

WALTER RABON  
COMMISSIONER

TREVOR W. SANTOS  
DEPUTY COMMISSIONER

October 9, 2026

## MEMORANDUM

TO: Members, Board of Natural Resources

FROM: Trevor W. Santos 

SUBJECT: Action on Proposed Amendments to Rule 391-5-13-.03 Recreational Trails Program

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The Recreational Trails Program (RTP) is a federal grant program administered by the Federal Highway Administration (FHWA), authorized by 23 U.S.C. § 206 and administered in Georgia by the Department of Natural Resources pursuant to O.C.G.A. § 12-2-6.

RTP provides federal funding to support the construction, maintenance, and rehabilitation of recreational trails; development of trailhead and trailside facilities; acquisition of trail corridors; and eligible trail safety and environmental education activities.

The Department's Grants Unit has developed proposed amendments to Rule 391-5-13-.03, Recreational Trails Program, to update applicant eligibility provisions, and improve program administration.

The proposed amendments include:

- Replacing the obsolete Data Universal Numbering System (DUNS) requirement with the Unique Entity ID (UEI) requirement, while retaining System for Award Management (SAM.gov) registration requirements.

- Expanding eligible applicants to include Tribal Governments and certain nonprofit organizations whose missions include recreational trail development, trail stewardship, outdoor recreation, conservation of natural resources, or providing public access to recreational trail opportunities. Under the current rule, nonprofit organizations are generally eligible only for trail-related educational grants.
- Establishing an annual application cycle for projects primarily serving motorized recreational trail uses, subject to the availability of eligible federal funds.
- Establishing an annual application cycle for recreational trail education projects, subject to the availability of eligible federal funds.
- Replacing fixed biennial dates with Department-established deadlines, published through the applicable funding announcement.
- Removing duplicative timeline provisions and other administrative requirements that are more appropriately addressed through funding announcements and program guidance.

The proposed amendments to applicant eligibility and funding cycles reflect administrative and policy changes and are not presented as new federal mandates. The amendments retain the existing reimbursement, match, and project completion requirements, along with Board notification and applicable FHWA review and funding approval safeguards.

The following attachments are included in this package:

- Strikethrough copy of proposed amendments to Rule 391-5-13-.03                      Page A-3 – A-11
- Clean copy of proposed amended Rule 391-5-13-.03                                      Page A-12 – A-19

These items are respectfully submitted for the Board's consideration and approval at the October meeting.

TWS

Attachments

Strikethrough Version: Additions are underlined and deletions are struck through.

**RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES**  
**CHAPTER 391-5 HISTORIC PRESERVATION**  
**SUBJECT 391-5-13 STATE AND FEDERAL GRANTS PROGRAMS**  
**391-5-13-.03 Recreational Trails Program (RTP)**

**(1) Purpose and Name.** The Recreational Trails Program (RTP) of the Georgia Department of Natural Resources (GA DNR) coordinates and administers federal pass through grants for recreational trails. The U.S. Department of Transportation, Federal Highway Administration (FHWA) provides federal funding to states for grants for both motorized and non-motorized recreational trail projects to construct new recreational trails, improve/maintain existing trails, develop/improve trailhead or trailside facilities, and acquire trail corridors. Funding for this federal grant program is derived from that portion of the federal gasoline tax paid on the gasoline purchased for non-highway recreational vehicles-off-highway motorcycles, ATV's, snowmobiles, and off-highway trucks. The Commissioner of the Georgia Department of Natural Resources, or his designee, is designated as the principal official for coordinating with the FHWA. O.C.G.A. 12-2-6 provides the statutory basis for the Georgia Department of Natural Resources to administer this federal pass through grant program.

**(2) Eligible Grant Recipients.** All applicants must be currently registered in the System for Award Management, SAM.gov ~~with and have a unique Data Universal Numbering System (DUNS) number.~~ Unique Entity ID (UEI). Applications from project sponsors not meeting this criterion will be deemed ineligible and will not be reviewed.

Eligible grant recipients include:

- Georgia Qualified Local Governments (counties and municipalities approved by the Georgia Department of Community Affairs), including legally constituted recreation boards, commissions, or authorities with legislative sanction
- State Agencies
- Federal Agencies
- Tribal Governments. For purposes of this rule, "Tribal Government" means any tribe, band, group, or community recognized by the State of Georgia as a legitimate American Indian tribe pursuant to O.C.G.A. § 44-12-300.

- Nonprofit organizations with IRS 501(c)(3) tax exempt status, ~~if applying for eligible educational program grants that promote~~ whose mission includes recreational trail safety and environmental protection development, trail stewardship, outdoor recreation, conservation of natural resources, or providing public access to recreational trail opportunities, as evidenced by organizational documents.

Prospective applicants may be deemed not eligible to apply if they have active or previously awarded grants through GA DNR which are not in full compliance with federal and state requirements. Successful completion of projects in a timely and efficient manner is a key goal of the RTP grant program. RTP staff will review each application for eligibility to determine:

- Whether the applicant is on schedule with all active GA DNR grant projects, and
- Whether the applicant is in compliance with all applicable guidelines for current and past projects

Serious instances of non-compliance may result in application denial. Past non-compliance may also be cause for GA DNR to place additional requirements or special conditions on the grant, if selected, and as allowed by 2 CFR 200.207.

**(3) RTP Grants General Scope, Terms and Conditions.** FHWA funds allocated to States for RTP grants must be distributed as follows: 30 percent for motorized trail uses, 30 percent for non-motorized trail uses, and 40 percent for diverse trail uses. Funds allocated to the States also include a portion available for educational programs that promote safety and environmental protection as those objectives relate to the use of recreational trails.

The RTP grant program is a reimbursement program. Grant recipients pay for 100 percent of the costs and then submit required documentation for reimbursement for 80 percent of eligible costs, up to the grant award amount. Match requirements can be met by private donations of funds, materials, right-of-way, and services at fair market value. Applicants must document the availability of the required minimum twenty percent (20%) match for each application.

RTP grant recipients will have 24 months to complete the project from the date of the signed project agreement.

Project costs are eligible for 80% reimbursement only if incurred after the project has been approved for funding by the FHWA, and a project agreement has been signed. Project sponsors cannot be reimbursed for work done prior to the project agreement date.

Due to the competitive process for these grants, upon execution of a project agreement with a grant recipient, any requests for additional funding or significant changes in the scope must be approved by GA DNR staff and the FHWA.

Grant recipients will be required to attend a fiscal briefing before execution of the ~~signed~~ project agreement.

Permitted uses of RTP Grant funds include:

- Construction of new recreational trails open to the public on state, county, municipal or private lands where a recreational need for such construction is shown.
- Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails. Trailside and trailhead facilities includes trail components or associated facilities which serve the purpose and safe use of the recreational trail, and may include, but are not limited to, the following: drainage, crossings, stabilization, parking, signage, controls, shelters, hitching rails, water trail vessel launch facilities, bike racks, fencing, motorized access barriers, underpasses, and water, sanitary, and access facilities.
- Acquisition of easements or fee simple title from a willing seller to property for recreational trails or recreational trail corridors.
- Maintenance and restoration of existing recreational trails.
- Lease of recreational trail construction and maintenance heavy equipment, and purchase of hand tools.
- Provide access and use of recreational trails by persons with disabilities.
- Redesign, reconstruction, non-routine maintenance or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.
- Construction of new recreation trails crossing federal land if the project is consistent with resources management plans. Approval will be contingent upon compliance with all applicable laws, including the National Environmental Policy Act and the Forest and Rangeland Renewable Resources Planning Act, and the Federal Land Policy and Management Act.
- Educational programs that promote safety and environmental protection as those objectives relate to the use of recreational trails.

Uses not permitted with RTP Grant funds include:

- Condemnation of any kind of interest in property.
- Construction of new recreation trails for motorized use on National Forest or Bureau of Land Management lands that have been recommended for Wilderness designation.
- Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.
- Road construction or sidewalks.
- Purchase of recreational trail construction and maintenance heavy equipment. (Does not include hand tools.)

- Administrative staff time, overhead or indirect charges are not allowable charges.
- Feasibility studies.
- Playground equipment or campground development.

Minimum grantee compliance requirements include:

- Equal Opportunity: The grantee must comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination Act of 1975, The Americans with Disabilities Act of 1990 and all other state and federal laws of non-discrimination. The applicant must certify that no person shall be discriminated against on the basis of race, color, sex, religion, national origin, age, or physical or mental handicap for any program, activity, or facility sponsored, operated, or constructed under the sub-grant project.
- State and Federal Laws / Regulations: Grantee shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the grant agreement or to usage of the grant funds. Key regulations applicable to RTP include but are not limited to:
  - 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
  - 2 CFR 1201
  - FHWA Recreational Trails Program Interim Guidance
  - 23 U.S.C. 206 Recreational Trails Program
  - 23 U.S.C. 104(h), Recreational Trails Program Apportionments
  - 23 U.S.C. 106, Project Approval and Oversight
  - 23 CFR 1.36, Compliance with other Federal Laws and Regulations
  - 23 CFR 771, Environmental Requirements
  - 23 CFR 635.410 Buy America
  - 49 CFR 29, Suspension and Debarment
  - Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
  - 23 U.S.C. 114, Convict Labor
  - 23 U.S.C. Prevailing Wage Rate (Davis Bacon Act)
- Grantees have statutory responsibilities to provide opportunities for the participation of people with disabilities in recreational trails activities funded under the RTP. Federal laws that affect the design, construction, alteration, and operation of trail facilities include the Architectural Barriers Act of 1968 (ABA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA). The ADA prohibits discrimination and ensures equal opportunity and access for persons with disabilities. Section 504 of the Rehabilitation Act states that no otherwise qualified individual with a disability in the United States, as defined in section 7(20), shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal

financial assistance. The ABA requires that facilities designed, built, altered, or leased with funds supplied by the United States Federal Government be accessible to the public. Current regulations implementing these statutes contain requirements that apply to existing trail construction and program operations and adopt technical standards to guide new trail construction and alterations of existing networks.

- Buildings and facilities newly-constructed or altered with Federal funds are subject to the accessibility requirements contained in the Uniform Federal Accessibility Standards (UFAS), the standard currently referenced in the ABA.
- Accessibility in Federally-assisted programs is governed by the requirements of the United States Department of Transportation regulations (49 CFR Part 27) implementing Section 504 of the Rehabilitation Act (29 U.S.C. 794).
- The United States Department of Justice's (DOJ) Title II implementing regulations (28 CFR Part 35) describe the obligations of State and local governments for existing facilities and program operations, and require Title II entities (public entities) to comply with either UFAS or the Americans with Disabilities Act Accessibility Guidelines (ADAAG) developed by the United States Architectural and Transportation Barriers Compliance Board when constructing or altering facilities.

**(4) RTP Application Process.** RTP will begin each funding cycle ~~in September of odd-number calendar years~~ during the fall with a public announcement soliciting eligible grant projects from eligible project sponsors, and posting of the specific grant cycle applications and instructions on the GA DNR website. Each funding cycle application announcement will include the following:

- Estimated total dollar amount of grant funding available for that cycle
- Minimum and Maximum grant award amounts available
- Deadlines, application forms, specific requirements, and procedures for submission of the pre and second-level grant applications and required supporting documents

~~RTP biennial~~ grant opportunities will involve a competitive pre-application process followed by an invitation only second-level application process. The detailed RTP pre-application and second-level application forms, instructions, due dates, format, required forms/documents, required drawings/maps, and project scoring criteria are available on the DNR website at: <https://gadnr.org/grants>.

Annual Motorized Trails Cycle. The Department shall conduct an annual application cycle for projects primarily serving motorized recreational trail uses. The cycle will generally open during the fall. For each cycle, the Department shall publish the official dates, available funding, submission requirements, and method of application.

Pre-Application Process: The Department shall establish and publish the application deadlines and submission requirements for each motorized, non-motorized, diverse-use, and education funding cycle. Pre-applications are due in November of odd-numbered years, on the deadline established by the Department for the applicable funding cycle. The exact due date is included in the grant cycle announcement posting to the DNR website at: <https://gadnr.org/grants>. All aspects of the pre-application must be completed electronically. Pre-applications must be submitted by the deadline stated on the grant cycle announcement or the application will not be eligible for review.

The pre-application should include the following:

- Cover letter on official letterhead signed by the chief elected official/executive director/president
- A signed Pre-application Form to include a response to each of the evaluation criterion
- A resolution adopted by the governing entity of the applicant authorizing the application and committing all matching funds required to complete the proposed project
- A narrative description of the proposed project
- Estimate of cost
- Preliminary site plan
- Plat and/or legal description of the property proposed for purchase and/or development
- Location map
- Letters of commitment from partners providing grant match of any type

All pre-applications are reviewed by the RTP staff to verify applicant eligibility, and priority rank the eligible applications based on project evaluation criteria. The pre-applications, and assigned scores and rankings are also reviewed by the Georgia Recreational Trails Advisory Committee. The highest ranking proposed projects will be invited to submit a second-level application. All applicants will be notified according to the schedule stated in April in even-numbered years the applicable funding announcement whether they ~~have or have not been~~ are selected to submit ~~the a~~ second-level application.

Second-level Application: Applicants with selected pre-applications will be invited to submit a second-level application. Second-level applications are due by the deadline established in May in even-numbered years, the applicable funding announcement, and shall contain the following:

- A cover letter on entity letterhead
- A signed application cover sheet
- Detailed project budget
- Environmental assessment:

\_\_\_ Concurrence from the Army Corps of Engineers

\_\_\_Concurrence from the U.S. Fish and Wildlife Service

\_\_\_Concurrence from the Historic Preservation Division of the Georgia Department of Community Affairs

If real property is to be acquired with grant funds, land must be surveyed for hazardous materials to avoid acquiring property that is a source of liability.

- Environmental Screening Form and Environmental Checklist
- Copy of Deed to Property

NOTE: If real property is to be acquired with grant funds, the acquisition must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (The Uniform Act). Implementation regulations for the Act are found in 49 CFR Part 24. Do not acquire property until after the grant agreement has been executed and consultation with GA DNR has occurred.

- Signed statement from landowner expressing support (This is applicable if the applicant and landowner are not the same. A recorded easement allowing trail construction will be required from the landowner before construction begins.)
- Approvals to cross a public highway or a public utility right-of-way (if applicable)
- Maps: Property Boundary Area Map

Preliminary Site Map, clearly depicting project components

Site Location Map

- Detailed Project Development Budget
- Local Program Implementation Schedule

~~Second-level applicants who are unable to meet all requirements for a complete application by the May deadline may be granted an extension by the GA DNR RTP staff, up to August 31 of the same year.~~ Detailed instructions, guidance, specific due dates, applications and required forms are available at: <https://gadnr.org/grants>.

Education Projects - Education projects must have a direct relationship with a recreational trail or trails and can include safety education and environmental protection programs, and the production of trail-related educational materials such as information displays, printed materials, video, audio, and interactive computer displays. Parties interested in applying for an education project grant must consult with the Georgia Recreational Trails Program staff prior to submitting an application.

Annual Education Grant Cycle. Subject to the availability of eligible federal funds, the Department may conduct annual application cycles for recreational trail education projects. The Department shall publish the application opportunity and applicable submission requirements, evaluation criteria, deadline, and available funding for each cycle.

### **(5) Application Review Process and Timeline.**

- ~~• May, odd number calendar years—Georgia DNR announces biennial funding cycle via public announcement and website posting of information~~
- ~~• September, odd number calendar years—Pre-application period opens~~
- ~~• November, odd number calendar years—Deadline for Pre-application~~
- ~~• Pre-applications are reviewed for eligibility, scored and ranked by the GA DNR RTP staff. The Georgia RTP Advisory Committee also reviews application rankings, and the Georgia DNR Board is informed of the applicant rankings. Copies of the selected pre-applicants are forwarded to the Federal Highway Administration.~~
- ~~• April, even number calendar years—All pre-applicants are notified, and selected pre-applicants are invited to submit second level applications. The second level application process certifies completion of all environmental assessments and required environmental permits, land ownership or easements, and verifies the applicant's financial ability to complete the project as proposed.~~
- ~~• May, even number years—Deadline for second level applications~~
- ~~• Second level applicants who successfully complete all requirements and submit all necessary documents by the deadline will be recommended for grant approval to FHWA. Second level applicants who are unable to complete all requirements by the May deadline may be allowed an extension of time until August 31, with approval by the GA DNR RTP staff.~~
- ~~• Grant funds will be available to successful applicants upon approval by FHWA, a fiscal meeting with the GA DNR RTP staff, and execution of a Project Agreement between GA DNR and the applicant.~~
- The Georgia DNR Board shall be informed of the applicant rankings, and copies of the selected pre-applications shall be forwarded to FHWA.
- The second-level application process certifies completion of all environmental assessments and required environmental permits, land ownership or easements, and verifies the applicant's financial ability to complete the project as proposed.
- Second-level applicants who successfully complete all requirements and submit all necessary documents by the deadline will be recommended for grant approval to FHWA.
- Grant funds will be available to successful applicants upon approval by FHWA, a fiscal meeting with the GA DNR RTP staff, and execution of a Project Agreement between GA DNR and the applicant.

**(6) Criteria for RTP Grant Awards.** The public announcement for each RTP funding cycle, available on the DNR website, <https://gadnr.org/grants>, will contain the specific criteria used in rating the applications.

The criteria used to rank applications shall include:

- Degree to which the proposed project meets the project area's recreational trail needs
- The population demographics served by the project
- Trail connectivity to other trails, parks, or greenspaces
- Project enhancement of economic development opportunities
- Public support and financial partners for the proposed trail project
- Long-term management, operations, and maintenance plans and commitments
- Americans with Disabilities Act accessibility
- Applicant's history in administering and completing grant funded projects
- Mitigation of environmental impacts
- Ability to fully complete all aspects and requirements of the pre-application and second-level application

**(7) Application Submittal, Program Information.** All applications should be submitted electronically.

Complete information on the Georgia Recreational Trails Grant Program, including links to Federal guidelines and complete application instructions, guidance, and required forms are available at: <https://gadnr.org/grants>.

## Exact Copy

### **RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES**

#### **CHAPTER 391-5 HISTORIC PRESERVATION**

#### **SUBJECT 391-5-13 STATE AND FEDERAL GRANTS PROGRAMS**

#### **391-5-13-.03 Recreational Trails Program (RTP)**

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**(4) RTP Application Process.** RTP will begin each funding cycle during the fall with a public announcement soliciting eligible grant projects from eligible project sponsors, and posting of the specific grant cycle applications and instructions on the GA DNR website. Each funding cycle application announcement will include the following:

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RTP grant opportunities will involve a competitive pre-application process followed by an invitation only second-level application process. The detailed RTP pre-application and second-level application forms, instructions, due dates, format, required forms/documents, required drawings/maps, and project scoring criteria are available on the DNR website at: <https://gadnr.org/grants>.

**Annual Motorized Trails Cycle.** The Department shall conduct an annual application cycle for projects primarily serving motorized recreational trail uses. The cycle will generally open during the fall. For each cycle, the Department shall publish the official dates, available funding, submission requirements, and method of application.

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announcement or the application will not be eligible for review. The pre-application should include the following:

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- Environmental Screening Form and Environmental Checklist
- Copy of Deed to Property

NOTE: If real property is to be acquired with grant funds, the acquisition must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (The Uniform

Act). Implementation regulations for the Act are found in 49 CFR Part 24. Do not acquire property until after the grant agreement has been executed and consultation with GA DNR has occurred.

- Signed statement from landowner expressing support (This is applicable if the applicant and landowner are not the same. A recorded easement allowing trail construction will be required from the landowner before construction begins.)
- Approvals to cross a public highway or a public utility right-of-way (if applicable)
- Maps: Property Boundary Area Map

Preliminary Site Map, clearly depicting project components

Site Location Map

- Detailed Project Development Budget
- Local Program Implementation Schedule

Detailed instructions, guidance, specific due dates, applications and required forms are available at: <https://gadnr.org/grants>.

Education Projects - Education projects must have a direct relationship with a recreational trail or trails and can include safety education and environmental protection programs, and the production of trail-related educational materials such as information displays, printed materials, video, audio, and interactive computer displays. Parties interested in applying for an education project grant must consult with the Georgia Recreational Trails Program staff prior to submitting an application.

Annual Education Grant Cycle. Subject to the availability of eligible federal funds, the Department may conduct annual application cycles for recreational trail education projects. The Department shall publish the application opportunity and applicable submission requirements, evaluation criteria, deadline, and available funding for each cycle.

### **(5) Application Review Process.**

- The Georgia DNR Board shall be informed of the applicant rankings, and copies of the selected pre-applications shall be forwarded to FHWA.
- The second-level application process certifies completion of all environmental assessments and required environmental permits, land ownership or easements, and verifies the applicant's financial ability to complete the project as proposed.
- Second-level applicants who successfully complete all requirements and submit all necessary documents by the deadline will be recommended for grant approval to FHWA.
- Grant funds will be available to successful applicants upon approval by FHWA, a fiscal meeting with the GA DNR RTP staff, and execution of a Project Agreement between GA DNR and the applicant.

**(6) Criteria for RTP Grant Awards.** The public announcement for each RTP funding cycle, available at the DNR website, <https://gadnr.org/grants>, will contain the specific criteria used in rating the applications. The criteria used to rank applications shall include:

- Degree to which the proposed project meets the project area's recreational trail needs
- The population demographics served by the project
- Trail connectivity to other trails, parks, or greenspaces
- Project enhancement of economic development opportunities
- Public support and financial partners for the proposed trail project
- Long-term management, operations, and maintenance plans and commitments
- Americans with Disabilities Act accessibility
- Applicant's history in administering and completing grant funded projects
- Mitigation of environmental impacts
- Ability to fully complete all aspects and requirements of the pre-application and second-level application

**(7) Application Submittal, Program Information.** All applications should be submitted electronically.

Complete information on the Georgia Recreational Trails Grant Program, including links to Federal guidelines and complete application instructions, guidance, and required forms are available at: <https://gadnr.org/grants>.