/guidance/allowcosts.cfm)

[http://www.fhwa.dot.gov/environment/recreational\\_trails/legislation](http://www.fhwa.dot.gov/environment/recreational_trails/legislation)

**APPENDIX A  
EXAMPLE AGREEMENT**

**STATE OF NEVADA  
NDSP  
Recreational Trails Program Project Agreement**

Project Sponsor: <b>Trail Blazers, Inc.</b>	Project Number: <b>FY 2017-06</b>
Project Name: <b>Ridge Runner Trailhead</b>	
Period Covered by Agreement: From: Date of Notice to Proceed To: 12/31/2018	
Scope of Work: Development of a trailhead with two panel kiosk and 3 directional signs and carsonite/stickers. 5 yards of gravel for parking area and ADA parking signs. Desing, purchase and installa tion of one tail map panel for inside kiosk.  Standards applied to this project: USFS Standard Specifications for Construction & Maintenance of Trails, Universal Access to Outdoor Recreation – A Design Guide	
Total Project Cost: \$ 125,765  See: Attachment A –Budget	Federal Grant Share: <u>\$ 76,206</u> <u>61%</u>  Matching Share:     \$ 49,559                      39%
The following attachments are hereby incorporated into this agreement:  <input checked="" type="checkbox"/> 2014 Grant Manual <input checked="" type="checkbox"/> Project Proposal <input checked="" type="checkbox"/> Approved Budget	
This Agreement and its integrated attachment(s) constitute the entire agreement of the parties and as such are intended to be the complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.  The project sponsor agrees to submit quarterly progress reports and requests for reimbursement. Reports must be submitted to the Nevada NDSP on the forms provided by the Division on the dates listed below, in accordance with Nevada’s FY 2014 Recreational Trails Program Manual.	

**Quarters and due dates:**

1 <sup>st</sup> quarter	January 1 through March 31	Report due:	April 10
2 <sup>nd</sup> quarter	April 1 through June 30	Report due:	July 10
3 <sup>rd</sup> quarter	July 1 through September 30	Report due:	October 10
4 <sup>th</sup> quarter	October 1 through December 31	Report due:	January 10

Land owned by the grantee, or in the case of a nonprofit grantee or governmental entity, which is acquired with RTP funds, shall have a deed restriction upon said property as an outdoor recreational site open, accessible and maintained for the use and benefit of the general public for ninety-nine (99) years. Land under ownership of the grantee or controlled such as by lease, upon which RTP funding for trail access development or maintenance is being used, shall be dedicated as an outdoor recreation trail open, accessible and maintained for the use and benefit of the general public for a minimum of twenty-five (25) years after the project completion date as set forth in the Project Agreement. A lease must not be revocable at will and must contain a clause which enables the grantee to dedicate by deeded easement, the land for the twenty-five (25) year period. All deed dedications must be recorded in the public property records by the grantee, or in the case of a nonprofit grantee, by the land owner. The grantee must have and prove sufficient control and tenure of the project site that a conversion of use will not occur without appropriate mitigation to the satisfaction of NDSP and FHWA.

The State of Nevada hereby promises, in consideration of the promises made by the Project Sponsor herein, to take the necessary steps and action and to attempt to enter into an agreement with the Federal Highway Administration to obtain Federal Money for that portion of the project referred to as Federal Assistance, to accept such funds from the United States and to tender to the Project Sponsor that portion of the obligation which is required as the Federal Grant.

The Project Sponsor hereby promises, in consideration of the promises made by the State of Nevada herein, to execute the project described above in accordance with the terms of this agreement and as described in the Nevada Recreational Trails Program Grants Manual.

In witness whereof, the parties hereto have executed this agreement as of the date below:

STATE OF NEVADA

PROJECT SPONSOR

By: Jane Doe

By: Jack Moe

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Jane Doe

\_\_\_\_\_  
Jack A. Moe

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Typed Name

State Trails Coordinator	Trail Blazers, Inc.
Title	Name of Board/Commission/Agency
6/24/2017	6/23/2017
Date	Date

Reimbursement checks should be made payable to:

Name of Agency/Individual: Trail Blazers, Inc.  
Address: 785 Lightning Fast Construction Lane  
City, State, Zip: Carson City, NV 89701  
DUNS #: 09876668  
Tax Identification #: 88-6987098



**APPENDIX B**  
**EXAMPLE QUARTERLY REPORT**

**RECREATIONAL TRAILS PROGRAM**  
**QUARTERLY PROGRESS REPORT**

Project Number: 2017-06 Grant Expiration Date: 12/31/2018  
Project Name: Ridge Runner Trailhead  
Contact: Jack A. Moe  
Phone Number: 775-333-9999  
Date Submitted: 7-7-17

Submission Period (*Check one*):  January 1- March 31 (due April 10)  
 **April 1- June 30 (due July 10)**  
 July 1- September 30 (due October 10)  
 October 1- December 31 (due January 10)

Quarterly Progress: (*Narrative description of work accomplished this quarter as it pertains to the scope of work.*)

Gravel, kiosk and all signs purchased and installed. Design underway for panel, (draft is enclosed)

**APPENDIX C  
EXAMPLE REIMBURSEMENT**

**REQUEST FOR REIMBURSEMENT**

(Submit this form **only** if requesting reimbursement and/or match)

Project # 2017-06.

- I am submitting a request for reimbursement  
 I am submitting a request for match adjustment

Dates This Request Covers From: July 30, 2017 to December 31, 2017.

**INSTRUCTIONS**

1. Complete each blank.
2. **Round requests for reimbursement to the nearest dollar—do not show decimals on top table.**
3. Attach receipts, copies of checks or vouchers documenting proof that payment has been made for this reimbursement request. Documentation must be clearly labeled whether it is to apply toward the match or the grant share. The request must demonstrate that both the grant share and the matching share are being met.

A	B	C	D	E	F	G
Grant Award			Requests for Reimbursements			Balance Remaining (B-F)
Type	Amount	%	This Request	Previous Requests	Total (D + E)	
Grant	\$50,000	83%	\$ 1,724	\$ 100	\$ 1,824	\$ 48,176
Match	\$ 10,000	17%	\$ 2,839	\$ 100	\$ 2,939	\$ 7,061
<b>Total</b>	<b>\$ 60,000</b>	<b>100%</b>	<b>\$4,563</b>	<b>\$ 200</b>	<b>\$ 4,763</b>	<b>\$ 55,237</b>

Please **list** invoices and amounts and other documentation.

**Grant Share Request:**

Please provide an itemized list of expenditures applied toward the grant share for this request. (Please, only information pertinent to the reimbursement justification) Please **list** invoices and amounts here and attach backup documentation/copies

11/24/17	CC Building permit	\$1,320.00
12/03/17	Vital Signs	\$404.00
	<b>TOTAL</b>	<b>\$1724.00</b>

**Matching Share:**

Please provide an itemized list of expenditures applied toward the matching share for this request. (Please, only information pertinent to the match justification)

12/30/17	CC Building Permit	\$2,786.86
12/17/17	Lowes	\$51.85
	<b>TOTAL</b>	<b>\$2,838.71</b>

(note that this is rounded to nearest on the uppermost table (\$2,839))

\_\_\_\_\_  
Jack A. Marshall  
Signature

June 31, 2015  
Date

**APPENDIX D**  
**EXAMPLE OF DOCUMENTING IN-KIND VOLUNTEER LABOR - MATCH SHARE**

Volunteer Sign-In Sheet –Ward Charcoal Ovens State Historic Trail

<b>Name</b>	<b>Date</b>	<b>Assignment</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>
J. Smith	11-5-17	Clear brush	8	\$15	\$120
	11-10-17	Clear brush	8	15	120
	11-20-17	Remove debris	8	15	120
	12-1-17	Clear brush	8	15	120
	12-5-17	Clear brush	8	15	120
	12-12-17	Clear brush	8	15	120
S. Jones	11-5-17	Clear brush	8	\$15	120
	11-10-17	Trail work	8	15	120
	12-1-17	Trail work	8	15	120
	12-5-17	Trail work	8	15	120
	12-12-17	Trail work	8	15	120
B. Brown	11-5-17	Clear brush	8	\$15	120
	11-15-17	Trail work	8	15	120
	12-1-17	Trail work	8	15	120
	12-5-117	Remove debris	8	15	120
	12-12-17	Remove debris	10	15	120
K. Wilson	11-5-17	Remove debris	8	\$15	120
	11-12-17	Remove debris	8	15	120
	11-13-17	Clear brush	8	15	120
R. Davis	11-5-17	Construct kiosk	8	\$15	176
	11-6-17	Construct kiosk	8	15	176
	12-1-17	Construct kiosk	8	15	176
	12-5-17	Construct kiosk	8	15	176
	12-12-17	Construct kiosk	10	15	220
C. Freeman	11-5-17	Crew leader	8	\$15	176
	11-6-17	Crew leader	8	15	176
	11-10-17	Crew leader	8	15	176
	11-15-17	Crew leader	8	15	176
	12-1-17	Crew leader	8	15	176
	12-5-17	Crew leader	10	15	220
	12-12-17	Crew leader	10	15	220
<b>TOTALS</b>					<b>\$4554</b>

**APPENDIX E**  
**EXAMPLE OF APPROVED BUDGET**

(ALWAYS ROUND CENTS UP OR DOWN TO THE NEAREST DOLLAR)

**Budget**

Applicant: **Trail Blazers, Inc.** \_\_\_\_\_

Project Name: **Ridge Runner Trailhead** \_\_\_\_\_

<b>Item Description</b>	<b>Grant</b>	<b>Match</b>	<b>Total</b>
Design and Engineering Costs: 1. Project Design & Brochure Layout	\$3,400	\$0	\$3,400
Salaries or actual costs 1. Brochure design: 80 hrs @\$22=\$1,760 2. In-kind labor: 220 hrs @\$22= \$4,840 3. Travel Costs: 160 mi x \$1.70= \$272	\$0	\$6,872	\$6,872
Volunteer or donated labor 1. 2,640 hrs unskilled labor @\$15/hr=\$39,600 2. 117 hrs skilled labor@\$23.56/hr=\$2,757	\$0	\$42,357	\$42,357
Special Service Purchase Contract 1. Brochures-NV State Printer = \$1,800 2. Design & Fabricate 4-18x24 Interpretive Panels = \$1,233	\$3,033	\$0	\$3,033
Purchase or rental of equipment: 1. White Pine County – Dump truck	\$	\$515	\$515
Construction Contract-for bridge installation	\$22,000	\$0	\$22,000
Purchase of Materials 1. Trail side benches: 6 x \$252.84 = \$1,517 2. 3 bridges: 3 x \$9,700 = \$29,100 3. Trail traffic counter: \$1,809 4. Carsonite trail markers: \$2,847 5. Kiosk: \$927 6. 4 sets of mounting hardware: \$244 7. Base material; 300cuy@ \$22 = \$6600 8. Pavers: 2200 at \$1.77=\$3,894 7. Misc. materials: \$835	\$47,773	\$0	\$47,773
Other (be specific)			
<b>TOTAL</b>	<b>\$76,206</b>	<b>\$49,744</b>	<b>\$125,950</b>

## APPENDIX F

### Nevada's 2005 State Recreational Trails Plan Issues

Issue #1

General Category: Loss of Public Access to Trails

Issue: Trail users perceive that recreation opportunities and motorized access are being reduced in both urban and rural settings.

Issue #2

General Category: Lack of Funding for Trails

Issue: The need for funding to plan, develop and maintain trails and Trailhead facilities will more than likely continue as Nevada's population grows and trail use and demand for new trails increase.

Issue #3

General Category: Closure of Trails and Roads

Issue: The concern is for the loss of opportunities due to closure of Recreational trails and roads for reasons such as erosion, environmental concerns, wilderness or special use designations.

Issue #4

General Category: Not Enough Trails

Issue: There is a demand for new trail opportunities in areas experiencing high growth rates.

Issue #5

General Category: Not Enough Support Facilities Near Trails

Issue: In addition to actual trail resources, users require support facilities appropriate to the area's use and activities.

Issue #6

General Category: Erosion and Deterioration of Trails

Issue: Trail users are concerned that the quality of their experience is being diminished through trail deterioration and erosion.

Issue #7

General Category: Not Enough Good Information Material About Nevada Trails

Issue: Trail users request information and detailed maps that provide up-to-date accurate information regarding trail condition and routes.

Issue #8

General Category: Lack of Trail Etiquette/Ethics

Issue: Lack of trail etiquette and environmental ethics can lead to user conflicts, unpleasant trail experiences and impacts to the environment.

Issue #9

General Category: Inadequate Trail Maintenance  
Issue: Land managers are struggling to maintain existing trails due to increasing use levels and declining maintenance budgets.

Issue #10  
General Category: Too Much Litter and Trash along Trails  
Issue: Littering and lack of routine custodial maintenance are visible problems and negatively impact many trail users.

Issue #11  
General Category: Lack of Directional Signs along Trails and Trailheads  
Issue: Trails signs let people know their location and alerts users to intersections and points of confusion. Mileage markers and directional signs allow users to define the time and route needed for their trip. Damaged signs need to be replaced.

Issue #12  
General Category: Lack of Trails Close to Home  
Issue: Demand for trails and different types of use, especially within and adjacent to communities is increasing. The public demands trail opportunities that link homes to public land and other recreation features.

Issue #13  
General Category: Too Many Different Types of Users on Trails  
Issue: Conflicts between trail users increase when unintended activities or inappropriate behaviors occur such as mountain bicycles using a pedestrian only trail or users not yielding to others.