

NEVADA LAND AND WATER CONSERVATION FUND GRANT MANUAL



Please read this manual before proceeding with an application.

**This manual and other supporting documents are available at:
<http://parks.nv.gov/about/grant-programs/land-and-water-conservation-fund>
or by contacting NDSP staff.**

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SUMMARY

The Land and Water Conservation Fund (LWCF) Act was established in 1964 in order to provide recreational opportunities for America's communities. The intent was to provide a consistent source of funding for the development of local parks, playgrounds, and other recreational spaces. The fund does not use any taxpayer dollars; rather, it utilizes earnings from offshore oil and gas leases to fund local recreation projects.

In Nevada, the LWCF program is administered by the Nevada Division of State Parks (NDSP) as a pass-through grant from the National Park Service (NPS). These funds are allotted to the state's eligible local political subdivisions, including Native-American tribal governments.

This document summarizes Nevada's LWCF program, details the rules and regulations governing the distribution of these funds, describes the required elements of an application, and incorporates all required application forms. Information in this manual was obtained from the *Land and Water Conservation Fund Manual, Manual Release 151* published by the NPS in 1991, Nevada's *2016 Statewide Comprehensive Outdoor Recreation Plan (SCORP)* and the *Open Project Selection Process (OPSP)* developed by NDSP and approved by the NPS in 2016. Accordingly, it replaces earlier Nevada LWCF grants manual editions produced by the NDSP.

Applicants are encouraged to do each of the following, prior to starting an LWCF grant application:

- Review this manual completely. This document provides detailed information about the entire LWCF grant program: from the initial planning of new projects to the long-term maintenance of past projects.
- Review the Nevada's *Statewide Comprehensive Outdoor Recreation Plan (SCORP)*. Special attention should be paid to Part Three, which describes current outdoor recreation priorities.
- Review the current LWCF grant cycle announcement. In the months before a new grant cycle is to begin, NDSP will issue an announcement confirming available funds, deadlines, and any modifications to the program that might vary from the grant manual.

All of the above mentioned documents are available at <http://parks.nv.gov/about/grant-programs/land-and-water-conservation-fund> or by contacting NDSP staff. Most importantly, potential applicants are urged to contact NDSP staff during the earliest stages of planning. Staff can help assess whether an LWCF grant is a good option for a project and, if a grant is pursued, help to develop application strategies.

For more information on any aspect of the LWCF grant program, please contact Heather Giger at hgiger@parks.nv.gov, 775-684-2784 or Art Krupicz, rectrails@parks.nv.gov, 775-684-2775.

PROGRAM OVERVIEW

The Land and Water Conservation Fund (LWCF) Act of 1964 (Public Law 88-578, 78 Stat 897) was enacted "...to assist in preserving, developing and assuring accessibility to all citizens of the United States of America of present and future generations... such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation..." The LWCF program provides matching grants to States, and through States to local governments, for the acquisition and development of public recreation areas and facilities.

The LWCF Act authorizes the Secretary of the Interior to provide financial assistance to States for outdoor recreation and land or water acquisition purposes. With some exceptions, this authority has been delegated to the Regional Directors of the NPS, who are authorized to administer the program within their respective jurisdictions.

Under Nevada Revised Statute (NRS) 407.205, the administrator of NDSP, through the director of the Department of Conservation and Natural Resources (DCNR), serves as the LWCF State Liaison Office (SLO), and is responsible for accepting and disbursing funds in the state.

LWCF assistance can be used to:

- Acquire lands and waters or interests in lands and waters for public outdoor recreation;
- Develop basic outdoor recreation facilities to serve the general public; and
- Provide major renovation work for existing outdoor recreation facilities, including replacement; or
- A combination of acquisition and development or renovation.

LWCF proposals are submitted through the SLO (NDSP Administrator) to the NPS for approval. Project costs shall be determined in accordance with 2 CFR Part 200 and the NPS LWCF Grants Manual (<https://www.nps.gov/subjects/lwcf/lwcf-manual.htm>). All claims shall be subject to verification by Federal audit.

The following are major elements of the LWCF program. They do not constitute all requirements of the program, but do represent the more significant obligations that every grantee must meet or otherwise account for:

- LWCF requires, at minimum, 50/50 match on all projects.
- LWCF is a reimbursable grant program. Grantees must pay for all project expenses and then request reimbursement for those costs. There are no exceptions. Reimbursements are only made for completed project elements.
- The maximum grant request may be as large as the entire current LWCF appropriation to political subdivisions in Nevada.

- For all projects exceeding a total estimated cost of \$100,000, project plans and specifications must be certified by a professional, licensed engineer or architect. A Notice to Proceed will not be issued otherwise. The cost of this certification is an eligible cost.
- The project must comply with all health and safety codes, including both Section 504 of the Rehabilitation Act (1973) and the Americans with Disabilities Act (ADA, 1973) with its subsequent amendments.
- Applicants are required to maintain any LWCF-funded area(s) for public recreation use in perpetuity. As such, NDSP requires that all new projects include deed restrictions on the lands purchased and/or developed with LWCF funds. The cost of a deed restriction is an eligible cost.
- The use and development policy must be consistent with the Civil Rights Act (1964), which prohibits discrimination by any program receiving Federal financial assistance.
- All applications are scored via the selection criteria detailed in Appendix A. Applicants are strongly encouraged to review those criteria early in the application process and assess their project accordingly.
- Maps are a critical element of every LWCF application. Please call for assistance if any mapping requirements are unclear or otherwise difficult to fulfill.

ELIGIBILITY

WHO IS ELIGIBLE?

The following political subdivisions of the State of Nevada are eligible under the provisions of the LWCF Act:

- Cities
- Towns
- Counties
- Other local governments with the authority and responsibility to provide recreational services, such as General Improvement Districts
- Native American tribal governments

ELIGIBLE PROJECTS

Acquisition

Acquisition of lands or waters may be funded provided they are used for public outdoor recreation. Funds may be used to acquire new land or to expand existing recreation areas. Development must start within three (3) years after acquisition. Acquisition can be by fee simple title or by whatever lesser rights will insure the desired public use.

Examples of eligible acquisitions may include, but are not limited to:

- Areas with frontage on rivers, streams, lakes, reservoirs, etc. that will provide water-based public recreation opportunities, or the acquisition of the water bodies themselves.
- Land for creating water impoundments to provide water-based public outdoor recreation opportunities.
- Areas that provide special recreation opportunities, such as floodplains, wetlands, and areas adjacent to scenic highways.
- Natural areas, preserves, and outstanding scenic areas where the acquisition objective is to preserve areas of biological importance and/or viewsheds. These areas must remain open to the general public for outdoor recreation use to the extent that the natural attributes of the areas will not be seriously impaired or lost.
- Land within urban areas for day-use picnic areas, neighborhood playgrounds, and tot lots; areas adjacent to school playgrounds and competitive nonprofessional sports facilities, as well as more generalized parklands.

Land acquired may provide for a wide variety of outdoor activities including, but not limited to: driving and walking for pleasure, sightseeing, swimming and other water sports, fishing, picnicking, nature study, boating, hunting and shooting, camping, horseback riding, bicycling, snowmobiling, skiing, and other outdoor sports and activities.

Acquisition of lands and waters, or interests therein, may be accomplished through purchase, eminent domain, transfer, or by gift (donation).

Every reasonable effort should be made to acquire real property by negotiated purchase. Real property must be appraised before the initiation of negotiations, and the property owner given a "Statement of Just Compensation" for the property.

The donation of land is encouraged, and the value of that donation may be used as all or part of the applicant's match, provided there are additional acquisition and/or development costs to be met. Donations must have both an appraisal and an "Offer to Purchase" from the applicant on file and as part of the project application.

An appraisal by a qualified appraiser (MAI or equivalent), must be submitted with the grant application (if the property is valued at less than \$25,000, a qualified appraiser can provide a waiver valuation instead). The appraisal must be prepared in accordance with the *Uniform Appraisal Standards for Federal Land Acquisitions* (Interagency Land Acquisitions Conference, 1992). Appraisals and preliminary title documents must be approved by the State before negotiations are begun. A letter of certification (appraisal review) from an independent qualified appraiser is required for each acquisition project. Project sponsors will be provided with a list of qualified appraisers in the area; sponsors will be required to contract directly with an appraiser from the list for the appraisal review.

Only in unusual circumstances can real property be acquired at less than the fair market value as determined by a qualified appraiser. If this occurs, there must be evidence that the owner was first

provided with a written "Offer to Purchase" for the full amount established as just compensation. This amount will not be less than the approved appraisal of fair market value.

Such evidence will include a signed statement by the property owner waiving his right to just compensation and indicating that they: (1) have been informed of all rights and benefits under the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, (2) have been provided with a Statement of Just Compensation and a Written Offer to Purchase for this amount, (3) is satisfied with the price paid even though it is less than the approved appraisal of fair market value, and 4) the reasons why they have elected to accept this lesser amount. This statement must accompany the request to NDSP for reimbursement.

A copy of the "Offer of Just Compensation" and the deed showing purchase of the property by the applicant must be sent to NDSP within 9 months of the first letter sent to the applicant following the awarding of the grant (acquisition projects only).

Displaced persons and businesses, or farm interests, must be notified of their rights under federal and state relocation laws.

Development

Financial assistance may be available through the LWCF program for most facilities necessary for the use and enjoyment of outdoor recreation areas. The LWCF Act specifies that development projects may consist of basic outdoor recreation facilities to serve the general public provided that the funding of such a project is in the public interest.

Development projects need not be complete and may proceed in stages. Each stage must result in a complete and usable facility (even if it is part of a larger multi-phase project).

Facilities may be built on 1) land owned by the political subdivisions, 2) land acquired under this program, and/or 3) federal lands under lease for 25 years or more.

Funding of development projects may cover construction, renovation, site planning, demolition, site preparation, architectural services, and similar activities essential for the proper execution of the project.

Plans for the development of land and/or facilities must align with the LWCF grant scoring criteria (Appendix A), the expected use, and the type and character of the project area. Emphasis should be given to the health and safety of users, accessibility to the general public and persons with disabilities (per standards of the Americans with Disabilities Act), and the protection of the recreation and natural values of the area.

Examples of eligible development projects may include, but are not limited to:

Sports and Playfields

LWCF assistance may be available for fields, courts and other outdoor spaces used in competitive and individual sports. This includes athletic fields and courts, playgrounds and tot lots, golf courses, rifle/pistol/archery ranges, trap/skeet fields, rodeo arenas, running tracks, and other similar facilities.

Picnic Facilities

LWCF assistance may be available for tables, fireplaces, shelters, and other facilities related to family or group picnic sites.

Trails

LWCF assistance may be available for the development and marking of overlooks, turnouts, and trails for a diverse array of motorized and non-motorized activities.

Swimming Facilities

LWCF assistance may be available for the development of beaches, *outdoor* pools, wading pools, lifeguard towers, bathhouses, and other related facilities.

Boating Facilities

LWCF assistance may be available for most facilities related to boating, sailing, canoeing, kayaking, sculling, and other similar activities. These facilities may include, but are not limited to: docks, berths, floating berths secured by buoys or similar services, launching ramps, breakwaters, mechanical launching devices, boat lifts, boat storage, sewage pump out facilities, fuel depots, water and sewer hookups, restrooms, showers, electrical systems, and parking areas.

Hunting/Fishing Facilities

LWCF assistance may be available for trails, fishing piers, and other facilities necessary to the accommodation of public hunting or fishing. In addition, funds may be used for the initial clearing or planting of food and cover, stream improvements, wildlife management areas, fish hatcheries, and other critical infrastructure, if those facilities are open to the public in some form.

Winter Sports Facilities

LWCF assistance may be available for facilities such as ski trails, jumps, lifts, trails/runs, and snowmaking equipment as they are utilized for downhill skiing, cross country skiing, sledding/tubing, snowmobiling, and other winter sports. *Outdoor* ice rinks are also eligible.

Camping Facilities

LWCF assistance may be available for tables, fireplaces, restrooms, information stations, snack bars, utility outlets, and other facilities needed for camping (tent, trailer, camper, etc.). Cabins or group camps may be eligible, as well.

Exhibit Facilities

LWCF assistance may be available for outdoor exhibit or interpretive facilities that provide opportunities for the observation or interpretation of natural, cultural and/or historic resources located on the recreation site or in the immediate surrounding area. This includes small demonstration farms, arboretums, outdoor aquariums, outdoor nature exhibits, nature interpretive centers, and other similar facilities.

Spectator Facilities

LWCF assistance may be available for amphitheaters, bandstands, and modest seating areas, providing that the associated facilities (fields, etc.) are not designed primarily for professional, semiprofessional, intercollegiate or interscholastic arts or athletics.

Community Gardens

LWCF assistance may be available for community garden infrastructure. Such elements may include, but are not limited to land preparation, perimeter fencing, storage bins and sheds, irrigation systems, benches, walkways, parking areas, and restrooms.

Renovated Facilities

LWCF assistance may be available for extensive renovation or redevelopment to bring a facility up to standards of quality and attractiveness suitable for public use. Renovation specifically involves facilities or areas that have deteriorated to the point where their usefulness is impaired or outmoded; or where it needs to be upgraded to meet public health and safety laws and requirements. Funds are not available to reverse deterioration due to inadequate maintenance during the reasonable life of the facility.

Facilities Accessible and Designed for the Disabled

LWCF assistance may be available for the adaptation of new or existing outdoor recreation facilities for use by persons with disabilities. Funds may not be used for facilities that are exclusively for the disabled unless such facilities are available to the general public or are part of an outdoor recreation area which serves the general public.

Zoo Facilities

Outdoor display facilities at zoological parks are eligible to receive LWCF assistance provided they portray a natural environmental setting that serves the animals' physical, social, psychological, and environmental needs; and that is open to the public.

Support Facilities

LWCF assistance may be available for a variety of infrastructure that may be integral to the functioning of eligible recreation facilities. Examples include, but are not limited to:

- Facilities required for the reasonable use and engagement of an area. Examples include: roads, parking areas, utilities, restrooms, sanitation systems, simple cabins or trail hostels, warming huts, shelters, visitor information centers, kiosks, interpretive centers, bathhouses, permanent spectator seating, walkways, pavilions, snack bar stands, and equipment rental spaces.
- Operations and maintenance facilities that support a recreation resource, such as: maintenance buildings, storage areas, administrative offices, dams, erosion control projects, fences, sprinkler systems, and directional signs.
- Beautification projects that provide a more attractive public environment. This may include: general landscaping, the clearing or restoration of areas which have been damaged by natural disasters; the screening, removal, relocation or burial of overhead power lines; the dredging and restoration of publicly owned recreation lakes or boat basins, and measures necessary to mitigate negative environmental impacts.
- Roads whose primary use is to serve an outdoor recreation facility or area. Such roads can be either within a recreation area or outside of it, but they must be owned or adequately controlled by the agency sponsoring or administering the park or recreation area and cannot be part of an existing state, county or local road system. All grant improved facilities must be included within the LWCF boundary.
- Equipment required to make a recreation facility initially operational.

- Energy conservation infrastructure, including: solar energy systems, earth berms, window shading devices, energy lock doors, sodium vapor lights, insulation, windmills, on-site water power systems, bioconversion systems, and facilities required for the conversion of existing power systems to coal, wood, or other energy-efficient fuels.

Combined

Funds are available for projects that combine acquisition and development.

Planning

Planning is not eligible as a stand-alone category but is an eligible expense as part of a larger project, provided that plans are undertaken by qualified professionals and the cost is a part of an *approved* development project. The cost of the plans must be less than 40% of the total project cost.

INELIGIBLE PROJECTS

Ineligible Acquisition Projects:

- Acquisition of historic sites and structures, except if the applicant clearly demonstrates that the acquisition is primarily for outdoor recreation purposes and that the historic aspects are an integral component of the primary recreation purpose(s).
- Acquisitions of museums and sites to be used for museums or primarily for archeological excavations.
- Acquisition of land to help meet a public school's minimum site size requirement.
- Acquisition of areas and facilities designed to be used primarily for semi-professional, professional, intercollegiate, and interscholastic arts or athletics.
- Acquisition of areas and facilities to be used *solely* for game refuges or fish production purposes. Such areas and facilities may be eligible if they will be open to the public for general compatible recreation, or if they directly serve priority public outdoor recreation needs.
- Acquisition of areas to be used mainly for the construction of indoor facilities.
- Acquisition of Federal surplus property unless legislatively authorized in a specific situation.

Ineligible Development Projects:

- Facilities designed primarily for professional, semi-professional, intercollegiate, or interscholastic arts or athletics.
- *Mobile* recreation units including play mobiles, skate mobiles, swim mobiles, show wagons, puppet wagons, and porta-bleachers.
- Support facilities which contribute primarily to public indoor activities such as meeting rooms, auditoriums, libraries, study areas, restaurants, lodges, motels, luxury cabins, food preparation equipment, kitchens, and equipment sales areas.

APPLICATION SUBMISSION & EVALUATION

APPLICATION REQUIREMENTS

Applicants are encouraged to do each of the following, prior to starting an LWCF grant application:

- Review the *LWCF Grant Manual* in its entirety, as it provides detailed information about the entire LWCF grant program, from the initial planning of new projects to the long-term maintenance of past projects.
- Review Nevada's *State Comprehensive Outdoor Recreation Plan (SCORP)*. Special attention should be paid to Part Three, which describes current outdoor recreation priorities. The SCORP is available for download on the [NDSP website](#) or by contacting grant staff.
- Review the current LWCF grant cycle announcement. In the months before a new grant cycle is to begin, NDSP will issue an announcement confirming available funds, deadlines, and any modifications to the program that might vary from the grant manual.

Most importantly, potential applicants are urged to contact NDSP staff during the earliest stages of planning. Staff can help assess whether an LWCF grant is a good option for a project and, if a grant is pursued, help to develop application strategies and grant documents.

The initial screening of applications will confirm the presence or absence of basic elements:

- Both the applicant and project must meet the eligibility requirements of the most current National Park Service's [Federal Financial Assistance Manual](#).
- Applications must be complete and submitted by the deadline established by NDSP.
- Adequate control and tenure of lands must be established, including the project site as well as lands within the 6(f)(3) boundary. Control and tenure may be demonstrated by:
 - fee simple ownership of all project lands without encumbrances;
 - a lease from the Federal government with a remaining term of 25 years or more;
 - applicants may also have partial ownership (e.g., conservation easement).

PROJECT EVALUATION & SELECTION

The second phase of assessment involves evaluation of the project itself. The third and final phase includes award recommendations by the SLO and final project approval by the NPS. The process is as follows:

1. A review committee will score and rank all eligible project applications according to the rating and selection criteria described in the SCORP and OPSP. Based on the accumulated points that result from the scoring/rating process, those projects that fall within the available LWCF moneys will be recommended for funding.

2. If funds are available for only a portion of the last project on the list of projects recommended for funding, NDSP will contact the local sponsor(s) to attempt to reduce the project scope, or create multi-year project phases, to fit within the available funds.
3. If a reduction in scope is not possible, then this project will be removed from the list of ranked projects for the year, and will be given preference for funding during the succeeding LWCF grant round the following year.
4. NDSP will then submit applications to the NPS for final approval.
5. The NPS will evaluate each recommended project for completeness and notify NDSP of all approved projects. A funding agreement will be drafted for signatures.
6. All federal applications will be routed through the State of Nevada Clearinghouse for comment prior to NPS agreement.

Important: Every application must be approved by NDSP and NPS. Being selected for funding by NDSP does not assure project approval at the Federal level. NPS approval is a separate process. Furthermore, the applicant may not take title to project lands (acquisition) or begin construction (development) until Federal (NPS) approval is granted, a local agreement has been executed, and a formal Notice to Proceed has been issued.

Federal approval normally takes between one and four months, depending on the degree of environmental issues/strategies that must be addressed. It is important that project work is not done until the final agreements are signed: expenses incurred before issuance of a Notice to Proceed will not be reimbursed by the NDSP or NPS.

Upon project approval, successful applicants will be notified of the deadlines which pertain to their project (receipt of plans, proof of physical development, etc.). Each grantee will be required to meet all appropriate deadlines. If there is no progress on the project within 12 months after approval, the project's funds may be de-obligated and the grant cancelled.

PROJECT ADMINISTRATION

AGREEMENTS

Grantees must administer the project according to the General Provisions for State and Federal Administration, which are included with the project agreement document.

Each grantee will be required to execute the legal agreement with NDSP covering the terms of the LWCF program. Breach of this agreement may result in the de-obligation of funds. Applicants found in breach of their agreement may also be rendered ineligible for future LWCF grants, at the discretion of the SLO and NPS.

PLANS AND SPECIFICATIONS

A complete set of plans, specifications, and bidding documents must be compiled by the applicant and approved prior to the initiation of any construction. This is an eligible expense if incorporated into a project's approved scope, and (under certain circumstances) can be reimbursed retroactively (up to 3 years) after approval of a grant. Even if the applicant plans to use force account labor or donated labor, the plans and specifications must be of sufficient detail that they could be bid if necessary. Plans also contain sufficient detail to pass review by the State's designated representative for health and safety issues.

For projects over \$100,000, project construction plans must be stamped by a Nevada-licensed engineer, landscape architect, or architect (depending upon the nature of the project). All plans and specifications for construction projects (whatever the final cost) must be approved by NDSP before bid advertisement or construction. NDSP staff reviews for consistency with both the approved scope of work and ADA requirements.

In regards to utility lines, the grantee is expected to take all reasonable steps to bury, screen, or relocate existing overhead lines and to put telephone lines (and all electrical wires less than 15kv) underground. If this applied to your project site, please contact NDSP prior to starting an application so that a field visit may be arranged.

All plans, specifications, and bidding documents must be given final approval by NDSP prior to the applicant going to bid. Any costs incurred by the grantee prior to the execution of this local agreement (other than preplanning costs and those costs necessary to draw and check the plans and specifications) will not be reimbursed by NDSP and will not be considered as part of the project cost.

AMENDMENTS

During the execution of a project, there may be unforeseen delays, changes in specifications, or rising costs of labor and supplies. As work progresses, it may be necessary, or desirable, to alter the scope of the project by adding, deleting, or modifying the project.

When such changes are necessary, the project sponsor must notify NDSP as soon as possible in writing, clearly indicating the changes needed and the revised scope of work. NDSP will then notify the NPS and submit an amendment for approval. It is recognized, however, that it will not always be

possible for the NPS to act in advance of the change, and any costs thus incurred prior to their approval are done so at the project sponsor's risk.

PROCUREMENT STANDARDS

Projects or portions thereof may be undertaken through contracts in accord with the procurement standards and guidelines set forth in 2 CFR Part 200 and 43 CFR Part 12, except the provisions concerning the Davis-Bacon Act. This includes the procurement of supplies, equipment, construction and services.

The LWCF program is exempt from the \$2,000 minimum threshold for Davis Bacon wage rates. Rather, the \$100,000 threshold specified by State of Nevada law applies. In other words: any project with a construction contract(s) totaling less than \$100,000 is not subject to prevailing wage rates.

All procurement transactions, whether by sealed bids or negotiation, and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition consistent with this section. Procurement procedures shall not restrict or eliminate competition.

BIDDING AND CONTRACTS

Contract construction must adhere to all applicable Federal and State laws. Contracts for construction will be awarded through the grantee's established competitive bidding process. If there is none, State bidding process must be followed. Please refer to the State of Nevada Administrative Manual for more information:

<http://budget.nv.gov/uploadedFiles/budgetnv.gov/content/Governance/SAM.pdf>

COST PRINCIPLES

FINANCIAL RESPONSIBILITY

The grantee shall be responsible for the financial management projects. Appropriate internal controls must therefore be adopted and installed so that the project is conducted in the most efficient and economical manner possible. A financial manager or supervisor must be appointed and will be responsible for all financial management of the project.

ACCOUNTING

Adequate daily records must be kept on the project and billings must be completely supported by documentation. Copies of all documentation must be forwarded to NDSP with each billing cycle and will be included in the project's permanent file. **All records will be thoroughly audited by the appropriate State and Federal agencies.** The grantee must utilize accounting procedures that assure proper accounting and disbursement of grant monies paid. Those procedures should be based on generally accepted accounting standards and auditing principles. At a minimum, these procedures must accomplish the following:

- Establish separate accounts and supporting documentation for the project. Each project account should be identified by the number assigned to the project by NDSP.
- Identification of all receipts in sufficient detail to show the dates and sources of such receipts.

- Itemization of all supporting records of project expenditures in sufficient detail to show the exact nature of expenditures.
- Cross-referencing of each expenditure with the supporting purchase order, contract, contract change order, voucher, bill, etc. These supporting documents should contain the signature of the official authorized to approve such expenditures.
- Maintenance of adequate records (e.g., employee time sheets) that clearly demonstrate authorization by the appropriate officials.
- Maintenance of payroll vouchers for salaries and wages. If payroll voucher forms are not used, a statement should be prepared at the end of each pay period showing the names of employees, the number of hours worked on the project, the gross amount of salary earned by each, and on which part of this project each worked during that pay period. This statement must be verified by the official responsible for the project and approved by the appropriate authority.
- Identification of invoices or vouchers with project number, account number, date, and expense classification.
- When payment is by check, the canceled check should be properly identified and filed. When cash disbursements are made, they must be supported by receipts.
- Implementation of reasonable checks and balances regarding various administrative activities, such as: serial numbers on vouchers (where prudent), distribution of duties among employees in such a way as to decrease opportunities for fraudulent activities, procedural safeguards, property inventory controls, and other precautions.
- At any time during the project, the State may ask to see the project records to see that they are both current and adequately maintained. The applicant shall promptly submit such reports and documentation as the State may request.
- A copy of the billing form is found in Appendix D. This “Progress Report” form must be utilized for all progress billings or requests for reimbursement.

PROJECT COSTS

Matching share

A match of at least 50 percent is required on all LWCF projects. Federal funds may not be used as a match unless specifically authorized in that fund’s legislation.

LWCF assistance shall not exceed 50 percent of total eligible project costs. The project sponsor will pay all costs accrued during the project period, in full. Reimbursement for the federal share is made through NDSP and is provided on a reimbursement basis. Projects initially funded at less than 50 percent matching share may not be amended to increase the federal share without an increase in project scope and increase in total project cost.

Determining Amount of Costs

General

Project costs eligible for assistance shall be determined by the criteria set forth in this manual and in 2 CFR Part 200. The rates, practices, rules, and policies of the project sponsor, consistently applied, shall determine the costs of each item charged to a project. In instances where the sponsor has no such bias, that of the State shall apply.

Ceiling on amount of cost items

The amount of each item of cost that may be matched from the LWCF shall not exceed the sponsor's actual cash outlay for that item, or the fair market value of the item, whichever is less. An exception could be land acquired at a price in excess of appraised value and supported by an adequate statement on difference of value.

Ceiling on total matching share from the fund

The total matching amount made available for an approved project shall not exceed the approved support ceiling. The support ceiling is defined as the approved federal share, based on the applicant's original estimate of the project costs. The original grant agreement determines the percent match and percent Federal amount. The Federal percentage cannot change once the grant agreement is in place. The grant amount can increase, if funds are available, and the increase will be based on the total amount of the project, with the Federal share percentage unchanged.

Allowable Costs

The basic statement regarding the principles and standards for determining costs applicable to this grant program can be found in 2 CFR Part 200.

Examples of allowable costs, including those costs used as match, may include but are not limited to:

Pre-award project planning

It is recognized that some costs must be incurred before a proposed project can be submitted to the NPS with the required descriptive and cost data. Pre-award costs must be detailed in the project application. For development projects, items necessary for project preparation may be eligible. Some examples are: costs of site investigation and selection, site planning, feasibility studies, preliminary design, environmental review, preparation of cost estimates, construction drawings and specifications.

Similar costs may be allowable for acquisitions, although there are specific exceptions for acquisition grants, such as costs relating to appraisals, surveys, and some other incidental costs to the purchaser. All such pre-award planning costs incurred within three years prior to project submission to the NPS are allowable.

Personal Service

Assistance may be provided for the personal services of those employees and supervisors directly engaged in the execution of a project. Assistance will be provided according to the proportion of time spent on a project.

Fringe Benefits

Fringe benefits, which are regularly provided to employees by the project sponsor, are legitimate personal service costs and are eligible for LWCF assistance.

Consultant Services

In those cases where the assistance of a specialist consultant is required for a project, a share of the cost may be borne by LWCF monies. No consultant fee may be paid to any Federal, State, or project sponsor's employee unless such a payment is specifically agreed to by the NPS.

Equipment Usage

Assistance might be made available for equipment used in the conduct of a project and/or the purchase price of equipment required to make a facility initially operational. This type of assistance will be determined on a case-by-case basis.

Supplies and Material

Supplies and materials may be purchased for a specific project or may be drawn from a central stock.

Travel

The cost of transportation, lodging, subsistence, and related items are allowable when incurred by employees in travel status on official business related to the project.

Information and Interpretation Costs

LWCF funds may be used for signs, displays, dioramas, and other interpretive facilities designed to convey either informational or navigational information related to the project.

Construction

Allowable construction costs include all necessary construction activities, from site preparation to the completion of a structure.

Administrative and Supporting Expenses

Assistance will be available for a wide range of administrative and support expenses incurred directly or indirectly on behalf of a project, consistent with the standards stated in 2 CFR Part 200. Allowable items include, but are not limited to:

- | | |
|------------------------|--------------------------|
| Accounting | Motor pools |
| Auditing | Payroll preparation |
| Bonding | Personnel administration |
| Budgeting | Procurement services |
| Central stores | Taxes |
| Communication expenses | Deed restrictions |
| Disbursing services | |

Costs of Purchase of Real Property and of Interest in Real Property

Federal assistance may be used to pay a share of the fair market value of real properties and of interests in real property purchased by the project sponsor. Incidental costs of acquisition may not be matched.

Cost of Real Property Purchased from Other Public Agencies

The actual cost to the project sponsor of land purchased from another public agency may be eligible for matching assistance.

Costs of Real Property Acquired through Exchanges

Land owned and administered by the project sponsor may be exchanged for more valuable land administered by another public agency or for land owned by a private party.

Real Property Acquired by Donation

The value of real property donated to the project sponsor (by private organizations or individuals) will be eligible for match, as determined by an appraisal. The land acquired cannot be subject to any restrictions that might limit its intended public recreation use.

Master Planning

Master planning of a recreation area (in whole or part) can be used as match only as part of a development project.

Non-Allowable Costs

Examples of non-allowable expenditures may include, but are not limited to:

- Ceremonial or entertainment expenses
- Expenses for publicity
- Bonus payments of any kind
- Charges for contingency reserves or other similar reserves
- Charges in excess of the lowest acceptable competitive bid, unless specifically agreed to by the NPS
- Charges for deficits or overdrafts
- Taxes for which the organization involved would not have been liable to pay
- Interest expenses, except those awarded by the court as just compensation
- Charges incurred contrary to the policies and practices of the organization involved
- Consequential damages to adjoining property owned by other persons, which are caused by noise, lights, etc.
- Incidental costs relating to acquisition of real property unless otherwise allowable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act
- Operation and maintenance costs of outdoor recreation areas and facilities
- The value of, or expenditures for, lands acquired from the United States at less than fair market value
- Cost of discounts not taken
- Equipment to be used for maintenance
- Employee facilities
- Donations or contributions made by the sponsor
- Salaries and expenses of the Office of the Governor, or of the chief executive of a political subdivision, or of the State legislature, or other local governmental bodies
- Fines and penalties
- Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements
- Losses arising from un-collectible accounts and other claims, and related costs
- Legal and professional fees paid in connection with raising funds
- Payments for lobbying in connection with LWCF grants
- Costs of making post-completion inspections

RECORD RETENTION

Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained indefinitely. Copies of any new records must be forwarded to NDSP with each bill submitted, for inclusion in the project's permanent file.

- The retention period starts from the date of the submission of the final expenditure report.
- Political subdivisions may substitute digital copies in lieu of original records.
- The State, the Secretary of Interior, the Comptroller General of the United States, or any of their fully authorized representatives shall have access to any books, documents, papers, and records of the State and local governments and their subgrantees which are pertinent to a specific project for the purpose of making audits, examination, or taking excerpts of transcripts.
- The grantee must keep all financial records intact and accessible, including supporting documents and other lesser items. All records (including construction plans, specifications, contracts, change orders, billing claims, vouchers, warrants, etc.) must be retained until Federal audit is complete: a minimum of three (3) years. The State will inform the applicant when it is no longer necessary to keep these records.

DONATIONS

The NPS encourages the donation of cash and in-kind contributions, including real property, to project sponsors by private parties. The value of in-kind contributions may be used as all or part of the project sponsor's share of costs. In order to be considered as part of the matching share, the grantee must acquire approval from NDSP, regarding the method of valuation and charges for volunteer services, material, equipment, etc.

Valuation of Volunteer Services

Volunteer services may be furnished by professional or technical personnel, consultants, and other skilled or unskilled labor. Each hour of volunteered service may be counted as matching share if the service is an integral and necessary part of an approved project. Records of in-kind contributions of personnel shall include complete timesheets.

Rates for Volunteer Service

The specific volunteer labor rate varies, please contact NDSP staff for current figures. When a volunteer is performing skilled tasks not available within the grantees organization, the rates used should be consistent with compensation for similar work in the labor market.

Volunteers Employed by Other Organizations

When an employer other than the grantee furnishes the services of an employee, those services shall be valued at the employee's regular rate of pay, assuming those services are utilizing the specific skills for which the employee is normally paid.

Valuation of Materials

Prices assessed to donated materials should be reasonable and not exceed current market value at the time they are charged to the project as match. Records shall indicate the fair market value by listing the comparable prices and vendors.

Valuation of Donated Real Property

The value of donated real property shall be established by an independent appraiser in accordance with accepted appraisal practices. Upon completion, the appraisal will be reviewed by the NPS. Expenses related to this process are borne by the grantee. Are they an allowable cost?

Valuation of Donated Equipment

The hourly rate for donated equipment shall not exceed its fair rental value. Hourly rates in the annual edition of "Rental Compilation" or "Rental Rate Guide" (or similar publications) may be used. Records of in-kind contributions of equipment shall include schedules showing the hours and dates of use and the signature of the equipment operator.

Valuation of Other Charges

Other necessary charges incurred on behalf of the grantee, specifically for an indirect benefit to the project, may be accepted as matching share provided that they are adequately supported and permissible under the law.

Documentation

NDSP must approve charges for donated personal services, material, equipment, and land. This approval must come prior to the billing (or letter of credit draw down) involving the donation.

Limits of the Valuation

In-kind contributions are eligible only to the extent that there are additional acquisition and/or development costs to be met by the Federal assistance requested for that project, which must be fully described and explained in the proposal. The amount of donation that is matchable is the value of the donation or the amount of cash spent by the sponsor for additional acquisition or development, whichever is less.

Multi-Site Land Donations

To be eligible for matching assistance, in-kind contributions shall be applicable to a single project site. However, a multi-site project involving land donations may be considered.

POST-COMPLETION ADMINISTRATION

OPERATIONS AND MAINTENANCE

Property acquired or developed with assistance from the LWCF shall be operated and maintained as follows:

- The property shall be maintained so as to appear attractive and inviting to the public.
- Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
- Properties shall be kept reasonably safe for public use. Fire prevention and other safety activities shall be maintained for proper public safety.
- Buildings, roads, trails, and other elements shall be kept in repair throughout their reasonable lifetime.
- The facility shall be kept open for public during reasonable hours and seasons, as determined by the nature of the facility and its environment.

AVAILABILITY TO USERS

Property acquired or developed with LWCF assistance shall be open to entry and use by all persons regardless of race, color, or national origin. Discrimination on the basis of residence, age, or disability is strictly prohibited. Project sponsors may impose reasonable limits on the type and extent of use when such limitation is necessary for maintenance or preservation. All limitations shall be in accord with the applicable grant agreement and amendments.

LWCF ACKNOWLEDGMENT

The NPS requires that all projects include suitable, permanent, and public acknowledgment of LWCF assistance. Installations must use the LWCF symbol. Project signs must be at facility entrances and other appropriate on-site locations. LWCF acknowledgement is also encouraged on documents and interpretive materials (e.g., flyers, newsletters, folders) where appropriate. The acknowledgment of LWCF assistance will be checked during compliance inspections. A sample acknowledgment sign is found in Appendix E.

CONVERSIONS

Property acquired or developed with LWCF assistance shall be retained and used for public outdoor recreation. Any property so acquired or developed shall not be wholly or partly converted to uses other than public outdoor recreation without the approval of the NPS Regional Director, pursuant to Section 6(f)(3) of the LWCF Act and 36 CFR Part 59. The Director has the authority to deny conversion requests and/or to reject proposed property substitutions. The Land and Water Conservation Fund Act assures that once an area has been funded with LWCF assistance it must, by law, be continually maintained in public recreation use unless the NPS approves substitution property of reasonably equivalent usefulness, location, and fair market value.

Therefore, NDSP requires that all new projects include a non-revocable deed restriction to ensure that the lands are maintained in a manner consistent with the purpose of the program and secures those lands for outdoor public recreation use. The cost of the deed restriction is an eligible cost.

OBSOLETE FACILITIES & CHANGES OF USE

Project sponsors are not required to continue operation of a particular recreation facility beyond its useful life. However, Section 6(f) (3) of the LWCF Act requires that project sponsors maintain the entire *area* (as defined in the project agreement) for public outdoor recreation use. If a facility has reached the end of its useful life, the particular outdoor recreation use of the area may be altered, but prior NPS approval is required.

POST-COMPLETION INSPECTIONS

Properties acquired or developed with LWCF assistance shall be available for inspection by NDSP or NPS representatives. A State compliance inspection will be made within 5 years after final billing in order to determine whether properties acquired or developed with LWCF assistance are being retained and used for outdoor recreation purposes in accordance with the project agreement and other applicable program requirements. Subsequent inspections and reports will be completed at least once every five years thereafter by the project sponsor and submitted to NDSP, with periodic spots checks conducted by NDSP. Post-completion inspections cannot be claimed as costs for reimbursement.

POST-COMPLETION INSPECTION REPORTS

Within 90 days of completion of an on-site inspection, the NDSP will submit to NPS a post-completion inspection report for all projects having compliance problems.

PROJECT TERMINATION, SUSPENSION, AND CLOSE-OUT

Termination

The termination of a project means the cancellation of Federal assistance, in whole or in part, at any time prior to the date of completion.

- At any time prior to the first reimbursement, the State may unilaterally terminate either an entire project or specific project elements. After the initial reimbursement has been made, the project may be terminated, modified, or amended by mutual agreement between NDSP and NPS.
- The Director of the NPS, or their authorized representative, may terminate any project, in whole or in part, at any time before the date of completion, if it is determined that the grantee has failed to comply with the conditions of the grant.
- NDSP and NPS may terminate grants, in whole or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds.

Suspension

The NPS may temporarily halt Federal assistance for a project, in order to assess corrective action(s) by the project sponsor or when considering termination of a grant.

Grant Closeout

The process by which NDSP and NPS determine that the project has been completed. The specific date of completion is the date of the final bill.

APPLICABILITY

The rules given in this chapter apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of LWCF assistance in that area or facility.

STATE RESPONSIBILITY

Responsibility for enforcement of the provisions of this chapter rests with NDSP.

PENALTIES

Failure to comply with the provisions of this chapter shall be considered cause for NDSP to:

- (1) Withhold future payments being made to the State on the responsible grantee's current projects, or
- (2) Withhold future payments to the State on any or all current projects until the situation is corrected, or
- (3) Withhold action on all pending projects of the State and/or grantee, or
- (4) Withhold current or future reimbursements due to the State in the amount of assistance previously paid out for the project or projects involved.

COMPLIANCE

All LWCF 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. Applicants will need to provide separate documents for both the environmental effects of the project and the cultural effects.

ENVIRONMENTAL COMPLIANCE

All projects that use Federal funds are subject to the National Environmental Policy Act (NEPA). While LWCF funds are managed by NDSP, they originate with the NPS. As a result, LWCF projects must establish compliance with NEPA. Enacted in 1970, this law requires that projects identify their potential effects to the environment.

LWCF applicants will describe the environmental and cultural status of their project via the Proposal Description and Environmental Screening Form (PD/ESF), which is a part of the LWCF application. The PD/ESF form is long and fairly complex: applicants are strongly encouraged to review it early in the application process, in order to get a clear sense of its requirements. NDSP grant staff are available for assistance with completing the PD/ESF.

NOTE: Even if NEPA was completed for your project, the PD/ESF must be filled out.

Prior to starting the PD/ESF, it is important to establish whether NEPA has been done within the project area. 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 identify the presence or absence of one of the following 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 land manager. The document(s) must be included with the LWCF application.

If NEPA was not completed for the project area, completion of the PD/ESF will determine what must be done. Many LWCF projects are categorically excluded from NEPA compliance. This will be determined by NDSP and NPS review of the PD/ESF (and the LWCF application in general). If a project does not qualify for a categorical exclusion, the applicant may need to consider modification of the project and re-submission in another grant cycle. The relatively modest amounts of funding from the LWCF program may render full NEPA compliance cost prohibitive. If this is the case, a strategy will be determined in consultation between the applicant, NDSP, and NPS.

CULTURAL RESOURCE COMPLIANCE

All projects that use Federal funds are subject to the National Historic Preservation Act (NHPA). While LWCF funds are managed by NDSP, they originate with the National Park Service (NPS). As a result, LWCF 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.

LWCF grant applicants do not complete the entire cultural compliance process themselves. Applicants are required to provide specific information within the LWCF grant application and final clearance will be obtained by the NDSP and NPS.

For LWCF applicants, there are multiple ways to gather cultural resource information:

1. If a project partner has cultural resource survey capability, that entity must identify cultural resources within the project area. In other words: if you, a partner, or the landowner has archaeologists and/or architectural historians on staff, they must identify cultural resources in the area. NOTE: if this situation applies to your organization/project, Section 106 compliance may have already been completed. Ask your partners if SHPO concurrence has been obtained for the project area.
2. For LWCF applicants without cultural resource professionals on staff, please consult with NDSP to discuss the area of potential effect and the degree of investigation required before proceeding with cultural resource compliance.

Expenses incurred on Section 106 compliance, if accrued within three years of a grant award, can be used as match.

NDSP staff will work with you to complete the Section 106 process, but there are a few elements that applicants must make clear in their application:

1. Project Area: to determine if an LWCF 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 LWCF 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.

RELOCATION AND ACQUISITION POLICY

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms and establishes uniform and equitable land acquisition policies for federally assisted programs.

EQUAL EMPLOYMENT OPPORTUNITY ACT

The State has the ultimate responsibility to insure that project sponsors are in compliance with the regulations that have been established by Executive Order 11246, as amended, and by the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (41 CFR 60-4).

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

The Flood Disaster Protection Act of 1973 (P.L. 93-234) requires the purchase of flood insurance as a condition of receiving any Federal financial assistance, if acquisition or construction is within a community participating in the NFIP and is also situated in special flood hazard areas within those communities.

FLOODPLAINS AND WETLANDS

Project sponsors must comply with the provisions of 44 CFR 6342 Section 2 on all proposals involving floodplains and wetlands. All projects must comply with the intent of Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), and with the U.S. Water Resources Council's "Floodplain Management Guidelines for Implementing E.O. 11988."

INTERGOVERNMENTAL REVIEW SYSTEM

NDSP will take responsibility for seeing that all grant applications recommended for NPS approval are forwarded to the State Clearinghouse for review and comment (Executive Order 12372).

CIVIL RIGHTS ASSURANCE

Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination with respect to Federally assisted programs administered by the Department of the Interior (of which NPS is a part).

In addition, projects must be designed to comply with Section 504 of the Rehabilitation Act of 1973, which requires that no qualified person shall on the basis of handicap, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance. The Americans with Disabilities Act of 1990 (P.L. 100-336) references and reinforces these requirements. In addition, all projects must comply with national policy regarding accessibility for the disabled and the prevention of discrimination on the basis of age or residency.

MINORITY BUSINESS ENTERPRISE (MBE) DEVELOPMENT

The applicant shall comply with Executive Order 12432 (Minority Business Enterprise Development) by: a) placing minority business firms on bidder's mailing lists; b) soliciting these firms whenever they are potential sources of supplies, equipment, construction, or services; c) where

feasible, dividing total requirements into smaller needs and setting delivery schedules that will encourage participation by these firms; d) use the assistance of appropriate federal, state, and local minority and small business administrations.

HATCH ACT

The grantee will comply with the provisions of the Hatch Act, which provides that no officer or employee of the grantee, whose principle employment is in connection with any activity which is financed in whole or in part pursuant to this agreement, shall take part in any of the political activity prescribed in the Hatch Political Activity Act, 5 U.S.C. Section 118k (1964).

CONFLICT OF INTEREST

Representatives of the grantee who are authorized to make contract decisions regarding this project are prohibited from maintaining any financial or personal interest in those contracts or subcontracts. Likewise, no person performing services for the grantee shall have financial or other interests in the project, beyond their employment or retention.

In addition, no officer or employee of such person retained by the political subdivision shall have any financial or other personal interest in any real property acquired for this project unless such interest is openly disclosed upon the public records of the political subdivision and such officer, employee, or person has not participated in the acquisition for or on behalf of the political subdivision. No member of or delegate to Congress shall be admitted to any share or part of this agreement, or to any benefit to arise hereupon, unless such benefit shall be in the form of an agreement made with a corporation for its general benefit.

The grantee, NDSP, and NPS shall be responsible for enforcing the above conflict of interest provisions.

Nevada Open Project Selection Process 2020



Testing the Ash Canyon Trail (Carson City) for accessibility, via MTB wheelchair

Nevada Division of State Parks
Department of Conservation and Natural Resources



The policy of the Nevada Division of State Parks 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.

The preparation of this plan was financed in part through administration funds from the Recreational Trails Program in partnership with the Federal Highway Transportation Administration.

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INTRODUCTION

The Land and Water Conservation Fund (LWCF) Act was established in 1964 in order to provide recreational opportunities for America's communities. The intent was to provide a consistent source of funding for the development of local parks, playgrounds, and other recreational spaces. The fund does not use any taxpayer dollars; rather, it utilizes earnings from offshore oil and gas leases to fund local recreation projects.

Initially authorized for a 25-year period, the LWCF was extended for another 25 years and expired September 30, 2015. The fund was temporarily extended for 3 years in the Consolidated Appropriations Act, 2016, and expired September 30, 2018. **On March 12, 2019, the Land and Water Conservation Fund was permanently reauthorized.**

In Nevada, the Division of State Parks (NDSP) is responsible for administering the LWCF. The administration of Nevada's program is the focus of this document. While every state is given some flexibility in the implementation of its LWCF program, the Nevada program does adhere to the requirements outlined in the National Park Service's *LWCF Federal Financial Assistance Manual*.

OVERVIEW

In order to remain eligible for LWCF funds, states must maintain several documents: an approved Statewide Comprehensive Outdoor Recreation Plan (SCORP), Statewide Wetlands Plan (SWP), and Open Project Selection Process (OPSP).

The OPSP is meant to perform two essential functions:

1. Establish a public notification process, provide LWCF application assistance, and implement grant review systems that assure equitable opportunities for participation in grant funding by all potentially eligible applicants.
2. Provide objective criteria and standards for project selection that are explicitly based on each State's priority needs for land acquisition and outdoor recreation development as identified in the SCORP.

The LWCF program is overseen by Nevada's LWCF State Liaison Officer (SLO). The current SLO is Robert Mergell, NDSP Administrator. The current Assistant State Liaison Officer (ASLO) is Janice Keillor, NDSP Deputy Administrator.

The SLO and NDSP staff perform a detailed review of each project submitted. The criteria for review were developed by NDSP and are explained in detail below. As permitted by LWCF regulations, NDSP may itself apply for LWCF funding, however, these applications (referred to as "State" projects) are processed independently from and do not compete with "local" projects (see next page for more details on this particular aspect of the program).

PROGRAM ELEMENTS

Authority

The LWCF Grant Manual states that: "To be eligible for assistance under the LWCF Act, the

Governor of each State shall designate in writing an official who has the authority to represent and act for the State as the State Liaison Officer (SLO)...” This position “...shall have authority and responsibility to accept and to administer funds paid for approved projects.”

To achieve this, Nevada Revised Statute (NRS) 407.205 permits the Administrator of NDSP to accept, administer, and disburse Federal grant monies for the planning, acquisition, or development of outdoor recreation projects. NRS 407.207 allows NDSP to apply for Federal funds for any outdoor recreation programs.

Public Input

The OPSP is developed directly from the SCORP. The latter document was developed through a combination of systematic research and public opinion survey. In addition, a community workshop was held, and previous user surveys were re-analyzed. As a result, the current OPSP is built upon more data than previous versions. Plans for the next editions of both the SCORP and OPSP include even more public involvement.

Funding Cycles

Nevada's LWCF grants are offered either annually or bi-annually, depending on funding availability. Each cycle begins with the Secretary of the Interior's notice of apportionment. This notification identifies the amount of funds which will be made available to Nevada for the year.

In the past, there have been instances of underfunding. In these cases, the amount of LWCF funds apportioned to the states is so small that effective projects cannot be fully funded. Under such circumstances, cycles may be altered by the SLO. In other words, while annual grant cycles are the goal of NDSP, funding amounts ultimately determine grant cycles.

Nevada's LWCF program will strive to maintain consistency with the grant cycle. The specific timeline for each cycle will be presented in the official grant announcement distributed by the NDSP.

Local and State Project Funding

In Nevada, LWCF monies are divided into two distinct funding pools. Each year (or cycle) funds are assigned for both “local” projects and “state” projects. Local funds are those for which political entities and subdivisions apply. State projects are undertaken by NDSP. The distribution of funds is established by the SLO and is usually a 50-50 split (i.e., 50% of LWCF funds are utilized by NDSP and 50% are opened for local project competition). While this distribution will remain as the standard in Nevada, there are exceptions permitted by the LWCF Act:

- The SLO may retain a portion of funds to cover administrative costs;
- The SLO retains the right to assign 100% of an LWCF apportionment to the NDSP (i.e., no local applications will be accepted for a cycle). If this were to occur, the decision would be based upon particular state recreation priorities and NDSP would inform potential applicants through its standard public notification channels (see next section);
- Occasionally, a cycle will see a limited number of local applicants. In these instances, there are not enough applications to utilize all funding designated for local projects. When this occurs, NDSP reserves the right to utilize un-used local funds for state projects.

When projects are cancelled, closed, or completed, any remaining funds are assigned to a Special Reapportionment Account (SRA). These funds may be used by NDSP or put towards local projects after meeting specific reporting requirements, as defined by the Department of the Interior. For example: NDSP may utilize SRA funds only if its entire regular apportionment of LWCF funds have been obligated for that year.

SRAs are available to NDSP year-round for additional projects and amendments, but not to political subdivisions, unless NDSP has no projects scheduled. At the discretion of the SLO, funds may be made available to political subdivisions as described in the Amendments section below.

State projects (those LWCF funds set aside for NDSP projects) must demonstrate their alignment with the recreational goals identified in the SCORP, just as local applicants do. For these projects, the NDSP Chief of Planning and Development, in consultation with the Deputy Administrator, will develop and submit project proposals. Being in-house NDSP projects, final approval does not come from NDSP staff or even the SLO. Instead, these projects must get legislative approval and, ultimately, final authorization from the NPS.

Public Notification

NDSP strives to inform all potential LWCF applicants of the funding opportunities in the coming grant cycle. NDSP staff maintains a comprehensive mailing list of past applicants, potential applicants, and other state and local organizations that can distribute information about the program.

The LWCF announcement will include:

- the areas and facilities eligible for funding;
- the amount of funds available, if known, and the due date;
- a statement of objectives for the program;
- an explanation of the OPSP;
- application instructions (including the application itself and guidance documents).

Priority Rating System

All LWCF applications are subject to a scoring system. The system is points-based and provides for the fair evaluation of proposals in terms of project need, project quality, alignment with SCORP goals, and applicant history.

These aspects of the application are weighted. A project's alignment with SCORP priorities is the most important element of the rating system. For full details, please refer to "Selection Criteria" below.

Technical Assistance

NDSP provides technical assistance to potential applicants regarding project formulation, proposal preparation, understanding of criteria, and general grant management. Whenever possible, site visits and consultation meetings are encouraged and should be scheduled with NDSP staff in advance of the application due date.

Amendments

While successful projects are planned properly from the start, LWCF undertakings are nevertheless complex and sometimes require amendment in order to complete a project as envisioned. The process of amending an LWCF project requires close coordination between the applicant, NDSP, and NPS.

Cost increases of up to 30% will be at the discretion of the SLO, dependent on justification and subject to available funds. All cost increases more than 30% must compete in the next available OPSP. No scope changes shall be implemented on an active LWCF project without advance written NPS approval.

If SRA or other allocation funds are available, project funding could be increased without change to the original Federal percentage of the project. These funding amendments cannot exceed 30% of the original project cost.

OPEN PROJECT SELECTION PROCESS

The process of selecting local grantees includes three phases: Screening, Evaluation, and Recommendation.

Phase 1: Screening

This initial phase serves to assess a project's eligibility. The sole factor under consideration is the presence or absence of various required elements. In short, an eligible project application must include the following:

- Both the applicant and project must meet the eligibility requirements of the most current National Park Service's *Federal Financial Assistance Manual*.
- Applications must be complete and submitted by the deadline.
- Adequate control and tenure of lands must be established, including the project site as well as lands within the 6(f) (3) boundary. Control and tenure may be demonstrated by:
 - fee simple ownership of all project lands without encumbrances;
 - a lease from the Federal government with a remaining term of 25 years or more;
 - applicants may also have partial ownership (e.g., conservation easement);
 - if control and tenure cannot be established, a deed restriction will be required.

Phase 2: Evaluation

Projects found to include all required elements will be scored and ranked by the LWCF committee. Committee members will be identified by NDSP staff and shall include citizens with an interest and/or experience in outdoor recreation. As noted above, scoring and ranking are carefully defined by the scoring criteria described in the next section (Selection Criteria). The total score awarded to each project will determine the overall rankings. Projects with the highest scores will be the first projects recommended for funding.

The amount of LWCF funds available will play a role in the projects that get funded. As funds are committed to the highest-ranking projects, the available LWCF funds decrease. At some point, available funds will drop below the requested amount on a given application. At that point, NDSP and the applicant will work to adapt the project to available funds.

Also note: each project must meet Federal legal requirements as they pertain to the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), and other relevant laws (for a complete list, please refer to the NPS *Federal Financial Assistance Manual*). In order to meet these requirements, the NDSP will work diligently with the applicant through all phases of compliance. However, the NDSP does not guarantee compliance in any way: final responsibility for compliance ultimately rests with the applicant.

Phase 3: Recommendations to the State Liaison Officer (SLO)

After completing Phases 1 and 2, NDSP staff will submit a summary of all project materials to the SLO for approval. Materials are then forwarded to the National Park Service. In addition, binding documents are signed between the State of Nevada and each grantee.

LWCF GRANT SELECTION CRITERIA

This section describes the criteria for scoring LWCF projects in Nevada. Four general areas are represented: project need, project quality, alignment with SCORP priorities, and applicant history.

Project Need

2 criteria, maximum possible score of 7 points

Applicants must clearly explain how their project would fulfill an outdoor recreation need in Nevada. Specifically, applicants are prompted to describe the specific need, explain how their project provides a solution, and demonstrate how conditions would be improved, upon completion of the project. The specific criteria are:

Inclusion in Current Development Plans

Is the proposed project identified in a finalized, active community planning document? Such documents may include (but are not limited to): municipal master plans, open space plans, economic reports, or other studies commissioned by public entities.

Applicant will provide:

Narrative description of the project's role in current, accepted community development plans. Applicant may include supporting documents as deemed appropriate.

Scoring Rubric

- 4 Project is specifically identified as a priority within an existing plan
- 3 General project type is identified as a priority
- 2 Project not mentioned in a plan, but compelling justification is provided
- 1 Project not mentioned, nor is project fully justified, given other community priorities

Impact on Recreational Opportunities

How will the proposed project expand the recreational options available to a community?

Projects must strive to either bring new recreation options to an area or population or improve upon existing facilities such that new areas or populations can engage them. This includes American with Disabilities Act (ADA) retrofits, as well as any other elements that improve accessibility for underserved populations. Underserved is defined as an area or population with inadequate services, facilities, and/or a lack of access to recreation opportunities.

Applicant will provide:

Narrative description of a project's ability to enhance recreation options for an underserved area or population. Applicant may include supporting documents as deemed appropriate.

Scoring Rubric

- 3 Project introduces an entirely new opportunity to an area or population
- 2 Project improves an existing opportunity so that new areas or populations are accommodated
- 1 Project improves an existing opportunity, but does not expand its impact

Project Quality

5 criteria, maximum possible score of 16 points

While it is important to establish the need for a project, it is also necessary to determine the ability of any specific proposal to fulfill that need. This section assesses an applicant's particular strategy for accomplishing their stated goals. The specific criteria are:

Project Readiness (logistics)

Is the project "shovel-ready"? Projects need not be completely ready to go, but a clear schedule must be established, logistics must be addressed, and contingencies planned for. Note: this criterion also considers environmental (NEPA) and cultural (NHPA/Section 106) compliance.

Applicant will provide:

- Documentation which confirms project schedules, logistical strategies, and contingencies.
- For NEPA compliance, applicant must provide one of the following documents: *Record of Decision, Finding of No Significant Impact, or Categorical Exclusion.*
- For NHPA compliance, applicant must provide evidence of compliance with the Finding of Effect, provided by the Nevada State Historic Preservation Office (SHPO).
- For acquisition projects, applicants must provide an appraisal, Offer to Purchase, Statement of Just Compensation, and the property owner's response to the Statement for Just Compensation.

Scoring Rubric

- 3 Project will begin immediately
- 2 Project will begin within six months
- 1 Project will begin within one year

Partnerships

Does the applicant have commitments from partners who will move the project forward? This criterion assesses the level of cooperation between the applicant and those who have committed to functional roles in the project. Partnerships can be established for management, funding, volunteered labor, sponsorships, donations, underserved community engagement, and other aspects of a project. Letters of support must describe partnership and commitment to the project.

Applicant will provide:

Narrative description of how project partners will cooperate to achieve project goals, as well as evidence that the relationship(s) are formalized or otherwise confirmed (e.g., contract, memorandum of understanding/agreement, letter of commitment, or other signed documentation).

Scoring Rubric

- 3 Applicant will complete project with two or more partners
- 2 Applicant will complete project with one partner
- 1 Applicant will complete project without partners

Public Involvement

Was the public involved in the development of the project and its goals? Every project must give the public an opportunity to convey their perspectives. In particular, underserved communities must be identified and engaged. Underserved is defined as an area or population with inadequate services, facilities, and/or a lack of access to recreation opportunities. Public involvement may include (but is not limited to): workshops, public meetings, surveys, and letters of endorsement from community groups.

Applicant will provide:

Documentary evidence of both the scope and substance of public involvement (e.g., meeting notes, survey results, letters of endorsement). Applicant must specifically describe how they addressed:

- the engagement of underserved populations, and
- concerns raised by the public specific to the project.

Scoring Rubric

- 3 Clear evidence of public involvement and comprehensive attention to public concerns
- 2 Public involvement was solicited, but concerns not addressed
- 1 Public involvement not solicited or otherwise not appropriate for project scale or impact

Innovation and Best Practices

Does the project implement new and/or broadly accepted methods? Innovations need not be completely new to an industry or sector, but might be new to Nevada, a specific community, or to the applicant's organization. Creative solutions can be applied to any aspect of the project: planning, design, construction, funding, partnerships, underserved community engagement, etc. Best practices should be utilized in all aspects of the project.

Applicant will provide:

Narrative description of innovative solutions and/or the degree to which current best practice is being followed across all aspects of the project. Applicant may include supporting documents as deemed appropriate.

Scoring Rubric

- 3 Project utilizes innovative solutions and best practices in all phases
- 2 Project utilizes innovative solutions and best practices in some phases
- 1 Project does not utilize innovative solutions or best practices

Budget

Are cost estimates appropriate for the work proposed? In addition, is the projected match available and/or secured? Applicants often assume that lean budgets are preferred. However, budgets must be realistic and designed to avoid future delays or project amendments. Please ensure estimates are accurate for projected inflation of costs over the years the project is in progress. Matching funds must be secured by the time applications are submitted, so that they are a settled/confirmed element of the budget.

Applicant will provide:

Documentation of cost estimates and a narrative rationale for budgetary choices, as the applicant deems necessary. The status of matching funds must be documented with evidence that the arrangement is confirmed or otherwise secure (e.g., contract, memorandum of understanding/agreement, letter of commitment, or other signed documentation).

Scoring Rubric

- 4 Cost estimates are realistic, and match is secured
- 3 Match is secured, but cost estimates are not realistic
- 2 Cost estimates are realistic, but match is not secured
- 1 Match is not secured, nor are cost estimates realistic

Alignment with SCORP goals

7 criteria, maximum possible score of 50 points

In order to receive LWCF funds, every state must develop a *State Comprehensive Outdoor Recreation Plan (SCORP)*. This report requires updating every five years and provides a means to incorporate public input, current research data, and best practices for recreation planning. Most importantly, the SCORP must include outdoor recreation goals (priorities) that will serve as the basis for scoring LWCF grants, via the OPSP.

The degree to which a project aligns with SCORP priorities is the most important element of the scoring process (i.e., this section is worth more points than any other section).

Applicants will provide:

Narrative explanation of how the project fulfills the intent of each SCORP priority. Applicants must describe their engagement with underserved populations where applicable. A detailed explanation of these priorities may be found within the current Nevada Comprehensive Outdoor Recreation Plan: 2016-2021. Nevada’s current outdoor recreation priorities are:

Priority 1: Maintain and rehabilitate existing facilities

- Keep older and other existing facilities (restrooms, trails, signs, etc.) in proper working order and looking good.

Priority 2: Ensure safety

- Ensure that all facilities are safe as possible and reduce conflicts between users (hiker-equestrian-biker-OHV).

Priority 3: Increase connectivity between trails, facilities, and other locations

- Make sure that trails and paths are connected, making an inter-linked system for hikers, bikers, riders, and others to explore.

Priority 4: Engage youth

- Encourage children, young adults, and families to explore the outdoors more frequently.

Priority 5: Develop new facilities

- Build new restrooms, trails, signs, and other amenities in areas that need them.

Priority 6 (tie): Integrate with economic security and growth

- Develop outdoor recreation opportunities that help local and/or regional economies grow.

Priority 6 (tie): Conserve water and habitat

- Build new facilities and restore older ones with water and habitat conservation in mind.

Scoring Rubric

Nevada’s outdoor recreation priorities are weighted to reflect their importance as described in the *Nevada Comprehensive Outdoor Recreation Plan*. Each narrative response will be rated along a scale, with zero representing “no alignment” with a particular priority and the highest possible score representing “significant or complete alignment” with a priority. NDSP reviewers may rate a response anywhere within its weighted range, in order to assess the relative degree to which a project aligns with a priority.

	Significant alignment	Moderate alignment	No alignment
Priority 1	10	from 9 down to 1 point	0
Priority 2	9	from 8 down to 1 point	0
Priority 3	8	from 7 down to 1 point	0
Priority 4	7	from 6 down to 1 point	0
Priority 5	6	from 5 down to 1 point	0
Priority 6 (tie)	5	from 4 down to 1 point	0
Priority 6 (tie)	5	from 4 down to 1 point	0

Applicant History

3 criteria, maximum possible score of 9 points

In addition to explaining the fundamental need for a project, justifying the particular plan for meeting that need, and detailing a project’s fulfillment of SCORP priorities, applicants must be able to demonstrate a successful management record. The specific criteria are:

Grant Management History

What are the applicant’s experiences with grant management? A general record of successful grant oversight is necessary. Previous experience with LWCF grants is preferred, but not required.

Applicant will provide:

Narrative description of grant management experience, in order to establish an adequate sense of the applicant’s capability. The description need not include every grant project managed by an entity. It should emphasize the grant management experiences of current personnel who will be involved with the project under consideration. Please note: this description must include not only successful instances of grant management, but also the challenges faced by the applicant, and their response to project adversity.

Scoring Rubric

- 3 Applicant demonstrates consistent success in management of LWCF grants
- 2 Applicant has not managed LWCF grants, but demonstrates consistent success in management of other grant projects
- 1 Applicant demonstrates inconsistent management of grants (LWCF or otherwise)

Project Management History

How was the applicant’s performance (beyond grant management) as assessed by auditors or other institutional reviewers? Per CFR 200.205 (Code of Federal Regulations), applicants may be assessed upon their financial stability, quality of management systems, history of performance, reports and findings from audits, and their overall ability to implement any necessary requirements of an LWCF project.

Applicant will provide:

Summaries of audits, institutional reviews, or other independent assessments related to organizational management and the overall institutional ability to consistently complete stated objectives. Applicant should include their record of engaging with underserved populations as well. A narrative explanation may be included with any documents, as the applicant deems appropriate.

Scoring Rubric

- 3 Consistently positive audit findings for the last seven (7) years
- 2 Inconsistent audit findings for the last seven (7) years
- 1 Consistently problematic audit findings for the last seven (7) years

Maintenance Capacity

Does the applicant have the capability to perpetually maintain the facility once the project is complete? All property acquired or developed with LWCF assistance must be maintained perpetually in public outdoor recreation use (per NPS). In general, past results are not a reliable indicator of future performance. Applicants must emphasize the planning strategies that will ensure perpetual use going forward.

Applicant will provide:

Evidence of their institutional ability to maintain projects over the long term, from project completion forward. Documentation may include, but is not limited to: operations & maintenance plans, programmatic agreements, memoranda of understanding/agreement, or charters.

Scoring Rubric

- 3 Perpetual maintenance is very likely
- 2 Perpetual maintenance is somewhat likely
- 1 Perpetual maintenance is not likely

APPENDIX B

Acquisition Schedule

PROJECT NAME: _____

ACQUISITION SCHEDULE for OMB 80-RO184 Part II, Section B, item 11 and 18 (Acquisition Projects Only)							
Method Acquired ¹ (1), (2), or (3)	Parcel No. ²	Acres	Estimated Date of Acquisition	Estimated Acquisition Cost:			Estimate Relocation Payments ³
				Land	Improve-ments	Total	
Totals							

¹ Method Acquired: (1) Negotiated Purchase, (2) Condemnation, or (3) Donation.

² Parcel numbers correspond to map as identified in Part II, Section B, Item 18.

³ Include in Part IV a narrative explanation of payments and services pursuant to Public Law 91-646 and state law.

APPENDIX D

Project Acknowledgement Sign (sample)

