**LAND AND WATER CONSERVATION FUND**

**Grant Application and Guide**

**2024**





**Kansas Department of Wildlife and Parks Division of State Parks**

**512 SE 25th Ave. Pratt, KS 67124**

**620-672-5911**

#### PREFACE

This guide will provide the Land and Water Conservation Fund applicant (project sponsor) with the instructions and forms necessary to prepare and submit a complete application. Project sponsors must provide all requested information in the application and guide to be considered for funding. It is important to read all items carefully. A checklist is included to ensure project sponsors have met all requirements.

In fairness to other applicants that have met all requirements, incomplete or late applications will result in withdrawal of the project for funding consideration. We encourage you to call us with any questions that should arise during preparation of your application.

##### Application deadline:

To apply for this fiscal year’s funding, 1 binded paper copy of the application should be sent to the address below with a postmark date of or prior to September 13th, 2024.

A digital copy of the application will also need to be emailed to Riston Landwehr by or before September 13th, 2024.

##### Kansas Department of Wildlife and Parks

Riston Landwehr 512 SE 25th Ave. Pratt, KS 67124

620-672-0741

riston.landwehr@ks.gov

Thank you for your interest in the Land and Water Conservation Fund program.

# LAND AND WATER CONSERVATION FUND

#### THE PROGRAM

The Land and Water Conservation Fund (LWCF) Act was established in 1964 under Public Law 88-578; 78 Stat. 897, to continue for a period of 25 years through 1989. The program was extended through the year 2015 by Public Law 100-203. The Act established a grand fund to assist state and federal agencies in meeting present and future outdoor recreation needs. The act accomplished this purpose by:

1. Providing funds for the acquisition of land for recreation on federal fish and wildlife areas, national parks, national forests, recreation areas, and for the operation and development of national parks.
2. Authorizing federal assistance to states for planning, acquisition, and development of outdoor recreation facilities through a grant program. In turn, the states may transfer the funds to location political subdivisions to acquire land or develop outdoor recreation facilities.

Through state law, the Kansas Department of Wildlife and Parks (KDWP) has the authority to administer the program in Kansas.

Revenue to finance the LWCF program comes from three sources that include net proceeds from the sale of surplus federal real property, federal tax on motorboat fuels, receipts from oil drilling leases under the Outer Continental Shelf Lands Act.

Since grant funds are made available through an annual appropriation from Congress, the funding amount varies each year. The exact amount Kansas will receive is not known until the allocation is announced, which may be one or two months into the federal fiscal year. The federal fiscal year beings on October 1, so the amount of the allocation is not usually known until late fall or early winter.

KDWP will determine the state and local shares of Kansas’ annual allocation. The determination is based on the estimated amount of funds the state will receive at the start of the federal fiscal year that begins on October 1.

Generally, the amount Kansas receives is divided between KDWP projects and local park and recreation projects.

#### REIMBURSABLE GRANT

The Land and Water Conservation Fund is a reimbursable grant, meaning the project sponsor must pay all project costs as they are incurred. Sponsors then may request reimbursement for 50% of eligible expenses up to the amount approved for the project. All costs must be incurred and paid by the project sponsor during the project period as identified in the approved Sponsor Agreement.

Any project expenses incurred or paid by the sponsor before or after the project period will not be eligible for reimbursement or project match.

Local applicants may submit one application per year for LWCF assistance.

#### TYPES OF PROJECTS

1. Acquisition – There must be public access – See Appendix 8 for criteria
2. Development – Must provide or support public outdoor recreation – See Appendix 9 for criteria
3. Combination - (acquisition and development)

Only acquisition or development done after federal approval of a grant is eligible for funding. The project must provide a site or facilities for public outdoor recreation. Indoor facilities are generally not eligible for LWCF funding.

##### Renovation projects will be accepted only for facilities that are worn out due to use or age, can no longer meet health or safety standards, or are obsolete because of the changing needs of the community. Repairs associated with routine maintenance, or renovation caused by vandalism or poor maintenance, are not eligible for funding.

All facilities within the 6(f) boundary (either existing or proposed) must conform to current ADA accessibility standards.

All utility lines proposed must be buried.

#### CONTROL AND TENURE OF THE PROJECT SITE

For development applications, the project sponsor must show ownership of the project site to be eligible for funding assistance. Lands subject to reversionary or outstanding interests require federal determination on the compatibility of the uses proposed and the reversionary/outstanding rights.

#### STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN

All proposed projects must meet priority outdoor recreation needs as identified in the current Stateside Comprehensive Outdoor Recreation Plan (SCORP). The SCORP can be found at:

[S.C.O.R.P. / State Parks / KDWP - KDWP (ksoutdoors.com)](https://ksoutdoors.com/State-Parks/S.C.O.R.P)

**PROJECT SPONSOR COMMITMENT AND RESPONSIBILITY**

#### ELIGIBLE APPLICANTS

Project sponsors participating in the LWCF program are required to provide matching funds for the project application, administer the project through completion and operate and maintain the site after completion.

Incorporated cities, counties, state agencies, Indian Tribes, public schools, and public universities are eligible to apply for the Land and Water Conservation Funds for the acquisition and development of outdoor recreation projects. State Parks and Stateside planning projects may also be funded.

All eligible project sponsors must be able to commit their resources to the perpetual stewardship of the LWCF-assisted public outdoor recreation area.

#### OWNERSHIP AND CONTROL

If land acquisition is part of a project, the sponsor may not take title to land or begin development until after both federal and state approval of the project. An appraisal of the property will be required.

For all development projects, the project sponsor must possess sufficient title and adequate legal control of the property. This will typically require the sponsor to hold fee simple title to the property. However, ownership of less-than-fee interest may be acceptable if it provides for permanent control of the property to be utilized as an outdoor recreation in **perpetuity**.

#### PERMANENT OUTDOOR RECREATION ESTATE

The Land and Water Consecration Fund Act requires the sponsor to operate and maintain the properties or facilities acquired, developed and/or renovated with LWCF assistance for public outdoor recreation use in **perpetuity**. As required by the Section 6(f)(3) of the LWCF Act, should any portion of LWCF-assisted property be converted for anything other than public outdoor recreation use, the project sponsor must replace, at its own expense, the converted property with property having equal or great appraised value and equal or greater recreational usefulness.

#### OPERATION AND MAINTENACE

Property acquired or developed with LWCF assistance must be operated and maintained by the project sponsor according to certain federal and state standards. These responsibilities begin immediately upon completion of a project and will remain as such in **perpetuity**.

Beginning no later than five years from project completion, staff from the Kansas Department of Wildlife and Parks will make periodic compliance inspections (with or without notice). Staff from the National Park Service may also conduct random inspections to ensure long-term stewardship.

Every application must contain a five-year maintenance plan that includes anticipated needs and costs as well as available resources for operation and maintaining the project area. You will find this noted in the Section V Supplemental Attachment section.

Annually, after project completion, the project sponsor will receive an Annual Operation and Maintenance Assurance Statement that is to be signed and returned to our office. It is important to remember the guidelines of the program and returning the form ensures project sponsor cooperation for instances of future funding.

#### PROJECT EXECUTION

KDWP encourages project sponsors to begin projects promptly following state and federal approval. It is important sponsors commit the necessary resources toward the project to ensure the facilities are available timely to the public.

Failure of sponsors to initiate a project within a reasonable period of time may result in rescission of funds and termination of the project agreement.

#### NONDISCRIMINATION

Project sponsors must comply with the nondiscrimination obligations imposed by federal laws upon states, communities, and organizations who acquire and/or develop facilities for general public use. The major acts concerning nondiscriminatory practice, for which compliance guidelines have been issued by the Interior Department, are Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, the Architectural Barriers Act of 1968 as amended, and the Americans with Disabilities Act of 1990 as amended. A summary of these laws can be found in the Appendix.

# PROJECT RESEARCH AND PLANNING

#### PUBLIC PARTICIPATION

The project sponsor is strongly encouraged to establish mechanisms for citizen participation in the selection of the project site(s) and facilities proposed in the application. Such mechanisms include public hearings, neighborhood meetings, citizen advisory panel, public notices inviting public input, etc. The sponsor is required to submit copies of public notices and minutes of the official governing body meetings when the proposed project was discussed.

Submit copies of letters from individuals, civic groups, and other organizations demonstrating support of the proposed project. Most projects will generate some negative comments; these should be mitigated or it should be shown that the negative comments were taken into consideration when planning the project.

#### PROJECT LOCATION

When determining the location for a project, project sponsors should choose an area suitable for the proposed recreation facilities as well as any support facilities that will serve the project area. The location should be free of adverse environmental factors that could minimize quality recreation or present a health or safety hazard. The area should also be easily accessible for users as well as maintenance and control.

Again, project sponsors should keep in mind that all facilities within the project boundary (either existing or proposed) must conform to current ADA accessibility standards. It is highly encouraged all utility lines be buried or relocated; all newly developed lines must be buried. These requirements may be a factor when choosing a feasible project location.

For Land Acquisition Projects, see Appendix 8 and for Development Projects, see Appendix 9 for more details.

#### PLANS AND SPECIFICATIONS

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. Facilities should be attractive for public use and generally be consistent with the environment. Plans and specifications for the improvements should be in accord with established engineering and architectural practices. Emphasis should be given to the health and safety of the users, accessibility to the general public, and the protection of the recreational and natural values of the area.

#### SITE RELATED DOCUMENTATION

A geographic location map must be submitted with the proposal. A simple, but descriptive, map with section, range and township is an important document for state and federal project inspections.

Site Plan(s) of the park area site to be acquire, or developed, must be submitted. The site plan must include such considerations as existing structures, items to be developed with LWCF assistance, park boundary, property rights, handicapped accessibility, surrounding streets/roads. The site plan must be drawn in a professional manner and be of sufficient size.

Floor plans of enclosed structures, such as bathhouse, restroom, or maintenance building, are require to illustrate the preliminary architectural concept and the provisions for the physically handicapped with accurate dimensions shown.

#### FLOOD PLAIN

Proof of flood insurance may be required if the project area falls under the Flood Disaster Protection Act; a copy of which can be found in the LWCF Manual, Chapter 4. This act will have an impact on certain LWCF projects located in special flood hazard areas identified by the Secretary of Housing and Urban Development. Examples of facilities that would require insurance include permanent toilet buildings, bathhouses, buildings for interpretive exhibits, and administration or maintenance buildings.

#### COST ESTIMATE AND SPONSOR’S MATCHING SHARE

A cost estimate should be drafted to determine the estimated costs and to assess the sponsor’s resources to complete the project. In addition to actual construction costs, the cost estimate should take into account expenses for items such as site clearing, preparation, landscaping, administration of the grant project, accessibility, burying utility lines and signage.

Provide documentation that shows the minimum required 50% local match for the project is readily available. Include tables detailing the sources and uses of funding, including line-item expenses. An example is provided in the Appendix.

The following is a list of methods by which the local share of a project may be financed. You may use one or a combination of these methods:

Donated Cash: Strictly monetary contributions. Project sponsor will be required to provide documentation (invoices, etc.) how the money was used when requesting reimbursement.

Donated Land: Strictly the donation of real property by a non-public entity. Land must be appraised according to LWCF guidelines. Do **NOT** take title prior to project approval or the land value will NOT be eligible for reimbursement.

Donated Equipment/Materials: The actual items are donated for permanent ownership.

Donated Labor and/or Equipment Use: Donated Labor is an estimated value of unpaid labor performed by volunteers on the project based on the wage scale of the job performed. Donated Equipment Use is the estimated value of donated equipment to the used on the project, based on FEMA hourly-use rates.

Land Acquisition: The purchase of real property. Land must be appraised according to LWCF guidelines. Do **NOT** take title prior to project approval or the land value will NOT be eligible for reimbursement.

Cash Financing: The purchase of equipment or materials, hiring paid labor, or contacting for work performance by a private business.

In-kind Labor and/or Equipment Use: In-kind Labor is the estimated value of wages to be paid to the sponsor’s employees for work on this project. In-kind Equipment Use is the estimated value of sponsor- owned equipment to be used on the project, based on FEMA hourly-use rates.

#### BUILD AMERICA, BUY AMERICA

With the passage of the [Bipartisan Infrastructure Law](https://www.congress.gov/bill/117th-congress/house-bill/3684/text),  Federal financial assistance programs for infrastructure must comply with domestic content procurement preference requirements established in the “Build America, Buy America Act” at Section 70911 et seq. (“Buy America”).  Buy America’s domestic content procurement preference applies to all of the iron, steel, manufactured products, and construction materials used for infrastructure projects under an award.  These requirements take effect on May 14, 2022; however, parties may seek waivers under certain circumstances. More information can be found at: <https://www.doi.gov/grants/BuyAmerica>.

**SIGNAGE**

LWCF Acknowledgement: Project sponsors are required to install and maintain permanent signs acknowledging the federal-state-local partnership role in providing the outdoor recreation areas and facilities that were acquired or developed with assistance from the Land and Water Conservation Fund.



Public Availability: Project areas and facilities must be available for public use at reasonable hours and times of the year, according to the type of area or facility. Some areas or facilities may be reserved at certain times for school use (or use by other organizations). At such facilities, the project sponsor is required to install and maintain a sign posting public availability.

# APPLICATION AND EVALUATION PROCEDURES

#### GRANT APPLICATION PROCESS INSPECTIONS

Following the application deadline, all project applications are reviewed and additional information is requested if necessary. Site inspections by the grant staff along with representatives of the project sponsor may also be conducted during this time period.

#### PROJECT REVIEW

The grants staff will review each application to confirm that it is in accord with the eligibility requirements specified in the LWCF guidelines. The staff will also verify the proposed project is included in the project sponsor’s five-year plan and meets a need in the current strategic plan: State Comprehensive Outdoor Plan: Kansas 2021 SCORP.

Project sponsors will be reviewed for their operation and maintenance capabilities and previous grant performance. A sponsor’s project will be given low priority for funding if poor maintenance conditions are observed. Site inspections may be conducted before grants are awarded, while projects are under construction and during regular intervals following completion.

KDWP will then take the projects to be reviewed by a Statewide Local Recreation Advisory Board for the recommendations.

Rating: The scoring system is composed of a series of categories. Projects with the highest scores are recommended by KDWP for submittal to NPS for approval. Projects not rating high enough for funding are, at the sponsor’s request, carried forward to the next federal fiscal year for a maximum of two years. Unfunded applications may be revised prior to the next funding cycle.

#### OPEN PROJECT SELECTION PROCESS

The rating system is based on the Issues and Goals identified in *State Comprehensive Outdoor Recreation Plan: Kansas 2021 (SCORP).* The website link: <http://ksoutdoors.com/State-Parks/S.C.O.R.P>

This plan represents outdoor recreation goals and objectives on a statewide level. To be considered for a LWCF grant, a local project must address at least one goal or objective identified in the *SCORP* plan. Local demand or need for a particular land acquisition or outdoor recreation facility must be determined by the project sponsor based upon their five-year park and recreation plan. The advisory board scores each project against its direct relation to the *SCORP* plan and the sponsor's park and recreation plan.

Projects meeting other scoring criteria based on the goals of the *SCORP* plan may rank higher. These criteria include: public participation in the formulation of the project proposal; projects serving the needs of special populations; projects involving protection of greenways, open-space, natural areas, riparian areas, wetlands, and river corridors; or projects removing barriers from existing recreation areas and facilities. In addition, projects that address one or more of the following: trails, water access, environmental learning facilities or flexible multi-use/multi-purpose facilities may receive extra points.

#### NATIONAL PARK SERVICE

Selection of projects for funding at the state level means that KDWP will reserve funds for those projects pending final approval by the federal government. The grant coordinator will submit LWCF applications to the Kansas State Historical Society and other appropriate state agencies for review and comment. Issues may surface requiring resolution prior to submission to NPS. The grants staff may request additional documentation from project sponsors in order to complete the applications for federal submittal. Projects are sent to the NPS when all reviews have been completed and additional information has been received.

#### SPONSOR AGREEMENT

The grant coordinator will notify the project sponsor of the NPS approval. The Local Project Agreement, along with other contract documents will be sent to the project sponsor for execution. Sponsors are not to begin local projects until an agreement between the sponsor and KDWP have been signed. Costs incurred prior to an executed agreement may not be eligible for reimbursement

**REIMBURSEMENT**

The project sponsor will not receive a cash grant at the time of project approval. Instead, the sponsor must pay the bills and then request reimbursement for up to half of the expenses incurred, but not more than the total grant award. Reimbursement requests may be periodically submitted during the project period to return funds for work completed. Documentation will be requested from grant staff prior to reimbursement.

# LAND AND WATER CONSERVTION FUND PROJECT APPLICATION SUMMARY

**Project Sponsor Information Project/Site Information**

Project Sponsor: Project Title: Federal ID#: Type of Project: Acquisition Primary Contact: Development

Contact Title: Combination Park Name:

Mailing Address: Park Address (with 9-didgit zip code): City/ZIP: Acreage of Property: County: Longitude (Deg./Min./Sec./Dir.): Phone: Latitude: (Deg./Min./Sec./Dir.): Fax: Previous LWCF funding at this site?:

Email: Yes\* No Additional Contact Info/Instructions: \*If yes, provide LWCF Project Number(s):

**Brief description of proposed project**:

First or second application submission for this project? 1st 2nd

**Project Cost**

LWCF Federal Funds Requested:

Sponsor Match:

Total Estimated Project Cost:

Does the sponsor currently have the 50% match readily available? YES NO

**Certification**

I hereby certify that the information contained in this application and all supporting documents are, to the best of my knowledge, both true and accurate. The submission of this application has been duly authorized by the governing body of the applicant (project sponsor), and the applicant/project sponsor will comply with the attached assurances if assistance is awarded.

Print Name of Authorized Representative Title of Authorized Representative

Signature of Authorized Representative Date

*(Signature must be a Mayor or City Manager or other such person with governing authority)*

**LWCF PROJECT APPLICATION**

Project Sponsors, please read all instructions thoroughly. All items are required as part of your application. Incomplete applications will not be considered for LWCF funding. Organize your application in the order of the sections below and submit as a separate document. Please use Project Application Summary as a cover page and label, index, or tab each major section for easy reference.

Answer all questions as completely and clearly as possible. Do not assume those reviewing your application will have any prior knowledge or information. The review panel may include individuals who are not familiar with you or your area.

#### SECTION I – PROJECT NARRATIVE

##### Project Justification

* 1. Why does your community need this project? How are people adversely affected by the current situation? Provide information about economic, social, financial, physical, institutional, or other issues related to the need.
	2. Provide information on the project site or facility usage (frequency of use, number of users, age groups affected, current uses of the area, etc.).
	3. Provide information received from the interested affected public about community recreation needs. Include records and minutes from public meetings or public comment periods. At a minimum, the completed application and required support material must be available for comment at the duly advertised public meeting.
	4. Discuss how you chose this project as a priority in the community. Cite the results of citizen surveys or similar local input, including letters of support. You are encouraged to include the items with your application.
	5. Comment on partnerships with local citizens and organizations who will offer support relative to planning, development and/or upkeep of the proposed project.
	6. List any other areas or facilities owned by the sponsor then provide explanation why the new developments are needed.
	7. Provide any additional comments to justify the need for this project.

##### Project Description

* 1. The scope of work you intend to complete using the funds requested.
	2. How the project will solve the need identified above.
	3. How the project meets local recreation needs.
	4. The target population the project will serve.
	5. Use seasons (how many months the proposed project will be open for public use annually) and hours/days of operation.
	6. Who will complete the work (sponsor employees, contractors, etc.) and provide a detailed time schedule for completion of the project.
	7. Why the facility is justified should it duplicate existing, like-kind public facilities at other locations within the community.
	8. Any like-kind facilities currently being operated by the private sector within or surround the community. Explain the need for this project and describe why it will not compete with the private sector.
	9. A statement of work should be included. Please list the milestones with associated project timeline.
	10. Include any other information you think would be helpful in describing the project.
	11. For acquisitions/combination projects, in addition to the above items, address:
		1. How the land will be acquired.
		2. The number of acres to be acquired and a description of the property. Describe and quantify types of existing resources and features on the site.
		3. Expected use of the property after acquisition.
		4. Proposed start date for development of property.
		5. Any interim uses of the property prior to the start of development.
		6. Disposition of any buildings or other improvements on the property.
		7. Number of families, farms, or business to be relocated, if any.

#### SECTION II – FINANCIAL PROFILE

##### Cost Estimate

Development projects must include a cost breakdown sheet, detailing the various cost items. Be sure to account for costs that comply with the Build America, Buy America Act as stated on DOI’s site: <https://www.doi.gov/grants/BuyAmerica>.

##### The Local Funding Statement

Located in the Appendix, should indicate the sponsor’s source of matching funds, the amount, and the date of availability. The Statement is to be certified by the Mayor, Commission Chairman, or Board President (as applicable).

##### Budget Information

Non-construction projects must include the Budget Information Assurance (SF424A). Construction projects must include the Budget Information Assurance (SF424C). These forms can be found online at the National Park Service website: [LWCF Forms - Land and Water Conservation Fund (U.S. National Park Service) (nps.gov)](https://www.nps.gov/subjects/lwcf/lwcf-forms.htm)

#### SECTION III – PROPERTY INFORMATION/MAPS

##### Land Ownership

* 1. Sponsor control of the land is a prerequisite to receiving project approval, therefore, a Certified Title Opinion containing a legal description of the park land is required. The Opinion shall include a description of all rights, including adverse, held by others to the property.
	2. A necessary support document to the Title Opinion is a copy of the recorded deed to the property illustrating sponsor ownership.
	3. In lieu of a title opinion and deed, copies of a lease agreement (25 year minimum), existing or proposed should e submitted with the application.
	4. For acquisition projects, a Willingness to Sell Form must be included. This can be found in the Appendix.

##### Location Map

Provide an aerial map of the city or county showing the geographic location of the proposed project. Identify park boundaries and outline the proposed project area within the park.

##### Site Map/Plan

The site map/plan should show existing facilities, including overhead utility lines, and lighting. The map should also show the proposed facilities to be included in this project. Existing and proposed facilities need to be clearly designated as such.

##### Floor Plan

Floor plans for all proposed support buildings (restrooms, shelters, etc.) much be submitted and clearly indicated Americans with Disabilities Act compliance.

##### LWCF Boundary Map

Considering that the maps will be used in perpetuity, information placed on the map should assist future inspectors and project managers in determining the areas that are protected under of the Land and Water Conservation Fund Act. Every LWCF project site must be inspected by KDWP once every 5 years in perpetuity.

In applying for an LWCF grant, the Applicant must submit a signed and dated Project boundary map which clearly delineates the area to be protected under the LWCF program. The Project area must be readily accessible through a public corridor (i.e., parking lot, street, permanent public easement). Land identified within the LWCF boundary must be retained in perpetuity for public outdoor recreation use.

##### Provide the following information on the LWCF boundary map:

* Identify map as LWCF Boundary Map
* Signature and date on map by the individual authorized in the application
* Project Title
* Date of map preparation
* Clearly indicated the boundary of the Project area with measurements, in red, to effectively illustrate the lands afforded LWCF Boundary protection. The boundary needs to incorporate access point(s).
* If applicable, identify any pre-existing indoor structures that do not support outdoor recreation and provide the square footage of structure footprint.
* If applicable, indicate any outstanding rights and interest in the area: easements, deed/lease restrictions, reversionary interest, right-of-way, etc.
* North arrow
* If applicable, indicate any area(s) under federal lease(s) with term of at least 25 years remaining on the lease(s)
* Indicate adjoining street names
* Indicated total acreage within the Boundary.
* Convert the total square footage to acreage and indicate total acreage within the LWCF boundary. The acreage identified on the boundary map must be consistent with the acreage identified on the application form.
* Provide the latitude and longitude of the project entrance.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS DIVISION OF STATE PARKS

**STATE HISTORIC PRESERVATION**

**LWCF PROJECT INFORMATION FORM (PAGE 1 OF 2)**

|  |
| --- |
| Submission of a completed Project Information Form with adequate information and attachments constitutes a request for a review pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended). We reserve the right to request more information. **please refer to the CHECKLIST on Page 2 to ensure that all basic information relevant to the project has been included. For further information, refer to our website at: https://ksoutdoors.com/KDWP-Info/Grants.****Note:** Section 106 regulations provide for a 30-day response time by the Kansas Historic Society from the date of receipt. |
| Project Name: |
| FEDERAL AGENCY PROVIDING FUNDS, LICENSE, OR PERMIT | OTHER INVOLVED AGENCY |
| CONTACT PERSON | TELEPHONE |
| CONTACT EMAIL - (this will be used for digital response regarding your project) |
| CONTACT ADDRESS |
| CITY | STATE | ZIP CODE |
| **LOCATION OF PROJECT** |
| COUNTY | STREET ADDRESS |
| CITY | LATITUDE/LOGITUDE | UTM - NORTHING/EASTING **(**include datum**)** |
| **LEGAL DESCRIPTION OF PROJECT AREA (TOWNSHIP, RANGE, SECTION, 1/4 SECTION)** |
| TOWNSHIP | RANGE | SECTION |
| **PROJECT INFORMATION CHECKLIST** |
| TO THE BEST OF YOUR KNOWLEDGE, IS THE PROJECT LOCATED IN ANY OF THE FOLLOWING?AN AREA PREVIOUSLY SURVEYED FOR NATIONAL REGISTER DISTRICT HISTORICAL PROPERTIES |  | A LOCAL HISTORIC DISTRICT |
| WHAT ARE THE DATES OF CONSTRUCTION OR DATES OF ADDITIONS FOR BUILDING OR STRUCTURES IN THE PROJECT AREA? |
| HAS THE GROUND EVER BEEN GRADED, BUILT ON, BORROWED, OR OTHERWISE DISTURBED? | YES | NO |
| WHAT WERE THE PRIOR USES OF THE LAND (any previous disturbances)? |
| WILL THE PROJECT REQUIRE FILL MATERIAL? | YES | NO |
| IF YES, INDICATE PROPOSED BORROW AREAS (SOURCE OF FILL MATERIAL) ON PROJECT AREA MAP |
| ARE YOU AWARE OF ARCHAEOLOGICAL SITES ON OR ADJACENT TO PROJECT AREA? | YES | NO |
| IF YES, IDENTIFY THEM ON THE TOPOGRAPHIC MAP (see additional requirements) |
| DOES THE PROJECT LIE NEAR A PERMANENT WATER SOURCE? | YES | NO |
| IF YES, IDENTIFY THEM AND THE DISTANCE FROM THE PROJECT AREA (springs, streams, rivers, etc.) |

KANSAS DEPARTMENT OF WILDLIFE AND PARKS DIVISION OF STATE PARKS

**STATE HISTORIC PRESERVATION OFFICE**

**SECTION 106 PROJECT INFORMATION FORM (PAGE 2 OF 2)**

|  |
| --- |
| **PROJECT DESCRIPTION** |
| DESCRIBE OVERALL PROJECT IN DETAIL. IF IT INVOLVES EXCAVATION, INDICATE HOW WIDE, HOW DEEP, ETC. IF IT INVOLVES DEMOLITION OF EXISTING BUILDINGS, MAKE THAT CLEAR. IF THE PROJECT INVOLVES REHABILITATION, DESCRIBE THE PROPOSED WORK IN DETAIL. USE ADDITIONAL PAGES IF NECESSARY. |
| DOES THE PROJECT AREA EFFECT BUILDINGS, STRUCTURES, OR LANDSCAPING (such asparks or cemeteries) THAT ARE 45 YEARS OR OLDER? | YES NO |
| IF YES, DESCRIBE EACH STRUCTURE IN THE PROJECT AREA AND PROVIDE PHOTOS OF EACH AS ATTACHMENTS. PLEASE INCLUDE THE STRUCTURE'S AGE IF KNOWN. |
| **ADDITIONAL REQUIREMENTS** |
| **Map Requirements:** Attach a map depicting the project area, **and,** if necessary, a large-scale project map. If project involves **ground disturbance**, the project footprint must be clearly delineated on the map. Please do not send an individual map with each structure or site. While a topographic map is preferred, a map from online map providers is acceptable.**Photography Requirements:** Clear black and white or color photographs (minimum 3' x 5') are acceptable. Polaroids, photocopies, emailed or faxed photographs are not acceptable. Images do not need to be printed on photo paper; standard 8' x 11' paper is fine. **Clear and good quality photographs are important for expeditious project review.** Photographs or neighboring or nearby buildings are also helpful. All photographs should be labeled and keyed to one map of the project area. Images captured from Google Earth are not acceptable as they fail to provide the most current view of the area. |
| **DID YOU PROVIDE THE FOLLOWING INFORMATION?** |
| PROJECT AREA MAP (per project, not structure) | OTHER SUPPORTING DOCUMENTS (if necessary to explain the project) |
| THOUROUGH PROJECT DESCRIPTION (ALL PROJECTS | FOR NEW CONSTRUCTION, REHABILITATIONS, ETC., ATTACH WORK WRITE- |
|  | UPS, PLANS, DRAWINGS, ETC. |
| PHOTOGRAPHS OF ALL STRUCTURES AND OVERVIEW | DATES OF CONSTRUCTION OF STRUCTURES IN THE PROJECT AREA |
| PHOTOGRAPHS FOR ARCHAEOLOGY |  |
| **NOTE:** all photographs should be labeled and keyed to one map |  |
| of the project area |  |
| **RETURN THIS FORM AND ATTACHMENTS TO:** |
| **KANSAS DEPARTMENT OF WILDLIFE AND PARKS** |
| **ATTN: PARKS DIVISION** |
| **512 SE 25TH AVE** |
| **PRATT, KS 67124** |

#### SECTION IV – ENVIRONMENTAL ASSESMENT

This document serves to supplement the **A&R Form** required for all new Land and Water Conservation Fund (LWCF) project applications submitted to the National Park Service (NPS). Upon completion, the ERS will indicate the resources that could be impacted by the proposal enabling States and/or project sponsors to more accurately follow an appropriate pathway for NEPA analysis: 1) a recommendation for a Categorical Exclusion (CE), 2) production of an Environmental Assessment (EA), or 3) production of an Environmental Impact Statement (EIS). The ERS should also be used to document any previously conducted yet still viable environmental analysis if used for this federal proposal. The completed PD/ESF must be submitted as part of the State’s LWCF proposal to NPS.

This document is intended for applicants to provide detailed answers in the space provided below each question. Please contact the State LWCF Grant Coordinator at 620-672-5911 if you would like to receive this form in Microsoft Office Word format. Please make all answers discernible from the associated question by using red font or **bold letters**. Please feel free to imbed figures/images or make reference to supporting documentation where necessary.

# PROJECT IDENTIFICATION:

### Project competition

* 1. Explain how this project meets SCORP priorities.

### Risk assessment

* 1. What is your recent experience completing similar projects with federal grant funding (LWCF or other)?

### Financial

* 1. How was the cost estimate derived?
	2. What assurances are there that the costs listed are reasonable?
	3. Describe any project elements or costs that will improve site resiliency and facility longevity, if any.
	4. Are any eligible pre-award costs being included as part of the grant request?
		1. ☐ No
		2. ☐ Yes – Indicate the date from when those costs started being incurred, the funding category/categories, the total amount of pre-award costs anticipated to be incurred before the grant start date, and whether they are included for match purposes or for reimbursement. (Note: these should also be presented in the budget narrative.)

Section 2.0 Site Based Project Grants

### Sub-recipient (grant sponsor) information (repeat if needed for co-sponsors)

|  |  |
| --- | --- |
| Sub-Recipient Agency Name: |  |
| Sub-Recipient Contact Name: |  |
| Address: |  |
| Phone: | Email: |

1. Public benefit
	1. Describe both short- and long-term outdoor recreation benefits that will be achieved as a result of this project.
	2. Explain how this project fits as part of any other projects planned for this same site in the next three years.
	3. Describe the process that led to the development of this proposal and how the public was involved.

Section 2.1 Acquisition and Combination Grants

### Need

* 1. Why is this acquisition (whether attained via purchase or donation) needed?
	2. Describe the existing resources and features of the site that make it desirable for public outdoor recreation.
	3. Explain how you envision this acquisition contributing to outdoor recreation in the long term.

### Acquisition schedule & appraisal/waiver valuation certification

Reproduce table as needed for multiple parcels

|  |
| --- |
| Parcel Name |
| Parcel Size |
| Parcel Value |
| Anticipated Acquisition Date |
| * A State-certified Review Appraiser has reviewed the appraisal and has determined that it was prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions

OR* The State has prepared a waiver valuation for this property in conformity with 49 CFR 24.102(c)(2)(ii)
 |

|  |  |
| --- | --- |
| SLO/ASLO Signature | Date |
| Name, Title, and Agency |  |

### Property information

* 1. From whom is this property being purchased?
	2. Are any buildings or structures being purchased along with the property?
		1. ☐ No
		2. ☐ Yes – Describe what is planned for those structures and whether the grant funded project includes the value of those structures.
	3. How will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?
	4. When will access to the site for public outdoor recreation become available?
	5. Describe development planned for the site(s) for the three (3) years following acquisition. As this will impact NHPA and NEPA compliance, focus on what you reasonably expect to accomplish.
	6. If development will be delayed by more than three years from grant close, explain why this acquisition is still a priority for grant funding at this time and what ability the public will have to use the site in the interim.
	7. Is this acquisition an addition to an existing park or other recreation area?
		1. ☐ No
		2. ☐ Yes – How will it support and enhance that existing park?

### Acquisition approach

* 1. Is this property being acquired under threat of condemnation?
		1. ☐ No
		2. ☐ Yes – Explain:
	2. Was the property listed for public sale?
		1. ☐ No
		2. ☐ Yes – Explain how the property owner was made aware of the grant sponsor interest in the property.
	3. Does this project involved donated property?
		1. ☐ No
		2. ☐ Yes – Include evidence that the seller was offered the fair market value of the property as just compensation and willingly chose to donate the property instead. (If the donation is subject to a waiver of retroactivity the evidence must pre-date the donation.)

Section 2.2 Development and Combination Grants

### Grant elements

* 1. What new facilities will be constructed as part of this project?
	2. What existing facilities will be renovated or replaced (specify which) as part of this project?
	3. What general site improvements (e.g. demolition, site preparation, landscaping, habitat improvements, etc.) will be completed as part of this project?
	4. What is the anticipated life span of the facilities that will be funded as part of this project?
	5. Does the project scope include facilities that also eligible for Dingell-Johnson or Wallop-Breaux Act funding (i.e., boat/fish access)?
		1. ☐ No
		2. ☐ Yes – Ensure necessary SLO certification is included (see manual)
	6. Does this project involve the new development of a sheltered/enclosed swimming pool or ice-skating rink or the sheltering/enclosure of an existing outdoor pool or rink?
		1. ☐ No
		2. ☐ Yes
			1. Explain how it was determined that the site meets the cold climatic criteria described in the LWCF manual. Provide a copy of the cold climatic data used to make the eligibility determination with the application (see manual).
			2. Explain the nature of the project – is this a new sheltered facility, or construction of the shelter only? If the pool or ice rink already exists, was it LWCF-funded? If yes, what year was it built and how much LWCF assistance was provided?
			3. What is the total cost of the sheltered facility and what amount of grant funding will be spent on the actual shelter/enclosure structure itself (if any)?
			4. Explain the significantly increased public use that will be made possible by the shelter/enclosure to justify the construction of such a facility.

### Design elements

* 1. How are access requirements under the Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) being addressed in this project?
	2. What design elements are included that contribute to preserving environmental resources as part of ensuring a quality outdoor recreation experience for present and future generations?

Section 3.0 Site Information

### Basic information

* 1. Will this proposal create a new public park/recreation area where none previously existed?
		1. ☐ No
		2. ☐ Yes – Explain:
	2. If this is an existing LWCF site, has the park name changed since the last grant?
		1. ☐ No
		2. ☐ Yes – Explain:
	3. Is this project located in a floodplain?
		1. ☐ No
		2. ☐ Yes – Explain and confirm that you have met applicable federal insurance requirements.
	4. Is your site contiguous with or connected to any federally owned recreation area?
		1. ☐ No
		2. ☐ Yes – Explain:
	5. Is your site part of a larger management area, such as a greenway or regional recreation area?
		1. ☐ No
		2. ☐ Yes – Explain:
	6. Describe the existing site conditions.
	7. Explain why the site is suitable for the type of outdoor recreation proposal being submitted.
	8. Does the site include any elements that visually detract from the outdoor recreation experience or that represent a potential public safety hazard?
		1. ☐ No
		2. ☐ Yes – Explain and describe whether this project will help to address those concerns.
	9. What is/will be the applicant’s type of ownership and control of the property?
		1. ☐Fee simple ownership.
		2. ☐Less than fee simple. Explain what rights the applicant has and what agency holds the underlying fee simple ownership.
		3. ☐Lease. Include a copy of the lease with the application.

### Stewardship considerations

* 1. Is this a multi-use site (i.e., school, reservoir, state forest, etc.)?
		1. ☐ No
		2. ☐ Yes – Explain:
			1. How often will the public have recreation access to the site?
			2. What kinds of restrictions to public outdoor recreation will occur?
	2. Who will manage and operate the site(s)?
	3. Describe the nature of any rights-of-way, easements, reversionary interests, etc. within the proposed LWCF boundary area:
	4. Are there any pre-existing or planned indoor facilities on site that would not themselves be eligible for LWCF grant funding?
		1. ☐ No
		2. ☐ Yes – Describe and explain how/if the structure(s) support public outdoor recreation.
	5. Is the proposed LWCF boundary the same as the boundary of the park/recreation area as it exists in its totality?
		1. ☐ Yes
		2. ☐ No – Explain any area proposed for exclusion and why, and ensure it is clearly depicted on the proposed LWCF boundary map
	6. Are there any pre-existing or planned resource management practices (i.e. timber management, grazing, etc.)?
		1. ☐ No
		2. ☐ Yes – Describe the nature of the practice, the anticipated duration, and how the practice supports outdoor recreation.
	7. Are there any pre-existing or planned uses on site that are incompatible with LWCF requirements that should be excluded from the LWCF boundary?
		1. ☐ No
		2. ☐ Yes – Describe the nature of the use and ensure it is clearly depicted on the proposed LWCF boundary map. Clarify whether the future intent is for the area to become subject to LWCF once the use is terminated, or if the intent is for the use to continue within the park in perpetuity.

### Environmental Resources Survey

Consultation with NPS regarding the NEPA pathway for a proposal should occur prior to the completion of this section. If you have already determined that the proposal will require an EA or EIS, you may go directly to the questions following Tables 1 and 2.

The tables below serves as a record of the environmental resources present at the site, whether the proposed action is likely to have a significantly negative impact those resources, and whether further information is needed to determine the potential impact. Review the listed resources and identify any resources that may be significantly impacted by the action. The Environmental Resources Survey should be completed with professional input from resource experts and in consultation with relevant local, state, tribal, and federal governments, as appropriate.

Table 1 – For each resource indicate if positive impacts or negative impacts are anticipated to result from the action or if further information is needed to determine the potential impact.

Site Name:

|  |  |
| --- | --- |
| + | indicates positive impacts are anticipated to result from the action |
| - | indicates negative impacts are anticipated to result from the action |
| ? | indicates further information is needed to determine the potential impact |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | How will the project affect the following resources? | + | - | ? |
| 1 | Air quality | * ​
 | * ​
 | * ​
 |
| 2 | Circulation and transportation | * ​
 | * ​
 | * ​
 |
| 3 | Climate | * ​
 | * ​
 | * ​
 |
| 4 | Contamination or hazardous materials even if remediated | * ​
 | * ​
 | * ​
 |
| 5 | Endangered species: (listed or proposed threatened or endangered) includingassociated habitat | * ​
 | * ​
 | * ​
 |
| 6 | Environmental justice: minority and low-income populations | * ​
 | * ​
 | * ​
 |
| 7 | Geological resources: soils, bedrock, slopes, streambeds, landforms, etc. | * ​
 | * ​
 | * ​
 |
| 8 | Historic or cultural resources | * ​
 | * ​
 | * ​
 |
| 9 | Invasive species | * ​
 | * ​
 | * ​
 |
| 10 | Land use plans or policies from other agencies including tribes | * ​
 | * ​
 | * ​
 |
| 11 | Lightscapes, especially night sky | * ​
 | * ​
 | * ​
 |
| 12 | Migratory birds | * ​
 | * ​
 | * ​
 |
| 13 | Recreation resources | * ​
 | * ​
 | * ​
 |
| 14 | Socioeconomics: changes to tax base or competition with private sector | * ​
 | * ​
 | * ​
 |
| 15 | Sound (noise impacts) | * ​
 | * ​
 | * ​
 |
| 16 | Unique ecosystems, such as biosphere reserves, World Heritage sites, oldgrowth forests, etc. | * ​
 | * ​
 | * ​
 |
| 17 | Water quality and/or quantity | * ​
 | * ​
 | * ​
 |
| 18 | Water: coastal barrier resources or coastal zones | * ​
 | * ​
 | * ​
 |
| 19 | Water: marine and/or estuarine | * ​
 | * ​
 | * ​
 |
| 20 | Water: stream flow characteristics | * ​
 | * ​
 | * ​
 |
| 21 | Water: wetlands and floodplains | * ​
 | * ​
 | * ​
 |
| 22 | Other important resourcesExplain: | * ​
 | * ​
 | * ​
 |

Table 2 – This is a list of mandatory impact criteria that preclude the use of a categorical exclusion. If you answer “yes” or “?” for any of the mandatory criteria, you must develop an EA or EIS regardless of your answers in table 1.

Site Name:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Will your proposal: | Y | N | ? |
| 1 | Have significant negative impacts on public health or safety? | * ​
 | * ​
 | * ​
 |
| 2 | Have significant negative impacts on unique natural resource or geographic characteristics such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or criticalareas? | * ​
 | * ​
 | * ​
 |
| 3 | Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources? | * ​
 | * ​
 | * ​
 |
| 4 | Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? | * ​
 | * ​
 | * ​
 |
| 5 | Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? | * ​
 | * ​
 | * ​
 |
| 6 | Have a direct relationship to other actions with individually insignificant butcumulatively significant environmental effects? | * ​
 | * ​
 | * ​
 |
| 7 | Have significant adverse effects on properties listed or eligible for listing in the National Register of Historic Places as determined by NPS? | * ​
 | * ​
 | * ​
 |
| 8 | Have significant negative impacts to species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated critical habitat for these species? | * ​
 | * ​
 | * ​
 |
| 9 | Violate a federal law, or a state, local, or tribal law or requirement imposed forthe protection of the environment? | * ​
 | * ​
 | * ​
 |
| 10 | Have a disproportionately high and adverse effect on low income or minoritypopulations (EO 12898)? | * ​
 | * ​
 | * ​
 |
| 11 | Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites? | * ​
 | * ​
 | * ​
 |
| 12 | Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species? | * ​
 | * ​
 | * ​
 |

* 1. Have there been any previous NEPA/SEPA documents that are relevant to this project or this specific site?
		1. ☐ No
		2. ☐ Yes – Attach and summarize findings and include page number references below
	2. Explain any negative or unknown impacts identified in Table 1 of the Environmental Resources Survey,

or any boxes marked “yes” in Table 2 (mandatory criteria).

* 1. How was the information identified in the tables derived and what sources of data were used to justify the impact selection?
	2. Who contributed to filling out the Environmental Resources Survey (include name, title, agency) and what qualifications do they have that provide the necessary resource expertise to determine impact significance?
	3. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.

### Cultural and historic resources review

Have there been any previous cultural and/or historic resource surveys completed that included this site within the area of potential effect that was assessed?

* No – Describe any construction planned as a result of this project that will extend beyond the pre- existing disturbance area (including surface area and depth).
* Yes – Attach survey and summarize findings and include page number references below.

#### SECTION V – SUPPLEMENTAL ATTACHMENTS

##### Complete and sign each of the forms on the following pages and submit in your bound application. COMPLIANCE AND ASSURANCES

1. The adoption of an Assurance Resolution is needed to document the sponsor's commitment to comply with

various regulations and requirements of the program. Current versions of Federal Standard forms (SF-424B for Non-Construction Projects; and SF-424D for Construction Projects) expressing assurance to Civil Rights, Flood Hazard, and Handicapped Accessibility are to be executed (original signature) by the appropriate local official. The signing of these documents assures that the sponsor will uphold and enforce the intent of the respective laws as they apply to the local sponsor's project. Site and building floor plans submitted with the proposal must illustrate the adaptations for the physically handicapped. Current versions of these documents are available on the NPS State LWCF Assistance website at the following web address: <http://www.nps.gov/ncrc/programs/lwcf/pub.htm>

1. A Maintenance Statement, similar to example in the Appendix, is to be prepared and executed to indicate the sponsor's financial and personnel commitment to the future operation and maintenance of the park area and facilities.

#### ENVIRONMENTAL INFORMATION & ENERGY CONSERVATION MEASURES

An Energy Conservation Statement detailing the theories or elements of energy efficiency that will be incorporated into the project must be submitted. The sponsor is referred to the Energy Conservation material in the Appendix.

Overhead power and telephone lines constitute an environmental and aesthetic intrusion to the park atmosphere and are therefore required to be buried or removed. An Overhead Power and Telephone Line Statement, prepared and certified by the sponsor's engineer, must address the feasibility and cost estimates of removing or burying of the lines. The feasibility statement shall include the size and a description of lines and the justification for requesting the lines to remain. All lines must also be illustrated and identified on the site plan. NOTE: In most cases funds may be available to assist in the cost of removal or burial. A certification statement such as the one in Appendix is needed for projects that do not contain overhead powerlines.

Park sites are often subject to flooding by existing water courses and the existing or proposed facility development may cause or add to existing water polluting problems. For these reasons a Certified Flood Hazard and Water Pollution Statement is required. The Statement shall address the frequency of flooding, a basic description of anticipated damage, flooding duration (time), and the water polluting probabilities caused by the development of facilities. (Examples of facilities potentially causing pollution would be restrooms, trash receptacles, asphaltic materials (roads), camper dumping stations, etc.) The Flood Hazard and Water Pollution Statement can be found in the Appendix.

#### AFFIRMATIVE ACTION - EQUAL OPPORTUNITY PLAN

Affirmative action is a requirement, and as such the sponsor shall submit a copy of its affirmative action plan and grievances procedures. If the sponsor does not have an adopted plan in place, the necessary documentation for developing an affirmative action plan can be found in the Appendix. The basic purpose of the affirmative action plan is for the sponsor to declare that it is their policy to provide equal opportunity in employment and advancement, and to administer its employment practices without regard to race, color, national origin or ancestry, religion, sex, age, sexual orientation, mental or physical handicap, or political affiliation.

## In addition to the provided forms, please include:

#### AGREEMENTS

Include documentation that identifies and describes any contemplated or current agreements the sponsor may have with other agencies, individuals, or other organizations participating in the application process; and involved in the maintenance of the completed project.

#### COMPREHENSIVE PLAN

Any City or County Comprehensive Plan containing a park/recreation element is acceptable, provided that the plan reflects the need for the land or facilities in the project application. In lieu of the park element of the Comprehensive Plan, the sponsor should prepare and submit a Park and Recreation Plan (see below).

The requirement for a five-year projection of how the Comprehensive Plan is to be implemented, Item V in the outline, is to provoke the thinking of the sponsor to plan for future needs rather than only responding to a perceived current need.

#### OUTLINE FOR A COMPREHENSIVE RECREATION PLAN

1. Background
	1. Evaluation of existing recreation programs.
	2. Evaluation of existing recreation financing.
	3. Evaluation of those agencies or groups responsible for outdoor recreation and their responsibilities.
2. Supply
	1. An inventory of presently existing outdoor recreation resources, areas and facilities with an evaluation of each resource area and its facilities. Include a map of the city or county locating all existing recreation areas corresponding with the inventory.

II Demand

1. An evaluation of the present demand on the existing recreation resources and facilities and a projection of the demand for future outdoor recreation areas and facilities. This can be accomplished by:
	1. Visitor counts.
	2. Use of area and facility standards.
	3. Estimated use if counts are not available.
	4. Providing a relationship of 1, 2 and 3 to the projected population of the area served.

IV Need

1. An analysis and evaluation of the above Section II. Supply; and Section III. Demand: to establish the need to upgrade existing facilities or to establish additional areas or facilities.
2. From the evaluation of existing programs under Section I. Background, provide if established, a need for upgrading existing programs or establishing new recreation programs.

V. Implementation of the Plan

1. Provide a five-year projection of implementation to complete the plan by including:
	1. The estimated acreage and general location of lands or waters to be acquired. This should correspond with the inventory, map and Section IV.
	2. An estimate of needed facilities, such as picnic or camping areas, etc.
	3. An estimated listing, by year, of financial requirements and a recommended or anticipated source of financing.
	4. How the local unit expects to carry out its implementation.

#### LAND AND WATER CONSERVATION FUND PROMOTION

To help increase awareness of the Land and Water Conservation Fund and the associated community benefits, the sponsor is asked to develop a plan to promote the program in the event the project is selected for funding assistance. Possible ways to promote LWCF beyond the required acknowledgment signage include press releases, grand openings, or park tours. Briefly describe your promotional plan. This information is not required and will not affect project scoring and selection.

APPENDIX

Appendix 1: Sample Cost Breakdown Appendix 2: Local Funding Statement Outline

Appendix 3: Willingness to Sell Outline – Acquisition Only Appendix 4: Maintenance Statement Outline

Appendix 5: Energy Conservation Statement Outline Appendix 6: Overhead Powerline Statement Outline Appendix 7: Affirmative Action Plan Outline Appendix 8: Criteria for Acquisition Projects Appendix 9: Criteria for Development Projects Appendix 10: Application Checklist

**SAMPLE COST BREAKDOWN**

(This is a sample cost analysis required in support of Part III, Section 3 of the Project Application form)

**Develop Site Plans and Specifications**

Topographic Survey of Area 1,500.00 Site Development Plans 850.00

Subtotal $2,350.00

**Develop Construction Plans and Specifications**

|  |  |
| --- | --- |
| Engineering Design | 3,250.00 |
| Specifications | 2,100.00 |
| Subtotal | 5,350.00 |

**Prepare Site (or Improvement)**

|  |  |  |
| --- | --- | --- |
| Site Grading & Excavation |  | 1,000.00 |
| Remove Old Buildings | 1,850.00 |  |
| Subtotal |  | 2,850.00 |

**Construction Costs**

|  |  |  |  |
| --- | --- | --- | --- |
| Picnic Sites (20) Tables, Grills and ReceptaclesGroup Shelter Softball Diamond | 2,000.00 | 1,000.00 | 5,500.00 |
| Tot Lot (Playground Equipment) Tennis CourtComfort Station |  | 2,000.005,000.00 | 4,000.00 |
| Landscaping (including tree planting and seeding) |  | 1,500.00 |  |
| Fencing for ballfield and courts |  | 4,600.00 |  |
| Sewer system for Comfort Station Electrical SystemsWater Systems |  | 4,400.002,200.00 | 2,400.00 |
| Signs (Regulatory and Directional) RoadsParking |  | 100.002,500.00 | 10,000.00 |

Subtotal 47,200.00

**APPENDIX 1**

**Other**

Construction Supervision 6,500.00

Subtotal 6,500.00

**GRAND TOTAL**

$70,250.00

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  |  |  | **APPENDIX 2** |
| LOCAL FUNDING STATEMENT |
| \*\*\*To be typed on the letterhead of the project sponsor\*\*\* |
| I, | (Name) |  |  | as | (Title) |
| of | (Project Sponsor) | hereby certify that the local funding share under the |
| Land and Water conservation fund (L&WCF) for the | (Name of Project) |
| will be available | (Date) | in the amount of | $ |
|  Funds will be provided through: |
| G.O. Bonds (bond issue pending --date) |  |  | $ |  |
| Revenue bonds |  |  |  | $ |  |
| Community Development Funds |  |  | $ |  |
| Federal Revenue Sharing |  |  | $ |  |
| Local Budgeted Funds (Annual Capital Imp. Fund) | $ |  |
| Donations from Private Sources (list) |  |  | $ |  |
| Donations of Land |  |  | $ |  |
| Liquor Tax Revenues |  |  | $ |  |
| Mill Levy (identified) |  |  | $ |  |
| Other |  |  |  | $ |  |
| I agree to notify the Kansas Department of Wildlife and Parks within 48 hours of the results of the bond election, or within 5 days of any change in the funding source, amount, or date of availability. |
| Signed: |  |  |  | Attested: |  |
| (Name, Title) |  |  | (Name, Title) |
| (Date) |  |  | (Date) |

# STATEMENT OF WILLINGNESS TO SELL PROPERTY

#### APPENDIX 3

I, , owner of certain land (and improvements), am willing to sell said land to (project sponsor)

for park and recreational purposes.

(Signature of Owner)

(Street Address)

(City and State)

# OUTLINE FOR A MAINTENANCE STATEMENT

#### APPENDIX 4

Proper, preventative maintenance of projects funded with assistance from the Land and Water Conservation Fund program is expected of the project sponsor by both the National Park Service and the Department of Wildlife and Parks. To aid in the assessment of the sponsor's maintenance capabilities and how effective these capabilities are for existing and proposed facilities, the following topics are required to be comprehensively and accurately addressed:

1. Annual budget for maintenance of recreation facilities within the sponsor's jurisdiction.
2. Source of maintenance funds.
	1. Budgeted Funds
	2. Mill Levy
	3. Donations
	4. Etc.
3. Maintenance personnel.
	1. Full-time or part-time
	2. Number of employees in summer vs. winter
	3. Additional personnel required to operate or maintain the proposed recreation facilities
4. Maintenance Program and Schedule
	1. Describe maintenance program and the seasonal schedule for program implementation.
	2. What local agency or department is responsible for maintenance of recreation facilities?
5. Other comments that would aid the agencies in evaluating your project maintenance? (for example, are there problems beyond the control of the sponsor?)

Signed

(Printed Name)

(Title)

Date

# OUTLINE FOR AN ENERGY CONSERVATION STATEMENT

#### APPENDIX 5

NPS, in concert with the state, promotes energy conservation as part of the administration of the LWCF program. Energy conservation measures must be incorporated into the early stages of site selection, development, design, and management at all L&WCF project areas. The following criteria will be applied to L&WCF projects in the selection process and should be addressed by the project sponsor:

1. Priority will be given to facilities located in populated areas accessible by foot, bicycle, or public transportation routines. Facilities should be designed to reduce the dependence of vehicular park traffic and encourage public carriers, walking or bicycles for transportation within the park.
2. Practical consideration should be given to heating and cooling systems that utilize high efficiency methods or renewable resource energy. In addition, the conversion from oil to gas, or to coal, as well as the use of windmills and onsite waterpower for generating electricity, should be considered as logical methods for conserving energy resources currently in short supply.
3. Indoor support facilities that use mechanical heating or cooling systems will comply with the thermal insulation standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers or equivalent.
4. Where practical and cost effective, incorporate retrofitting of existing facilities to utilize modern energy efficient systems, insulations, etc. Retrofitting will be considered eligible for fund assistance when eligible facilities are involved.
5. Schedule the use of ball fields, tennis courts, and other similar recreation activities so they operate close to maximum efficiency during daylight hours to reduce dependency on electrical energy.
6. Incorporate the use of low maintenance groundcover whenever feasible.
7. The size and length of road surfaces should not exceed the size needed to serve the intended recreation use. Park road surfaces should be developed with locally obtained materials rather than oil- based materials such as asphalt.
8. Facility designs will be developed so that they minimize the use of mechanical, lighting, and electrical equipment. Consider sites which will best utilize breezes and the sun to reduce the need for artificial cooling or heating.
9. Project sponsors are encouraged to develop other innovative approaches designed to reduce the use of scarce energy supplies.

**APPENDIX 6**

## Certified Overhead and Power Line Statement

I certify that all new telephone and power lines within the 6(f) boundary of (Project Name) will be buried, and that no feasibility or a cost estimate is needed for the burial of such items.

Date:

Signed: (Project Sponsor Authorized Personnel)

## Flood Hazard and Water Pollution Statement

 Local Project Sponsor Agency agrees to obey and comply with all relevant flood hazard and water pollution regulations.

Signed,

(Sponsor Agency Authorized Personnel)

Date

# AFFIRMATIVE ACTION POLICY

#### APPENDIX 7

1. SCOPE AND PURPOSE

These guidelines are designed to provide direction in the development of an affirmative action plan to provide equal employment opportunities for all regardless of race, color, religion, sex, age, physical handicaps, or national origin. With that goal in mind, the (project sponsor) embraces the following Civil Rights Acts:

The Kansas Act Against Discrimination 44-1030 and all amendments thereto. Kansas Civil Rights Act as amended in 1974 to include the physically handicapped.

Title VI. Civil Rights Act of 1964. and all amendments thereto - provides that no person in the United States shall be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, including Federal Code of Regulations, Title 43, Part 17, Public Law 88342, Section 601 and 602.

Section 109. Housing and Community Development Act of 1974. and all amendments thereto - provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

Title VIII. Civil Rights Act of 1968. and all amendments thereto - provides for fair housing throughout the United States. Kinds of discrimination prohibited: refusal to sell, rent or negotiate, or otherwise to make available; discrimination in terms, conditions and privileges; discriminatory advertising; false representation; blockbusting; discrimination in financing and discrimination in membership in multiple-listing services and real estate brokers' organizations.

Executive Order 11063 - required equal opportunity in housing and related facilities provided by Federal financial assistance.

Executive Order 11246 as Amended by Executive Order 11375 - required nondiscrimination in employment under federally assisted contracts.

U.S. Department of the Interior. National Park Service. and the Interior Office of Equal Opportunity. "and Public Law 88-578". and all amendments thereto - require no discrimination in the use of public facilities when federal financial assistance is used.

1. THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER

Responsibilities and duties of the Equal Employment Opportunity Officer are to coordinate efforts to advise and assist staff in implementing the aforementioned Civil Rights Acts and to serve as ombudsman for any complaints; specifically, this official is charged with monitoring the following:

* 1. Reviewing all policies relating to Equal Opportunity in order to guarantee effective implementation of the program.
	2. Designing and implementing record systems for minority employment information.
	3. Serving as liaison between contractors and employment agencies, including Kansas Corporation Commission on Civil Rights and Federal Equal Employment Opportunity Commission, and minority organizations.
	4. Cooperation with unions in the development of programs to assure equal opportunity for qualified minority persons in the contract grades.
	5. To encourage minority employees to increase their skills and job potential through participating in training and educational programs.
1. ADVERTISING

Advertising in newspapers that (project sponsor) is an Equal Opportunity Employer and advertise vacancies of (project sponsor)’s employee positions in the news media. All applicants will be screened on a competitive basis extending to all applicants’ consideration for employment without regard to race, creed, color, sex, age, or national origin.

The (project sponsor) will post, in conspicuous places, notices and other information identifying that the (project sponsor) is an Equal Opportunity Employer.

1. CONTRACTS LET BY PROJECT SPONSOR

Contracts let by the (project sponsor) shall contain the following requirements.

* 1. The contractor will not discriminate against any employee or applicant for employment because of age, race, creed, sex, color, or national origin. The contractor will have an Affirmative Action Plan relating to employment, upgrading, layoff, remitment, compensation, and training or apprenticeship to ensure fair and nondiscriminatory treatment. Notices of such policies and other appropriate posters shall be posted in conspicuous places available to employees and applicants for employment.
	2. The contractor will comply with ail provisions of Executive Orders 11246 and 11063, and of the rules, regulations, and relevant orders of the Department of Labor, and the (project sponsor) , with respect to equal opportunity employment.
	3. The contractor will furnish all information and reports required by the abovementioned agencies and will permit access of all books, records, and accounts by them to ascertain compliance with such rules and regulations.
	4. Such provisions are applicable to all sub-contractors, and the contractor will take action with respect to any sub-contractor as the above agencies direct to enforce such provisions.
	5. Non-compliance with the equal employment opportunity and non-discriminatory clauses of the contract is cause for termination or suspension of the contractor or any sub- contractor in which there is non-compliance.

These requirements shall be covered in a pre-contraction conference, which shall include representatives of the (project sponsor) , the contractor, and the sub-contractors. The Affirmative Action Plan shall be reviewed as it relates to the work force involved in the contract.

1. GRIEVANCES

This Affirmative Action Plan does not prohibit the rights of any (project sponsor) , employee to carry his (her) grievance(s) to either or both, the Kansas Human Rights Commission, Landon State Office Building Rm. 85 1-S, 900 Jackson Avenue, Topeka, Kansas 66612 or the Equal Employment Opportunity Commission (Federal), 911 Walnut, Kansas City, Missouri.

The Equal Employment Officer of the (project sponsor) is:

1. PERSONNEL GRIEVANCE PROCEDURE

If there is a complaint against the (project sponsor) , the following steps should be taken:

* 1. The grievance shall be submitted to the (project sponsor) for review and follow-up action.
	2. If the complaint does not receive satisfactory solution, the complainant may file an additional grievance complaint with the Kansas Human Rights Commission, Landon State Office Building Rm. 851-S, 900 Jackson Avenue, Topeka, Kansas 66612.
	3. Review of files by claimant provides that a complainant may review local files bearing on this case, except for confidential material and where prohibited by law.
	4. The claimant has only six (6) months to file his (her) grievance from the date of the alleged violation. The sponsor will review and take action within thirty (30) working days of receipt of the complaint.
1. PUBLIC FACILITIES GRIEVANCE PROCEDURE

It is further declared to be the policy of the (project sponsor) , that all public facilities shall be accessible to the handicapped with provisions for use by the handicapped. In the case of existing facilities, modifications to bring said facilities into compliance with the provisions of

Public Law 90-480, Architectural Barriers Act of 1968, shall be undertaken as soon as funds are available for such purpose.

It is the right of each and every individual who feels aggrieved through discrimination on the basis of race, color, religion, sex, age, physical handicap, or national origin to file a grievance complaint with the (project sponsor) and file a copy of the complaint with the Equal Opportunity Office, Department of Interior, Washington, D.C., and with the State Liaison Officer, Kansas Department of Wildlife and Parks, 900 Jackson Street, Suite 502, Topeka, Kansas 66612.

If the complaint is not resolved to the satisfaction of the complainant, he or she may file an additional grievance complaint with the Kansas Human Rights Commission, Landon State Office Building, Rm. 851-S, 900 Jackson Avenue, Topeka, Kansas 66612. The complainant may, at any time within six (6) months from the date of alleged act of discrimination, file a grievance complaint with the Equal Opportunity Office, Department of Interior, Washington, D.C. Further the complainant shall have full recourse to all remedies of law in seeking satisfactory disposition of any alleged act of discrimination. The complainant may at any time during the course of settlement of the grievance, withdraw his or her complaint by notification of all parties involved. Such withdrawal shall not jeopardize the right of any person complained against from seeking legal relief for slander, libel, or false accusation, if such action is believed warranted.

Any act of discrimination by an employee or agent of the (project sponsor) , established and proven, shall be grounds for disciplinary action, including dismissal, in addition to any penalties imposed through due process of law.

1. JOB GOALS

The availability of jobs will be filled in accordance with this Affirmative Action Plan in relation to turnover rates established for any (project sponsor) jobs.

Passed and signed this day of , .

Mayor, Commission Chairman or Board President

Attest: City Clerk, County Clerk or Board Clerk

#### ADDENDUM

**To**

#### EQUAL EMPLOYMENT OPPORTUNITY POLICY

1. To insure compliance with Section 44-1032 of the Contract Compliance provisions of the Kansas Act against Discrimination (1978), the (project sponsor) will expand its recruitment sources to include for example: Employment Service Agency, CETA, women’s organizations, NAACP, American G.I. Forum, Human Relations Commission, Community Action Agency, etc., but are not limited to the aforementioned examples.
2. An analysis of the present workforce is required that indicates the percentage of minorities within the (project sponsor) departments, as well as the non-minority, female, and handicapped to establish a comparison of the required percentage to the existing percentage of minority, female, and handicapped actually employed within the governmental unit.
3. The (project sponsor) is required to prepare and submit its goals and timetables for correcting deficiencies in the employment of female, minority, and handicapped workers that exists in workforce analysis.

#### GRIEVANCE FORM

Date of Filing

Grievant:

Position:

Alleged Violation:

Grievance Against:

Address:

Time, Date, Place of Occurrence:

Redress Sought:

Signature of Grievant

Received (Date)

#### GRIEVANCE RESPONSE

Date Issued:

Name of Grievant:

Response:

Equal Employment Opportunity Officer

Initial Applicable Statement:

 I hereby accept the above determination

 I hereby decline the above determination

 I intend to process the grievance to the next stage.

Signature of Grievant

Date

**APPENDIX 8**

## Criteria for Land Acquisition Projects

**Site Selection for a Grant Application**

An acquisition project would include the purchase of a specified parcel of land for outdoor recreation purposes. *Once acquired, this land must remain in public outdoor recreation use forever.* A project may involve the acquisition of land to create a new park or expand an existing park.

In determining the boundaries of a project, the sponsor should take into account human considerations, including the socioeconomic effects of the acquisition and subsequent development on owners and tenants in the adjacent area, in addition to other factors. If a partial taking would leave an owner with an uneconomic remnant, the sponsor must offer to acquire the entire property.

**State and Federal Acquisition Policies**

All acquisitions must conform to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prescribes policies and procedures to insure fair, equitable, and uniform treatment of persons whose land is acquired by federal and federally assisted programs. The provisions of the Act apply to the acquisition of all real property for, and the relocation of all persons displaced by projects which received L&WCF assistance. The Act applies regardless of whether L&WCF assistance is used for acquisition or development. For example, a project sponsor cannot knowingly circumvent the federal law by acquiring the land with local funds and not follow the regulations of the Act and then apply for development funds in a later project.

There are two major sections to the law: policies regarding the acquisition of land, and relocation benefits to landowners. Each section will be discussed separately in this chapter. The acquisition procedures explained in this chapter, should be read with extreme care. If the procedures are not followed, the sponsor could encounter severe problems in being reimbursed regardless of the method of acquisition. A copy of this law can be found in Appendix 2 at the end of this manual. Contact your grant coordinator for supplemental guidelines and forms.

**Eligible Types of Acquisition**

The types of acquisition that are eligible for assistance include, but are not limited to:

1. Water-Oriented Recreation Sites- These sites can be frontage on rivers, streams, lakes, estuaries, water bodies themselves, and land for creating water impoundments.
2. Natural and Scenic Areas - Natural areas, preserves and outstanding scenic areas, areas of physical or biological importance, and wildlife areas. 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.
3. Community Parks - Land within cities and towns for day-use picnic areas, neighborhood playgrounds, and competitive nonprofessional sports facilities, as well as more generalized parklands.
4. County Parks - Areas serving county and regional recreational uses.
5. Linear Parks - Land which forms a greenbelt corridor for recreational use, such as an abandoned railroad line for a multipurpose trail.
6. Existing Recreational Facilities -Privately owned facilities, such as swimming pools, golf courses and youth camps. Project sponsors considering the acquisition of land and/or facilities which are in recreation use should determine the nature and intent of that use. The acquisition of an area or facility which is operated for public recreation is only eligible for L&WCF assistance if it can be documented that the facility will be lost to recreation use if it is not acquired by the sponsor.
7. Structures - The acquisition of structures on property for outdoor recreation, support of outdoor recreation activities or the structures have no value and are demolished to enable recreational development to take place. L&WCF assistance may be used to acquire modest structures to be used as park ranger's or manager's residences provided the cost of the structure is incidental to the total acquisition cost. Project proposals must list all improvements and their proposed use or disposition.

**Ineligible Types of Acquisition**

Generally, L&WCF assistance will not be made available for:

1. Museums - Sites to be used for museums or primarily for archaeological excavations.
2. School Sites - Land to help meet a public school's minimum site size requirement, as established by State or local regulations.
3. Historic Sites and Structures -Exceptions may be made only when it is demonstrated clearly that the acquisition is primarily outdoor recreation purposes and that the historic aspects are secondary to the primary recreation uses.
4. Indoor Facilities - Areas to be used mainly for the construction of indoor facilities and areas where existing indoor recreation facilities, if left in place, will leave insufficient area at the site for the development of outdoor recreation facilities to justify the cost of the acquisition.
5. Professional Facilities - Areas and facilities to be used primarily for semiprofessional and professional arts and athletics.
6. Fish and Wildlife Sites - Areas and facilities to be used solely for game refuges or fish production purposes will not receive L&WCF assistance.
7. Railroads - Railroad hardware, trestles, stations, yards, and the like if they are to be used for the commercial operation of railroad trains. Some railroad hardware is reimbursable when it is necessary for a recreation; for instance, a trestle may be used as a bridge for the trail.
8. Lodging Structures - Sites containing luxury lodges, motels, cabins, and similar elaborate facilities which are to be operated by the park board or a concessionaire to serve retreators with food and sleeping quarters.
9. Farmland - Agricultural land primarily for preservation in agricultural purposes. Limited agricultural land use is eligible, if it supports outdoor recreation such as demonstration farms, wildlife management or hunting.

**APPENDIX 9**

## Criteria for Development Projects

**SELECTING DEVELOPMENT PROJECTS FOR A GRANT APPLICATION**

A development project may consist of new construction or the renovation of a facility or group of related facilities designed to provide facilities for public outdoor recreation on lands or waters owned by or leased to the sponsor. A project may include the complete or partial development of one area such as a neighborhood park, or it may include a series of identical developments on several separate areas such as development of picnic facilities in several parks.

L&WCF assistance may be used to develop outdoor recreation or support facilities as follows:

Once developed, a project must remain in public outdoor recreation use for the life of the facility. In addition, the land on which the facilities were constructed falls under the jurisdiction of the Land and Water Conservation Fund Act which specifies that **the land must remain an outdoor recreation site in perpetuity.** Any proposed changes in the use of the site or facility must receive prior approval from the KDWP and in some cases, NPS.

**SITE LOCATION, CONTROL, AND TENURE**

Facilities may be built on park sites under the control and tenure of the sponsor. Project sites may be leased to the sponsor for a minimum of 25 years and may be renewable. After the lease is terminated, the sponsor must assure that the land will remain in public outdoor recreational use, forever, as required by the L&WCF Act. If the development will have a longer period of service, the lease must extend for a time equal to or greater than the expected useful life of the facilities.

1. Public School Grounds - Facilities for coordinated use by the general public and by public schools are eligible for L&WCF assistance, provided such facilities are not part of the normal and usual program and responsibility of the educational institution. Facilities needed to meet the physical education and athletic program requirements of a school will not receive L&WCF assistance. This policy does not preclude exclusive school use of certain facilities such as athletic fields, tennis courts, or swimming pools at certain times for instruction or competition, provided there is adequate public use at other times. The grant application must include a schedule of the times when the facility will be available to the public, which must be not less than 50% of the usable time. **Additionally, signs must be installed at the site, prior to final payment on the project, indicating when the outdoor recreation facilities are available to the public.**
2. Tourist Areas - Facilities may be located in primary or potential tourist market areas, provided their primary purpose is for public outdoor recreation as opposed to entertainment or economic development.
3. Historic Sites - Outdoor recreation and support facilities may be located on historic sites or in conjunction with historic structures. Recreational use of the site must be compatible, rather than detrimental to the historical aspects.

**ELIGIBLE TYPES OF DEVELOPMENT**

Development projects that are eligible for assistance include, but are not limited to, the following:

1. Boating - Facilities for motorboating, sailing, canoeing, kayaking, rowing, and other boating activities. These facilities may include docks, berths, launching ramps, breakwaters, mechanical launching devices, boat lifts, storage spaces, sewage pump out facilities, fuel depots, and excavated boat basins and channels.
2. Camping - Tent and trailer sites, tables, fireplaces, restrooms, information stations, snack bars, and utility outlets.
3. Energy Conservation - Solar energy systems, earth berms, window shading devices, energy lock doors, metal halide lights, insulation, and other energy efficient design methods and materials. Additionally, power systems which maximize a facility's use of renewable or non-polluting energy resources such as windmills and waterpower systems may also be eligible as support facilities.
4. Exhibit Facilities - Arboretums, outdoor nature exhibits, nature interpretive centers, community gardens, certain types of zoo facilities, and other similar developments. Exhibit facilities will not be funded if the primary function is for academic, historic, economic, entertainment or other nonrecreational purposes. This restriction includes fairgrounds, archaeological research sites and others.

recreation area which serves the general public. The emphasis for any facility should be to provide recreational access for users of all abilities.

1. Fishing and Hunting - Trails, fishing piers and access points, initial clearing, planting of forage and cover, and stream improvements.
2. Access for Handicapped Users · Adaptation of new or existing outdoor recreation facilities and support facilities for users of all abilities. **Outdoor recreation facilities to be used exclusively by handicapped people are not eligible unless the facilities are available to the general public or are part of an outdoor recreation area which serves the general public.** The emphasis for any facility should be to provide recreational access for users of all abilities.
3. Picnicking - Family and group picnic shelters, tables, fireplaces, grills, and trash receptacles.
4. Renovated Facilities - Extensive renovation or redevelopment to bring a facility up to standards of safety, quality, and attractiveness suitable for public use. Renovations are most often made to meet public health and safety requirements. Renovation projects are not eligible if the facility's deterioration is due to inadequate maintenance during the reasonable life of the facility.
5. Spectator Facilities - Amphitheaters, bandstands and modest seating areas related to playfields and other eligible facilities. Spectator facilities may not be primarily for professional, semi-professional or interscholastic events. Bleachers or modest seating areas are encouraged (near recreation facilities) for handicapped people, elderly citizens, and general public.
6. Sports and Playfields - This includes a wide variety of sport facilities, including fields for baseball, softball, soccer, football, basketball, tennis courts, outdoor racquetball courts, golf courses, equestrian arenas, running tracks, playgrounds, and tot lots.
7. Sport Shooting - Examples include rifle/ pistol ranges, trap/skeet fields and archery ranges.
8. Swimming - Swimming beaches, outdoor pools, wading pools, spray pools, wave-making pools, lifeguard towers, bathhouses, and other similar facilities.
9. Trails - Funds are available for development and marking of overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, skiing, snowmobiling, and other trail activities.
10. Winter Sport Facilities - Such as cross-country ski trails, downhill ski runs, jumps, lifts, slopes, and snowmaking equipment. Also included are facilities for ice skating, tobogganing, iceboating, sled runs, ice hockey rinks, and warming shelters.
11. Support Facilities for Outdoor Recreation - Includes entrance and circulation roads, fences, utilities, sanitation systems, dams, erosion control works, maintenance structures, parking areas, restroom buildings, concession stands, walkways, operation and maintenance facilities and others. Some landscaping costs and equipment to make a recreation facility operational are eligible. Roads outside the boundaries of the park which provide access to the recreation site and are not part of a state, county, or local road system are eligible. The access corridors must be owned or adequately controlled by the project sponsor. The principle objective must be to serve the park and visitors. Relocation of power lines, dredging, and restoration of publicly owned lakes are also eligible. Support facilities must serve eligible recreation facilities. **Projects which consist only of support facilities are eligible for funding but carry a low priority.**

**INELIGIBLE TYPES OF DEVELOPMENT**

The types of development that are ineligible for assistance include, but are not limited to:

1. Amusement Facilities - Such as carousels, Ferris wheels, children's railroads, pioneer towns, livestock and produce exhibits, commemorative exhibits, and convention facilities.
2. Facilities for Handicapped Individuals - Development of outdoor recreation facilities and/ or support facilities to be used exclusively by handicapped persons.
3. Housing - Construction of, and/or furnishings for, employee residences. Other ineligible activities include construction or renovation of lodges, motels, luxury cabins, or non-austere cabins.
4. Historic Preservation - Restoration or preservation of historic structures.
5. Interpretive Facilities - Development of facilities which go beyond interpreting the project site and its immediate surrounding area.
6. Mobile Recreation - Such as playmobiles, swim mobiles, show wagons, puppet wagons, and portable bleachers.
7. Professional Activities - Development of areas and facilities to be used primarily for semiprofessional or professional arts and athletics, such as professional types of outdoor theaters or performance areas.
8. Sheltered Facilities - Enclosures which convert an outdoor facility such as a basketball court or picnic shelter into an indoor facility.
9. School Athletic Facilities - Development of school athletic facilities, such as stadiums or running tracks for interscholastic athletics. Athletic fields with grandstands, grandstands or more bleacher seating than would normally be required for park and recreation department athletic programs. Facilities needed to meet the physical education and athletic program requirement of a school or facility that will be used more than 50% of the time by the schools.
10. Support Facilities - Facilities such as roads and sewer systems developed to exclusively serve ineligible facilities. Roads which are part of local road systems extending beyond or through the boundaries of the project area.
11. Zoo - Facilities at a zoo for indoor displays, or interpretive areas, and permanent housing which are not displayed in an outdoor setting.

**In general, the construction of ineligible recreation facilities on land purchased with L&WCF assistance will not be permitted unless all of the following conditions are met:**

1. **They are financed by other than LWCF monies.**
2. **They are compatible with the outdoor recreation uses of the area.**
3. **Prior to construction, approval is obtained from the Kansas Department of Wildlife and Parks and the Federal Government.**

**ELIGIBLE DEVELOPMENT COSTS**

**Professional Services**

Consultants for L&WCF projects may be hired through the competitive bidding process. A scope of services desired by the project sponsor needs to be prepared and normal advertisement procedures followed. The sponsor should request proposals from firms and select several of those submitting proposals for an interview. Firms should be selected based on their professional qualifications, experience, and quality of past performance. Hiring the lowest bidder is not required; however, a written explanation of the process used in hiring a consultant must be submitted to the grants section with the contract. During the negotiation process, all bidders must be treated equally and given the same opportunities to revise their bids.

**Federal regulations will not allow payment of consulting fees on a percent of the construction contract basis.** The consultant may be paid according to: (1) fixed price, (2) hourly basis, (3) daily basis, or (4) actual expenses incurred. The contract must specify the payment method. Consulting fees may not be paid to federal, state, or project sponsor's employee unless such a payment is specifically agreed to by KDWP and NPS.

Typical eligible consultant costs include: feasibility studies, site planning, Environmental Assessment preparation, cost estimates, archaeological work, and construction plans and specifications. Costs incurred for designing facilities not developed in the project are ineligible. Pre-agreement costs necessary to prepare the application are eligible and must be identified in the application. If a consultant is hired after the application is submitted, the project sponsor must notify the grants staff.

**Construction**

Allowable construction costs include all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a facility. Construction may be carried out through a contract with a private firm, by use of the sponsor's own personnel and equipment (force account).

**Contract Construction Wages**

Wage rates established for construction project employees must equal the prevailing wage rate for the area. Since those rates change periodically, a new State Wage Rate Scale must be requested and included in the specifications when construction is bid in a L&WCF project. The L&WCF program is not subject to the *Davis Bacon Act,* so contractors are not bound to construction wage rates established by the U.S. Department of Labor, unless other federal funds subject to the *Davis Bacon Act* are used as the local share. To obtain the current prevailing wage rate scale for an area, please contact:

**Materials**

U.S. Department of Labor Wage & Hour Office

Federal Building 444 SE Quincy

Topeka KS 66683

Telephone: (913) 295-2526

Materials may be purchased for a specific project, and should be charged to a project at their actual price, less discounts, taxes, rebates, etc. 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 of in-kind contributions of material shall indicate the fair market value by listing the comparable prices and vendors.

**Equipment**

The cost of renting equipment to construct a facility is generally eligible for LWCF matching assistance. The cost of purchasing equipment may also be eligible, but sponsors must provide the grant coordinator with information which clearly shows that it is more economical to purchase an item than to lease it.

These items might include air compressors, concrete equipment, pumps, tools, etc.

Permanent recreational equipment, installed as part of the site facilities, is eligible for matching assistance. Examples would include lifeguard stands, bicycle racks, picnic grills, and trash receptacles. Other eligible equipment include bases for a softball field or tennis and soccer nets, which are necessary to make a facility initially operational. Only the first of such items may be claimed for reimbursement.

**Information and Interpretation**

Fund assistance may share the costs of providing information directly related to a project, as distinguished from publicity. These may include: signs giving information and directions at the entrances of recreation areas and other necessary places throughout the project site; display boards; dioramas;

interpretive facilities for the explanation of items of interest; and other facilities required to explain the site and bring it to public attention.

**METHODS OF DEVELOPING FACILITIES**

Development of a project site may be by contract or force account. The method which will be used must be indicated in the Program Narrative as part of the grant application. The procedures regarding each of these construction methods are explained below:

**Contract** - The most common and preferred method of developing an area is by contract because the project sponsor is assured that the construction will be completed by a designated date according to predetermined work standards.

The Federal Government requires that competitive, open bidding be undertaken for all federally assisted contracts in excess of $25,000, unless this requirement is waived by the federal agency. All construction associated with a Land and Water Conservation Fund project which exceeds $25,000 must be competitively bid, as required by federal law. Please note that the total contract, rather than the amount of federal assistance, shall be the governing factor in determining whether contracts or subcontracts exceed $25,000.

Project sponsors must inform bidders that Land and Water Conservation Fund monies will be used to assist in the park development, and that all relevant requirements will apply. It is preferable to include this information in the bid invitations or in notices released prior to bid invitations. The federal government requires that certain information be included in the specifications for and as part of all contracts, and that certain documents be filed, on projects for which federal reimbursement will be requested.

There are three sections to the L&WCF Contract Requirements: (1) the first section explains the procedures and responsibilities of the sponsor with regard to these federal requirements; (2) the second section is an explanation for the prime and subcontractors of how they can meet the federal requirements and which documents they must execute and retain on file. This section may either be included as part of the specifications or given to the successful bidder **at** the preconstruction meeting.

**(3) the third section must appear verbatim in the specifications for any contract or purchase for over**

**$25,000.** If these pages are not included in the specifications given to the bidders prior to bidding, the cost of the resulting construction contract will not be eligible for reimbursement.

If an architectural or engineering firm prepares the specifications, make sure their standard contractual statements do not conflict with federal requirements. Conflicts may include termination terms, breach of contract, and types and amounts of bonds required.

The contracts must be written in such a way that the construction specifications, including the federal contract provisions, are incorporated into the scope of the contract. Failure to follow these procedures will jeopardize reimbursement for the project.

A copy of all plans and construction specifications, including addenda must be submitted to the grants staff for approval prior to advertising for bids. In addition, copies of the bid tabulation summary sheet and all construction contracts must be submitted within fifteen days after award of the contract. Change

orders to the contract should first be cleared with the grant coordinator before the change order is negotiated.

The contract award should be made to the individual or firm whose bid is most advantageous to the project sponsor. Contracts must be awarded to responsible contractors or suppliers who have the ability to perform successfully under the terms and conditions of the contract. Consideration should be given to such matters as contractor integrity, record of past performances, financial and technical capability, and accessibility to the necessary resources.

**Force Account** - The second method which may be utilized to develop a project site is through force account. A sponsor may choose to use its own employees, equipment, or materials in the development of facilities, rather than contract with an outside company.

Force account cannot be used to circumvent a competitive bidding process. Federal law requires that all construction over $25,000 be competitively bid. The Federal Government does not limit the amount of work which can be done by force account, so in accordance with State law, all force account work on L&WCF projects must cost no more than $25,000. If information is needed about state bidding regulations or federal procurement procedures, contact the grant coordinator.

If a sponsor plans to claim force account costs, this intent must be stated in the application documentation and in the explanation of any subsequent project amendment requests.

**Adaptation of Facilities for Handicapped Persons**

NPS requires that facilities developed with assistance from the L&WCF must be designed in conformance with the Architectural Barriers Act of 1968 as amended. The Act insures that structures financed with federal funds are designed and built to be accessible to handicapped people. The Uniform Federal Accessibility Standards give acceptable designs for making park and recreation facilities accessible. Some examples include:

1. Curb cuts or ramps which provide easy access to sidewalks.
2. Gradually sloped, hard surfaced walkways leading to all park facilities visited by park users.
3. Playground equipment designed to accommodate handicapped children.
4. Picnic sites with tables designed for persons in wheelchairs.
5. Water fountains, public telephones, and similar facilities designed to permit use by all users.
6. Hard surfaced, signed parking spaces for handicapped persons.

# APPLICATION CHECKLIST

#### APPENDIX 10

Please ensure all information and documentation is included in your application prior to submission. In fairness to other applicants who have met all requirements, incomplete applications will NOT be considered for funding. If you have any questions or need additional clarification, please contact our office before submitting your application.

* + **Signed Project Application Summary (Cover Page)**
		- Appropriate Authorized Representative
	+ **Section I Project Narrative**
		- Project Justification
		- Project Description
	+ **SECTION II – Financial Profile**
		- Local Funding Statement
		- Cost Estimates
		- Budget Information
	+ **SECTION III – Property Information/Maps**
		- Property Deed, Title Insurance, Title Opinion
		- Project Location Map
		- Project LWCF Boundary Map
		- Project Site Map
		- Floor Plan (if applicable)
		- SHPO Form
	+ **SECTION IV – Environmental Assessment**
		- A&R Form
	+ **SECTION V – Supplemental Attachments**
		- Assurance Resolution
		- Maintenance Statement
		- Energy Conservation Statement
		- Certified Overhead and Powerline Statement
		- Affirmative Action Plan
		- Comprehensive Plan/5 Year Plan
		- Current or Contemplated Agreements
		- Promotion Plan
	+ **Build America, Buy America**
		- All LWCF grant projects are required to comply with BABA. Please see DOI’s site for more information: <https://www.doi.gov/grants/BuyAmerica>.