

FY 2013 NEVADA LAND & WATER CONSERVATION FUND MANUAL



APPLICATION DEADLINE JANUARY 10, 2014

Approximate Amount Available: \$274,355

Applications are in a separate package on the website.

Applications and necessary attachments should be mailed to:

**Nevada Division of State Parks
ATTN: L&WCF Grants Coordinator
901 S. Stewart St. Suite 5005
Carson City, NV 89701**

Application packages may also be delivered in person to the Division office at 901 S. Stewart St. Suite 5005, Carson City, NV 89701. Two copies of the application must be received and stamped by the Division no later than 5:00 PM on January 10, 2014. Late applications will not be considered. Emailed or faxed applications will not be accepted. Please contact the Division of State Parks for assistance as needed.

Nevada L&WCF Grants Manual

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I. PREFACE

The manual is intended to be used by Nevada the Land and Water Conservation Fund (L&WCF) applicants applying for a portion of the federal L&WCF funds allotted to the state's eligible local political subdivisions, including Native American tribal governments. The procedures described in this document may be amended from time to time as needed; revised manuals will be re-distributed as necessary.

These funds are available through L&WCF program, which provides **50:50 cost sharing** for qualified projects. This document summarizes the L&WCF program as it applies to Nevada, details the rules and regulations governing the distribution of these funds, describes the required elements of an acceptable and potentially successful application, and incorporates all required application forms. [Please feel free to contact the Nevada State Liaisons at State Parks for assistance on any matter in this manual and application process (775) 684-2787.]

This manual includes information obtained from the *Land and Water Conservation Fund Manual, Manual Release 151* published by the National Park Service in 1991, and both *Nevada's 2010 Statewide Comprehensive Outdoor Recreation Plan (SCORP)* and the *Open Project Selection Process (OPSP)* developed by the State of Nevada and approved by the National Park Service in 2010. Accordingly, it replaces earlier Nevada grants manual editions produced by the Division.

It is strongly advised that all potential applicants contact the grants administrator and read this manual thoroughly before completing and submitting a L&WCF application.

Questions concerning this manual, the procedures described herein, and any other questions pertaining to the L&WCF program should be directed to:

Jenny Scanland
Nevada Division of State Parks
Alternate State Liaison Officer to National Park Service
901 S. Stewart St. Suite 5005
Carson City, NV 89701
(775) 684-2787
jscanland@parks.nv.gov

IMPORTANT POINTS

THE MAPS FOR THE APPLICATION ARE VERY IMPORTANT - PLEASE CALL FOR ASSISTANCE IF YOU NEED HELP.

All application packages will be scored, in part, on their completeness and compliance with the details of this manual. A sample project score sheet, used by the Division to evaluate each project, is found in Appendix A. Applicants are encouraged to use this sheet to test the relative competitiveness of their project before submitting it for consideration. Having used the score sheet, you may find areas in which your corresponding narrative and PDESf form may need improvements, thereby allowing you the opportunity to improve your score.

An application packet with all necessary application forms, is available on the Division of State Parks' website at <http://www.parks.nv.gov> and at the end of this manual.

L&WCF *Federal* Grant manual is available at <http://www.nps.gov>.

Hard copies or emailed copies of the application packet can be sent to prospective sponsors who are unable to download the manual and application form if requested. Email: jscanland@parks.nv.gov

The L&WCF is a *reimbursable* grant program. There is no opportunity for advances. Progress reimbursement payments are possible on projects upon completion of identifiable project elements.

The maximum grant request is that of the annual appropriation. The minimum request is \$25,000. However, smaller requests from project sponsors serving less than 10,000 populations will still be considered.

For all projects exceeding a total estimated cost of \$100,000, a letter of certification (stamped from a professional licensed engineer, architect, etc.) of project plans and specifications is required before a final "notice to proceed" is issued. The cost of such a plan check is an eligible cost.

The Land and Water Conservation Fund Act assures that once an area has been funded with L&WCF assistance it must, by law, be continually maintained in public recreation use into perpetuity (forever) unless the National Park Service approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value ***Therefore, the Nevada Division of State Parks will be requiring that all new projects include deed restrictions to be placed on the lands developed or purchased with L&WCF program funds. This is 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 into perpetuity. The cost of the deed restriction is an eligible cost.

II. GENERAL L&WCF PROGRAM SUMMARY

The Land and Water Conservation Fund (L&WCF) Act of 1965 (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 L&WCF program provides matching grants to States, and through States to local governments, for the acquisition and development of public recreation areas and facilities. Only outdoor recreational facilities and land acquisition are eligible for funding.

The L&WCF Act authorizes the Secretary of the Interior to provide financial assistance to States for outdoor recreation purposes. Except for the apportionment of funds among the States and the approval of Contingency Reserve projects, this authority has been delegated to the Director of the National Park Service (NPS). In turn, the Regional Directors of the NPS are authorized to exercise the program and administrative authority of the Director within their respective jurisdictions.

Under Nevada Revised Statute (NRS) 407.205, the administrator of the Division of State Parks, through the director of the Nevada Department of Conservation and Natural Resources, was assigned the responsibility of accepting and disbursing funds.

L&WCF assistance may be available 1) to acquire lands and waters or interests in lands and waters for public outdoor recreation, 2) to develop basic outdoor recreation facilities to serve the general public, and 3) to provide major renovation work for existing outdoor recreation facilities, including replacement.

L&WCF assistance is provided on a 50/50 matching basis for individual projects, which are submitted through the State Liaison Officer to the National Park Service for approval. Project costs shall be determined in accordance with OMB Circular A-102 and A-87, the L&WCF Grants Manual (NPS) and all claims shall be subject to verification by Federal audit.

III. ELIGIBILITY

A. WHO IS ELIGIBLE?

The following political subdivisions of the State of Nevada are eligible under the provisions of the L&WCF 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

B. WHAT TYPES OF PROJECTS ARE ELIGIBLE?

In order for an outdoor recreation project to comply with the latest **SCORP**, it is only necessary that it address one or more of the eight specific issues/strategies described in "*Nevada's 2010 Statewide Comprehensive Outdoor Recreation Plan (SCORP)*" (see Appendix B).

Examples of projects, which can be considered for funding, are as follows:

1. **Planning:** Individual recreation site plans are fundable provided they are undertaken by qualified professionals and the cost is a part of an *approved* development project. Otherwise, neither site plans nor master plans are eligible for funding.
2. **Acquisition:** Acquisition of lands and waters for public outdoor recreation, including new areas or additions to existing parks, forests, wildlife areas, beaches and other similar areas dedicated to outdoor recreation may be eligible for assistance. 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. The types of acquisitions that are eligible for assistance include, but are not limited to:
 - a. 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.
 - b. Land for creating water impoundments to provide water-based public outdoor recreation opportunities.
 - c. Areas that provide special recreation opportunities, such as floodplains, wetlands, and areas adjacent to scenic highways.
 - d. Natural areas, preserves and outstanding scenic areas where the objective is to preserve the scenic or natural values, including areas of physical or biological importance and wildlife areas. These areas must be 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.
 - e. 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 under this program should serve a wide variety of recreational activities. Such acquisitions place the land in perpetual use as an outdoor recreation area. Areas 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 share of the project cost, provided there are additional acquisition and/or development costs to be met. Donations must have an appraisal and an "Offer To Purchase" on file as part of the project application.

An appraisal, by a qualified appraiser (MAI or equivalent), must be submitted with the grant application. 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 an approved appraisal. However, 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 he/she (1) has been informed of all of his rights and benefits under the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, (2) has been provided with a Statement of Just Compensation and a Written Offer to Purchase for this amount, and (3) is satisfied with the price paid even though it is less than the approved appraisal of fair market value and the reasons why he has elected to accept this lesser amount. This statement along with evidence that the owner was first provided with a written offer to purchase for the full amount of the approved appraisal must accompany the request to the Division of State Parks 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 the Division of State Parks within 9 months of the first letter sent to the applicant following the awarding of the grant (acquisition projects only).

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

Acquisitions, which will not be assisted, include the following:

- a. Acquisition of historic sites and structures will not receive L&WCF assistance, except if demonstrated clearly that the acquisition is primarily for outdoor recreation purposes and that the historic aspects are a corollary to the primary recreation purposes.
 - b. Acquisitions of museums and sites to be used for museums or primarily for archeological excavations will not receive L&WCF assistance.
 - c. Acquisition of land to help meet a public school's minimum site size requirement will not receive L&WCF assistance.
 - d. Acquisition of areas and facilities designed to be used primarily for semi-professional and professional arts and athletics will not receive assistance.
 - e. Acquisition of areas and facilities to be used solely for game refuges or fish production purposes will not receive assistance. However, 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.
 - f. Acquisition of areas to be used mainly for the construction of indoor facilities will not receive L&WCF assistance.
 - g. Acquisition of Federal surplus property will not receive L&WCF assistance unless legislatively authorized in a specific situation.
3. **Development:** Financial assistance may be available through the L&WCF program to provide most facilities necessary for the use and enjoyment of outdoor recreation areas. The L&WCF 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 but can proceed in stages. Each stage must be a complete and usable facility. 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 minimum or nonfederal lands under a non-revocable minimum 25-year lease.

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

Plans for the development of land and/or facilities should be based on the needs of the public, 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 OUTDOOR development projects may include, but are not limited to:

- a. Sports and Playfields. L&WCF assistance may be available for fields, courts and other outdoor spaces used in competitive and individual sports. This includes fields for baseball, softball, soccer and football, tennis courts, playgrounds and tot lots, golf courses, rifle/pistol ranges, trap/skeet fields, archery ranges, rodeo arenas, running tracks, and other similar facilities.
- b. Picnic Facilities. L&WCF assistance may be available for tables, fireplaces, shelters and other facilities related to family or group picnic sites.
- c. Trails. L&WCF assistance may be available for the development and marking of overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, motorized vehicles and other trail activities.
- d. Swimming Facilities. L&WCF assistance may be available for swimming beaches, *outdoor* pools, wading pools, lifeguard towers, bathhouses and other similar facilities.
- e. Boating Facilities. L&WCF assistance may be available for most facilities related to motorboating, sailing, canoeing, kayaking, sculling and other boating activities. These facilities 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, electricity and parking areas.
- f. Fishing/Hunting Facilities. L&WCF assistance may be available for trails, fishing piers and access points, initial clearing and planting of food and cover, stream improvements, wildlife management areas, fish hatcheries and other facilities necessary for public fishing or hunting.
- g. Winter Sports Facilities. L&WCF assistance may be available for facilities such as ski trails, jumps, lifts, slopes and snowmaking equipment used in downhill skiing, cross country skiing, tobogganing, sledding, snowmobiling, and other winter sports. *Outdoor* ice-skating and ice hockey rinks are also eligible.
- h. Camping Facilities. L&WCF assistance may be available for tables, fireplaces, restrooms, information stations, snack bars, utility outlets and other facilities needed for camping by tent, trailer or camper. In addition, cabins or group camps of simple, austere design and accessible to the general public in an equitable manner are eligible.

- i. Exhibit Facilities. L&WCF assistance may be available for outdoor exhibit or interpretive facilities that provide opportunities for the observation or interpretation of natural resources located on the recreation site or in its immediate surrounding areas. This includes small demonstration farms, arboretums, outdoor aquariums, outdoor nature exhibits, nature interpretive centers and other similar facilities.
- j. Spectator Facilities. L&WCF assistance may be available for amphitheaters, bandstands and modest seating areas related to playfields and other eligible facilities, provided the facility is *not designed primarily for professional or semiprofessional arts or athletics, nor inter-collegiate or interscholastic sports.*
- k. Community Gardens. L&WCF assistance may be available for land preparation, perimeter fencing, storage bins and sheds, irrigation systems, benches, walkways, parking areas and restrooms related to a community garden.
- l. Renovated Facilities. L&WCF assistance may be available for extensive renovation or redevelopment to bring a facility up to standards of quality and attractiveness suitable for public use, if the facility or area has deteriorated to the point where its usefulness is impaired or outmoded, or where it needs to be upgraded to meet public health and safety laws and requirements. However, such renovation is not eligible if the facility's deterioration is due to inadequate maintenance during the reasonable life of the facility.
- m. Facilities Accessible and Designed for the Disabled. L&WCF assistance may be available for the adaptation of new or existing outdoor recreation facilities and support facilities for use by persons with disabilities. However, outdoor recreation facilities to be used exclusively by the disabled are not eligible unless such facilities are available to the general public or are part of an outdoor recreation area which serves the general public.
- n. Zoo Facilities. Outdoor display facilities at zoological parks are eligible to receive L&WCF assistance provided they portray a natural environmental setting that serves the animal's physical, social, psychological and environmental needs, and that is compatible with the activities of the recreationist.
- o. Support Facilities. L&WCF assistance may be available for a variety of facilities, which support eligible recreation facilities. Examples include, but are not limited to:
 - (1) Support facilities needed by the public for outdoor recreation use of an area such as 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.
 - (2) Operation and maintenance facilities that support a recreation resource, including maintenance buildings, storage areas, administrative offices, dams, erosion control projects, fences, sprinkler systems and directional signs.
 - (3) Beautification projects such as landscaping to provide a more attractive environment; 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.
 - (4) Roads within or which provide access to a park or recreation area, and which have as their principle objective to serve the park and visitors, are eligible. However, 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.
 - (5) Equipment required to make a recreation facility initially operational.
 - (6) Energy conservation elements of an eligible outdoor recreation facility and its support facilities, 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.

(7) **Development projects, which cannot be funded**, include the following:

- a. Professional facilities designed primarily for semi-professional or professional arts or athletics, such as professional type outdoor theaters, professional rodeo arenas and other similar facilities are not eligible.
- b. *Mobile* recreation units including play mobiles, skate mobiles, swim mobiles, show wagons, puppet wagons and porta-bleachers are not eligible.
- c. 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.

4. **Combined:** Funds are available for a project, which combines acquisition and development. However, applications for acquisition funds and applications for development funds must be submitted separately, and should clearly indicate their relationship to one another.

C. WHAT ARE THE GENERAL REQUIREMENTS FOR PROJECT ELIGIBILITY?

1. The needs must be consistent with one or more of the eight major recreational issues/strategies defined in “*Nevada’s 2010 Statewide Comprehensive Outdoor Recreation Plan,*” and applications must indicate specifically how a project addresses each applicable issue. This information, and the specific issues/strategies the project will address, must be clearly identified in the program narrative. *(NOTE: the pertinent SCORP issues/strategies information is available for L&WCF grant applicants’ reference in Appendix B.*
2. Written assurance from the applicant regarding the ability and intention to finance their share of the project cost.
3. The project sponsor must show its ability to properly operate and maintain the project upon completion.
4. The project must provide appropriate facilities that are accessible to persons with disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act (ADA) of 1990, and subsequent amendments.
6. The use and development policy must be consistent with the federal Civil Rights Act, which prohibits discrimination under any program receiving federal financial assistance.
7. Assurance that no non-financial assistance has been given or promised under any other federal program with regard to the proposed project. The only federal money that may be used, as the local share of the project cost, are revenue sharing funds. Some HUD funding is eligible to be used at match.
8. The project must comply with local and state health and safety codes.
9. **The project application must be complete. Incomplete applications will be sent back to the applicant. Incomplete applications may be found ineligible**
10. The political subdivisions must have title or a permanent easement and a restriction on the deed protecting the proposed project site, or have a minimum 25-year non-revokable lease if on R&PP Federal lease lands.

IV. PROJECT COMPLIANCE

A. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE.

The environmental impacts of all Land and Water Conservation Fund project proposals must be considered by the National Park Service (NPS), to carry out the requirements of the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190). Project applicants are responsible for preparing the PD-ESF in the grant application, for the NPS to make this determination. NEPA provides for three levels of environmental analysis, based on the nature of the proposed action. **If NEPA has already been completed on the project, please submit the EA/EIS and letter of decision with the application.**

Using a Categorical Exclusion

This is the simplest level of environmental analysis. In most cases, Land and Water Conservation Fund projects will qualify for a *Categorical Exclusion*. **Completing the PDES environmental screening form that is in the application package will help you determine if your project can be categorically excluded. PLEASE contact the grant administrator Jenny Scanland for assistance at 775 684-2787 or jscanland@parks.nv.gov.**

If an EIS is determined to be required, the applicant is advised to reconsider submitting a project. Given the relatively modest amount of federal funding available, it may be cost prohibitive to undertake the EIS process.

- B. *RELOCATION AND ACQUISITION POLICY.*** (P.L. 91-646) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 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.
- C. *CULTURAL, ARCHEOLOGICAL AND HISTORIC PRESERVATION.*** Under Section 1 of Executive Order 11593, the National Park Service has responsibility, in consultation with the Advisory Council on Historic Preservation, to institute procedures to assure that L&WCF assisted projects are carried out in a manner consistent with national goals relative to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural or archeological significance. **Any pre-application cultural work or professional clearances can also be submitted through this application and State Parks can submit to the State Historic Preservation Officer.**

Section 106 of the National Historic Preservation Act of 1966 requires all federal agencies to "take into account" potential effects of their undertakings on historic properties. In Nevada, the State Historic Preservation Office (SHPO) provides evaluation of project compliance with Section 106. The National Park Service requires Section 106 evaluation prior to project approval. The Division of State Parks will submit all recommended projects to the State Historic Preservation Office for Section 106 review as soon as the list of recommended projects is compiled.

- D. *EEO CONTRACT COMPLIANCE.*** 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).
- E. *NATIONAL FLOOD INSURANCE PROGRAM.*** 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 for acquisition or construction purposes in special flood hazard areas located in any community currently participating in the National Flood Insurance Program.

- F. 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 Orders 11988, "Floodplain Management," and 11990, "Protection of Wetlands," and with the U.S. Water Resources Council's "Floodplain Management Guidelines for Implementing E.O. 11988."
- G. INTERGOVERNMENTAL REVIEW SYSTEM.** (E.O. 12372) The Division of State Parks will take responsibility for seeing that all L&WCF grant applications recommended for NPS approval are forwarded to the State Clearinghouse for review and comment.
- H. CIVIL RIGHTS ASSURANCE.** These guidelines provide detailed information on the compliance requirements of Title VI of the Civil Rights Act of 1964 to the end 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.

Similarly, projects must be designed in conformance 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) simply references and reinforces these requirements for federally assisted programs. Finally, all projects must comply with national policy regarding accessibility for the disabled and discrimination on the basis of age or residency.

- I. 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.

V. APPLICATION AND EVALUATION PROCEDURES

A. APPROXIMATE APPLICATION SCHEDULE

Schedule dates are *estimates*, and are dependent upon the availability of staff time, the number of grant applications submitted, and other unforeseen situations. Consultation with State Historic Preservation Officer and National Park Service must occur to ensure all Federal Environmental and Cultural laws are satisfied. Timely award process could be impacted by the Federal Govt. Shutdown and continuing resolutions.

- **October, 2013** - Distribute a public notice to inform the prospective project sponsors that application packages, including the 2013 Nevada L&WCF Grants Manual are available online.
- **January 11th, 2014** - Deadline for current fiscal year applications. Two full copies of the applications must be physically received at State Parks' office at 901 S. Stewart Street, Suite 5005, Carson City, NV, 89701, no later than 5 pm. (no fax or email)

- **January – February, 2014** - The Division will review, evaluate and rate applications. All applicants are notified of the status of their respective project application.
- **February - March, 2014** - NDSP submits applications for NEPA and SHPO determinations and then on to the National Park Service for funding approval.
- **March - May, 2014** - Applicants to be notified by State Parks concerning final approval of grant applications by NPS; funding agreements are initiated.

Eligibility and selection by the Division of State Parks does not assure project approval at the federal level. Furthermore, the applicant may not take title to project lands (acquisition) or begin construction (development) until federal approval is granted and a local agreement has been executed with a formal notice to proceed. 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; should the project not receive final approval and funding at the federal level, these expenses will not be reimbursed by the State or the National Park Service.

For projects over \$100,000, project construction plans must be stamped by an engineer, landscape architect), or architect (as appropriate) licensed to practice in the State of Nevada. All plans and specifications for construction projects (whatever the final cost) must be approved by the State before construction or advertisement for bids and will be reviewed by Division staff primarily for consistency with the approved project scope of work and ADA requirements.

If there is no physical development on the project site within 12 months after the project plans are approved, the project's funds may be de-obligated and the grant cancelled.

For acquisition projects, a copy of the "Offer of Just Compensation" and the deed showing purchase of the property by the applicant must be sent to the Division of State parks within 9 months of the first letter sent to the applicant awarding the grant.

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 successful applicant will be required to meet all appropriate deadlines.**

B. APPLICATION PROCEDURES

The success of each project will depend in large part on the information presented in the application, the completeness of the application, and how well the project addresses the evaluation criteria. The application package is online at park.nv.gov. **Two originals of the complete application are required** for submittal, and each applicant is requested to keep one complete photocopy for their own files.

1. What to submit. (PLEASE REFER TO APPLCIATION PACKAGE)

Documentation – to be submitted to the State for all projects are in the application package will at a minimum include:

- A. Project Narrative (Conceptual or preliminary site development plan(s). Note: complete construction drawings and specifications suitable for bidding are not required until after the grant is formally awarded.)
- B. Environmental Screening Form PD-ESF
- C. MAPS

- Signed and dated project 6(f)3 boundary map. If the project is already within a current L&WCF 6(f)3 project boundary, make sure the boundaries are the same as the last map submitted.
- General vicinity map.
- Map of project location including lat/long, on a quadrangle map (11x17) largest size please.
- D. Photos of the project area to show level of prior ground disturbance and current development.
- E. Cost Estimate (budget)

Acquisition projects must also include:

- a. Acquisition Schedule (see Appendix C)
- b. Preliminary Title Report;
- c. Appraisal written by a qualified (MAI or equivalent) appraiser in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions; and
- d. Parcel maps (also include a development map if available).

2. Where to Submit.

Applications and necessary attachments should be mailed or delivered to:

**Nevada Division of State Parks
ATTN: L&WCF Grants Coordinator
901 S. Stewart St. Suite 5005
Carson City, NV 89701**

Application packages may also be delivered in person to the Division office at 901 Stewart St. Suite 5005, Carson City, Nevada, 89701. **All applications must be received and stamped by the Division no later than 5:00 PM on January 11th, 2014. Late applications will not be considered. Emailed or faxed applications will not be accepted. Please contact the Division of State Parks for assistance as needed. jscanland@parks.nv.gov or 775-684-2787.**

C. PROJECT EVALUATION & SELECTION

The main purpose of the L&WCF program is to assist in providing funds for the acquisition and development of public outdoor recreation areas and facilities. Proposals for acquisition and/or development will be evaluated on the basis of how they help accomplish the purposes and meet the requirements of the L&WCF Act and the L&WCF Manual requirements, as described and defined by the National Park Service in its 1991 L&WCF Grants Manual, 2010 SCORP and 2010 Open Project Selection Process summarized in this document.

Local Project Application Rating and Selection Process

All projects will be evaluated and selected with recommendations for funding as follows:

1. Division of State Parks staff will determine the eligibility of each project submitted and will then score and rank all eligible project applications according to the rating and selection criteria described in the SCORP and OPSP which are online at parks.nv.gov. Based on the accumulated points which result from the scoring or rating process, those projects which fall within the available L&WCF 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, the Division will contact the local sponsor(s) to attempt to reduce the project scope to fit within the available funds.
3. If this 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 L&WCF grant round the following year.
4. The same process will take place for each successive project on the priority list until a project is found which can make use of the funds available.
5. State Parks will then submit applications to the National Park Service (NPS) for final approval.
8. The NPS will evaluate each recommended project for completeness and the state will then be notified of all approved projects and a funding agreement will be drafted for signatures.
9. All federal application will be routed through the State of Nevada Clearinghouse for comment prior to NPS agreement.

Local Project Rating and Selection Criteria Explanations

In order to address the nationally adopted standards, the Division of State Parks has adopted criteria upon which points will be awarded to project applicants (**see Appendix A**) for Project Score Sheet. For the SCORP Issues/Criteria see appendix B.

VI. PROJECT ADMINISTRATION

A. 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 are eligible expenses, if incorporated into a project's approved scope, and can even be reimbursed retroactive to approval of a grant under certain circumstances. Even if the applicant plans to use force account labor or donated labor, the plans and specifications must be in sufficient detail to be bid if necessary and for review by the State's designated representative for health and safety factors. Plans must have the stamp of a professional engineer, architect or landscape architect (as applicable) licensed in Nevada, prior to acceptance for review by the Division of State Parks.

The grantee will be expected to take all reasonable steps to bury, screen or relocate existing overhead lines at development or acquisition projects and to put all electrical wires less than 15kv and telephone wires underground. If you have this situation on your project site, please contact State Parks prior to beginning application and request a field visit.

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

Procurement Standards - Projects or portions thereof may be undertaken through contracts in accord with the procurement standards and guidelines set forth in the AB102 "Uniform Rule" (Uniform

Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 43 CFR) This includes the procurement of supplies, equipment, construction and services.

Contract provisions contained within the Uniform Rule apply, except that the provisions of 43 CFR Part 12.36(I) (5), concerning the Davis-Bacon Act does not apply to the L&WCF program. In effect, this exempts L&WCF projects from the \$2,000 minimum threshold for prevailing wage rates. Rather, the \$100,000 threshold specified by Nevada law applies, i.e. any project with a construction contract (or contracts) totaling less than \$100,000 is not subject to prevailing wage rates.

Selection Procedures - All procurement transactions, regardless of whether by sealed bids or by 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.

B. BIDDING

Contracts for construction will be awarded through the local governments' competitive bidding process. If there is none, State bidding process must be followed (State of Nevada Administrative Manual; SAM).

C. CONSTRUCTION CONTRACTS

Under contract construction, all applicable Federal and State laws must be followed.

Conflict of Interests:

- a. No official or employee of the political subdivision who is authorized in his official capacity to negotiate, make, accept, approve, or take part in such decisions regarding a contract or subcontract in connection with this project shall have any financial or other personal interest in any such contract or subcontract.
- b. No person performing services for the political subdivision in connection with this project shall have a financial or other interest other than his employment or retention by the political subdivision in any contract or subcontract in connection with this project. Furthermore, 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.
- c. 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.
- d. The political subdivision, State and the National Park Service shall be responsible for enforcing the above conflict of interest provisions.

Flood Insurance. The Flood Disaster Protection Act of 1973 (Public Law 93-234) requires the purchase of flood insurance as a condition of receiving any Federal financial assistance (including L&WCF assistance) for acquisition or construction purposes in special flood hazard areas located in any community currently participating in the National Flood Insurance Program authorized by the National Flood Insurance Act of 1968. These special flood hazard areas are identified by the Flood Insurance Administration of the Federal Emergency Management Agency.

Hatch Act. The political subdivision will comply with the provisions of the Hatch Act which provides that no officer or employee of the political subdivision, 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).

VII. COST ACCOUNTING

A. FINANCIAL RESPONSIBILITY

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

B. ACCOUNTING

Adequate daily records must be kept on the particular project. All billings must be totally supported by complete documentation. Copies of all documentation must be forwarded to the Division of State Parks with each billing cycle for inclusion in the project's permanent file. **All records will be thoroughly audited by the appropriate State and Federal agencies.** The grantee shall provide such fund accounting procedures as may be necessary to assure proper disbursement and accounting for fund monies paid. The accounting procedures should be based on generally accepted accounting standards and meet the following minimum requirements unless the Division of State Parks agrees to specific exceptions:

1. Establishment of separate accounts and supporting documentation. Each project account should be identified by the number assigned to the project by the Division of State Parks.
2. Identification of all receipts in sufficient detail to show the dates and sources of such receipts.
3. Itemization of all supporting records of project expenditures in sufficient detail to show the exact nature of expenditures.
4. 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.
5. Maintenance of adequate records, such as employee time sheets, approved by the appropriate official, to show that all salaries and wages charged against projects were authorized.
6. 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 should be verified by the official responsible for the project and approved by the appropriate authority.
7. Identification of the invoices or vouchers charged with project number, account number, date, and expense classification.
8. 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.
9. Establishment of adequate systems of financial control following generally accepted accounting and auditing principles. These include adequate serial numbering of 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 reasonable checks and balances.

10. At any time during the project, the State may ask to see the project records to see that they are currently and adequately kept. The applicant shall promptly submit such reports and documentation as the State may request.
11. 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 years. The State will inform the applicant when it is no longer necessary to keep these records.
12. 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 of approved project expenditures.

C. PROJECT COSTS

1. Determining Amounts of Costs

- a. Project costs eligible for assistance shall be determined upon the basis of the criteria set forth in this Manual and in OMB Circular A-87 (formerly Federal Management Circular 74-4). The rates, practices, rules and policies of the project sponsor, as consistently applied, shall generally determine the amount of costs of each item charged to a project. In instances where the sponsor has no such bias, that of the State shall apply.
- b. The amount of each item of cost that may be matched from the L&WCF 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.

2. 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 % match and % federal amount. The Federal % can not 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 % unchanged.

3. Determining Allowable Costs

The basic statement regarding the principles and standards for determining costs applicable to this grants program is found in OMB Circular A-87.

Examples of matchable costs include, but are not limited to the following:

- a. 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.
- b. Fringe Benefits. Fringe benefits, which are regularly provided to employees by the project sponsor, are legitimate personal service costs and are eligible for L&WCF assistance.
- c. Consultant Services. In those cases where the special assistance of a specially qualified consultant is required for a project, a share of the cost may be borne by L&WCF moneys. 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 National Park Service.
- d. Equipment Usage. Subject to determination on a case-by-case basis, L&WCF assistance may 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.
- e. Supplies and Material. Supplies and materials may be purchased for a specific project or may be drawn from a central stock.

- f. Travel. The cost of transportation, lodging, subsistence, and related items are allowable when incurred by employees who are in travel status on official business incident to a project.
- g. Information and Interpretation Costs. L&WCF assistance may share the cost of information related to a project. These costs may include information and direction signs at the entrances of recreation areas and other necessary places throughout the area, display boards, dioramas, or other interpretive facilities for the explanation of items of interest.
- h. Construction. Allowable construction costs include all necessary construction activities from site preparation to the completion of a structure.
- i. Administrative and Supporting Expenses. L&WCF assistance will be available for a wide range of administrative and supporting expenses incurred directly or indirectly on behalf of a project, consistent with the standards stated in OMB Circular A-87. Allowable items include, but are not limited to:

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

- j. 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.
- k. 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.
- l. 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.
- m. Real Property Acquired by Donation. The value of real property donated to the project sponsor by private organizations or individuals will be eligible for matching as determined by an appraisal. The land acquired cannot be subject to any restrictions that might limit its intended public recreation use.
- n. Master Planning. Master planning of a recreation area in whole or in part will be matchable only as part of a development project.

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

- a. Ceremonial or entertainment expenses.
- b. Expenses for publicity.
- c. Bonus payments of any kind.
- d. Charges for contingency reserves or other similar reserves.
- e. Charges in excess of the lowest acceptable competitive bid, unless specifically agreed to by the National Park Service.

- f. Charges for deficits or overdrafts.
- g. Taxes for which the organization involved would not have been liable to pay.
- h. Interest expenses, except those awarded by the court as just compensation.
- i. Charges incurred contrary to the policies and practices of the organization involved.
- j. Consequential damages to adjoining property owned by other persons, which are caused by noise, lights, etc.
- k. Incidental costs relating to acquisition of real property unless otherwise allowable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
- l. Operation and maintenance costs of outdoor recreation areas and facilities.
- m. The value of, or expenditures for, lands acquired from the United States at less than fair market value.
- n. Cost of discounts not taken.
- o. Equipment to be used for maintenance.
- p. Employee facilities.
- q. Donations or contributions made by the sponsor.
- r. 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.
- s. Fines and penalties.
- t. Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.
- u. Any losses arising from un-collectible accounts and other claims, and related costs.
- v. Legal and professional fees paid in connection with raising funds.
- w. Payments for lobbying in connection with L&WCF grants.

4. Retention of Records

Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained until federal audit is complete or notification by the State that records are no longer needed. Copies of all records must be forwarded to the Division with each bill submitted, for inclusion in the project's permanent file.

- a. The retention period starts from the date of the submission of the final expenditure report.
- b. Political subdivisions may substitute microfilm copies in lieu of original records.
- c. 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.
- d. The subgrantee must keep intact and accessible all financial records including supporting documents and all other records pertaining to the project. Records must be maintained for 3 years following the completion of all project work, or until an audit is conducted and the records have been resolved.

5. Records for Donations

The method of valuation and charges for volunteer services, material, and equipment must be documented and approved by the State prior to donations being applied to reimbursement requests in order for such contributions to be considered as part of the sponsor's matching share.

- a. Valuation of Volunteer Services. Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and 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 time sheets.

- (1) **Rates for Volunteer Service.** Rates for volunteers should be consistent with those regular rates paid for similar work in other activities of the grantee. Unskilled labor rate is \$21.79 per hour. In cases where the kinds of skills required for the federally-assisted activities are not found in the other activities of the grantee, rates used should be consistent with those paid for similar work in the labor market.
 - (2) **Volunteers Employed by Other Organizations.** When an employer other than the grantee furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay provided these services are in the same skill for which the employee is normally paid.
- b. **Valuation of Materials.** Prices assessed to donated materials included in the matching share should be reasonable and should not exceed current market prices at the time they are charged to the project. Records shall indicate the fair market value by listing the comparable prices and vendors.
 - c. **Valuation of Donated Real Property.** The value of donated real property shall be established by an independent appraiser in accord with commonly accepted appraisal practices. Upon completion of the appraisal, at the project sponsor's expense, it will be submitted to the Service, through the State, for final review and approval.
 - d. **Valuation of Donated Equipment.** The hourly rate for donated equipment used on a project shall not exceed its fair-rental value. Hourly rates in the annual edition of "Rental Compilation" or "Rental Rate Guide" or similar publication that provide the national or regional average rates 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 operator of the equipment.
 - e. **Valuation of Other Charges.** Other necessary charges such as equipment use charges incurred specifically for an indirect benefit to the project on behalf of the sponsor may be accepted as matching share provided that they are adequately supported and permissible under the law.
 - f. **Documentation.** The basis for determining the charges for donated personal services, material, equipment and land must be documented and must be approved by the State prior to the billing or letter of credit draw down which includes the value of the donation.
 - g. **Limits of the Valuation.** In-kind contributions are eligible in a project 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.
 - h. **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 to the extent that such is logical, reasonable, and more advantageous than the application of the donation to a single site.

6. Project Termination, Suspension, and Close-out

- a. Termination. The termination of a project means the cancellation of Federal assistance, in whole or in part, under a project at any time prior to the date of completion.
 - (1) The State may unilaterally terminate the project or consolidated project element at any time prior to the first payment on the project or consolidated project element. After the initial payment has been made, the project may be terminated, modified or amended by the State only by mutual agreement of the State and the Service.
 - (2) The Director of the National Park Service, or his authorized representative, may terminate any project in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant.
 - (3) The Service or the State 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.

- b. Suspension. The suspension of a grant is an action by the National Park Service which temporarily suspends the Federal assistance under the project pending corrective action by the project sponsor or pending a decision to terminate the grant by the Service.

- c. Grant Closeout. The closeout of a grant is the process by which the Division of State Parks and the National Park Service determine that all applicable administrative actions and all required work of the project have been completed. The date of completion is the date when all work under a project is completed or the date in the grant award document, or any amendment thereto, on which Federal assistance ends, whichever comes first.

D. COST OVERRUNS AND AMENDMENTS OF SCOPE

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 some of its parts.

Where such changes are necessary, the project sponsor must notify the Division of State Parks as soon as possible in writing, clearly indicating the changes needed and the revised scope of work. The State will then notify the National Park Service and submit an amendment for approval. It is recognized, however, that it will not always be possible for the National Park Service 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.

VIII. POST COMPLETION PROJECT ADMINISTRATION

A. OPERATIONS AND MAINTENANCE

The political subdivision will be required to execute a legal local agreement with the State of Nevada covering the terms of the L&WCF program. Breach of this agreement may result in the de-obligation of funds, and a return of the project's funds with the termination of future financial assistance available under this program.

The political subdivisions must administer the project according to the General Provisions for State and Federal Administration. These provisions are included with the local project agreement.

Once L&WCF money is used on a project site, approval from the National Park Service, through the Division of State Parks, must be obtained before any portion of that site is converted to other than outdoor recreation use. This is a very tedious and expensive venture. The State of NV, Division of State Parks now requires a deed restriction as well on all L&WCF project properties prior to first payment/reimbursement.

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

- (1) The property shall be maintained so as to appear attractive and inviting to the public.
- (2) Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
- (3) Properties shall be kept reasonably safe for public use. Fire prevention, lifeguard and similar activities shall be maintained for proper public safety.
- (4) Buildings, roads, trails and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
- (5) The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

B. AVAILABILITY TO USERS

Property acquired or developed with L&WCF assistance shall be open to entry and use by all persons regardless of race, color or national origin. Discrimination, in any form, on the basis of residence, age or disability is strictly prohibited. Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with L&WCF assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the numbers of persons using an area or facility, or the type of users, such as "hunters only" or "hikers only." All limitations shall be in accord with the applicable grant agreement and amendments.

C. L&WCF ACKNOWLEDGMENT

Suitable permanent public acknowledgment of L&WCF assistance at all project sites is **required** by the National Park Service, including use of the L&WCF symbol. Project signs are encouraged at entrances to outdoor recreation sites, at other appropriate on-site locations, and in folders and park literature, where appropriate. The acknowledgment of L&WCF assistance will be checked during compliance inspections. A sample acknowledgment sign is found in Appendix E.

D. CONVERSION

Property acquired or developed with L&WCF assistance shall be retained and used for public outdoor recreation. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the NPS Regional Director pursuant to Section 6(f)(3) of the L&WCF Act and 36 CFR Part 59. The Director has the authority to disapprove 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 L&WCF assistance it must, by law, be continually maintained in public recreation use unless the National Park Service approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value.

Therefore, the Nevada Division of State Parks will be requiring 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.

E. OBSOLETE FACILITIES, CHANGES OF USE

Project sponsors are not required to continue operation of a particular recreation area or facility beyond its useful life. However, Section 6(f) (3) of the L&WCF Act requires that project sponsors maintain the entire area defined in the project agreement in some form of public outdoor recreation use. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans for the area.

F. POST-COMPLETION INSPECTIONS

In order to determine whether properties acquired or developed with L&WCF assistance are being retained and used for outdoor recreation purposes in accordance with the project agreement and other applicable program requirements, a State compliance inspection will be made within 5 years after final billing. Subsequent inspections and reports will be completed at least once every five years thereafter by the project sponsor and submitted to the Division, with periodic spots checks conducted by the Division.

G. POST-COMPLETION INSPECTION REPORTS

Within 90 days of completion of an on-site inspection, the Division of State Parks will submit to the National Park Service a post-completion inspection report for all projects which have compliance problems.

H. APPLICABILITY

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

I. STATE RESPONSIBILITY

Responsibility for enforcement of the provisions of this chapter rests with the Division of State Parks.

J. COSTS

The costs of making post-completion inspections are not allowable overhead costs for L&WCF assistance.

K. PENALTIES

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

- (1) Withhold future payments being made to the State on current projects of the project sponsor who is responsible for the infraction in question; or
- (2) Withhold future payments to the State on any or all current projects until the situation involved is corrected; or
- (3) Withhold action on all pending projects of the State and/or project sponsor who is responsible for the infraction in question; 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.

L. SERVICE INSPECTION

Properties acquired or developed with L&WCF assistance shall be available for inspection by the Division or other NPS representative.

APPENDIX A SCORESHEET

PROJECT SELECTION CRITERIA Land and Water Conservation Fund State of Nevada (Maximum Score of 220 Points)

The scoring criteria utilized with the rating worksheet covers criteria in three general subject areas; the proposed project, administrative, and specific SCORP strategies. These criteria are described in detail below. The criteria are presented in the same order that they appear on the rating worksheet. Comments about higher or lower scores relate only to that criterion, not the overall score a project may receive. Each of these criteria is directly related to one of the SCORP Strategies or Administration of the Program.

A. CRITERIA FOR THE PROPOSED PROJECT (Maximum Score of 90 Points)

1. *Project Use & Design (0 to 10 points)*

This is in response to SCORP Strategy 2, 7, and 8. Degree to which the project will provide features attractive to populations with special recreation requirements (i.e. senior citizens, youth, disabled persons, minorities, etc.).

Maximum Score of 10 Points

- a. High 8 to 10
- b. Medium 4 to 7
- c. Low 0 to 3

2. *Ability to Satisfy Basic Outdoor Recreation Needs (1 to 10 points)*

This is in response to SCORP Strategy 1, 2, and 5. Project will provide needed facilities where none now exist or where existing facilities are obsolete and in need of redesign/redevelopment.

Maximum Score of 10 Points

- a. Project will provide needed facilities where **No** outdoor recreation facilities currently exist (7 to 10 points). The goal is to get needed facilities in communities that have no outdoor recreation opportunities. Providing opportunities in areas completely void of opportunities is the highest priority.
- b. Project will augment existing facilities where they are insufficient to meet existing needs (4 to 6 points). This can be through new facilities or preferably through redesign or redevelopment of obsolete facilities. SCORP Strategy #1 urges applicants to “Take care of what we already have”. It is undesirable to have closed or publicly unsafe facilities. Communities or areas may have outdoor recreation facilities but the quantity is not sufficient to meet the demand. For example, a community may have one softball field but actually needs two fields to accommodate the softball teams assigned to leagues in the area.

- c. Project will provide needed facilities where the particular type of facility proposed does not exist or/and where existing facilities are obsolete and in need of redesign/redevelopment (1 to 3 points). Once a community or area has outdoor recreation opportunities, the next priority is to improve the mix of those opportunities or to update/redesign obsolete facilities. For example, a community may have a picnic area but no softball fields.

3. **Public Participation in Project Planning (0 to 10 points)**

Degree to which the project proposal has involved members of the public in the planning process. This is in response to SCORP Strategy 7 and Administrative Processes. Projects that demonstrate public involvement during the planning phase (through workshops, input during planning commission meetings, opportunities for written comments, letters of endorsement from political subdivisions or civic organizations, etc.) will be ranked higher than projects in which the public was not involved or supportive of the planning process.

Maximum Score of 10 Points

- a. High 8 to 10
- b. Medium 4 to 7
- c. Low 0 to 3

4. **Demand for Facility (0 to 10 Points)**

Based on evidence supplied with pre-award discussion, project proposal, public preference or participation surveys, supply/demand analyses, current use figures at similar facilities, other locally generated statistics, planning documentation, or other documented justification (choose one). Projects with evidence of demand for specified facilities, such as a public preference survey, recreation participation survey, supply/demand analysis, existing site use statistics, current use figures at similar nearby facilities, public workshops, master plans developed through a public input forum or other documented evidence will be given preference over projects with weak or lack of such evidence.

Maximum Score of 10 Points

- a. High 8 to 10
- b. Medium 4 to 7
- c. Low 0 to 3

5. **Land Ownership (0 to 10 points)**

Development projects which have fee simple title, permanent easements, or a long-term lease of the project property from the Federal Government, will be ranked above those which have shorter term leases. Lease terms under 25 years with the Federal Government are ineligible. Leases between sub-political agencies or governments must have either both or the title holder as the signature and sponsor on the agreement.

Maximum Score of 10 Points

- a. Fee simple or permanent easement 10
- b. Lease or more than 25 years 5
- c. Lease of 25 years 0

6. **Creativity and Originality (0 to 5 Points)**

Degree to which project demonstrates creative solutions and/or originality in design (i.e., alternative energy provisions, low maintenance features, multiple-use provisions, etc.), and shows potential for applications to other projects. Of particular interest are projects that propose innovations or creative solutions with potential applications to other projects in the future.

Projects with such creativity will receive a higher rating than those that demonstrate little or no creativity or originality. Also included should be facilities that creatively attract families and youth into the outdoors.

7. Anticipated Use of Facility (1 to 5 Points)

This is in response to SCORP Strategy 2, 5, 7 and 8 and is based on number of visitors anticipated on an annual basis. Projects which serve larger numbers of users or populations will score higher.

Maximum Score of 5 Points

a. High	100,000 or more	5
b. Medium-High	75,000 to 99,999	4
c. Medium	50,000 to 74, 999	3
d. Medium-Low	10,000 to 49,999	2
e. Low	Less than 10,000	1

8. Inter-Jurisdictional Partnerships (0 to 15 Points)

This is in response to SCORP Strategy 3. The relative degree of inter-agency and/or public-private cooperation, support and particularly funding leverage, will be weighed; multiple partnerships will take precedence over single entity sponsors with no partnerships. Partnerships may consist of management/operational agreements, funding relationships, volunteered labor, sponsorships, donated equipment or materials, etc. Projects which can demonstrate strong local or regional coordination and cooperation from various public or private agencies and organizations in terms of volunteerism, donations, etc., will be ranked higher than those which exhibit little or no public coordination and cooperation. Of interest to this criterion is support that contributes directly to the completion of the project as proposed in the application. Letters of support, although of some importance, without the author making any other commitment to the project will not be awarded any points.

(Check all that apply. Score 3 points per entity, up to a maximum of 15 Points.)

- Federal
- State
- County
- Town or City
- School District
- Improvement District
- Unincorporated Community
- Non-Profit Organization
- Organized User Group
- Other (Specify _____)

9. Economically Depressed Community Status (0 to 15 Points) *Written justification with data sources must be provided in the application.*

This is in response to SCORP Strategy 1, 2, 3 and 8. Compare the average household income or the average unemployment rate of the project service area with the countywide or statewide economic data, whichever is appropriate. This particular criterion awards economically depressed communities with points for grant awards over communities with stronger economies. Partial credit: An applicant may receive partial credit for the economically depressed community status scoring criterion if a portion of the service area is economically depressed. For example, if the service area is comprised of an entire county, and a portion of the county's average household income is less than the statewide average household income, points will be awarded based on that percentage.

Maximum Score of 15 Points

- a. High 11 to 15

- b. Medium 6 to 10
- c. Low 0 to 5

B. ADMINISTRATIVE CRITERIA (Maximum Score of 50 Points)

1. LWCF Protection Legacy (1 to 10 Points)

Park sites that have never received a LWCF grant will be given preference over previous recipients. This is in reference to national goals to increase the LWCF protection legacy.

Maximum Score of 10 Points

- a. This project site has never received a LWCF grant. 10
- b. This project site has received a LWCF grant within the last 15 years. 5
- c. This project site has received a LWCF grant within the last 5 years. 0

2. Operations and Maintenance (0 to 10 Points)

Record of sponsor's performance during the last 10 years in operating and maintaining existing facilities is an indicator of ability and commitment to adequately operate and maintain (O&M) future LWCF program funded facilities. Or if the sponsor is new, is there an O&M plan? This should be determined during the 5 year self and spot inspections, as well as, pre-inspection of the current site.

Maximum Score of 10 Points

- a. High 8 to 10
- b. Medium 4 to 7
- c. Low 0 to 3

3. Post Completion Inspections and 5 year Self-inspection Compliance (0 to 10 Points)

Prospective sponsors of new projects that are currently in compliance with the 5-year self-inspection program for previously funded LWCF projects will be given preference. Sponsors willing to meet their obligations within 30 days of the application deadline will be given partial credit on the scoring. Sponsors who fail to comply within the 30-day grace period will be declared ineligible for a grant award during the current grant cycle. No further action will be taken on the sponsor's current or future applications until the post completion inspections are completed.

Maximum Score of 10 points

- a. 5-year self-inspections of previously funded LWCF projects (10)
- b. Sponsor was not in compliance prior to submitting application, but sponsor did meet compliance obligations for self-inspections program obligations within 30 days of submitting application (5).
- c. Sponsor failed to comply with self-inspections program obligations within 30 days after submitting applications. **INELIGIBLE 0 points**

4. Project Readiness (0 to 10 Points)

Because it is the intent of the LWCF program to use available LWCF grant funds in a timely manner to develop new or to improve existing public outdoor recreation opportunities, time required for a sponsor to begin the implementation of proposed projects shall be a factor in the

selection process. Projects that have environmental work to NEPA standards complete prior to application will therefore receive higher points. ***Project Construction will begin in:***

Maximum Score of 10 Points

- a. Within one year 10
- b. Within two years 5
- c. Over two years 0

5. Organization & Completeness of Application (0 to 10 Points)

Applications organized and completed in accordance with the instructions will receive a higher score for this criterion than applications less organized or complete. Applications so grossly incomplete that processing is not possible will be declared ineligible and returned to the sponsor without further action.

Maximum Score of 10 Points

- a. High 8 to 10
- b. Medium 4 to 7
- c. Low 0 to 3

C. PROJECT RELATIONSHIP WITH CURRENT SCORP ISSUES (Maximum Score of 80 Points)

The “Nevada’s 2010 Outdoor Recreation Plan” identified eight (8) strategies for improving outdoor recreation in Nevada. Determine which of the 8 strategies are being addressed by the project. The applicant must have provided written description of how the project helps to move these strategies forward in order to be scored. It is important that the proposed project address at least one or more of the 8 major outdoor recreation issues identified in the 2010 SCORP. Please refer to the 2010 SCORP online for details of each strategy.

The following strategies have been developed to guide the selection criteria process. The applicant is required to give written description of **how their project helps in promoting or providing for the advancement of these 8 SCORP strategies.** Well defined, succinct answers can further impact the criteria scoring in Section A, as well as this section. **Each SCORP Strategy is worth 10 points ranging between does not address strategy, to fully addresses strategy.** (For details please refer to <http://parks.nv.gov>)

-End-

APPENDIX B: SCORP ISSUES

- 1. Ensure proper maintenance and upkeep of existing outdoor recreation facilities. Manage impacts to outdoor recreation sites from increasing usage.*
- 2. Provide an appropriate level of facilities and services at outdoor recreation sites.*
- 3. Ensure sufficient ongoing funding for existing and planned outdoor recreation facilities.*
- 4. Promote conservation of statewide water resources and wild land areas. Strive to work with partners to gain landscape level conservation: river, riparian and natural water bodies and land conservation for wildlife and their habitats.*
- 5. Maintain and improve access to public land.*
- 6. Maximize connectivity of existing and planned public trail systems.*
- 7. Increase public information resources about outdoor recreation and educational facilities and opportunities at outdoor recreation sites.*
- 8. Increase public outreach on outdoor recreation to children, students and currently underserved populations.*

APPENDIX C: 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 E: SAMPLE PROJECT ACKNOWLEDGMENT SIGN

