LAND & WATER CONSERVATION FUND

PROGRAM GUIDELINES

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This publication sets forth the administrative procedures and requirements for Land and Water Conservation Fund (LWCF) federal assistance (Catalog of Federal Domestic Assistance #15.916) by the Department of the Interior, National Park Service (NPS).

It is the responsibility of the State, as primary grant recipient, to comply with these requirements and all terms and conditions of the grant agreement. The State’s responsibility cannot be delegated nor transferred.

Participation in the LWCF State Assistance Program is deemed to constitute a public trust. As such, participants are responsible for the efficient and effective management of funds in accordance with the approved budgets, for promptly completing grant assisted activities in a diligent and professional manner, and for monitoring and reporting performance.

The procedures and requirements contained herein are subject to applicable federal laws and regulations, and any changes made to these laws and regulations subsequent to the publication of this manual. In the event that these procedures and requirements conflict with applicable federal laws, regulations, and policies, the following order of precedence will prevail:

1. Federal Law
2. The Code of Federal Regulations
3. Terms and Conditions of Grant Award

The State bears primary responsibility for the administration and success of each grant, including performance by third parties under sub agreements made by the State for accomplishing non construction and construction project objectives. The provisions included herein shall also be applied by the State to sub grantees and contractors performing work under the LWCF State Assistance Program.

Applicants should refer to the LWCF Assistance Manual for complete procedures and requirements:

Appendix A:
LAND AND WATER CONSERVATION FUND
STATE ASSISTANCE PROGRAM
FEDERAL FINANCIAL ASSISTANCE MANUAL
Volume 69  Effective Date: October 1, 2008
OVERVIEW OF LAND AND WATER CONSERVATION FUND PROGRAM REGULATIONS

1. Basic Land and Water Conservation Fund (LWCF) program requirements:
   a. The project period shall be two (2) years, commencing on the date of formal approval. Sub-recipients will be notified in writing of approval, and no acquisition or development shall be initiated prior to this notification.
   b. The use of in-kind and/or donated materials, labor, and equipment must be indicated on the application form by the sub-recipient and approved by the Outdoor Recreation Grants staff prior to project approval. This request must include a detailed analysis of the services to be provided. The amount of in-kind services shall not exceed 25% of the project total. Specific instructions relative to the use of in-kind services will be furnished by the Outdoor Recreation Grants staff upon request by the sub-recipient.
   c. The sub-recipient shall not, at any time, convert any property acquired or developed with LWCF assistance to other than public outdoor recreation.
   d. The sub-recipient shall agree to comply with all applicable federal laws and related acts. Additionally, the sub-recipient shall obtain a permit from the appropriate district office or the Corps of Engineers when development will directly affect navigable waters.
   e. The sub-recipient shall keep the facility open to the general public at reasonable hours and times of the year consistent with the type of facility. Permanent Signage shall be installed to acknowledge the federal-state-local partnership role in providing outdoor recreation areas and facilities.
   f. The sub-recipient shall not discriminate against any person on the basis of race, color, national origin, religion, sex, age, or physical disability in the use of any property or facility acquired or developed with Land and Water Conservation Fund assistance. The sub-recipient shall also provide to all users information on all requirements of Title VI. Specific details will be provided by the Outdoor Recreation Grants staff during the application process. Applicants/sub-recipients must be aware that once LWCF assistance is accepted, your entire park system is subject to the requirements of Title VI, Section 504 regarding handicapped, and other applicable federal guidelines, not just those facilities acquired and/or developed with such assistance.
   g. If land is to be acquired for LWCF development, the sub-recipient agrees to absorb all expenses incurred for an appraisal, an appraisal review, and a boundary survey. Acquisition of property must be part of the approved project.
   h. The sub-recipient agrees to absorb all expenses relative to an archaeological survey of the project site, if required.
   i. All construction (development) shall conform to the Uniform Federal Accessibility Standards and the Americans with Disabilities Act Accessibility Guidelines.
   j. All utility wiring within the boundaries of the project area must be placed underground. This is inclusive of any wiring that might be added after the project has been officially closed.
   k. The sub-recipient shall not be allowed to enclose any open structures constructed with LWCF funds either during or after the project period, even if enclosed solely at the sub-recipient’s own expense.
   l. Detailed specifications and drawings, including overall site layout, must be provided to the Outdoor Recreation Grants office for review prior to bid advertising.
   m. Bid documentation listed below must be submitted to Outdoor Recreation Grants by the sub-recipient prior to processing the first billing for all vendors totaling $25,000 or more.
1. Proof of advertisement (newspaper copy with dates)
2. Bid tabulation sheet
3. Copy of bid accepted (If not the low bid give reasoning for accepting higher bid).
4. Copy of proposed contract(s) for construction

In the event only one bid is received, National Park Service approval is required. Therefore, it is imperative to forward this information to the Outdoor Recreation Grants office as soon as possible, prior to acceptance.

n. All final contracts for construction must be provided to Outdoor Recreation Grants. These contracts must be executed with all signatures and dates.

o. To be eligible for matching assistance, costs must have been incurred within the project period. The project period is the span of time stipulated on the agreement during which all work to be accomplished under the terms of the agreement must be completed. The Land and Water Conservation Fund program does not reimburse obligations, regardless of when they are assumed; it only reimburses costs incurred during the project period.

p. Design and engineering fees for consultants, up to 8% of the total construction cost, are allowable project expenditures and are 50% reimbursable. The amount should be noted in the cost estimate.

q. The sub-recipient shall permit periodic inspections by the Outdoor Recreation Grant’s staff to ensure progress in accordance with the approved project proposal, including the final inspection upon completion of the project and post completion inspections once every three (3) to five (5) years, thereafter, in perpetuity.

r. Although the burden and responsibility for financial administration of this program rests with the state, the sub-recipient must agree to refund to the Mississippi Department of Wildlife, Fisheries and Parks any funds reimbursed to the sub-recipient which are disallowed by the federal government through program review audits performed during or after the project period.

s. OMB Circular A-87 (Cost Principles for State, Local and Indian Tribal Governments) will be followed in determining the allowable in-direct cost originating in each department or agency of the governmental unit (MDWFP-ORG) administering the Federal awards. An indirect cost will be applied to the LWCF funds administered by MDWFP-ORG.

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LAND AND WATER CONSERVATION FUND (LWCF)

The Mississippi Department of Wildlife, Fisheries and Parks—Outdoor Recreation Grant Division (ORG) administer a grant-in-aid program for the acquisition and/or development of public outdoor recreation areas and facilities. Grants are for public bodies only. Towns, cities, counties, regional park authorities, and state agencies may apply for 50% matching fund assistance from the Land & Water Conservation Fund. These funds are provided from a federal apportionment from the National Park Service (NPS), a subunit of the United States Department of the Interior (USDOI).

A key feature of the program is that sites assisted with funding from the program must be open, operated and maintained in perpetuity as public outdoor recreation areas and may not be converted to other uses without prior approval by the ORG and NPS acting on behalf of the USDOI.

The program is a matching, reimbursement program, meaning that the sponsoring agency must provide a match and be capable of financing the project in its entirety while requesting periodic reimbursement.

Information herein describes highlights of the program and is designed to assist in application submission. Prospective applicants should note that additional information may be required in order to render a proper decision about individual proposals.

You cannot submit an application if:

► An active LWCF grant exist.
► Unresolved LWCF compliance or conversion issues on an existing LWCF Grant.
► Any outstanding fiscal or compliance issues with any Recreational Trail Program Project. (RTP)

Background

The LWCF State Assistance Program was established by the LWCF Act of 1965 (Section 6, Land and Water Conservation Fund Act of 1965, as amended; Public Law 88-578; 16 U.S.C. 4601-4 et seq.) to stimulate a nationwide action program to assist in preserving, developing, and assuring to all citizens of the United States of present and future generations such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation. The program provides matching grants to States and through States to local units of government, for the acquisition and development of public outdoor recreation sites and facilities. Grant funds are also available, to States only, for fulfilling the statewide comprehensive outdoor recreation planning requirements of the program.

The LWCF program was administered by the Bureau of Outdoor Recreation (BOR) from its beginning in 1965 to 1978 when the Heritage Conservation and Recreation Service
(HCRS) was created. HCRS then administered the program until 1981 when the LWCF was transferred to the National Park Service.

When a LWCF is completed, the land within the approved 6(f)(3) BOUNDARY MAP is placed under federal protection to preserve the public’s outdoor recreational use of the site in PERPETUITY for the benefit of our nation’s future generations. This Park protection legacy is based on the provision of Section 6(f)(3) of the LWCF Act.

**APPLICATION SUBMISSION INFORMATION**

Projects considered ready for submission to the NPS are those that have completed the necessary environmental coordination requirements, have completed a public commenting period, have completed construction plans, have a recent appraisal to federal standards (if acquisition is involved) and have necessary permits issued.

**Application Deadline**  *March 21, 2019*

**Grant Amounts**

Grant requests will be considered in grant amounts not to exceed $175,000.00 ($350,000 maximum total project cost). The minimum grant amount is $15,000.00 ($30,000.00 minimum total project cost).

**Application Submission Requirements**

Three complete copies of the application plus one complete electronic version (Microsoft Word File) on a flash drive must be delivered to the Mississippi Department of Wildlife, Fisheries and Parks – Outdoor Recreation Grant Division - March 21, 2019 by 4:00 pm at 1505 Eastover Drive, Jackson, MS 39211-6374.

Faxes and email submissions will not be accepted. Applicants are responsible for delivery by the deadline and late submissions will be rejected without consideration.

► Submit two (2) original applications.
► Provide a copy of the complete application including attachments on the flash drive.
► Documents should be saved in an electronic file format which will enable them to be searched, copied and pasted for the purpose of moving the proposal through the review process. All photos and maps become the property of the MDWFP – ORG Division. LWCF Application to be saved in the Microsoft Word Format.
PROJECT ELIGIBILITY

Eligible Applicants

All cities, towns, counties, eligible state agencies, and park authorities responsible for providing public recreation services are eligible for funding. Private and non-profit organizations are not eligible although they may be participating partners in the project.

Eligible Projects

*LWCF assistance is available to political jurisdictions for:*

- Public outdoor recreation land acquisitions
- Public outdoor recreation development projects
- Combination projects—those that involve both acquisition & development

Project sponsor ownership and control of property

The project sponsor must possess sufficient title and adequate legal control of the property that is to be placed under Section 6(f) protection in order to provide reasonable assurances that a conversion under Section 6(f)(3) of the LWCF Act will not occur without its knowledge, state review and NPS decision. Such assurances are contained in the General Provisions of the LWCF Project Agreement (Appendix B).

PROPOSALS, ENVIRONMENTAL REVIEW / FEDERAL COMPLIANCE

Proposal Development and Screening for Environmental Impacts

States are responsible for ensuring, on behalf of the NPS, proposals submitted to the NPS for federal decision, including new applications and amendments for LWCF previously-approved projects such as conversions, temporary non-conforming uses, and public facility exceptions, are developed in accordance with all applicable federal, state and local laws and regulations. This chapter presents the major federal laws and executive orders that govern the way proposals must be developed for federal review and decision. The General Provisions shall be attached to each LWCF grant agreement and amendment. States are encouraged to consult with NPS during the proposal development process for guidance on the compliance requirements in this section.

The federal legislation that coordinates the consideration of the potential for impacts to the human environment as a result of a federal action is the National Environmental Policy Act. As described in the next section, the NEPA process coordinates compliance with applicable related federal, state, and local environmental requirements. To facilitate and document this coordination, States must ensure that the LWCF Proposal Description and Environmental Screening Form (PD/ESF) is completed and accompanies each LWCF proposal submitted for federal review and decision. (Appendix C)

The PD (proposal description) portion of the PD/ESF identifies and provides descriptive information about the proposal to the federal decision-maker.
The ESF (environmental screening form) portion of the PD/ESF serves as part of the federal administrative record required by NEPA and its implementing regulations which supports a chosen NEPA “pathway” which must be completed before final action can be taken by the NPS. It is intended that States/project sponsors use the PD/ESF as early as possible in the state/local project planning process. The ESF portion of the PD/ESF will administratively document 1) a Categorical Exclusion recommendation or 2) the necessity of further environmental review through an Environmental Assessment (EA) or Environmental Impact Statement (EIS) as necessary. In the latter case, the EA (or EIS) must accompany the State’s LWCF proposal submission to the NPS. The ESF can also be used to document previously conducted yet still valid environmental analysis.

Upon the State’s submission of the completed proposal with the PD/ESF and the completed environmental documentation as necessary, NPS will undertake an independent review of the final proposal and supporting documentation, and take action as appropriate.

Applicant will be required to complete a LWCF Proposal Description and Environmental Screening Form in addition to the required Mississippi LWCF Application. (Appendix C – LWCF Proposal Description and Environmental Screening Form)

National Environmental Policy Act

Authorities and guidance. The National Environmental Policy Act (NEPA) of 1969, as amended, is landmark environmental protection legislation establishing as a goal for federal decision-making a balance between use and preservation of natural and cultural resources.

NEPA requires all federal agencies to: 1) prepare in-depth studies of the impacts of and alternatives to proposed “major federal actions,” and 2) use the information contained in such studies in deciding whether to proceed with the actions; and 3) diligently attempt to involve the interested and affected public before any decision affecting the environment is made.

Federal actions are defined as projects, activities, or programs funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; those requiring a federal permit, license, or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency. The LWCF is a federal assistance program and thus all NPS LWCF decisions are subject to the provisions of NEPA and associated guidance found in the:

a. Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, 40 CFR 1500-1508
b. NEPA’s Forty Most Asked Questions, CEQ
c. The Department of Interior (DOI) policy and procedures for implementing NEPA (Departmental Manual 516 DM 1-6)
d. National Park Service (NPS), LWCF Program Manual, Chapter 4 (this chapter), including the Proposal Description and Environmental Screen Form (PD/ESF) developed from NPS Director’s Order #12 and Handbook, “Conservation Planning, Environmental Impact Analysis, and Decision Making.”

**Compliance coordination.** For LWCF proposals, the NEPA process coordinates compliance with related federal, state, and local environmental requirements as applicable. At a minimum, compliance by the State/project sponsor with the following federal laws and executive orders shall be coordinated during the NEPA process and should be integrated into the NEPA document:

b. Endangered Species Act, Section 7.
c. Floodplain Management and Wetland Protection, Executive Orders 11988 and 11990.
d. Environmental Justice in Minority and Low-Income Populations, Executive Order 12898.
e. Department of the Interior Environmental Compliance Memorandum (ECM) 95-2.
f. Intergovernmental Review of Federal Programs, Executive Order 12372.

**State responsibility.** Using the PD/ESF for new applications and certain amendments, the State must submit to NPS adequate environmental documentation in order for NPS to determine whether a proposed LWCF action is either categorically excluded from further environmental analysis or requires an EA or an EIS. States are responsible for coordinating the environmental review process including the production of environmental assessments, and if necessary, environmental impact statements.

**NPS responsibility.** NPS is responsible for determining whether a proposed LWCF action is either categorically excluded from further environmental analysis or requires an environmental assessment (EA) or an environmental impact statement (EIS). NPS also is responsible for ensuring the adequacy of any required EA or EIS documents, and is solely responsible for signing the decision documents. NPS serves as the lead agency in the delegation, preparation and review of any EA or EIS for proposed LWCF actions. As the lead agency, the NPS provides guidance to the States on how to develop adequate environmental documentation according to the type of the state/local proposal for federal assistance.

**Scope of environmental review.** Early in the conceptual development of an LWCF proposal, the State shall encourage LWCF project sponsors to document their planning and analysis process, including all efforts to reach out to the interested and affected public and agencies. The public and agencies should be invited to provide input early in the planning process and before any environmental analysis formally begins so the sponsor can clearly communicate the purpose and need for the project and give the public and agencies an opportunity to provide any information that could be useful for scoping out the LWCF proposal and considering its potential impact on resources.
As a result of early project scoping and planning, the State/sponsor develops a final proposal for possible federal assistance or action, including a completed ESF. The scope of the environmental review under NEPA, i.e., the extent of resources that may be affected by the project, depends on the type of LWCF proposal under consideration as follows:

a. New acquisition projects.
b. Development projects
c. Section 6(f)(3) Conversions.
d. Other LWCF proposals.

**NEPA pathway options.** The completed PD/ESF will guide the state/project sponsor along the appropriate NEPA pathway to produce the level of environmental analysis and documentation required for the proposed undertaking. The PD/ESF will document and support the NEPA analysis pathway option chosen for the proposal. States are required to include the completed PD/ESF with its formal LWCF proposal submission to the NPS. The NEPA analysis pathway options available to States are:

a. Categorical Exclusion for which a record is needed.
b. Environmental Assessment.
   (1) EA format
   Chapter 1 - Purpose, Need, Background
   Chapter 2 – Description of Alternatives
   Chapter 3 - Affected Environment
   Chapter 4 - Environmental Impacts
   Chapter 5 - Coordination and Consultation
   (2) Opportunity for public review and comment

**National Historic Preservation Act, Section 106 Process**

**Purpose** The purpose of this section is to provide overall guidance on the implementation of the National Historic Preservation Act of 1966, as amended, (P.L. 89-665) for LWCF proposals requiring NPS review and decision.

**State responsibility** States shall conduct the Section 106 review process pursuant 36 CFR Part 800. Prior to formal proposal submission to NPS for review and decision.

By submitting a LWCF proposal for NPS review and decision, the State is making the following assurance and is also requiring this assurance be provided by sub grantees:

a. SHPO and THPO role.
b. Indian tribes and Native Hawaiian organizations.

**NPS responsibility** NPS provides guidance through this manual and technical assistance to States in complying with the Section 106 process prior to a State’s formal submission of a LWCF proposal to NPS.
Timing States are responsible for carrying out its responsibilities under these procedures as early as possible during the formative stages of a proposal and as part of its decision making process prior to formal submission to NPS for review and decision.

Coordination with NEPA States should ensure that potential effects on historic properties from the proposal are considered as early as possible during the environmental review process pursuant to the NHPA Section 800.8 and the National Environmental Policy Act (NEPA). The Section 106 process and the NEPA environmental review process are two separate, distinct processes. They can and should occur simultaneously, and documents can be combined, but one is not a substitute for the other. They should, however, be coordinated to avoid duplication of public involvement or other requirements. The Section 106 process shall be documented as part of the LWCF PD/ESF. The State should ensure the information and mitigation gathered as part of the 106 review is included in the NEPA document to be submitted for NPS review and decision about the proposal’s potential for significant impact on the human environment.

Use of NEPA categorical exclusions does not exempt the proposal from compliance with this section.

Applying Section 106 to types of LWCF proposal A State shall complete a LWCF PD/ESF for each proposal to be submitted to NPS for review and decision along with its recommendation for a determination of effect and supporting documentation appropriate for the type of proposal being submitted to NPS:

a. New projects and amendments to acquire and/or develop parkland.

b. New acquisition projects and amendments involving delayed development and interim uses.

c. Section 6(f)(3) conversions.

d. Proposals for temporary non-conforming uses, significant change in use, sheltering, and developing public facilities

Compliance procedures

NPS responsibility The NPS is ultimately responsible for determining whether a project proposal will affect a property in or eligible for listing in the National Register.

State responsibility It shall be the responsibility of the State to implement, or cause to be implemented, the provisions of this part on behalf of and with the concurrence of NPS. The Section 106 Process is detailed in 36 CFR PART 800 Subpart B. States shall use 36 CFR Part 800 Subpart B for detailed guidance on the Section 106 compliance procedure and its own SHPO/THPO requirements. The requirement for States to consult with the SHPO/THPO is independent of the State’s Intergovernmental Review system (E.O. 12372). In summary, the State shall:

(1) Determine scope of historic property identification including the Area of Potential Affect (APE) for the proposed LWCF undertaking.

(2) Identify historic properties within the APE.

(3) Evaluate any historic properties for National Register eligibility.

(4) Recommend a determination of effect.
Formal submission of State’s proposal to NPS  NPS shall not accept a LWCF proposal from the State for formal review and decision until the Section 106 process has been completed.

Post review discoveries  If historic properties are discovered or unanticipated effects on historic properties found after the NPS has signed off on the Section 106 process, the State, or sub grantee, shall immediately halt construction activities and notify NPS. In consultation with NPS, the State shall make reasonable efforts to avoid, minimize or mitigate adverse effects to such properties and follow the procedures outlined under 36 CFR 800.13(b).

Data recovery  When it is determined the project will have an adverse effect on a property in or eligible for listing in the National Register, all feasible and practicable alternatives to avoid or beneficially incorporate the historic properties into the project should be considered. If NPS, in consultation with the Council and the SHPO/THPO, determines there is no alternative but to recover the scientific, prehistoric, historical or archeological data, such recovery shall be conducted in accordance with 36 CFR 800.6 and pursuant to a Memorandum of Agreement and be consistent with the Department of Interior “Statement of Program Approach” for implementation of P.L. 93-291. In the event that timely funding under P.L. 93-291 is unavailable, such data recovery costs may be assisted in accordance with this section.

Destruction of historic properties prohibited  Destruction of any site or property on or eligible for inclusion on the National Register prior to or in anticipation of applying for LWCF assistance shall constitute grounds for denial of LWCF assistance.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

All projects utilizing the LWCF assistance must be in accordance with the applicable provisions of the Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act). The acquisition itself does not need to be federally-funded for the rules to apply. If Federal Funds are used in any phase of the project, the rules of the Uniform Relocation Act apply.

Equal Employment Opportunity Contract Compliance

For all LWCF grants involving federally assisted construction contracts and subcontracts in excess of $10,000, the recipient must comply with Executive Order 11246, as amended, and with the regulations of the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor at 41 CFR 60-4. In determining whether Fund-assisted construction contracts exceed this dollar limit, the total amount of the contract awarded rather than the amount of federal assistance shall apply.
National Flood Insurance Program

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

Civil Rights

The States, as primary recipients of assistance, are responsible for providing assurance that the applicant and all sub-recipients will comply with all related federal civil rights requirements. This shall be accomplished through:

1. Establishing an open project selection process according to the standards of NPS;
2. Notifying NPS of any inconsistencies with civil rights requirements having arisen from onsite state program reviews and valid complaints registered with the Department, NPS, or the State where impasses have been reached in resolving the compliance issue(s);
3. Cooperating with NPS toward seeking a satisfactory resolution of any inconsistencies found, including efforts toward seeking voluntary compliance, enforcement procedures and follow up reviews; and,
4. Assuring that each sub-recipient/applicant is provided a copy of Title VI, 504/ADA Title II, ADAAG, LEP, Title IX, and Age non-discrimination requirements.

For details on enforcement of related civil rights requirements, refer to:

a. Title VI of the Civil Rights Act of 1964 at 43 CFR 17, Subpart A
b. Section 504 of the Rehabilitation Act of 1973 at 43 CFR 17, Subpart B
c. Non-Discrimination on the Basis of Age at 43 CFR 17, Subpart C
d. ADA Title II at 28 CFR 35
e. ADA Accessibility Guidelines at 28 CFR 36
f. Title IX of the Education Amendments of 1972 at 43 CFR 41
g. Limited English Proficiency (E.O. 13166) at 28 CFR 42.104(b)(2)

Contracting with Minority Business Enterprise and Women Business Enterprise Firms

It is the Federal Government’s policy to award a fair share of contracts to Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) pursuant to Executive Orders 11625, 12138, and 12432. An MBE is a business concern that is (1) at least 51 percent owned by one or more minority individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed
by one or more of the minority owners. Executive Order 11625 designates the following: a. Black American (with origins from Africa); b. Hispanic American (with origins from Puerto Rico, Mexico, Cuba, South or Central America); c. Native American (American Indian, Eskimo, Aleut, or native Hawaiian).

In accordance with 43 CFR 12.76 affirmative steps must be taken to assure that MBEs/WBEs are utilized when possible as sources of supplies, equipment, construction, and services.

The affirmative steps shall include the following:

1. Including qualified MBEs/WBEs on solicitation lists
2. Assuring that MBEs/WBEs are solicited once they are identified;
3. When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum MBE/WBE participation;
4. Where feasible, establishing delivery schedules which will encourage MBE/WBE participation;
5. Encouraging use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBDA) and the U. S. Small Business Administration to identify MBEs/WBEs, as required;
6. If any subcontracts are to be let, requiring the prime contractor to take the affirmative steps listed above.

OPEN PROJECT SELECTION PROCESS

The purpose of this section is to establish requirements for the States to conduct an open project selection process (OPSP) that will better assure equal opportunity for all eligible project sponsors and all sectors of the general public to participate in the benefits of the LWCF State Assistance Program and to enable the States to affirmatively address and meet priority recreation needs. OPSPs shall perform two essential functions:

1. Establishes a public notification process, LWCF application assistance, and review systems that assure equitable opportunities for participation in grant funding by all potentially eligible applicants.

2. Provides objective criteria and standards for project selection that are explicitly based on each State's priority needs for parkland acquisition and outdoor recreation development as identified in the SCORP. While it is recognized the SCORP may cover policy, legislative, management and other matters that go beyond priorities for capital funding and activities eligible for LWCF assistance, the OPSP supplies the most visible connection between a State's planning efforts and its use of LWCF grants to meet some of the high priority needs identified through its SCORP program.
The OPSP developed by each State shall be designed to accomplish the following goals:

1. Provide for public knowledge of and participation in the formulation and application of the project selection process used by the State in allocating LWCF assistance;

2. Ensure all potential state and local applicants are aware of the availability of and process for obtaining LWCF assistance, and provide opportunities for all eligible agencies to submit project applications and have them considered on an equitable basis;

3. Provide a measurable link, through published selection criteria, to the specific outdoor recreation needs and priorities identified in SCORP policies and implementation programs; and

4. Assure the distribution of LWCF assistance is accomplished in a non-discriminatory manner, especially with regard to minority, elderly, disabled, and other underserved populations and ensure a fair and equitable evaluation of all applications for LWCF assistance.

Requirements for an OPSP: Each State shall, as a condition of eligibility to receive assistance under the Fund program, implement an OPSP that has the following components:

1. Priority rating system. Each State shall develop a priority rating system for selecting projects that ensures the fair and equitable evaluation of all projects and at a minimum:

   (a) Places the strongest possible emphasis on project selection criteria that conforms directly to explicit priority needs identified by the SCORP process. Because compatibility of projects funded with SCORP priorities is the primary measure of responsive planning and selection processes, SCORP-related criteria should be heavily-weighted to ensure that a) the rank ordering of projects closely reflects their response to plan-identified needs, and b) no project without measurable links to SCORP-identified priorities will be funded.

   (b) Encourages public participation in the formulation of grant proposals at the project sponsor level.

   (c) Recognizes the need for accessibility of proposed projects, to the greatest extent practicable, to all segments of the public including minority populations, the elderly, individuals with disabilities, and other underserved populations.

   (d) Requires project conformance to LWCF eligibility and evaluation criteria in Chapter 3, Sections B and C – LWCF State Assistance Program Assistance Manual.
2. Project selection process. Each State shall develop a project selection process that evaluates and selects projects on the basis of quality and conformance with its priority rating system. The practice of dividing a State's apportionment between state and local projects may continue at the State's option. In this case, the State's project selection process may involve a single competition among all state and local projects or distinct processes and competitions for each of the two categories (i.e., state projects and local projects). The distribution of a State's apportionment strictly on the basis of geography or location of political subdivisions is prohibited.

3. Amendments to add funds to existing projects. A State may honor requests to amend projects to increase the cost of a state or locally sponsored project, including the federal share, without further OPSP competition only if the State has proposed, and the NPS approved, guidelines that are incorporated in the OPSP to cover this contingency. If no procedure is established, cost overrun projects must undergo OPSP competition to be amended for additional funding.

4. Recurring funding cycle. Each State shall institute a recurring funding cycle to regularize the timing for receiving, evaluating and selecting project proposals. The funding cycle must occur at least once every two (2) years and may occur at any other regular interval within the fiscal year as determined by the State. States shall clearly explain the funding cycle to potential applicants, especially for a two-year call for applications. All LWCF-funded projects submitted to NPS must have competed in such a funding cycle, and documentation of a project's ranking in such regular competitions must be available in state files.

5. Applicant notification. Each State shall inform all potential LWCF applicants about the availability of LWCF funding through direct contact with all potential sponsors or indirectly through state and local organizations. The information supplied shall include the types of areas and facilities eligible for funding, a statement of the State's overall objectives for use of funds under the LWCF grants program, guidance on how to apply for LWCF assistance and an explanation of how the State's OPSP works. Each State should also have available for review by potential applicants a list of the criteria it will use in selecting projects for priority funding during the current funding cycle.

6. Program assistance. Each State shall, to the extent practicable, provide assistance to any potential project sponsor who requests assistance with project formulation, proposal preparation in obtaining the non-federal matching share, and other matters necessary for participation with the program.

7. Underserved populations. Each State shall encourage projects which directly benefit minority and other underserved populations in the State. This may be accomplished through the SCORP planning process, and shall, at a minimum, reflect efforts to encourage applications from communities with
significant minority and other underserved populations. Since social conditions vary from State to State, the design of the approach may be determined by each State.

8. Advisory boards. The use of advisory boards, commissions or committees to assist States in the selection of proposals to receive the available LWCF monies is encouraged but not required. If advisory boards, commissions or committees are utilized by a State, they must include representation of minorities to the extent that such representation reasonably reflects the ratio of minority to non-minority populations.

9. Public participation. Public participation programs developed by each State in accordance with SCORP requirements shall include provisions for insuring that the preparation and revision of project selection processes and priority rating systems are subject to public review and comment (including minority participation in this process) prior to their implementation. Use of public meetings and review by special interest groups, advisory committees, and park/recreation boards, commissions, or committees to assist in development of selection processes are encouraged.

10. NPS approval. New or revised OPSPs must be submitted to the NPS for review, evaluation, and approval before their use in state grant competitions.

11. Process review and updating. To ensure continuing close ties between a State’s SCORP program and its OPSP, States must review project selection criteria each time that a new or amended SCORP is approved by the NPS. States must submit to the NPS a revised set of OPSP criteria that conform to any changes in SCORP priorities or submit an appropriate certification that no such revisions are necessary. The NPS will evaluate such revised submissions or certifications in the same manner as original submissions, and will ensure accurate conformity to the SCORP and to the objectivity and public participation objectives of this section before approving their use for LWCF project selection.

State implementation of OPSPs will also be reviewed, as part of the NPS’ periodic state program review process, to determine each State’s effectiveness in meeting the goals and requirements of this section. Failure by any State to keep its selection process active and up-to-date in relation to changing needs or conditions identified through its SCORP program may result in that State’s loss of eligibility for participation in the LWCF Program.

ACQUISITION AND DEVELOPMENT PROJECT ELIGIBILITY

The LWCF Act authorizes the Secretary of Interior to provide financial assistance to States for the acquisition and/or development of public outdoor recreation areas and facilities found to be in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP). The States are encouraged to share the benefits derived from the
LWCF program among all state and local agencies responsible for providing public outdoor recreation opportunities.

Only States may apply directly to NPS for LWCF assistance. However, funds may be made available through the States to political subdivisions of the state and other appropriate public agencies. Proposed projects may be sponsored by a state agency or a public agency of a subordinate unit of government. All eligible project sponsors, including those that have other than public outdoor recreation purposes, must be able to commit its resources to the perpetual stewardship of the Fund-assisted public outdoor recreation area pursuant to Section 6(f)(3) of the LWCF Act.

All project proposals submitted to the NPS must be recommended by the State Liaison Officer (SLO). No grant or contract may be awarded to any grantee or sub grantee or contractor of any grantee or sub grantee which has been debarred or suspended under Executive Order 12549.

Only project proposals in accordance with the SCORP and reviewed through a State’s Open Project Selection Process (OPSP) may be considered.

Types of projects

   **Acquisition**   These include the acquisition of land and waters or partial rights to them. There must also be public access however, access may be controlled.

   **Development**   These include the development of certain outdoor recreation activities and support facilities needed by the public for recreation use of an area.

   **Combination**   When it is advantageous to do so, a State may submit projects which combine acquisition and development.

**Criteria for Acquisition**

**Eligible types of projects**   Acquisition of lands and waters for public outdoor recreation, including new areas or additions to existing parks, forests, wildlife areas, beaches, and other similar areas dedicated to outdoor recreation may be eligible for assistance. Acquisition can be by fee simple title or by whatever lesser rights will insure the desired public use without diminishing the control and tenure of the project sponsor’s ability to enforce the Section 6(f)(3) provisions. Areas acquired may serve a wide variety of public outdoor recreation activities including but not limited to: walking and driving for pleasure, sightseeing, swimming and other water sports, fishing, picnicking, nature study, boating, hunting and shooting, camping, horseback riding, bicycling, snowmobiling, skiing, and other outdoor sports and activities. Natural areas and preserves may be acquired but 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.

**Criteria for Development**

**Eligible types of projects**   LWCF financial assistance may be available for most types of facilities needed for the use and enjoyment of outdoor recreation areas. The
LWCF Act specifies that development projects may consist of basic outdoor recreation facilities to serve the general public provided the funding of such a project is in the public interest and in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP). In addition, development projects are subject to all other conditions, policies, and regulations of the LWCF program.

In evaluating development project proposals, the State and the NPS should give special attention to the degree to which the project is in keeping with the original intent of the LWCF Act. The following questions should be used as a general guide in evaluating a questionable, elaborate or borderline proposal in relation to the original intent of the Act. Essentially, to be eligible, one must be able to conclude that LWCF funds are being used "in the public interest" and "in accord with the Statewide Comprehensive Outdoor Recreation Plan" for the development of "basic outdoor recreation facilities to serve the general public." The NPS reserves the right to request from the State a written justification of eligibility if in its judgment one is considered necessary.

All facilities developed with assistance from the LWCF program must be designed in conformance with: 1) the Architectural Barriers and the "Uniform Federal Accessibility Standards" 2) the Department of the Interior regulations on Section 504 of the Rehabilitation Act of 1973 and the Minimum Guidelines and Requirements for Accessible Design" as issued by the Architectural and transportation Barriers Compliance Board, 36 CFR Part 1190.

**Eligible Recreation Facilities**

Development projects eligible for LWCF assistance may include but are not limited to the following facility types:

- a. Sports and playfields
- b. Picnic facilities
- c. Trails
- d. Swimming facilities
- e. Boating facilities
- f. Fishing/hunting facilities
- g. Camping facilities
- h. Community gardens
- i. Renovated facilities
- j. Accessible facilities.

**Guidelines for eligible support facilities**

- a. Support facilities
- b. Operation and maintenance facilities
- c. Beautification
- d. Indoor facilities
- e. Access Roads
- f. Equipment
- g. Must serve viable outdoor recreation area
- h. Energy conservation elements
Perpetuity Requirements

All sites receiving LWCF assistance are required to be opened, operated and maintained in perpetuity for public outdoor recreation, and may not be converted, either partially or in full, for uses other than public, outdoor, recreation as outlined Section 6(f)(3) of the Land & Water Conservation Fund Act of 1965.

Section 6(f) Map

The purpose of a section 6(f) boundary map is to define the area being developed and/or acquired with federal LWCF grant assistance. This area will be given the protection of Section 6(f) of the LWCF Act, which states that the property acquired or developed with LWCF assistance shall not be converted to uses other than public outdoor recreation and must be maintained in perpetuity as such. In rare circumstances, a conversion of the property may be authorized through a conversion of use request.

Applicants should refer to the LAND AND WATER CONSERVATION FUND - STATE ASSISTANCE PROGRAM FEDERAL FINANCIAL ASSISTANCE MANUAL Volume 69 - Effective Date: October 1, 2008.

All recipients of grant funds will be required to submit two, signed and dated copies of a Section 6(f) map. (See Appendix D – Section 6(f) Boundary Map) All recipients of grant funds will be required to record in the deed of the property that the area is protected through Section 6 (f) of the Land and Water Conservation Fund Act. Please see appendices for deed wording. All applicants should read the Land and Water Conservation Fund program compliance requirements (See Appendix E – Limitation of Use)

Requirements for Development Projects

Development projects selected for funding must be in the public interest and in accord with the Statewide Comprehensive Outdoor Recreation Plan, which is known in Mississippi as 2009-2014 Statewide Comprehensive Outdoor Recreation Plain – October 2008. http://www.mdwfp.com/parks-destinations/outdoor-rec-grants.aspx

Development projects are subject to all conditions, policies, and regulations of the LWCF program, guidelines that may be developed by the Secretary of Interior/National Park Service and all applicable state and local laws.

A development project may consist of one improvement or a group of related improvements designed to provide facilities for outdoor recreation, including facilities for access, safety, maintenance and protection of the area.

Project proposals must be a logical unit of work to be accomplished within a two year time frame. Funding of development project proposals may cover construction, renovation, site preparation, and similar activities essential for the proper undertaking of the project.
Plans for the development of land and/or facilities should be based on the needs of the public, the expected use, and the type and character of the project area. Facilities should be attractive for public use and consistent with the environment. Plans and specifications for the improvements/facilities should utilize sustainable and low impact designs and established engineering and architectural practices.

*Emphasis should be given to the protection of the natural resources of the area, the health and safety of the users and accessibility to the general public.*

**COST PRINCIPLES**

**Basic Concept** Office of Management and Budget (OMB) Circulars A-102 (Uniform Administrative Requirements for State and Local Governments as implemented in DOI Common Rulemaking at 43 CFR 12, Subpart C) and A-87 (Cost Principles for State, Local and Indian Tribal Governments) will be followed in determining the allowable indirect cost originating in each department or agency of the governmental unit (MDWFP-ORG) administering the Federal awards. An indirect cost will be applied to the LWCF funds administered by MDWFP-ORG.

**Relationship of project period to eligible costs** To be eligible for matching assistance, costs must have been incurred within the project period except for pre-award project planning costs. The project period is the span of time stipulated on the agreement during which all work to be accomplished under the terms of the agreement must be completed. The LWCF does not reimburse obligations, regardless of when they are assumed; it reimburses costs incurred during the project period.

**Development projects** Development costs are first incurred at the start of actual physical work on the project site (such as the clearing of ground, the beginning of construction of a building, or the delivery of material to the site), and continue through the period the work is being done. Costs are not incurred at some earlier time when contracts are signed, funds obligated, or purchase orders issued, or at a later time when the ensuing bills are paid. Physical work on the project site shall commence within one year of project approval. When the project start will be delayed beyond the first year, the State shall report the reasons for the delay on the annual consolidated performance report along with a new physical start date. Any problems, conditions, or delays which will impair the sponsor’s ability to meet the objectives of the grant award shall be immediately disclosed to the NPS and the project amended or withdrawn as appropriate.

**Acquisition projects** Since the transfer of ownership in real property can be a protracted process which differs under various state laws and procedures, the relationship of acquisition costs to project period is separated into two elements: the date when the acquisition cost is incurred and the date when the cost is eligible for reimbursement.

APPLICATION AND EVALUATION PROCEDURES

Prerequisites for Applying
Prior to submitting an application to NPS for LWCF acquisition and/or development assistance, the following conditions must be met:

1. The State's Statewide Comprehensive Outdoor Recreation Plan (SCORP) and the State’s Open Project Selection Process (OPSP) must meet the eligibility requirements of the Land and Water Conservation Fund Act and this manual. Project applications must be received by NPS while there is a sufficient period of eligibility remaining to permit thorough processing of the applications. Applications that cannot be processed prior to the revocation of eligibility will not be acted upon until the State’s eligibility has been reinstated.

2. The State’s apportionment and reapportionment balances from NPS must be adequate to cover the proposed project to be activated.

3. The sponsoring agency must have developed the plans for its proposed project to the point where the project scope can be described and reasonable estimates of cost can be made.

Application Process
The State prioritizes and selects eligible projects for LWCF assistance through its Open Project Selection Process (OPSP) and is responsible for ensuring the development of the project proposal and completion of the federal grant application according to federal requirements. States shall provide guidance to sub grantees to ensure all application requirements are met. Project applications should be submitted to the NPS at least 60 days in advance of the proposed acquisition or the beginning of construction except in accordance with the retroactivity provisions (see Chapter 5.A.3) to allow sufficient time for federal review of the proposal to determine its eligibility and compliance with federal requirements.

Using the LWCF Proposal Description and Environmental Screening Form (PD/ESF) the State develops the proposal for the LWCF grant application. The State may delegate the completion of the PD/ESF to the sub grantee. The PD/ESF guides the proposal development and upon project approval, becomes a part of the federal administrative record.

The State shall be responsible for ensuring the proposal is developed in accordance with applicable federal laws, executive orders and circulars, including conducting required environmental reviews in accordance with the National Environmental Policy Act (NEPA) as set forth. The environmental review process may involve producing documents for public review and comment, coordinating compliance with applicable local, state and federal laws and regulations, and acquiring other federal state and local approvals.

At the completion of proposal development, the State prepares the required federal application documentation and submits the application package to the appropriate NPS regional office requesting federal LWCF approval for the subject project. All significant
information must be disclosed in the application and its supporting documents. Failure by the State to consider information that might have a significant bearing on the eligibility of a proposal might be cause for refusal, cancellation, or recovery of federal assistance. The project proposal, including all information required by the NPS to be on file at the state level, is considered to be a public record. Copies of proposals may be distributed by NPS to other public agencies for information or comment.

The following documents comprise the federal application for LWCF grant assistance and shall be coordinated by the MDWFP – ORG Division and submitted to the NPS:

- LWCF Project Agreement and General Provisions (Appendix B)
- Proposal Description and Environmental Screening Form (Appendix C)
- Section 6(f) Boundary Map (Appendix D)
- Federal Standard Form, Application for Federal Assistance (Appendix F)
- Description and Notification Form (Appendix G)
- Pre-Inspection Site Form (Appendix H)
- Site Map (Appendix M)

**NPS Review Process**

Upon receipt of the new grant application package, the NPS will assign an official LWCF project number to the project and conduct an initial cursory review to determine if all required items are included in the grant application package. If items are missing or incomplete, NPS will return the application package to the State for completion.

If the new grant application package is complete, the NPS will log in the formal receipt of the application and conduct a detailed independent review of the proposal and required documentation to determine if the proposal is eligible for LWCF assistance, if the proposal has been developed in accordance with the National Environmental Policy Act, the National Historic Preservation Act, and other applicable laws and Executive Orders, and meets the administrative requirements contained in the Federal Financial Assistance Manual Volume 69. If needed, NPS will consult with the State for additional information to better understand the proposal and to fulfill compliance with all requirements.

The NPS will conduct an independent review of the proposed project for federal assistance to determine how well it accomplishes the purpose of the LWCF Act and meets program requirements. This evaluation includes a consideration of the project's eligibility for assistance, its technical adequacy, and its financial soundness. All projects submitted to the NPS are evaluated to the extent information is made available in the application. The extent of the NPS review will depend on the type of application submitted and any certifications made by the State Liaison Officer. As part of this review, the NPS will determine whether:

1. the proposal is in accord with the Statewide Comprehensive Outdoor Recreation Plan and the Open Project Selection Process;
2. the proposal has been adequately reviewed according to the Section 106 process of the National Historic Preservation Act and the National Environmental Policy Act so the NPS can make a decision about the
potential for significant impacts to the human environment as a result of providing federal assistance for the project; and

3. the project area is adequately described in the signed and dated Section 6(f) boundary map and represents an acceptable area to be covered by the provisions of Section 6(f)(3) of the LWCF Act.

Upon NPS approval of the project, an NPS-signed copy of the approved project agreement will be sent to the State Liaison Officer as notification of project approval.

**PROJECT ADMINISTRATION AND FINANCIAL MANAGEMENT**

**General Responsibility** It is the prerogative and responsibility of the MDWFP - ORG, and the project sponsor to which the state delegates responsibilities, to execute a project under the general guidelines and rules established by the State, governed in general by the concepts, rules, and guidelines set forth herein. The primary role of the NPS in project administration is to be concerned with results, leaving to the States the determination of means to achieve these results. Thus, the rules established in this Part are minimal, being limited to those considered necessary for the NPS to fulfill its obligations.

**Arrangements with sponsors** It is the responsibility of the State to make suitable and adequate arrangements with other public agencies to insure the successful performance of projects and the continued operation and maintenance of aided facilities and properties for public outdoor recreational use. The State shall be held responsible for all the actions of project sponsors relating to the execution of projects and associated post-completion responsibilities pursuant to Section 6(f)(3) of the LWCF Act.

**Consideration of Federal Acts** During preparation of an application and conduct of a project, the sponsor shall comply with applicable federal laws, executive orders, regulations, and circulars relating to the acquisition and development of public properties (see LWCF Project Agreement and General Provisions Appendix B).

**Duration of project** A project will continue in force until all work under a grant is completed or until the project period of the approved project agreement and all amendments thereto have expired, whichever comes first.

**Execution of project work** The State shall be responsible for insuring all projects receiving financial assistance pursuant to the Act are carried through to stages of completion acceptable to the NPS with reasonable promptness. Failure to maintain satisfactory progress or failure to complete the project to the satisfaction of the NPS may be cause for the NPS to withhold further payments on any or all projects of a State or qualification of new projects until the project provisions are satisfactorily met. LWCF assistance may be terminated upon determination by the NPS that satisfactory progress has not been maintained.
ON-SITE INSPECTIONS BY THE MDWFP - ORG

Submission of inspection reports to the NPS will be made on the following basis:

**Pre-award on-site inspection** reports may be submitted as part of the LWCF PD/ESF. States are encouraged to use the pre-award on-site inspection to generate information for use in preparing the LWCF PD/ESF. The pre-award site inspection shall be conducted by individuals knowledgeable about the resources of the site. (See Appendix H)

**Progress inspection reports** may be combined with the annual performance report or submitted to the NPS at the same time as the electronic fund transfer. (See Appendix I)

**Final inspection report** must be submitted to NPS within 90 days after the date of completing a project and prior to final reimbursement and administrative closeout. (See Appendix J)

**Post-completion site inspections** must be conducted within five years after the final project reimbursement and every five years thereafter. Post-completion reports should be retained in the state file, except for those inspections that discover post completion compliance problems such as park closures and non-recreation or private uses occurring within the Section 6(f) boundary. The State shall report to the NPS the project numbers of all sites inspected soon after the inspection is conducted and forward to NPS only the inspection reports for LWCF sites with problems as described above. (See Appendix K)

**PROCUREMENT STANDARDS**

Projects or portions thereof may be undertaken through contracts in accord with the procurement standards and guidelines set forth in Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 43 CFR Part 12 except the provisions concerning the Davis-Bacon Act. This includes the procurement of supplies, equipment, construction and services. Grantees and sub grantees will use their own procedures that reflect applicable state and local laws, provided the procurements conform to the requirements of 43 CFR Part 12.1 - .52.

**Contracting with small and minority firms, Women's Business Enterprise, and Labor Surplus Area Firms.** Affirmative steps must be taken by the project sponsor to assure small and minority businesses and women's business enterprises are utilized when possible.

**LWCF ACKNOWLEDGEMENT SIGN**

**Permanent signs** Permanent signs shall be installed to acknowledge the federal-state-local partnership role in providing new high quality outdoor recreation areas and facilities. States may determine the type, size and placement of the sign as long as the LWCF logo is used. Use of the LWCF Logo is required. (See Appendix L)
Here is a suggested format:

THE CITY OF XXXXX
Public Outdoor Recreation Site Development
Aided by the Federal
THE LAND AND WATER CONSERVATION FUND
Administered by the National Park Service
U.S. Department of Interior
Funding
LWCF 50% $125,000
City of XXX 55% $125,000
Total Project $250,000
Source of funding includes monies derived from Outer Continental Shelf Federal Receipts

MONITORING AND REPORTING OF FINANCIAL AND PROGRAM PERFORMANCE

In accordance with 43CFR Part 12 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), the following sets forth the procedures for monitoring and reporting financial and program performance.

a. States shall constantly monitor the financial and program performance of approved projects to assure time schedules are being met, projected work units by time periods are being accomplished, and financial targets and other performance goals are being achieved.

b. For LWCF reporting purposes, performance and financial reporting for all active grants shall be accomplished by States in response to the NPS annual call for performance/financial information. NPS will incorporate the state performance/financial information into one consolidated report for the entire LWCF State Assistance Program. Sufficient space will be provided on the listing of projects for the State to briefly report financial and performance status for each active grant. The NPS shall notify States of the information needed, reporting format and due dates. At a minimum, the report shall include:

(1) the status of the work required under the project scope including the percent of work completed and percentage of costs billed and whether the project will meet established target dates for completion;

(2) other pertinent information including, when appropriate, an analysis and explanation of cost overruns, time schedule delays and other similar problems encountered and their expected impact on the project; and

(3) a certification by the SLO noting the information is correct and complete, and all expenditures are for the purposes set forth in the grant agreement/amendment.

AUDITS
Recipients must comply with the audit provisions of the Single Audit Act of 1984 (P.L. 98-502), and OMB Circular A-133, "Audit Requirements for State and Local Governments". These requirements have been incorporated into Department of Interior regulations at 43 CFR Part 12, Subpart F. In accordance with Circular A-133, required audits shall be submitted to the federal audit clearinghouse within the earlier of 30 days after receipt of the auditor’s report or no later than nine months following the end of the State’s fiscal year.

GRANT CLOSEOUT
The State must ensure all agreed-upon work as described in the project agreement is completed by the expiration date in the grant award document. The closeout of a grant is the process by which the NPS determines that all required work of a project and all applicable administrative actions, including financial, have been accomplished. The following are minimum requirements of the closeout procedures:

a. During the active phase of the project, the NPS will make prompt payments to the State for allowable reimbursable costs until the project is administratively closed out. NOTE: NO PARTIAL REIMBURSEMENTS WILL BE PROCESSED.

b. FIRST AND FINAL payment will not occur until all required final reports and documents have been approved by the NPS to assure all aspects of the grant contract have been met.

c. Within 90 days after the date of completing the project or the grant expiration date, whichever comes first, both administrative and financial closeout of the grant must occur. During this 90 day period, the following documents are due before final closeout and process of FIRST AND final payment:

   (1) a final letter or report attesting to the completion of the project in accordance with the approved project agreement /amendment;

   (2) a final on-site inspection report for development projects in accordance with the State’s Inspection Agreement with NPS;

   (3) a completed Description and Notification Form (DNF). This is only needed for projects where a change has occurred since the submission of the original DNF. If there was a change in scope not included in the grant agreement, then an amendment and revised DNF are required;

   (4) a completed site plan (up to 11 inches x 17 inches in size) indicating the type and location of Fund-assisted facilities and/or acquired properties along with the official park or site name unless previously submitted or evident on the signed and dated Section 6(f) map; (See Appendix M)
(5) a signed and dated Section 6(f)(3) project boundary map if more accurate than the current one in the NPS file including the delineation of any newly added parcels as a result of the project;

(6) in consultation with NPS, other required documentation not previously submitted; and

(7) Digital images of completed project (optional). Best images are those of people enjoying the new outdoor recreation resource.

POST-COMPLETION AND STEWARDSHIP

Pursuant to Section 6(f)(3) of the LWCF Act and 36 CFR 59.3, this chapter contains the requirements for maintaining LWCF assisted sites and facilities in public outdoor recreation use following project completion and to assure that LWCF-assisted areas remain accessible to the general public including non-residents of assisted jurisdictions. These post-completion responsibilities apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractual agreement between NPS and the State. Responsibility for compliance and enforcement of these requirements rests with the State for both state and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the NPS.

Operation and Maintenance

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

1. The property shall be maintained so as to appear attractive and inviting to the public.

2. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.

3. Properties shall be kept reasonably open, accessible, and safe for public use. Fire prevention, lifeguard, and similar activities shall be maintained for proper public safety.

4. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.

5. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

6. A posted LWCF acknowledgement sign shall remain displayed at the project site pursuant to site sign requirements.
Availability to Users

1. Discrimination on the basis of race, color, national origin, religion, or sex. Under Title VI of the 1964 Civil Rights Act property acquired or developed with LWCF assistance shall be open to entry and use by all persons regardless of race, color, or national origin, who are otherwise eligible. Title 43, Part 17 (43 CFR 17), effectuates the provisions of Title VI. The prohibitions imposed by Title VI apply to park or recreation areas benefiting from federal assistance and to any other recreation areas administered by the state agency or local agency receiving the assistance. Discrimination is also prohibited on the basis of religion or sex.

2. Discrimination on the basis of residence. Section 6(f)(8) of the LWCF Act provides, with respect to property acquired and/or developed with LWCF assistance, discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent reasonable differences in admission and other fees may be maintained on the basis of residence. Fees charged to nonresidents cannot exceed twice the amount charged to residents. Where there is no charge for residents, but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged for residents at comparable state or local public facilities. Reservation, membership or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. These provisions apply only to the recreation areas described in the project agreement.

3. Discrimination on the basis of disability. Section 504 of the Rehabilitation Act of 1973 requires no qualified person shall, on the basis of disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. The Americans with Disabilities Act of 1990 (P.L. 100-336) simply references and reinforces these requirements for federally-assisted programs.

CONVERSION OF USE

Property acquired or developed with LWCF assistance shall be retained and used for public outdoor recreation. Any property so acquired and/or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of NPS pursuant to Section 6(f)(3) of the LWCF Act and these regulations. The conversion provisions of Section 6(f)(3), 36 CFR Part 59, and these guidelines apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractual agreement between NPS and the State. Responsibility for compliance and enforcement of these provisions rests with the State for both state and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project.
documentation approved by the Department of the Interior. This mutually agreed to area
normally exceeds that actually receiving LWCF assistance so as to assure the
protection of a viable recreation entity.

POST-COMPLETION INSPECTIONS

In order to determine whether properties acquired or developed with LWCF assistance
are being retained and used for outdoor recreation purposes in accordance with the
project agreement and other applicable program requirements, a state post-completion
inspection is to be made within five years after final billing and at least once every three
- five years thereafter.

The following points should be taken into consideration during the inspection of
properties that have been developed for public use:

a. Retention and use. Is the Section 6(f)(3) boundary intact and the property being
used for outdoor recreation purposes including those intended through the
projects funded with LWCF assistance?

b. Appearance. Is the property attractive and inviting to the public?

c. Maintenance. Is upkeep and repair of structures and improvements adequate? Is
there evidence of poor workmanship or use of inferior quality materials or
construction? Is vandalism a problem? Is the area being maintained?

d. Management. Does staffing and servicing of facilities appear adequate?

e. Availability. Is there evidence of discrimination? Is the property readily accessible
and open to the public during reasonable hours and times of the year?

f. Signing. Is the area properly signed to allow for user information and safety, and
proper acknowledgement of the federal Land and Water Conservation Fund?

g. Interim use. Where lands have been acquired but not yet developed, the
inspection should determine whether the interim uses of the property are in
accordance with agreements with the NPS

PENALTIES FOR FAILURE TO COMPLY WITH FEDERAL LAWS AND
REGULATIONS

Pursuant to 43 CFR Part 12.83, when the NPS determines a State has violated or failed
to comply with applicable federal law, or the regulations governing this program with
respect to a project, NPS may withhold payment of federal funds to the State on
account of such project, withhold funds for other projects of the State, withhold approval
of further projects of the State.
Appendices

The following is a combination of all forms that will be used in the LWCF Application Process.

Some forms will be used by applicant only and other forms by MDWFP-ORG only.

THESE ARE EXAMPLES ONLY.

January 2019
Appendix A - LWCF State Assistance Program – Manual

National Park Service
U. S. Department of the Interior
Land and Water Conservation Fund
State Assistance Program
Volume 69
Effective Date: October 1, 2008
Grant Agreement

P18/A / 28-00
Between
THE UNITED STATES DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE
AND
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS
DUNS No.:
1505 Eastover Drive
Jackson, MS 39211-6374
County: Hinds

CFDA: 15.916
Project Title: MDWFP –
Amount of Federal Funds Obligated: $00,000.00
Total Amount of Award: $00,000.00
Period of Performance:

This Grant Agreement (Agreement) is entered into by the U.S. Department of the Interior, National Park Service (NPS), and Mississippi Department Of Wildlife, Fisheries, and Parks (Recipient).

ARTICLE I – BACKGROUND AND OBJECTIVES

The objective of this Agreement is to

and required LWCF signage and informational signage will be installed.

ARTICLE II – AUTHORITY

NPS enters into this Agreement pursuant to the Land and Water Conservation Fund Act of 1965 (P.L. 88-578) as codified at 54 USC §200305.

ARTICLE III – STATEMENT OF WORK

A. The Recipient agrees to:

1. Roadway improvements including the paving of the existing entrance road, parking lot(s), and maintenance service roads.
2. The purchase and installation of allowable support facilities such as .................................................................................................................................

3. ............................................................................................................ and required LWCF signage and informational signage will be installed.

B. No substantial involvement on the part of the NPS is anticipated for the successful completion of the statement of work detailed in this award. It is anticipated that involvement will be limited to actions related to monitoring project performance, and technical assistance at the request of the recipient.

ARTICLE IV – TERM OF AGREEMENT

The Agreement is effective on June 1, 2018 (Effective Date) through December 31, 2019 (Expiration Date), unless terminated earlier per Article XIV and XVI. The period from the Effective Date to the Expiration Date is the period of performance for the Agreement (Agreement Term).

ARTICLE V – SPECIAL CONDITIONS APPLICABLE TO THIS AGREEMENT

Not applicable.

ARTICLE VI – PRE-AWARD INCURRENCE OF COSTS

Not applicable.

ARTICLE VII – KEY OFFICIALS

A. Key officials are essential to ensure maximum coordination and communications between the parties and the work being performed. They are:

1. **For the NPS:**

   Awarding Officer (AO):

   Gwenevere P. Smith, Chief, Recreation Programs Branch
   National Park Service
   Southeast Region, Recreation Programs Branch
   100 Alabama Street, SW, 1924 Building
   Atlanta, GA 30303-8701
   (404) 507-5800
   Fax: (404) 507-5877
   gwen_smith@nps.gov
Program Officer:

Alexis H. John, Program Officer
National Park Service
Southeast Region, Recreation Programs Branch
100 Alabama Street, SW, 1924 Building
Atlanta, GA 30303-8701
(404) 507-5834
Fax: (404) 507-5877
alexis_john@nps.gov

2. For the Recipient:

Dr. Sam Polles, Executive Director
State Liaison Officer
Department of Wildlife, Fisheries and Parks
P.O. Box 451, 1505 Eastover Drive
Jackson, MS 39211-6374

Ms. Jean Caraway, Grant Administrator
Alternate State Liaison Officer
Department of Wildlife, Fisheries and Parks – Division of Parks
1505 Eastover Drive
Jackson, MS 39211-6374
(601) 432-2225
jean@mdwfp.state.ms.us

Mr. Robert Cook
Deputy Administrator, Division of Parks
Department of Wildlife, Fisheries and
Parks P.O. Box 451, 1505 Eastover Drive
Jackson, MS 39211-6374

Mr. Terry McDill, LWCF Grant Administrator
Department of Wildlife, Fisheries and Parks – Division of Parks
1505 Eastover Drive
Jackson, MS 39211-6374
(601) 432-2227
terrym@mdwfp.state.ms.us
ARTICLE VIII – AWARD AND PAYMENT

A. NPS will provide funding to the Recipient in an amount not to exceed $0000.00 for the Statement of Work described in Article III and in accordance with the Applicant’s submitted SF-424C and Budget Narrative, which the NPS has approved and is incorporating by reference.

B. Recipient shall request payment in accordance with the following:

1. Method of Payment. Under most circumstances, payments on grants will be handled on a reimbursement basis. Sponsors seeking a cash advance for a project must first make a request to the AO for an exception.

2. Requesting Reimbursement. Requests for reimbursements must be submitted via the Department of Treasury’s Automated Standard Application for Payments (ASAP). Requests for reimbursement should coincide with normal billing patterns. Each request must be limited to the amount of disbursements made for the Federal share of direct project costs and the proportionate share of allowable indirect costs incurred during that billing period.

3. Adjusting Payment Requests for Available Cash. Funds that are available from repayments to, and interest earned on, a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds must be disbursed before requesting additional cash payments.

4. Bank Accounts. All payments are made through electronic funds transfer to the bank account identified in the ASAP system by the FA Recipient.

5. Supporting Documents and Agency Approval of Payments. Additional supporting documentation and prior NPS approval of payments may be required when/if a FA Recipient is determined to be “high risk” or has performance issues. If prior Agency payment approval is in effect for an award, the ASAP system will notify the FA Recipient when they submit a request for payment. The Recipient must then notify the NPS AO that a payment request has been submitted. The NPS AO may request additional information from the Recipient to support the payment request prior to approving the release of funds, as deemed necessary. The FA Recipient is
required to comply with these requests. Supporting documents may include invoices, copies of contracts, vendor quotes, and other expenditure explanations that justify the reimbursement requests.

C. In order to receive a financial assistance award and to ensure proper payment, it is required that Recipient maintain their registration with the System for Award Management (SAM), accessed at http://www.sam.gov. Failure to maintain registration can impact obligations and payments under this Agreement and/or any other financial assistance or procurements documents the Recipient may have with the Federal government.

D. Allowable and Eligible Costs. Expenses charged against awards under the Agreement may not be incurred prior to the beginning of the Agreement unless specifically approved as a pre-award cost or with prior approval from the NPS AO via a Waiver of Retroactivity, and may be incurred only as necessary to carry out the approved objectives, scope of work, and budget of the project. The Recipient shall not incur costs or obligate funds for any purpose pertaining to the operation of the project, program, or activities beyond the expiration date stipulated in the award.

E. Travel Costs. Not applicable.

F. Indirect Costs. Indirect costs will not be allowable charges against the award unless a copy of the approved negotiated indirect cost rate has been submitted with the application and costs are specifically included as a line item in the approved budget incorporated into the award.

G. Recipient Cost Share or Match. Any non-Federal share, whether in cash or in–kind, is expected to be paid out at the same general rate as the Federal share. Exceptions to this requirement may be granted by the AO based on sufficient documentation demonstrating previously determined plans for or later commitment of cash or in–kind contributions. In any case, the Recipient must meet their cost share commitment over the life of the award.

ARTICLE IX – COST-SHARING REQUIREMENT

At least 50% non-Federal cost-share is required for costs incurred under this Agreement.

ARTICLE X – APPROVED INDIRECT RATE

Not applicable.
ARTICLE XI – PRIOR APPROVAL

The Recipient shall obtain prior approval for budget and program revisions in accordance with 2 CFR 200.308.

ARTICLE XII – REPORTS AND/OR DELIVERABLES

A. Specific projects, tasks or activities for which funds are reimbursed will be tracked and reported by annual submission of a SF-425 Federal Financial Report (FFR) and annual submission of a Performance Report. A final SF-425 and Performance Report shall be submitted at the completion of the Agreement. The following reporting period end date shall be used for interim reports: June 30. For final the SF-425 and Performance Report, the reporting period end date shall be the end date of the agreement. Annual and final reports shall be submitted no later than 90 days after project is completed or the grant end period date, whichever comes first. All reports shall be submitted via email to the NPS Program Officer with a copy to the AO.

B. The Secretary of the Interior and the Comptroller General of the United States, or their duly authorized representatives, will have access, for the purpose of financial or programmatic review and examination, to any books, documents, papers, and records that are pertinent to the Agreement at all reasonable times during the period of retention in accordance with 2 CFR 200.333.

ARTICLE XIII – REPORTING OF MATTERS RELATED TO RECIPIENT INTEGRITY AND PERFORMANCE

Not applicable.

ARTICLE XIV – MODIFICATION, REMEDIES FOR NONCOMPLIANCE, TERMINATION

A. This Agreement may be modified only by a written instrument executed by the parties. Modifications will be requested in writing and approved by the NPS AO and the authorized representative of Recipient.

B. Additional conditions may be imposed by NPS if it is determined that the Recipient is non-compliant to the terms and conditions of this agreement. Remedies for Noncompliance can be found in 2 CFR 200.338 and the LWCF Assistance Manual (https://www.nps.gov/subjects/lwcf/upload/lwcf_manual.pdf).

C. This Agreement may be terminated consistent with applicable termination provisions for Agreements found in 2 CFR 200.339 through 200.342 and the LWCF Assistance Manual.
ARTICLE XV – GENERAL AND SPECIAL PROVISIONS

A. General Provisions

1. OMB Circulars and Other Regulations. The following Federal regulations are incorporated by reference into this Agreement (full text can be found at http://www.ecfr.gov:

   a) Administrative Requirements:
      2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, in its entirety;

   b) Determination of Allowable Costs:
      2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart E; and

   c) Audit Requirements:
      2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F.

   d) Code of Federal Regulations/Regulatory Requirements:
      2 CFR Part 182 & 1401, “Government-wide Requirements for a Drug-Free Workplace”;
      2 CFR 180 & 1400, “Non-Procurement Debarment and Suspension”, previously located at 43 CFR Part 42, “Governmentwide Debarment and Suspension (NonProcurement)”;
      43 CFR 18, “New Restrictions on Lobbying”;
      2 CFR Part 175, “Trafficking Victims Protection Act of 2000”;
      FAR Clause 52.203–12, Paragraphs (a) and (b), Limitation on Payments to Influence Certain Federal Transactions;
      2 CFR Part 25, System for Award Management (www.SAM.gov) and Data Universal Numbering System (DUNS); and
      2 CFR Part 170, “Reporting Subawards and Executive Compensation”.

2. Non-Discrimination. All activities pursuant to this Agreement shall be in compliance with the requirements of Executive Order 11246, as amended;

3. **Lobbying Prohibition.** 18 U.S.C. §1913, Lobbying with Appropriated Moneys, as amended by Public Law 107–273, Nov. 2, 2002 – No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Members or official, at his request, or to Congress or such official, through the proper official channels, requests for legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter–intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31. In addition to the above, the related restrictions on the use of appropriated funds found in Div. F, § 402 of the Omnibus Appropriations Act of 2008 (P.L. 110–161) also apply.

4. **Anti–Deficiency Act.** Pursuant to 31 U.S.C. §1341 nothing contained in this Agreement shall be construed as binding the NPS to expend in any one fiscal year any sum in excess of appropriations made by Congress, for the purposes of this Agreement for that fiscal year, or other obligation for the further expenditure of money in excess of such appropriations.

5. **Business Enterprise Development.** Pursuant to Executive Order 12432 it is national policy to award a fair share of contracts to small and minority firms. NPS is strongly committed to the objectives of this policy and encourages all recipients of its Cooperative Agreements to take affirmative steps to ensure such fairness by ensuring procurement procedures are carried out in accordance with the Executive Order.
6. **Assignment.** No part of this Agreement shall be assigned to any other party without prior written approval of the NPS and the Assignee.

7. **Member of Congress.** Pursuant to 41 U.S.C. § 22, no Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or adopted by or on behalf of the United States, or to any benefit to arise thereupon.

8. **Agency.** The Recipient is not an agent or representative of the United States, the Department of the Interior, NPS, or the Park, nor will the Recipient represent its self as such to third parties. NPS employees are not agents of the Recipient and will not act on behalf of the Recipient.

9. **Non–Exclusive Agreement.** This Agreement in no way restricts the Recipient or NPS from entering into similar agreements, or participating in similar activities or arrangements, with other public or private agencies, organizations, or individuals.

10. **Survival.** Any and all provisions which, by themselves or their nature, are reasonably expected to be performed after the expiration or termination of this Agreement shall survive and be enforceable after the expiration or termination of this Agreement. Any and all liabilities, actual or contingent, which have arisen during the term of and in connection with this Agreement shall survive expiration or termination of this Agreement.

11. **Partial Invalidity.** If any provision of this Agreement or the application thereof to any party or circumstance shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to the parties or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

12. **Captions and Headings.** The captions, headings, article numbers and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and in no way shall be construed as defining or limiting the scope or intent of the provision of this Agreement nor in any way affecting this Agreement.

13. **No Employment Relationship.** This Agreement is not intended to and shall not be construed to create an employment relationship between NPS and Recipient or its representatives. No representative of Recipient shall perform any function or make any decision properly reserved by law or policy to the Federal government.
14. **No Third-Party Rights.** This Agreement creates enforceable obligations between only NPS and Recipient. Except as expressly provided herein, it is not intended nor shall it be construed to create any right of enforcement by or any duties or obligation in favor of persons or entities not a party to this Agreement.

15. **Foreign Travel.** The Recipient shall comply with the provisions of the Fly America Act (49 U.S.C. 40118). The implanting regulations of the Fly America Act are found at 41 CFR 301–10.131 through 301–10.143.

**B) Special Provisions**

1) **Public Information and Endorsements**

   a) Recipient shall not publicize or otherwise circulate promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a business, product, service, or position which the Recipient represents. No release of information relating to this award may state or imply that the Government approves of the Recipient’s work products, or considers the Recipient’s work product to be superior to other products or services.

   b) All information submitted for publication or other public releases of information regarding this project shall carry the following disclaimer.

   c) The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.

   d) Recipient must obtain prior Government approval for any public information releases concerning this award which refer to the Department of the Interior or any bureau or employee (by name or title). The specific text, layout photographs, etc. of the proposed release must be submitted with the request for approval.

   e) Recipient further agrees to include this provision in a subaward to a subrecipient, except for a subaward to a State government, a local government, or to a federally recognized Indian tribal government.

2) **Publications of Results of Studies.** No party will unilaterally publish a joint publication without consulting the other party. This restriction does not apply to popular publications of previously published technical matter. Publications pursuant to this Agreement may be produced independently or in
collaboration with others; however, in all cases proper credit will be given to the efforts of those parties contribution to the publication. In the event no agreement is reached concerning the manner of publication or interpretation of results, either party may publish data after due notice and submission of the proposed manuscripts to the other. In such instances, the party publishing the data will give due credit to the cooperation but assume full responsibility for any statements on which there is a difference of opinion.

3) **Rights in Data.** The Recipient must grant the United States of America a royalty–free, non–exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this Agreement by the Recipient, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

4) **Retention and Access Requirements for Records.** All Recipient financial and programmatic records, supporting documents, statistical records, and other grants–related records shall be maintained and available for access in accordance with 2 CFR Part 200.333–200.337. With respect to 2 CFR 200.333(c), “final disposition” as it relates to real property acquired or developed with LWCF funds is considered to mean once the property is approved for conversion (i.e., as long as there is an LWCF interest in a property the records for it must be maintained).

5) **Audit Requirements**

   a) Non–Federal entities that expend $750,000 or more during a year in Federal awards shall have a single or program–specific audit conducted for that year in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507) and 2 CFR Part 200, Subpart F, which is available at [http://www.ecfr.gov/cgi-bin/text-idx?SID=fd6463a517ceea3fa13e665e525051f4&node=sp2.1.200.f&rgn=div6](http://www.ecfr.gov/cgi-bin/text-idx?SID=fd6463a517ceea3fa13e665e525051f4&node=sp2.1.200.f&rgn=div6)

   b) Non–Federal entities that expend less than $750,000 for a fiscal year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass–through entity, and General Accounting Office (GAO).

   c) Audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits. Additional audit requirements applicable to this agreement are found at 2 CFR Part 200, Subpart F, as applicable. Additional information
on single audits is available from the Federal Audit Clearinghouse at http://harvester.census.gov/sac/.

6) **Procurement Procedures.** It is a national policy to place a fair share of purchases with minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness. Positive efforts shall be made by recipients to utilize small businesses, minority–owned firms, and women's business enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal:

a) Ensure that small businesses, minority–owned firms, and women's business enterprises are used to the fullest extent practicable.

b) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority–owned firms, and women's business enterprises.

c) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority–owned firms, and women's business enterprises.

d) Encourage contracting with consortiums of small businesses, minority–owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.

e) Use the services and assistance, as appropriate, of such organizations as the Small Business Development Agency in the solicitation and utilization of small business, minority–owned firms and women's business enterprises.

7) **Prohibition on Text Messaging and Using Electronic Equipment Supplied by the Government while Driving.** Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, was signed by President Barack Obama on October 1, 2009. This Executive Order introduces a Federal Government–wide prohibition on the use of text messaging while driving on official business or while using Government–supplied equipment. Additional guidance enforcing the ban will be issued at a later date. In the meantime, please adopt and enforce policies that immediately ban text messaging while driving company–owned or –rented vehicles, government–owned or leased vehicles, or while driving privately owned vehicles when on official government business or when performing any work for or on behalf of the government.
8) **Seat Belt Provision.** The Recipient is encouraged to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. These measures include, but are not limited to, conducting education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

9) **Trafficking in Persons.** This term of award is pursuant to paragraph (g) of Section 106 of the Trafficking Victims Protections Act of 2000, as amended (2 CFR §175.15).

   a) Provisions applicable to a recipient that is a private entity.

   1. You as the Recipient, your employees, subrecipients under this award, and subrecipients’ employees may not:

      i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

      ii. Procure a commercial sex act during the period of time that the award is in effect; or

      iii. Use forced labor in the performance of the award or subawards under the award.

   2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity—

      i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or

      ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either:

         a. Associated with performance under this award: or

         b. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and
b) Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either:
   
   i. Associated with performance under this award; or
   
   ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (NonProcurement),” as implemented by our agency at 2 CFR part 1400.

c) Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
   
   i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
   
   ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d) Definitions. For purposes of this award term:

1. “Employee” means either:
i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award;

or

ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in–kind contribution toward cost sharing or matching requirements.

2. “Forced labor” means labor obtained by any of the following methods: The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. “Private entity” means:

   i. Any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25; and

   ii. Includes:

       a. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

       b. A for–profit organization.

4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

10) Recipient Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights

   a. This award and employees working on this financial assistance agreement will be subject to the whistleblower rights and remedies in the pilot program on Award Recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239).
b. The Award Recipient shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. 4712.

c. The Award Recipient shall insert the substance of this clause, including this paragraph (c), in all subawards or subcontracts over the simplified acquisition threshold, 42 CFR § 52.203–17 (as referenced in 42 CFR § 3.908–9).

11) Reporting Subawards And Executive Compensation

a) Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph D. of this award term, you must report each action that obligates $25,000 or more in Federal funds that does not include Recovery Act funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111–5) for a subaward to an entity (see definitions in paragraph E. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph A.1. of this award term to http://www.fsrs.gov.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at http://www.fsrs.gov specify.

b) Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. The total Federal funding authorized to date under this award is $25,000 or more;
ii. In the preceding fiscal year, you received—
   a. 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
   b. $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

2. Where and when to report. You must report executive total compensation described in paragraph A.1. of this award term:
   
   i. As part of your registration profile at https://www.sam.gov.
   
   ii. By the end of the month following the month in which this award is made, and annually thereafter.

c) Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph D. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient’s five most highly compensated executives for the subrecipient’s preceding completed fiscal year, if—
   
   i. In the subrecipient’s preceding fiscal year, the subrecipient received—
      a. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
b. $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d) Exemptions.

1. If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e) Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;
iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

   i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

   ii. The term includes your procurement of property and services needed to carry out the project or program. The term does not include procurement of incidental property and services needed to carry out the award project or program.

   iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

   i. Receives a subaward from you (the recipient) under this award; and

   ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient’s or subrecipient’s preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

   i. Salary and bonus.

   ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance
with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. Earnings for services under non–equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

v. Above–market earnings on deferred compensation which is not tax–qualified.

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

12) **Conflict of Interest**

a) The Recipient must establish safeguards to prohibit its employees and Sub–recipients from using their positions for purposes that constitute or present the appearance of a personal or organizational conflict of interest. The Recipient is responsible for notifying the Awarding Officer in writing of any actual or potential conflicts of interest that may arise during the life of this award. Conflicts of interest include any relationship or matter which might place the Recipient or its employees in a position of conflict, real or apparent, between their responsibilities under the agreement and any other outside interests. Conflicts of interest may also include, but are not limited to, direct or indirect financial interests, close personal relationships, positions of trust in outside organizations, consideration of future employment arrangements with a different organization, or decision–making affecting the award that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the Recipient and/or Recipient's employees and Sub–recipients in the matter.

b) The Awarding Officer and the servicing Ethics Counselor will determine if a conflict of interest exists. If a conflict of interest exists, the Awarding Officer will determine whether a mitigation plan is feasible. Mitigation plans must be approved by the Awarding Officer in writing.

c) Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR
ARTICLE XVI – LWCF PROVISIONS

Part I – Definitions

A. The term "NPS" or "Service" as used herein means the National Park Service, United States Department of the Interior.

B. The term "Director" as used herein means the Director of the National Park Service, or any representative lawfully delegated the authority to act for such Director.

C. The term "Manual" as used herein means the Land and Water Conservation Fund State Assistance Program Manual.

D. The term "project" as used herein means a Land and Water Conservation Fund grant, which is subject to the project agreement and/or its subsequent amendments.

E. The term "State" as used herein means the State or Territory that is a party to the project agreement, and, where applicable, the political subdivision or public agency to which funds are to be transferred pursuant to this agreement. Wherever a term, condition, obligation, or requirement refers to the State, such term, condition, obligation, or requirement shall also apply to the recipient political subdivision or public agency, except where it is clear from the nature of the term, condition, obligation, or requirement that it is to apply solely to the State. For purposes of these provisions, the terms "State," "grantee," and "recipient" are deemed synonymous.

F. The term "Secretary" as used herein means the Secretary of the Interior, or any representative lawfully delegated the authority to act for such Secretary.

Part II - Continuing Assurances

The parties to the project agreement specifically recognize that the Land and Water Conservation Fund project creates an obligation to maintain the property described in the project agreement and supporting application documentation consistent with the Land and Water Conservation Fund Act and the following requirements.

Further, it is the acknowledged intent of the parties hereto that recipients of assistance will use monies granted hereunder for the purposes of this program, and that assistance granted from the Fund will result in a net increase, commensurate at least with the Federal cost-share, in a participant's outdoor recreation.
It is intended by both parties hereto that assistance from the Fund will be added to, rather than replace or be substituted for, State and local outdoor recreation funds.

A. The State agrees, as recipient of this assistance, that it will meet the general, special, and LWCF provisions outlined in this award agreement and that it will further impose these provisions, and the terms of the project agreement, upon any political subdivision or public agency to which funds are transferred pursuant to the project agreement. The State also agrees that it shall be responsible for compliance with the terms of the project agreement by such a political subdivision or public agency and that failure by such political subdivision or public agency to so comply shall be deemed a failure by the State to comply with the terms of this agreement.

B. The State agrees that the property described in the project agreement and the signed and dated project boundary map made part of that agreement is being acquired or developed with Land and Water Conservation Fund assistance, or is integral to such acquisition or development, and that, without the approval of the Secretary, it shall not be converted to other than public outdoor recreation use but shall be maintained in public outdoor recreation in perpetuity or for the term of the lease in the case of leased property. The Secretary shall approve such conversion only if it is found to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location pursuant to Title 36 Part 59.3 of the Code of Federal Regulations. This replacement land then becomes subject to LWCF protection. The approval of a conversion shall be at the sole discretion of the Secretary, or his/her designee.

Prior to the completion of this project, the State and the Director may mutually alter the area described and shown in the project agreement and the signed and dated project boundary map to provide the most satisfactory public outdoor recreation unit, except that acquired parcels are afforded LWCF protection as Fund reimbursement is provided.

In the event the NPS provides Land and Water Conservation Fund assistance for the acquisition and/or development of property with full knowledge that the project is subject to reversionary rights and outstanding interests, conversion of said property to other than public outdoor recreation uses as a result of such right or interest being exercised will occur. In receipt of this approval, the State agrees to notify the Service of the potential conversion as soon as possible and to seek approval of replacement property in accord with the conditions set forth in these provisions and program regulations. The provisions of this paragraph are also applicable to: leased properties acquired and/or developed with Fund assistance where such lease is terminated prior to its full term due to the existence of provisions in such lease known and agreed to by the Service; and properties subject to other outstanding rights and interests that may result in a conversion when known and agreed to by the Service.
C. The State agrees that the benefit to be derived by the United States from the full compliance by the State with the terms of this agreement is the preservation, protection, and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the United States by way of assistance under the terms of this agreement. The State agrees that payment by the State to the United States of an amount equal to the amount of assistance extended under this agreement by the United States would be inadequate compensation to the United States for any breach by the State of this agreement.

The State further agrees, therefore, that the appropriate remedy in the event of a breach by the State of this agreement shall be the specific performance of this agreement or the submission and approval of a conversion-of-use request as described in Part II.B above.

D. The State agrees to comply with the policies and procedures set forth in the Manual. Provisions of said Manual are incorporated into and made a part of the project agreement.

E. The State agrees that the property and facilities described in the project agreement shall be operated and maintained as prescribed by Manual requirements and published post-completion compliance regulations (Title 36 Part 59 of the Code of Federal Regulations).

F. The State agrees that a notice of the grant agreement shall be recorded in the public property records (e.g., registry of deeds or similar) of the jurisdiction in which the property is located, to the effect that the property described and shown in the scope of the project agreement and the signed and dated project boundary map made part of that agreement, has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the Interior.

G. Nondiscrimination

1. By signing the LWCF agreement, the State certifies that it will comply with all Federal laws relating to nondiscrimination as outlined in the Civil Rights Assurance appearing at Article XV.A.2.

2. The State shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence as set forth in the Manual.
Part III - Project Assurances

A. Project Application

1. The Application for Federal Assistance bearing the same project number as the agreement and associated documents is by this reference made a part of the agreement.

2. The State possesses legal authority to apply for the grant, and to finance and construct the proposed facilities. A resolution, motion, or similar action has been duly adopted or passed authorizing the filing of the application, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the State to act in connection with the application and to provide such additional information as may be required.

3. The State has the capability to finance the non-Federal share of the costs for the project. Sufficient funds will be available to assure effective operation and maintenance of the facilities acquired or developed by the project.

B. Project Execution

1. The State shall transfer to the project sponsor identified in the Application for Federal Assistance or the Description and Notification Form all funds granted hereunder except those reimbursed to the State to cover eligible expenses derived from a current approved negotiated indirect cost rate agreement.

2. The State will cause work on the project to start within a reasonable time after receipt of notification that funds have been approved and assure that the project will be implemented to completion with reasonable diligence.

3. The State will require the facility to be designed to comply with the Architectural Barriers Act of 1968 (Public Law 90-480) and DOI Section 504 Regulations (43 CFR Part 17). The State will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

4. The State shall secure completion of the work in accordance with approved construction plans and specifications, and shall secure compliance with all applicable Federal, State, and local laws and regulations.

5. In the event the project covered by the project agreement, cannot be completed in accordance with the plans and specifications for the project; the State shall bring the project to a point of recreational usefulness agreed upon by the State and the Director or his designee.
6. The State will provide for and maintain competent and adequate architectural/engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the NPS may require.

7. The State will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (1970), and the applicable regulations and procedures implementing such Act for all real property acquisitions and where applicable shall assure that the Act has been complied with for property to be developed with assistance under the project agreement.

8. The State will comply with the provisions of: Executive Order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement or water pollution, and Executive Order 11990 relating to the protection of wetlands.

9. The State will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available, as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes, for use in any area that has been identified as an area having special flood hazards by the Flood Insurance Administration of the Federal Emergency Management Agency. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

10. The State will assist the NPS in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), Executive Order 11593, and the Archaeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to effects (see CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

C. Project Termination

1. The Director may temporarily suspend Federal assistance under the project pending corrective action by the State or pending a decision to terminate the grant
by the Service.

2. The State may unilaterally terminate the project at any time prior to the first payment on the project. After the initial payment, the project may be terminated, modified, or amended by the State only by mutual agreement.

3. The Director may terminate the project in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The Director will promptly notify the State in writing of the determination and the reasons for the termination, together with the effective date. Payments made to States or recoveries by the Service under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

4. The Director or State may terminate grants in whole, or in part at any time before the date of completion, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The NPS may allow full credit to the State for the Federal share of the non-cancelable obligations, properly incurred by the grantee prior to termination.

5. Termination either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by the State and the Director or that all funds provided by the National Park Service be returned.

D. Project Closeout

1. The State will determine that all applicable administrative actions, including financial, and all required work as described in the project agreement has been completed by the end of the project’s period of performance.

2. Within 90 calendar days after completing the project or after the end of the period of performance, whichever comes first, the State will submit all required documentation as outlined in the Manual and the Federal Financial Report (SF-425) as outlined in Article XII of this Agreement for approval by the Service prior to requesting final reimbursement.

3. After review, including any adjustments, and approval from the NPS, the State will request through ASAP the final allowable reimbursable costs.
completion of an electronic payment, the State will submit a completed "LWCF Record of Electronic Payment" form to the NPS.

4. The NPS retains the right to disallow costs and recover funds on the basis of later audit or other review within the record retention period.

ARTICLE XVII – ATTACHMENTS INCORPORATED BY REFERENCE

The following completed documents are attached to and made a part of this Agreement:

Attachment B. SF-424 – Application for Federal Assistance
Attachment C. SF-424C – Budget Information – Construction Programs
Attachment D. SF-424D – Assurances – Construction Programs
Attachment E. Project Application and Attachments
Attachment F. 36 CFR Part 59

The Standard Forms (SF) can be downloaded electronically at www.grants.gov or by contacting the NPS Awarding Officer.

ARTICLE XVIII – SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) set forth below.

FOR THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS

VOID VOID VOID VOID
Jean Caraway Date
Alternative State Liaison Officer

FOR THE NATIONAL PARK SERVICE

VOID VOID VOID VOID
Gwenhwyvar P. Smith Date
Awarding Officer
Appendix C - LWCF Proposal Description and Environmental Screening Form
The purpose of this Proposal Description and Environmental Screening Form (PD/ESF) is to provide descriptive and environmental information about a variety of Land and Water Conservation Fund (LWCF) state assistance proposals submitted for National Park Service (NPS) review and decision. The completed PD/ESF becomes part of the "federal administrative record" in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. The PD portion of the form captures administrative and descriptive details enabling the NPS to understand the proposal. The ESF portion is designed for States and/or project sponsors to use while the LWCF proposal is under development. Upon completion, the ESF 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 ESF 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.

Except for the proposals listed below, the PD/ESF must be completed, including the appropriate NEPA document, signed by the State, and submitted with each new federal application for LWCF assistance and amendments for: scope changes that alter or add facilities and/or acres; conversions; public facility exceptions; sheltering outdoor facilities; and changing the original intended use of an area from that which was approved in an earlier LWCF agreement. Consult the LWCF Program Manual (www.nps.gov/lwcf) for detailed guidance for your type of proposal and on how to comply with NEPA.

For the following types of proposals only this Cover Page is required because these types of proposals are administrative in nature and are categorically excluded from further NEPA environmental analysis. NPS will complete the NEPA CE Form. Simply check the applicable box below, and complete and submit only this Cover Page to NPS along with the other items required for your type of proposal as instructed in the LWCF Program Manual.

- SCORP planning proposal
- Time extension with no change in project scope or with a reduction in project scope
- To delete work and no other work is added back into the project scope
- To change project cost with no change in project scope or with a reduction in project scope
- To make an administrative change that does not change project scope

<table>
<thead>
<tr>
<th>Name of LWCF Proposal:</th>
<th>Date Submitted to NPS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>LWCF Project Number:</td>
<td>Prior LWCF Project Number(s) and Park Name(s) Associated with the Assisted Site(s):</td>
</tr>
<tr>
<td>Local or State Project Sponsoring Agency (recipient, or sub-recipient in case of pass-through grants)</td>
<td></td>
</tr>
<tr>
<td>Name of Local or State Sponsor Contact:</td>
<td>Title</td>
</tr>
<tr>
<td>Address</td>
<td>City</td>
</tr>
<tr>
<td>Phone</td>
<td>Fax</td>
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</tbody>
</table>
Using a separate sheet for narrative descriptions and explanations, address each item and question in the order it is presented, and identify each response with its item number such as Step 1-A1, A2; Step 3-B1; Step 6-A1, A29; etc.

<table>
<thead>
<tr>
<th>Step 1. Type of LWCF Proposal</th>
</tr>
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<tbody>
<tr>
<td>New Project Application</td>
</tr>
<tr>
<td>☐ Acquisition</td>
</tr>
<tr>
<td>Go to Step A</td>
</tr>
</tbody>
</table>

New Project Application
- ☐ Increase in scope or change in scope from original agreement. Complete Steps 3A, and 5 through 7.
- ☐ 6(f) conversion proposal. Complete Steps 3B, and 5 through 7.
- ☐ Request for public facility in a Section 6(f) area. Complete Steps 3C, and 5 through 7.

Request for temporary non-conforming use in a Section 6(f) area. Complete Steps 4A, and 5 through 7.

Request for significant change in use/intent of original LWCF application. Complete Steps 4B, and 5 through 7.

Request to shelter existing/new facility within a Section 6(f) area regardless of funding source. Complete Steps 4C, and 5 through 7.

<table>
<thead>
<tr>
<th>Step 2. New Project Application</th>
<th>(See LWCF Manual for guidance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. For an Acquisition Project</td>
<td></td>
</tr>
<tr>
<td>1. Provide a brief narrative about the proposal that provides the reasons for the acquisition, the number of acres to be acquired with LWCF assistance, and a description of the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/ contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.).</td>
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<tr>
<td>2. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?</td>
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<tr>
<td>3. Describe development plans for the proposal for the site(s) for public outdoor recreation use within the next three (3) years.</td>
<td></td>
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<tr>
<td>4. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the “Uniform Appraisal Standards for Federal Land Acquisitions” or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.</td>
<td></td>
</tr>
<tr>
<td>5. Address each item in “D” below.</td>
<td></td>
</tr>
<tr>
<td>B. For a Development Project</td>
<td></td>
</tr>
<tr>
<td>1. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.</td>
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<tr>
<td>2. When will the project be completed and open for public outdoor recreation use?</td>
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<tr>
<td>3. Address each item in “D” below.</td>
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<tr>
<td>C. For a Combination Project</td>
<td></td>
</tr>
<tr>
<td>1. For the acquisition part of the proposal:</td>
<td></td>
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<tr>
<td>a. Provide a brief narrative about the proposal that provides the reasons for the acquisition, number of acres to be acquired with LWCF assistance, and describes the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/ contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.).</td>
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<tr>
<td>b. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?</td>
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<tr>
<td>c. Describe development plans for the proposed for the site(s) for public outdoor recreation use within the next three (3) years.</td>
<td></td>
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<tr>
<td>d. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the “Uniform Appraisal Standards for Federal Land Acquisitions” or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.</td>
<td></td>
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<tr>
<td>2. For the development part of the proposal:</td>
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</table>
a. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.

b. When will the project be completed and open for public outdoor recreation use?

3. Address each item in “D” below.

D. For a Combination Project

1. Will this proposal create a new public park/recreation area where none previously existed and is not an addition to an existing public park/recreation area? Yes ☐ No ☐ (go to #3)

2. a. What is the name of the pre-existing public area that this new site will be added to?
   b. Is the pre-existing public park/recreation area already protected under Section 6(f)? Yes ☐ No ☐
      If no, will it now be included in the 6(f) boundary? Yes ☐ No ☐

3. What will be the name of this new public park/recreation area?

4. a. Who will hold title to the property assisted by LWCF? Who will manage and operate the site(s)?
   b. What is the sponsor’s type of ownership and control of the property?
      Fee simple ownership
      Less than fee simple. Explain:
      Lease. Describe lease terms including renewable clauses, # of years remaining on lease, etc.
      Who will lease area? Submit copy of lease with this PD/ESF. (See LWCF Manual for program restrictions for leases and further guidance)

5. Describe the nature of any rights-of-way, easements, reversionary interests, etc. to the Section 6(f) park area? Indicate the location on 6(f) map. Do parties understand that a Section 6(f) conversion may occur if private or non-recreation activities occur on any pre-existing right-of-way, easement, leased area?

6. Are overhead utility lines present, and if so, explain how they will be treated per LWCF Manual.

7. As a result of this project, describe new types of outdoor recreation opportunities and capacities, and short and long term public benefits.

8. Explain any existing non-recreation and non-public uses that will continue on the site(s) and/or proposed for the future within the 6(f) boundary.

9. Describe the planning process that led to the development of this proposal. Your narrative should address:
   a. How was the interested and affected public notified and provided opportunity to be involved in planning for and developing your LWCF proposal? Who was involved and how were they able to review the completed proposal, including any state, local, federal agency professionals, subject matter experts, members of the public and Indian Tribes. Describe any public meetings held and/or formal public comment periods, including dates and length of time provided for the public to participate in the planning process and/or to provide comments on the completed proposal.
   b. What information was made available to the public for review and comment? Did the sponsor provide written responses addressing the comments? If so, include responses with this PD/ESF submission.

10. How does this proposal implement statewide outdoor recreation goals as presented in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) (include references), and explain why this proposal was selected using the State's Open Project Selection Process (OPSP).

11. List all source(s) and amounts of financial match to the LWCF federal share of the project. The value of the match can consist of cash, donation, and in-kind contributions. The federal LWCF share and financial matches must result in a viable outdoor recreation area and not rely on other funding not mentioned here. Other federal resources may be used as a match if specifically authorized by law.

<table>
<thead>
<tr>
<th>Source</th>
<th>Type of Match</th>
<th>Amount</th>
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12. Is this LWCF project scope part of a larger effort not reflected on the SF-424 (Application for Federal Assistance) and grant agreement? If so, briefly describe the larger effort, funding amount(s) and source(s). This will capture information about partnerships and how LWCF plays a role in leveraging funding for projects beyond the scope of this federal grant.

13. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.

Proceed to Steps 5 through 7
### Step 3. Project Amendment  (See LWCF Manual for guidance)

<table>
<thead>
<tr>
<th>A. Increase/Change in Project Scope</th>
</tr>
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<tbody>
<tr>
<td>1. <strong>For Acquisition Projects:</strong> To acquire additional property that was not described in the original project proposal and NEPA documentation, follow Step 2A-Acquisition Project and 2D.</td>
</tr>
<tr>
<td>2. <strong>For Development Projects:</strong> To change the project scope for a development project that alters work from the original project scope by adding elements or enlarging facilities, follow Step 2B-Development Project and 2D.</td>
</tr>
<tr>
<td>3. <strong>For Combination Projects:</strong> Follow Step 2C as appropriate.</td>
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</table>

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<th>B. Section 6(f)(3) Conversion Proposal</th>
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<tr>
<td>Prior to developing your Section 6(f)(3) conversion proposal, you must consult the LWCF Manual and 36 CFR 59.3 for complete guidance on conversions. Local sponsors must consult early with the State LWCF manager when a conversion is under consideration or has been discovered. States must consult with their NPS-LWCF manager as early as possible in the conversion process for guidance and to sort out and discuss details of the conversion proposal to avoid mid-course corrections and unnecessary delays. <strong>A critical first step is for the State and NPS to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity.</strong> Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary.</td>
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The Section 6(f)(3) conversion proposal including the required NEPA environmental review documents (CE recommendation or an EA document) must focus on the loss of public outdoor recreation park land and recreational usefulness, and its replacement per 36 CFR 59, and not the activities precipitating the conversion or benefits thereof, such as the impacts of constructing a new school to relieve overcrowding or constructing a hotel/restaurant facility to stimulate the local economy. Rather, the environmental review must: 1) focus on “resource impacts” as indicated on the ESF (Step 6), including the loss of public park land and recreation opportunities (ESF A-15), and 2) the impacts of creating new replacement park land and replacement recreation opportunities. A separate ESF must be generated for the converted park area and each replacement site. Section 6(f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA, except for “small” conversions as defined in the LWCF Manual Chapter 8. |

For NPS review and decision, the following elements are required to be included in the State’s completed conversion proposal to be submitted to NPS:

1. A letter of transmittal from the SLO recommending the proposal. |
2. A detailed explanation of the sponsor’s need to convert the Section 6(f) parkland including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not pursued. |
3. An explanation of how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP). |
4. Completed “State Appraisal/Waiver Valuation Review form in Step 7 for each of the converted and replacement parcels certifying that the appraisals meet the “Uniform Appraisal Standards for Federal Land Acquisitions.” States must retain copies of the appraisals/waiver valuations and make them available for review upon request. |
5. For the park land proposed for conversion, a detailed description including the following:
   a. Specific geographic location on a map, 9-digit zip code, and name of park or recreation area proposed for conversion. |
   b. Description of the area proposed for the conversion including the acreage to be converted and any acreage remaining. For determining the size of the conversion, consider not only the physical footprint of the activity precipitating the conversion, but how the precipitating activity will impact the entire 6(f) park area. In many cases the size of the converted area is larger than the physical footprint. Include a description of the recreation resources, facilities, and recreation opportunities that will be impacted, displaced or lost by the proposed conversion. For proposals to partially convert a Section 6(f) park area, the remaining 6(f) park land must remain recreationally viable and not be impacted by the activities that are precipitating the conversion. If it is anticipated that the precipitating activities impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted park land. |
   c. Description of the community and population served by the park, including users of the park and uses. |
   d. For partial conversions, a revised 6(f) map clearly indicating both the portion that is being converted and the portion remaining intact under Section 6(f). |
6. For each proposed replacement site: 
   a. Specific geographic location on a map, 9-digit zip code, and geographical relationship of converted and replacement sites. If site will be added to an existing public park/outdoor recreation area, indicate on map. |
   b. Description of the site’s physical characteristics and resource attributes with number and types of resources and features on the site, for example, 15 acres wetland, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground utilities including overhead wires, towers, etc. |
   c. Identification of the owner of the replacement site and its recent history of use/function up to the present.
d. Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.

e. Identification of owner and manager of the new replacement park?

f. Name of the new replacement park. If the replacement park is added to an existing public park area, will the existing area be included within the 6(f) boundary? What is the name of the existing public park area?

g. Timeframe for completing the new outdoor recreation area(s) to replace the recreation opportunity lost per the terms of conversion approval and the date replacement park(s) will be open to the public.

h. New Section 6(f) map for the new replacement park.

7. NEPA environmental review, including NHPA Section 106 review, for both the converted and replacement sites in the same document to analyze how the converted park land and recreational usefulness will be replaced. Except for “small” conversions (see LWCF Manual Chapter 8), conversions usually require an EA.

**C. Proposal for a Public Facility in a Section 6(f) Area**

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. In summary, NPS must review and decide on requests to construct a public indoor and/or non-recreation facility within a Section 6(f) area. In certain cases NPS may approve the construction of public facilities within a Section 6(f) area where it can be shown that there will be a net gain in outdoor recreation benefits and enhancements for the entire park. In most cases, development of a non-recreation public facility within a Section 6(f) area constitutes a conversion. For NPS review, the State/sponsor must submit a proposal to NPS under a letter of transmittal from the SLO that:

1. Describes the purpose and all proposed uses of the public facility such as types of programming, recreation activities, and special events including intended users of the new facility and any agency, organization, or other party to occupy the facility. Describe the interior and exterior of the facility, such as office space, meeting rooms, food/beverage area, residential/lodging area, classrooms, gyms, etc. Explain how the facility will be compatible with the outdoor recreation area. Explain how the facility and associated uses will significantly support and enhance existing and planned outdoor recreation resources and uses of the site, and how outdoor recreation use will remain the primary function of the site. (The public’s outdoor recreation use must continue to be greater than that expected for any indoor use, unless the site is a single facility, such as a swimming pool, which virtually occupies the entire site.)

2. Indicates the exact location of the proposed public facility and associated activities on the site’s Section 6(f) map. Explain the design and location alternatives considered for the public facility and why they were not pursued.

3. Explains who will own and/or operate and maintain the facility? Attach any 3rd party leases and operation and management agreements. When will the facility be open to the public? Will the facility ever be used for private functions and closed to the public? Explain any user or other fees that will be instituted, including the fee structure.

4. Includes required documents as a result of a completed NEPA process (Steps 5 – 7).

**Propose to Steps 5 through 7**

**Step 4. Proposals for Temporary Non-Conforming Use, Significant Change in Use, and Sheltering Facilities**

*See LWCF Manual for guidance*

**A. Proposal for Temporary Non-Conforming Use**

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decided on requests for temporary uses that do not meet the requirements of allowable activities within a Section 6(f) area. A temporary non-conforming use is limited to a period of six months (180 days) or less. Continued use beyond six-months will not be considered temporary, and may result in a Section 6(f)(3) conversion of use requiring the replacement of converted parkland. For NPS review, describe the temporary non-conforming use (activities other than public outdoor recreation) in detail including the following information:

1. A letter of transmittal from the SLO recommending the proposal.

2. Describe in detail the proposed temporary non-conforming use and all associated activities, why it is needed, and alternative locations that were considered and why they were not pursued.

3. Explain length of time needed for the temporary non-conforming use and why.

4. Describe the size of the Section 6(f) area affected by the temporary non-conforming use activities and expected impacts to public outdoor recreation areas, facilities and opportunities. Explain efforts to keep the size of the area impacted to a minimum. Indicate the location of the non-conforming use on the site’s 6(f) map.

5. Describe any anticipated temporary/permanent impacts to the Section 6(f) area and how the sponsor will mitigate them during and after the non-conforming use ceases.

6. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

**Proceed to Steps 5 through 7**
### B. Proposal for Significant Change in Use

Prior to developing the proposal, you must consult the LWCF Manual for complete guidance. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area outlined in the original LWCF application for federal assistance. Consult with NPS for early determination on the need for a formal review. NPS approval is only required for proposals that will significantly change the use of a LWCF-assisted site (e.g., from passive to active recreation). The proposal must include and address the following items:

1. A letter of transmittal from the SLO recommending the proposal.
2. Description of the proposed changes and how they significantly contravene the original plans or intent of LWCF agreements.
3. Explanation of the need for change in use and how the change is consistent with local plans and the SCORP.
4. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

**Proceed to Steps 5 through 7**

### C. Proposal for Sheltering Facilities

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decide on all proposals to shelter an existing outdoor recreation facility or construct a new sheltered recreation facility within a Section 6(f) area regardless of funding source. The proposal must demonstrate that there is an increased benefit to public recreation opportunity. Describe the sheltering proposal in detail, including the following:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe the proposed sheltered facility, how it would operate, how the sheltered facility will include recreation uses that could typically occur outdoors, and how the primary purpose of the sheltered facility is recreation.
3. Explain how the sheltered facility would not substantially diminish the outdoor recreation values of the site including how the sheltered facility will be compatible and significantly supportive of the outdoor recreation resources present and/or planned.
4. Explain how the sheltered facility will benefit the total park’s outdoor recreation use.
5. Describe efforts provided to the public to review the proposal to shelter the facility and has local support.
6. Document that the sheltered facility will be under the control and tenure of the public agency which sponsors and administers the original park area.
7. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

**Proceed to Steps 5 through 7**

### Step 5. Summary of Previous Environmental Review (including E.O. 12372 - Intergovernmental Review)

To avoid duplication of effort and unnecessary delays, describe any prior environmental review undertaken at any time and still viable for this proposal or related efforts that could be useful for understanding potential environmental impacts. Consider previous local, state, federal (e.g. HUD, EPA, USFWS, FHWA, DOT) and any other environmental reviews. At a minimum, address the following:

1. Date of environmental review(s), purpose for the environmental review(s) and for whom they were conducted.
2. Description of the proposed action and alternatives.
3. Who was involved in identifying resource impact issues and developing the proposal including the interested and affected public, government agencies, and Indian tribes?
4. Environmental resources analyzed and determination of impacts for proposed actions and alternatives.
5. Any mitigation measures to be part of the proposed action.
6. Intergovernmental Review Process (Executive Order 12372):
   - Does the State have an Intergovernmental Review Process? Yes ☐ No ☐
   - If “Yes”, has the LWCF Program been selected for review under the State Intergovernmental Review Process? Yes ☐ No ☐
   - If “Yes”, was this proposal reviewed by the appropriate State, metropolitan, regional and local agencies, and if so, attach any information and comments received about this proposal. If proposal was not reviewed, explain why not.
7. Public comment periods (how long, when in the process, who was invited to comment) and agency response.
8. Any formal decision and supporting reasons regarding degree of potential impacts to the human environment.
9. Was this proposed LWCF federal action and/or any other federal actions analyzed/reviewed in any of the previous environmental reviews? If so, what was analyzed and what impacts were identified? Provide specific environmental review document references.

Use resource impact information generated during previous environmental reviews described above and from recently conducted site inspections to complete the Environmental Screening Form (ESF) portion of this PD/ESF under Step 6. Your ESF responses should indicate your proposal’s potential for impacting each resource as determined in the previous environmental review(s), and include a reference to where the analysis can be found in an earlier environmental review document. If the previous environmental review documents contain proposed actions to mitigate impacts, briefly summarize the mitigation for each resource as appropriate. The appropriate references for previous environmental review document(s) must be documented on the ESF, and the actual document(s)
along with this PD/ESF must be included in the submission for NPS review.

**Proceed to Steps 6 through 7**

### Step 6. Environmental Screening Form (ESF)

This portion of the PD/ESF is a working tool used to identify the level of environmental documentation which must accompany the proposal submission to the NPS. By completing the ESF, the project sponsor is providing support for its recommendation in Step 7 that the proposal either:

1. meets criteria to be categorically excluded (CE) from further NEPA review and no additional environmental documentation is necessary; or
2. requires further analysis through an environmental assessment (EA) or an environmental impact statement (EIS).

An ESF alone does not constitute adequate environmental documentation unless a CE is recommended. If an EA is required, the EA process and resulting documents must be included in the proposal submission to the NPS. If an EIS may be required, the State must request NPS guidance on how to proceed.

The scope of the required environmental analysis will vary according to the type of LWCF proposal. For example, the scope for a new LWCF project will differ from the scope for a conversion. Consult the LWCF Manual for guidance on defining the scope or extent of environmental analysis needed for your LWCF proposal. As early as possible in your planning process, consider how your proposal/project may have direct, indirect and cumulative impacts on the human environment for your type of LWCF action so planners have an opportunity to design alternatives to lessen impacts on resources, if appropriate. When used as a planning tool in this way, the ESF responses may change as the proposal is revised until it is ready for submission for federal review. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the NEPA.

The ESF should be completed with input from resource experts and in consultation with relevant local, state, tribal and federal governments, as applicable. The interested and affected public should be notified of the proposal and be invited to participate in scoping out the proposal (see LWCF Manual Chapter 4). At a minimum, a site inspection of the affected area must be conducted by individuals who are familiar with the type of affected resources, possess the ability to identify potential resource impacts, and to know when to seek additional data when needed.

At the time of proposal submission to NPS for federal review, the completed ESF must justify the NEPA pathway that was followed: CE recommendation, production of an EA, or production of an EIS. The resource topics and issues identified on the ESF for this proposal must be presented and analyzed in an attached EA/EIS. Consult the LWCF Manual for further guidance on LWCF and NEPA.

The ESF contains two parts that must be completed:

<table>
<thead>
<tr>
<th>Part A. Environmental Resources</th>
<th>Part B. Mandatory Criteria</th>
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<tr>
<td><strong>Part A:</strong> For each environmental resource topic, choose an impact estimate level (none, negligible, minor, exceeds minor) that describes the degree of potential negative impact for each listed resource that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal. For each impacted resource provide a brief explanation of how the resource might be affected, how the impact level was determined, and why the chosen impact level is appropriate. If an environmental review has already been conducted on your proposal and is still viable, include the citation including any planned mitigation for each applicable resource, and choose an impact level as mitigated. If the resource does not apply to your proposal, mark NA in the first column. Add any relevant resources (see A.24 on the ESF) if not included in the list. <strong>Use a separate sheet</strong> to briefly clarify how each resource could be adversely impacted; any direct, indirect, and cumulative impacts that may occur; and any additional data that still needs to be determined. Also explain any planned mitigation already addressed in previous environmental reviews.</td>
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<td><strong>Part B:</strong> This is a list of mandatory impact criteria that preclude the use of categorical exclusions. If you answer &quot;yes&quot; or &quot;maybe&quot; for any of the mandatory criteria, you must develop an EA or EIS regardless of your answers in Part A. Explain all &quot;yes&quot; and &quot;maybe&quot; answers on a separate sheet.</td>
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<tr>
<td>A. ENVIRONMENTAL RESOURCES</td>
<td>Not Applicable - Resource does not exist</td>
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<td>1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.</td>
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<td>2. Air quality</td>
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<td>3. Sound (noise impacts)</td>
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<td>4. Water quality/quantity</td>
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<td>5. Stream flow characteristics</td>
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<td>6. Marine/estuarine</td>
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<td>7. Floodplains/wetlands</td>
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<td>8. Land use/ownership patterns; property values; community livability</td>
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<td>9. Circulation, transportation</td>
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<td>10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing</td>
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<td>11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.</td>
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<td>12. Unique or important wildlife/wildlife habitat</td>
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<td>13. Unique or important fish/habitat</td>
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<td>14. Introduce or promote invasive species (plant or animal)</td>
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<td>15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. Most conversions exceed minor impacts. See Step 3.B</td>
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<td>16. Accessibility for populations with disabilities</td>
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<td>17. Overall aesthetics, special characteristics/features</td>
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<td>18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.</td>
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<td>19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure</td>
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<td>20. Minority and low-income populations</td>
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<td>21. Energy resources (geothermal, fossil fuels, etc.)</td>
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<td>22. Other agency or tribal land use plans or policies</td>
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<td>23. Land/structures with history of contamination/hazardous materials even if remediated</td>
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<td>24. Other important environmental resources to address</td>
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B. Mandatory Criteria

If your LWCF proposal is approved, would it...

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<th>Yes</th>
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<td>12.</td>
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Environmental Reviewers

The following individual(s) provided input in the completion of the environmental screening form. List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in state compliance file for any future program review and/or audit. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.

1. 
2. 
3. 

The following individuals conducted a site inspection to verify field conditions.

List name of inspector(s), title, agency, and date(s) of inspection.

1. 
2. 
3. 

State may require signature of LWCF sub-recipient applicant here: ___________________________ Date: ___________________________

Step 7. Recommended NEPA Pathway and State Appraisal/Waiver Valuation

First, consult the NPS list of Categorical Exclusions (CEs). If you find your action in the CE list and you have determined in Step 6A that impacts will be minor or less for each applicable environmental resource on the ESF and you answered “no” to all of the “Mandatory Criteria” questions in Step 6B, the proposal qualifies for a CE. Complete the following “State LWCF Environmental Recommendations” box indicating the CE recommendation.

If you find your action in the CE list and you have determined in Step 6A that impacts will be greater than minor or that more data is needed for any of the resources and you answered “no” to all of the “Mandatory Criteria” questions, your environmental review team may choose to do additional analysis to determine the context, duration, and intensity of the impacts of your project or may wish to revise the proposal to minimize impacts to meet the CE criteria. If impacts remain at the greater than minor level, the State/sponsor must prepare an EA for the proposal. Complete the following “State Environmental Recommendations” box indicating the need for an EA.
If you do not find your action in the CE list, regardless of your answers in Step 6, you must prepare an EA or EIS. Complete the following “State Environmental Recommendations” box indicating the need for an EA or EIS.

**State NEPA Pathway Recommendation**

- I certify that a site inspection was conducted for each site involved in this proposal and to the best of my knowledge, the information provided in this LWCF Proposal Description and Environmental Screening Form (PD/ESF) is accurate based on available resource data. All resulting notes, reports and inspector signatures are stored in the state’s NEPA file for this proposal and are available upon request. On the basis of the environmental impact information for this LWCF proposal as documented in this LWCF PD/ESF with which I am familiar, I recommend the following LWCF NEPA pathway:

  - This proposal qualifies for a Categorical Exclusion (CE).
    - CE Item #:
    - Explanation:
  - This proposal requires an Environmental Assessment (EA) which is attached and has been produced by the State/sponsor in accordance with the LWCF Program Manual.
  - This proposal may require an Environmental Impact Statement (EIS). NPS guidance is requested per the LWCF Program Manual.

**Reproduce this certificate as necessary. Complete for each LWCF appraisal or waiver valuation.**

**State Appraisal/Waiver Valuation Review**

<table>
<thead>
<tr>
<th>Property Address:</th>
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<th>Date of appraisal transmittal letter/waiver:</th>
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<td>Real property value:</td>
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<td>Effective date of value:</td>
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I certify that:

- 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 reviewed and approved a waiver valuation for this property per 49 CFR 24.102(c)(2)(ii).

**SLO/ASLO Original Signature:**

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<th>Date:</th>
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Typed Name: ________________________  Title: ________________________  Agency: ________________________
NOTICES

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by the Land and Water Conservation Fund Act of 1965 (54 U.S.C. 2003 et seq.). Your response is required to obtain or retain a benefit. We use this information to obtain descriptive and environmental information about the proposal. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0031 to this collection.

Estimated Burden Statement

Completion times vary widely depending on the use of the form, from approximately 30 minutes to complete the cover page only to 500 hours for a difficult conversion of use. We estimate that the average completion time for this form is 8 hours for an application, 2 hours for an amendment, and 112 hours for a conversion of use, including the time necessary to review instructions gather data and review the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information Collection Officer, National Park Service, 12201 Sunrise Valley Drive, MS-242 Rm. 2C114, Reston, VA 20192. Please do not send your completed form to this address; but rather to the address at the top of the form.
Appendix D - Section 6(f) Boundary Map
Section 6(f)(3) Boundary Map

Section 6(f)(3) of the Land & Water Conservation states that: No property acquired or developed with assistance under this section shall without approval of the Secretary [of the Interior] be converted to other than public outdoor recreation uses. The LWCF program realizes that in certain instances there is no alternative to converting a portion of a LWCF property. In those extreme cases where there is no feasible alternative, the grantee must begin a conversion of use process with MDWFP-ORG. In short, the conversion of use process requires that a suitable piece of replacement property be found before a conversion occurs at a LWCF site. Suitable means equivalent in fair market value and can serve as a viable public outdoor recreation area without reliance upon adjoining or additional areas.

The purpose of a Section 6(f)(3) map is to legally define the area being developed or acquired with federal LWCF grant money. This area will be given the protection of Section 6(f)3 of the LWCF Act, which states that property acquired or developed with LWCF money shall not be converted to uses other than public outdoor recreation.

A Section 6(f)(3) map also ensures that the area defined by the boundary line is a viable recreation unit. Normally, this will be the total area of the facility receiving assistance. In no case will it be less than the area to be developed or acquired under a given LWCF application. All projects must have a Section 6(f)3 map.

According to LWCF rules and regulations, the project area within the Section 6(f)(3) boundary will become encumbered as an outdoor recreational site in perpetuity. This means that it must be open and managed for public outdoor recreation forever.

Each project application must include a 6(f)3 Metes and Bounds map unless the project is for an acquisition project.

At a minimum, the 6(f)(3) map should include:

- Title of Map.
- Date Map was prepared.
- Scale in feet.
- A north compass point.
- The Section 6 (f)(3) Metes and Bounds line should be distinct from all other lines on the map.
- Section 6(f) boundary should be written on the map with an arrow pointing to the line.
- Boundary lines should be shown by dotted or bold lines & distinct from all other lines on the map.
- Latitudes and longitudes for the boundary lines must be provided.

Whenever possible, maps should include some permanent locator, natural landmarks, public roadways etc. to aid in determining boundaries in the field. The number of acres being placed under Section 6 (f) protection must be noted.

Applicants should consider any existing or potential non-recreational uses of the park property that should be excluded (carved out and/or setback) from the 6(f) protection. These areas should be clearly marked on the map and identified as been excluded from the 6(f) area. It is highly recommended that applicants consult with the Mississippi Department of Transportation to determine if any planned road construction or improvement projects might impact the proposed 6(f) boundary and make adjustments now to avoid creating future conversion of use issues.

Any easements (utility, conservation, wetland, etc.) must be clearly shown on the map. Maps should be as high a quality as possible. Whenever possible, the finished map should be submitted on ledger size paper (11 x 17). Two, signed and dated copies of the map are required. Signature should be of local representative authorized to submit the application request.
DESCRIPTION OF PROPERTY:

A PARCEL OF LAND SITUATED IN THE NE 1/4 OF SE 1/4 AND THE SE 1/4 OF SE 1/4 OF SECTION 2, T2N, R6W, GREENE CO., MS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF NE 1/4 OF SE 1/4 OF SAID SECTION; THENCE RUN N00°33'33"E 122.51' TO THE POINT OF BEGINNING; THENCE RUN NORTH 535.08'; THENCE RUN EAST 1331.17'; THENCE RUN S48°28'00"W 339.50'; THENCE RUN SOUTH 435.00' THENCE RUN S51°19'26"E 133.88'; THENCE RUN S40°18'25"W 122.71'; THENCE RUN N79°03'41"W 369.56'; THENCE RUN S31°37'56"W 456.29'; THENCE RUN N62°16'16"W 111.39'; THENCE RUN S41°15'00"W 4.36'; THENCE RUN N48°05'58"W 184.15' BACK TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 21.78 AC. MORE OR LESS.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
Appendix E - Limitation of Use – record in the Deed of the Property
Limitation of Use - Record in the Deed of the Property

Restrictive Deed Wording

In order for the Section 6(f)(3) regulations to be enforced, the following language is to be incorporated into the deed and recorded in the city, town or county court house of the project area:

The property identified below has been acquired or developed with federal assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (170 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Mississippi Department of Wildlife, Fisheries and Parks and the Secretary of the Department of the Interior. By law, the Secretary shall approve such conversion only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such condition as the substitution of other recreation properties are of at least equal fair market value and of reasonably equivalent usefulness and location.
Appendix F - Federal Standard Form, Application for Federal Assistance
# Application for Federal Assistance SF-424

<table>
<thead>
<tr>
<th>*1. Type of Submission:</th>
<th>*2. Type of Application:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preapplication</td>
<td>New</td>
</tr>
<tr>
<td>Application</td>
<td>Continuation</td>
</tr>
<tr>
<td>Changed/Corrected</td>
<td>Revision</td>
</tr>
</tbody>
</table>

* If Revision, select appropriate letter(s):

<table>
<thead>
<tr>
<th>*3. Date Received:</th>
<th>4. Applicant Identifier:</th>
</tr>
</thead>
</table>

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

# State Use Only:

6. Date Received by State:

7. State Application Identifier:

# 8. APPLICANT INFORMATION:

* a. Legal Name:

* b. Employer/Taxpayer Identification Number (EIN/TIN):

* c. Organizational DUNS:

# d. Address:

* Street1: 

Street2:

* City:

County/Parish:

* State:

Province:

* Country: USA

* Zip / Postal Code: UNITED STATES

# e. Organizational Unit:

Department Name:

Division Name:

# f. Name and contact information of person to be contacted on matters involving this application:

Prefix: 

* First Name: 

Middle Name:

* Last Name:

Suffix: 

Title: 

Organizational Affiliation:

* Telephone Number: 

Fax Number: 

* Email:
**Application for Federal Assistance SF-424**

<table>
<thead>
<tr>
<th>Question</th>
<th>Field</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9. Type of Applicant 1: Select Applicant Type:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Type of Applicant 2: Select Applicant Type:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Type of Applicant 3: Select Applicant Type:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Other (specify):</strong></td>
<td></td>
</tr>
<tr>
<td><strong>10. Name of Federal Agency:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>11. Catalog of Federal Domestic Assistance Number:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>CFDA Title:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>12. Funding Opportunity Number:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Title:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>13. Competition Identification Number:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Title:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>14. Areas Affected by Project (Cities, Counties, States, etc.):</strong></td>
<td></td>
</tr>
<tr>
<td><strong>15. Descriptive Title of Applicant's Project:</strong></td>
<td></td>
</tr>
</tbody>
</table>

Attach supporting documents as specified in agency instructions.

**Add Attachments**  **Delete Attachments**  **View Attachments**
Application for Federal Assistance SF-424

16. Congressional Districts Of:
* a. Applicant
* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
* a. Start Date:
* b. End Date:

18. Estimated Funding ($):
* a. Federal
* b. Applicant
* c. State
* d. Local
* e. Other
* f. Program Income
* g. TOTAL

* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?
   □ a. This application was made available to the State under the Executive Order 12372 Process for review or
   □ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
   □ c. Program is not covered by E.O. 12372.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)
   □ Yes  □ No
   If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)
   □ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:
Prefix:  * First Name:
Middle Name:
* Last Name:
Suffix:
* Title:
* Telephone Number: Fax Number:
* Email:
* Signature of Authorized Representative:  * Date Signed:
### SECTION B - BUDGET CATEGORIES

<table>
<thead>
<tr>
<th>6. Object Class Categories</th>
<th>GRANT PROGRAM, FUNCTION OR ACTIVITY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
</tr>
<tr>
<td></td>
<td>(4)</td>
</tr>
<tr>
<td></td>
<td>Total (5)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>a. Personnel</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Fringe Benefits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Travel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Equipment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Supplies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Contractual</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Total Direct Charges (sum of 6a-6h)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>j. Indirect Charges</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>k. TOTALS (sum of 6i and 6j)</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

7. Program Income

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB (Circular A-102) Page 1A
**SECTION C - NON-FEDERAL RESOURCES**

<table>
<thead>
<tr>
<th>(a) Grant Program</th>
<th>(b) Applicant</th>
<th>(c) State</th>
<th>(d) Other Sources</th>
<th>(e) TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>11.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. TOTAL (sum of lines 8-11)</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
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**SECTION D - FORECASTED CASH NEEDS**

<table>
<thead>
<tr>
<th></th>
<th>Total for 1st Year</th>
<th>1st Quarter</th>
<th>2nd Quarter</th>
<th>3rd Quarter</th>
<th>4th Quarter</th>
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</thead>
<tbody>
<tr>
<td>13. Federal</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Non-Federal</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. TOTAL (sum of lines 13 and 14)</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

**SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT**

<table>
<thead>
<tr>
<th>(a) Grant Program</th>
<th>FUTURE FUNDING PERIODS (YEARS)</th>
<th>(b) First</th>
<th>(c) Second</th>
<th>(d) Third</th>
<th>(e) Fourth</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>17.</td>
<td></td>
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<td></td>
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<td></td>
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<tr>
<td>18.</td>
<td></td>
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</tr>
<tr>
<td>19.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. TOTAL (sum of lines 16 - 19)</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

**SECTION F - OTHER BUDGET INFORMATION**

<table>
<thead>
<tr>
<th>21. Direct Charges:</th>
<th>22. Indirect Charges:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

23. Remarks: [Blank]

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ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4726-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of '72 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) the Civil Rights Act of 1968 (2 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11900; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).


14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1986 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

19. Will comply with the requirements of Section 108(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking persons during the period of time that the award is in effect; (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

<table>
<thead>
<tr>
<th>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT ORGANIZATION</th>
<th>DATE SUBMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

<table>
<thead>
<tr>
<th>COST CLASSIFICATION</th>
<th>a. Total Cost</th>
<th>b. Costs Not Allowable for Participation</th>
<th>c. Total Allowable Costs (Columns a-b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Administrative and legal expenses</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>2. Land, structures, rights-of-way, appraisals, etc.</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>3. Relocation expenses and payments</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>4. Architectural and engineering fees</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>5. Other architectural and engineering fees</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>6. Project inspection fees</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>7. Site work</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>8. Demolition and removal</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>9. Construction</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>10. Equipment</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>11. Miscellaneous</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>12. SUBTOTAL (sum of lines 1-11)</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>13. Contingencies</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>14. SUBTOTAL</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>15. Project (program) income</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>16. TOTAL PROJECT COSTS (subtract #15 from #14)</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

FEDERAL FUNDING

17. Federal assistance requested, calculate as follows:
(Consult Federal agency for Federal percentage share.) Enter eligible costs from line 16c Multiply X □□ % $
Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0349-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.

4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4726-4763) relating to prescribed standards of merit systems for programs funded under one of the 16 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1881-1883, and 1885-1886), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.


14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 1198; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).


18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 108(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.
# DESCRIPTION AND NOTIFICATION FORM

## Land and Water Conservation Fund

### RECORDS RETENTION - PERMANENT.

Transfer all permanent records to NARA 15 years after closure. (NPS Records Schedule, National Assistance Programs (Item 8.A.2) (N1-79-08-7))

---

<table>
<thead>
<tr>
<th>State</th>
<th>Grant #</th>
<th>Amend #</th>
<th>Date Received</th>
<th>Date Approved</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
</table>

- **Grant Name**
- **Sub-Grantee Agency**
- **Sub-grantee Address**
- **Co-Sponsor Agency**
- **Co-Sponsor Address**

<table>
<thead>
<tr>
<th>Type</th>
<th>Select One</th>
<th>A = Acquisition</th>
<th>P = Planning</th>
<th>R = Renovation Development</th>
<th>Sponsor</th>
<th>Select One</th>
<th>Number of Parks *</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>D = New Development</td>
<td>C = Combination</td>
<td>M = Administration</td>
<td>L = Local</td>
<td>C = County</td>
<td>S = State</td>
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<table>
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<th>Acreage Acquired</th>
<th>Donated Acres</th>
<th>Federal Acquisition $ Share</th>
<th>Federal Acquisition % Share</th>
<th>Source of Match</th>
<th>Fed</th>
<th>State</th>
<th>Local</th>
</tr>
</thead>
</table>

### PARK INFORMATION

- **Park Name**
- **County Name**
- **City Name**
- **Zip Code**
- **+4 Zip Code**
- **Congressional District**
- **Prior LWCF Assistance?** Yes / No

<table>
<thead>
<tr>
<th>New 6(f) Acres at Park</th>
<th>Existing 6(f) Acres at Park</th>
<th>Total 6(f) Acres at Park</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
</table>

### SPECIAL INDICES

- A. Leased land – non-federal
- B. Leased land - federal
- C. Coastal
- D. Leased land - expired
- E. Former federal surplus property
- F. Flood plain
- G. Transferred to federal agency
- H. Sponsored by Tribe

### FACILITY CODES

- **A. 00. CAMPGROUNDS**
  - 01. Tent Sites
  - 02. RV sites
  - 03. Group campground
  - 04. Day camp

- **B. 00. PICNIC AREAS**
  - 01. Individual table sites
  - 02. Group shelter/pavilion

- **C. 00. SPORTS PLAYFIELDS**
  - 01. General purpose playfields
  - 02. Baseball/softball
  - 03. Football/soccer
  - 04. Tot lot/playground
  - 05. Tennis courts
  - 06. Basketball/other courts
  - 07. Rifle/pistol range
  - 08. Trap/skeet field
  - 09. Archery range
  - 10. Rodeo arena
  - 11. Track facility
  - 12. Skateboard park

- **D. 00. GOLF COURSE**
  - 01. 18 hole
  - 02. Par 3
  - 03. Driving range
  - 04. 9 hole
  - 05. Miniature golf
  - 06. Pitch and putt

- **E. 00. SWIMMING FACILITIES**
  - 01. Pool
  - 02. Wading pool
  - 03. Spray playground/ splash pad
  - 04. Swimming beach
  - 05. Bathhouse

- **F. 00. BOATING FACILITIES**
  - 01. Launch ramp
  - 02. Berths
  - 03. Boat lift

- **G. 00. FISHING FACILITIES**
  - 01. Pier
  - 02. Stream improvement
  - 03. Fishing access

- **H. 00. TRAILS**
  - 01. Hiking
  - 02. Horse
  - 03. Bicycle
  - 04. Mountain bike
  - 05. Nature
  - 06. Fitness

- **J. 00. WINTER SPORTS FACILITIES**
  - 01. Ski lift
  - 02. Ski slope
  - 03. Ski jump
  - 04. Snowshoeing
  - 05. Skating rink
  - 06. Ski trails
  - 07. Snowmobile trails
  - 08. Warming huts

- **K. 00. ENCLOSED SHELTER**
  - 01. Pool
  - 02. Courts
  - 03. Picnic
  - 04. Ice rink

- **L. 00. NATURAL AREA**

- **M. 00. HUNTING**

- **N. 00. AMPHITHEATER**

- **O. 00. PASSIVE PARKS**

- **Q. 00. SUPPORT FACILITY**
  - 01. Walkways
  - 02. Landscaping
  - 03. Utilities
  - 04. Equipment
  - 05. Roads
  - 06. Parking
  - 07. Lighting
  - 08. Signs
  - 09. Restrooms/showers bldg.
  - 10. Concession building
  - 11. Maintenance building

- **R. 00. LAKE IMAPOUNDMENT**

- **S. 00. VISITOR CENTER**

- **T. 00. INTERPRETIVE CENTER**

- **U. 00. OTHER:**
### PARK INFORMATION

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<tr>
<th>Site #</th>
<th>Grant #</th>
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<th>City Name</th>
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<th>4-Digit Zip</th>
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<tr>
<th>Park Address</th>
<th>Congressional District</th>
<th>Prior LWCF Assistance?</th>
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</thead>
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<td></td>
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</table>

<table>
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<tr>
<th>New 6(f) Acres at Park</th>
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</tr>
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<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

### SPECIAL INDICES

- **A. 00. CAMPGROUNDS**
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  - 02. RV sites
  - 03. Group campground
  - 04. Day camp
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  - 01. Hiking
  - 02. Horse
  - 03. Bicycle
  - 04. Motorized
  - 05. Nature
  - 06. Fitness
- **J. 00. WINTER SPORTS FACILITIES**
  - 01. Ski lift
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  - 03. Ski jump
  - 04. Studded/toboggan run
  - 05. Skating rink
  - 06. Ski trails
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  - 06. Fitness
  - 07. Lighting
  - 08. Signs
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  - 10. Concession building
  - 11. Maintenance building
- **M. 00. HUNTING**
  - 01. Pool
  - 02. Courts
  - 03. Picnic
  - 04. Ice rink

### NOTICES

#### Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.). Your response is required to obtain or retain a benefit. We use this information to record and track grant projects and to analyze program trends. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0031 to this collection.

#### Estimated Burden Statement

Public reporting burden for this form is estimated to average 1 hour per response including the time it takes to read, gather and maintain data, review instructions and complete the form. Direct comments regarding this burden estimate, or any aspects of this form, to the Information Collection Clearance Officer, National Park Service, 12201 Sunrise Valley Drive, Mail Stop 242, Reston, VA 20192. Please do not send your form to this address.
The Description and Notification Form (DNF) captures information about LWCF grants and the parks and recreation areas assisted through approval of a new grant, an amendment, to an existing grant, or a Conversion of Use provisions request. This information is used to aid in reporting the performance of the program to Members of Congress and the American people. The following directions are provided to assist you. For amendments only relevant portions are to be completed or as noted below.

For amendments only relevant portions are to be completed or as noted below.

<table>
<thead>
<tr>
<th>GRANT INFORMATION</th>
<th>Summary information for the entire grant or amendment regardless of number of specific park areas or parcels involved.</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>Enter the appropriate two-digit FIPS State Code (e.g., California = 06)</td>
</tr>
<tr>
<td>Grant No.</td>
<td>Enter the five digit number for the Grant, e.g., 00456 (to be verified by NPS)</td>
</tr>
<tr>
<td>Amendment No.</td>
<td>Enter the sequential Amendment Number (to be verified by NPS).</td>
</tr>
<tr>
<td>Date Received</td>
<td>Enter the date on which an actionable project or amendment is received in the regional office. If the information received is returned to the State as incomplete and subsequently resubmitted, the date the resubmitted project was received shall be entered (to be completed by NPS).</td>
</tr>
<tr>
<td>Approval Date</td>
<td>Enter the date the project or amendment was approved as shown on the project agreement or amendment form (to be completed by NPS).</td>
</tr>
<tr>
<td>Expiration Date</td>
<td>Enter the grant expiration date as shown on the project agreement or amendment form (to be verified by NPS).</td>
</tr>
<tr>
<td>Start Date</td>
<td>Enter the Start Date of the grant Period of Performance. If there is a previously approved Waiver of Retroactivity; the waiver approval date is the Start Date.</td>
</tr>
<tr>
<td>End Date</td>
<td>Enter the End Date of the grant Period of Performance.</td>
</tr>
<tr>
<td>Grant Name</td>
<td>Enter Project Title from the agreement document in all caps, not to exceed 50 characters.</td>
</tr>
<tr>
<td>Element Name</td>
<td>Leave blank unless a consolidated project is being amended; use all caps, not to exceed 50 characters.</td>
</tr>
<tr>
<td>Sponsor Name</td>
<td>Enter name of grantee or sub-grantee, as applicable.</td>
</tr>
<tr>
<td>Address</td>
<td>Enter address of grantee or sub-grantee, as applicable.</td>
</tr>
<tr>
<td>Type</td>
<td>Enter the appropriate letter for type of grant. Use the definition below for guidance.</td>
</tr>
<tr>
<td>Sponsor</td>
<td>Enter appropriate letter for sponsor type.</td>
</tr>
<tr>
<td>Acreage Acquired</td>
<td>When the project type is either A or C, enter the total numbers of acres to be acquired for the project, rounded to the nearest tenth of an acre, regardless of number of parcels or their location (purchased acres + donated acreage)</td>
</tr>
<tr>
<td>Donated Acres</td>
<td>Indicate to the nearest tenth of an acre that portion of the acreage acquired through donation, if any.</td>
</tr>
<tr>
<td>Acquisition Assistance</td>
<td>Enter the Fund assistance provided to cover actual cash outlay for real property purchased, including project administration and relocation costs. For C projects, administration costs will be prorated between development and acquisition. If all the acres acquired are donated, i.e., total acres acquired = donated acres acquired, there is no acquisition cost and this field should remain empty. If the total acres acquired are larger than the donated acres acquired, acquisition assistance is to be entered.</td>
</tr>
<tr>
<td>No. of Park Sites</td>
<td>Identify the number of separate park sites (distinct park units) being assisted under this project. Park information for each site is to be completed, using as many continuation sheets as needed. For conversions, the total number of park sites associated with the grant as a result of a conversion should be entered (e.g., enter 1 for a total conversion and replacement; enter 2 for a partial conversion with one replacement site).</td>
</tr>
<tr>
<td>Total Cost</td>
<td>Enter the estimated total cost of project as shown on the grant agreement. For amendments, enter the total cost of the amendment.</td>
</tr>
<tr>
<td>Fund Amount</td>
<td>Enter the LWCF dollar share of the total cost, not to exceed 50 percent. For amendments, enter the LWCF dollar share of the amendment.</td>
</tr>
</tbody>
</table>
**INSTRUCTIONS FOR**

**DESCRIPTION AND NOTIFICATION FORM**

Land and Water Conservation Fund

(Continued)

<table>
<thead>
<tr>
<th>Source of Match</th>
<th>Identify the source of the non-LWCF share of the project cost by selecting the appropriate box. Other federal programs authorized by law to match LWCF grants will be considered “Federal” (e.g., CDBG). Note: the application of a negotiated indirect cost rate requires a State contribution and must be so identified.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARK INFORMATION</td>
<td>Information related to each park or recreation area impacted by the grant (or added through a conversion). For projects involving more than one park/area, attach a Continuation Sheet for each. This information does not apply to planning and program administration grants.</td>
</tr>
<tr>
<td>Park Name</td>
<td>Enter the official name of the park or recreation area (XYZ Park, Recreation Area, State Natural Area, Playground, Field, Preserve, etc.). If unknown, enter a generic name as a place holder for subsequent correction. Do not repeat descriptors often found in the Grant Name which are not designated park names such as “development”, “improvement”, “Phase II,” etc. If the funded development is a named facility within a park (e.g., ABC Tennis Courts within XYZ Park), XYZ Park is to be entered.</td>
</tr>
<tr>
<td>County Name</td>
<td>Enter the county in which the funded park or recreation area is located. If in more than one county, list all.</td>
</tr>
<tr>
<td>City Name</td>
<td>Enter name of city (township, etc.) in which funded park or recreation area is located. For projects not located within a sub-county jurisdiction, enter name of jurisdiction located nearest to actual park site.</td>
</tr>
<tr>
<td>Zip &amp; Zip +4 Codes</td>
<td>Enter the 5-digit + 4-digit zip codes in which the funded park or recreation area is located (00000-0000).</td>
</tr>
<tr>
<td>Congressional District</td>
<td>Enter the 2-digit number for the Congressional District in which the funded park or recreation area is located. If in more than one district, list all.</td>
</tr>
<tr>
<td>Prior LWCF Assistance</td>
<td>Check appropriate box to indicate whether this park or recreation area has ever received LWCF assistance before. If XYZ Park has neither been acquired in total or in part nor previously developed through a prior LWCF grant, enter “No”.</td>
</tr>
<tr>
<td>Latitude/Longitude</td>
<td>Enter the latitude and longitude coordinates in degrees, minutes, seconds, and direction for the park or recreation area. This coordinate should refer to the approximate center point of the 6(f) area as is feasible. In all cases, the coordinates should correspond to area within the 6(f) boundary. For projects involving linear parks, such as trails, the reference point should relate to the middle section of the trail.</td>
</tr>
<tr>
<td>New 6(f) Acres at Park</td>
<td>Enter the total acreage of the 6(f) area that is newly protected under this grant through acquisition, new development, redevelopment, or a combination project. The area should be clearly shown on the 6(f) boundary map and in most cases will include the acreage of the entire park. For amendments, new acres will only be shown if there is an increase in the Federal share for the purpose of adding additional acres to the project scope.</td>
</tr>
<tr>
<td>Existing 6(f) Acres at Park</td>
<td>Enter the previously protected 6(f) acreage at the park or recreation area that is receiving assistance through a new development, renovation development or combination project. In other words, the park area is receiving further improvement in addition to what has been received through prior LWCF assistance. The acreage is not limited to the footprint of the development being funded but includes the total acreage previously protected through prior grants and identified on the pre-existing 6(f) boundary map. For amendments, existing acres will only be shown for amendments which increase the Federal share for the specific purpose of adding new scope items within the 6(f) area.</td>
</tr>
<tr>
<td>Total Number of 6(f) Acres at Park</td>
<td>Enter the total number of 6(f) acres (new + existing) now protected as a result of the current and all previous grants or amendments at the site. It is intended to capture the size of the LWCF-protected recreation estate at the facility as a result of both current and past LWCF involvement. This number should reflect changes resulting from conversions.</td>
</tr>
<tr>
<td>Special Indices</td>
<td>These indices reflect special/unique features of a proposal. Select all that are relevant. For amendments which add or delete special indices previously entered, overwrite the special indices originally entered with all those applicable as of the latest amendment.</td>
</tr>
<tr>
<td>Facility Codes</td>
<td>Select as many facility codes (Primary plus subcodes) as necessary to describe the specific facilities being developed. For acquisition projects, select only primary codes (A00, B00, etc.) which represent the planned use of the site. For combination projects, select the primary codes plus the appropriate subcodes. For amendments that add or delete facility codes previously entered, overwrite the facility codes originally entered with all those applicable as of the latest amendment.</td>
</tr>
<tr>
<td>Creation of a New Park Or Recreation Area (Reserved)</td>
<td>Indicate whether this LWCF grant will result in the acquisition or development of a facility providing outdoor recreation opportunity that previously did not previously exist. New acres added or new development at a previously existing facility are not included under this definition (this information is currently being collected by NPS and will be added to the next revision of the DNF).</td>
</tr>
</tbody>
</table>
Appendix H - Pre-Inspection Site Form
The proposed project is to develop a “Splash Pad / Play Area” for Buccaneer State Park.

The Land and Water Conservation Fund is needed to provide funding assistance with the cost of the project. The cost of the project without LWCF assistance would prohibit project implementation.
Appendix I - Progress Quarterly Reports
QUARTERLY PROGRESS REPORT
Mississippi Department of Wildlife, Fisheries and Parks
Land and Water Conservation Fund
1505 Eastover Drive • Jackson, MS 39211-6374
Phone 601.432.2225 Email jeandwfp.state.ms.us

Project # LWCF 28-0 Project Name

Name of Sponsor

*Please PROVIDE project sponsor contact data below.*

Name

Mailing Address

Phone Number

Fax Number

Email

Quarterly Progress Report

Quarterly Progress Report
Submission Period (Check one):

☐ January 1 – March 31 (due April 10)  ☐ July 1 – September 30 (due October 10)

☐ April 1 – June 30 (due July 10)  ☐ October 1 – December 31 (due January 10)

Quarterly Progress: (Brief description of work accomplished during this quarter and % of completion of each element. Must conform to Approved Project Agreement.)

ATTACH PICTURES OF THE PROGRESS THAT HAS BEEN COMPLETED.
Any of the following contract changes required at this time?

☐ Project Scope

☐ Project Funding

☐ Project Time Extension (submit a formal request with justification)

Comments or Questions:

If this is a Final Progress Report, please enter the anticipated date of completion and call the Office of Outdoor Recreation Grants, 601.432.2225 / 2230 to schedule a final inspection.

Anticipated Date of Completion: 

ATTACH PICTURES OF THE PROGRESS THAT HAS BEEN COMPLETED.

Signature of Authorized Official _____________________________ Date ____________

MAKE SURE THE FORM IS DATED.

Jean Caraway  601-432-2225
Appendix J - Final Inspection Report
### Mississippi Department of Wildlife, Fisheries, and Parks

**Land & Water Conservation Fund**

**Final- Grant Close Out**

**Inspection Report**

<table>
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<tr>
<th>Sponsor:</th>
<th>Date of this Inspection:</th>
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<th>Grant Number &amp; Title:</th>
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<th>Phone Number:</th>
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<th>E-Mail: .us</th>
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<th>Park Name: (if applicable) *if other than our LWCF Title</th>
<th>Previous Inspection Date:</th>
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<table>
<thead>
<tr>
<th>County:</th>
<th>Grant Number(s) of Previous Grants at Same Site:</th>
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</thead>
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<tr>
<th>Project Scope: (Facilities)</th>
<th>O &amp; M RATING</th>
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<td>Excellent</td>
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<td>Good</td>
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<td>10.</td>
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### OVERALL PARK RATING

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<tr>
<th>Pool Site</th>
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### GPS Coordinates (Deg./Min./Sec./Dir.)

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<thead>
<tr>
<th>Latitude</th>
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<tbody>
<tr>
<td>Longitude</td>
</tr>
</tbody>
</table>
### FINDINGS: (If applicable check and provide comments)

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<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>All facilities and elements in the project scope are present and operating.</td>
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<tr>
<td>2.</td>
<td>Property is being used for its intended purposes.</td>
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<tr>
<td>3.</td>
<td>Property is maintained as to be attractive and inviting to the public.</td>
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<td>4.</td>
<td>Site is kept in reasonably safe repair and condition.</td>
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<td>5.</td>
<td>Staffing and servicing of facilities and/or programs appear to be adequate.</td>
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<tr>
<td>6.</td>
<td>Site is open to the public year round during reasonable hours.</td>
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<tr>
<td>7.</td>
<td>Area is properly signed to allow for user information.</td>
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<tr>
<td>8.</td>
<td>Required LWCF sign is on site.</td>
<td></td>
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<tr>
<td>9.</td>
<td>Facilities are open to all persons regardless of race, sex, age, ability level, or residency.</td>
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<tr>
<td>10.</td>
<td>All Facilities are accessible to persons with disabilities.</td>
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<tr>
<td>11.</td>
<td>Any possible conversions noted.</td>
<td></td>
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<tr>
<td>12.</td>
<td>All wiring is underground.</td>
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</tbody>
</table>

**List all discrepancies noted:**

Follow up Procedures: (e.g., Letter or E-mail to sponsor notifying them of problem areas, requesting their assistance to correct and to give a time frame for completion. Schedule Follow up Inspection. (Later inform NPS of corrections.)

---

**Filed By:**

**Date:**

---

**cc:** National Park Service
Sponsor
Appendix K - Post Completion Site Inspection
<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>Date of this Inspection:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor's Address:</td>
<td>Grant Number &amp; Title:</td>
</tr>
<tr>
<td>Project Contact:</td>
<td>Phone Number:</td>
</tr>
<tr>
<td>E-Mail:</td>
<td></td>
</tr>
<tr>
<td>Park Name: (if applicable) *if other than our LWCF Title</td>
<td>Previous Inspection Date:</td>
</tr>
<tr>
<td>County:</td>
<td>Grant Number(s) of Previous Grants at Same Site:</td>
</tr>
</tbody>
</table>

### Project Scope: (Facilities)

| 1. | Excellent | Good | Poor |
| 2. |          |      |      |
| 3. |          |      |      |
| 4. |          |      |      |
| 5. |          |      |      |
| 6. |          |      |      |
| 7. |          |      |      |
| 8. |          |      |      |
| 9. |          |      |      |
| 10. |         |      |      |

### OVERALL PARK RATING

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**Pool Site**

**GPS Coordinates (Deg./Min./Sec./Dir.)**

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<th>Latitude</th>
<th>Longitude</th>
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</table>
Mississippi Department of Wildlife, Fisheries, and Parks  
Land & Water Conservation Fund  
Post Completion Inspection Report

<table>
<thead>
<tr>
<th>FINDINGS: (If applicable check and provide comments)</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>1. All facilities and elements in the project scope are present and operating.</td>
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<td>2. Property is being used for its intended purposes.</td>
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</tbody>
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List all discrepancies noted:

Follow up Procedures: (e.g., Letter or E-mail to sponsor notifying them of problem areas, requesting their assistance to correct and to give a time frame for completion. Schedule Follow up Inspection. (Later inform NPS of corrections.)

Filed By:  
Date:  

cc: National Park Service  
Sponsor
Appendix L - LWCF Acknowledgement Sign
The Land and Water Conservation Fund Site sign must remain at a visible location at the project site permanently to acknowledge the Federal / State / Local Partnership in the development. The sign must be at least 3 feet x 3 feet (see logo) and attachment for sign format to be used at all project locations. Additional information regarding LWCF Acknowledgement Sign:

National Park Service
U. S. Department of the Interior
Land and Water Conservation Fund
State Assistance Program
Volume 69
Effective Date: October 1, 2008

Chapter 7 – Section C – LWCF Acknowledgement Sign

Logo may be downloaded from the National Park Service website: scroll down to bottom of page on this site - http://www.nps.gov/ncrc/programs/lwcf/pub.htm
LWCF ACKNOWLEDGEMENT SITE SIGN

LWCF regulations state that “suitable” permanent public acknowledgment of LWCF assistance is required, of all recipients. The sign must remain in place and in good condition for the entire life of the recreational facility (in perpetuity). This assistance shall be acknowledged by installing, at the project site a permanent sign, or plaque, to evidence the federal state/local partnership role in creating new high quality outdoor recreation areas and facilities. However, the participant is not precluded from recognizing other significant contributes on the site sign.

Much flexibility is allowed in the design and construction of this sign. Use of the LWCF symbol on project signs is required, and it may not be altered. The size of the sign shall be a minimum of 3’ x 3’ with letters of such a proportionate size so as to be easily legible. The sample sign is the one recommended by the Mississippi Department of Wildlife, Fisheries and Parks and shall be permanently mounted in such a location that it will be easily noticeable. The acknowledgement of Land and Water Conservation Fund Assistance will be checked during compliance inspections.
Appendix M - Site Plan
Appendix N - Federal Grant Notification
FEDERAL GRANT NOTIFICATION

Section 8136 of the Department of Defense Appropriations Act, signed by the President on October 1, 1988, requires compliance of both the state and sub-recipient level of the following requirements:

“When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state:

*(1) the percentage of the total cost of the project which will be financed with federal money, and

*(2) the dollar amount of federal funds for the project.

Proof of compliance will be submitted to the Outdoor Recreation Grants division by the sub-recipient.

*(1) The Land and Water Conservation Fund program is a 50/50 matching percent.

*(2) Federal funds will represent one-half and the grant recipient will represent one-half of the total project cost.
Appendix O - In-Kind Documentation
Audit regulations specify that billings must be thoroughly documented, and that force account claims must be supported by copies of source documents. Source documents are defined as records indicating work performed for every day of a pay or equipment use period.

FAILURE TO FULLY COMPLY COULD JEOPARDIZE AND WILL DELAY REIMBURSEMENT.

In-kind labor claims are either donations or force account. Force account labor means those persons on sub-recipients regular payroll by the sub-recipient. Labor may be donated by political subdivisions other than the sub-recipient, or by private organizations. All requests for in-kind and/or force account claims must be submitted in one billing.

FORCE ACCOUNT LABOR Reimbursement requests for force account labor must include a copy of the source document recording time and activity. If more than one pay period is covered by the time and activity sheet, indicate which days are covered by which check. The check copy must indicate gross pay and LWCF pay claimed. Should the cancellation on the front not be clear, attach a copy of the back of the check as well. If gross pay is claimed for reimbursement, a copy of the check stub itemizing the deductions (type and amount must be included). Separate records must be kept on each laborer.

FORCE ACCOUNT EQUIPMENT Reimbursement requests for force account equipment must include a copy of the detailed equipment usage sheet and cost records with support documentation attached to use records when submitted for reimbursement. Separate cost records and use records must be maintained on each piece of equipment. Operator costs must be recovered through time and activity records. Equipment use records must cover a minimum period from the first day of work on the LWCF site through the last day of work on the LWCF site. For Sponsor Owned Equipment Hourly Rates- go to http://www.fema.gov/government/grant/pa/eqrates.shtml

FOR VOLUNTEER LABOR – Rates Per Hour May Be Found On The Following Web Site http://mdes.ms.gov/wps/PA_1_0_CH/docs/LMI/Publications/OES/OES%20by%20Area/Mississippi/state.pdf
### TIME AND ACTIVITY SHEET FOR IN-KIND LABOR AND IN-KIND EQUIPMENT

**ATTACH COPIES OF PROOF OF PAYROLL PAYMENTS TO THIS SHEET and PROOF OF OWNERSHIP OF EQUIPMENT OR PAID RENTAL AGREEMENT**

<table>
<thead>
<tr>
<th>Employee</th>
<th>Employee Title</th>
<th>LWCF Project Title</th>
<th>LWCF Project #</th>
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<tr>
<th>Beginning Pay Date</th>
<th>Ending Pay Date</th>
<th>Date of Payment</th>
<th>LWCF Pay</th>
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### INFORMATION IN REGARD TO IN-KIND LABOR

<table>
<thead>
<tr>
<th>Date</th>
<th>Project Element(s)</th>
<th>Work Description</th>
<th>LWCF Hours</th>
<th>Non LWCF Hours</th>
<th>Hourly Rate</th>
<th>LWCF Hours x Hourly Rate</th>
<th>Type of Equipment</th>
<th>Hourly Rate</th>
<th>LWCF Hours Used</th>
<th>Hourly Rate x LWCF Hours Used</th>
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**Employee’s Signature** ____________________________ **Date** ________________

**Supervisor’s Name** ____________________________ **Supervisor’s Signature** ____________________________ **Date** ________________
# TIME AND ACTIVITY SHEET FOR IN-KIND VOLUNTEER LABOR AND EQUIPMENT

<table>
<thead>
<tr>
<th>Volunteer Name</th>
<th>LWCF Project Title</th>
<th>LWCF Project #</th>
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<tbody>
<tr>
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## INFORMATION IN REGARD TO IN-KIND VOLUNTEER LABOR

<table>
<thead>
<tr>
<th>Date</th>
<th>Project Element(s)</th>
<th>Work Description</th>
<th>LWCF Hours</th>
<th>Hourly Rate</th>
<th>LWCF Hours x Hourly Rate</th>
<th>Type of Equipment</th>
<th>Hourly Rate</th>
<th>LWCF Hours Used</th>
<th>Hourly Rate x LWCF Hours Used</th>
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## EQUIPMENT IN-KIND INFO

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## TOTALS

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**Volunteer’s Signature** ____________________________ **Date** ____________________________

**Supervisor’s Name** ____________________________ **Supervisor’s Signature** ____________________________ **Date** ____________________________
Appendix P - MDWFP and Project Sponsor Project Agreement
The Mississippi Department of Wildlife, Fisheries and Parks, and the Applicant (City, County, State Agency) named above (hereinafter referred to as the Applicant), mutually agree to perform this agreement in accordance with the federal and state Land and Water Conservation Fund Grants Manual, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certificates attached hereto or retained by the Applicant and hereby made a part hereof.

The Mississippi Department of Wildlife, Fisheries and Parks hereby promises, in consideration of the promises made by the Applicant herein, to obligate to the Applicant the amount of money referred to above, and to tender to the Applicant that portion of the obligation which is required to pay the Department’s share of the costs of the above project stage, based upon the above percentage of assistance. The Applicant hereby promises, in consideration of the promises made by the Department herein, to execute the project described above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto: NONE

Total Project Agreement Cost $ ____________

(Fund Amount not to exceed 50% of total)

Fund (LWCF Amount) $ ____________

Local Match $ ____________

The following are hereby incorporated into this agreement:

1. Grant Agreement between US Department of the interior / National Park Service / and Mississippi Department of Wildlife, Fisheries and Parks / and the Applicant named above as Applicant /Project Title /General Provisions
2. LWCF State Assistance Program Manual 10/01/2008
3. MDWFP/LWCF Program Guidelines
4. Title 43, Code of Federal Regulations
5. Dated Project Boundary Map /
6. Deed with Limitation of Use Statement

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

State of Mississippi

By: ____________________________________________
   Terry McDill, LWCF Grant Administrator
   Mississippi Department of Wildlife, Fisheries, and Parks

Date By: ____________________________________________

Date
Appendix Q - Sample Governing Resolution
**Governing Resolution**

**Record:** On behalf of the below-named entity, I submit this application for the project described herein for grant assistance from the federal Land and Water Conservation Fund (LWCF) program. The LWCF application will be made part of the official record, should this project receive funding from LWCF.

**Match:** I am aware that this is a 50/50 matching grant program and I certify that match is available. I am also aware that the grant, if approved, will be paid on a reimbursable basis.

**Land Ownership:** I certify and verify fee simple ownership of the land to be developed by the project, which is the subject of this application.

**Dedication:** I understand that any properties receiving LWCF grant assistance must be maintained, in perpetuity, for public outdoor recreation. Prior to project close-out, we shall record on the real property title that this property has been dedicated solely to public outdoor recreation use in perpetuity under terms of the Land and Water Conservation Fund Act of 1965, as administered by the Mississippi Department of Wildlife, Fisheries and Parks – Outdoor Recreation Grant Division (MDWFP-ORG).

**Cooperation:** I acknowledge additional documentation may be required to complete this process. I agree to cooperate with the MDWFP-ORG by furnishing all information necessary to qualify for federal aid, to execute a State/Local Grant Agreement, and to adhere to all statutes and guidelines governing the LWCF program.

**Resolution:** The Aldermen / Town Council / Board of Supervisors - on behalf of the below-named entity voted and considered it in the best public interest to acquire and/or develop a LWCF Park and have submitted a LWCF Application for funding. (Attach copy of minutes)

<table>
<thead>
<tr>
<th>I certify that to the best of my knowledge, the information in this application is true and correct. <strong>Authorized representative:</strong> (Type or Print)</th>
<th>Direct inquiries on this application to:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name:</strong></td>
<td><strong>Name:</strong></td>
</tr>
<tr>
<td><strong>Title:</strong></td>
<td><strong>Title:</strong></td>
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<tr>
<td><strong>Address:</strong></td>
<td><strong>E-mail Address:</strong></td>
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<td><strong>City &amp; State:</strong></td>
<td><strong>Telephone:</strong></td>
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<tr>
<td><strong>Zip Code:</strong></td>
<td><strong>Date:</strong></td>
</tr>
<tr>
<td><strong>Entity Name:</strong></td>
<td><strong>Date Resolution was voted on by Entity and approved for LWCF application submission.</strong></td>
</tr>
</tbody>
</table>

Signature of Authorized Representative:
Appendix R - Budget
**Mississippi Department of Wildlife, Fisheries and Parks**  
**Outdoor Recreation Grants**  
**1505 Eastover Drive Jackson, MS 39211-6374**  
**Phone 601.432.2225**  
**Land and Water Conservation Fund**

### Acquisition / Development Project Cost Sheet Budget

**Applicant’s Name:**

**Name of LWCF Proposal:**

**Scope of Project:**

**List all specific line items for which funds are requested**

<table>
<thead>
<tr>
<th>Line Item</th>
<th># of Units</th>
<th>Unit Cost</th>
<th>Total Item Cost</th>
<th>To Be Completed by</th>
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<td>Grantee Staff</td>
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Total Development Cost $\

### TOTAL COSTS

<table>
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<tr>
<th>Category</th>
<th>Total Grant Administration Costs</th>
<th>Total Architectural/Engineering Costs</th>
<th>Total Acquisition Costs</th>
<th>Total Development Costs</th>
<th>Total Project Costs</th>
<th>Total Grant Request</th>
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<tr>
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<td>$</td>
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### Estimated Annual Operation and Maintenance Costs

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<tbody>
<tr>
<td>Supplies</td>
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<tr>
<td>Personnel</td>
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<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Utilities</td>
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<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Equipment</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Contracted Labor</td>
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<td>$</td>
<td>$</td>
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<tr>
<td>Other</td>
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<tr>
<td>Total Annual OM</td>
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Appendix S - Federal Compliance
Federal Compliance

Chapter 4 - LWCF Water Conservation Fund
State Assistance Program
Volume 69 - October 2008

Supporting Documentation

Proposal Development and Screening for Environmental Impacts
National Environmental Policy Act
National Historic Preservation Act, Section 106 Process
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
Equal Employment Opportunity Contract Compliance
National Flood Insurance Program
Civil Rights
Contracting with Minority Business Enterprise and Women Business Enterprise Firms
Appendix T – Open Project Selection Process
Open Project Selection Process

In order to allocate Land & Water Conservation Fund (LWCF) dollars equitably, a project rating system has been developed to consider a variety of pertinent factors. The Open Project Selection Process uses the application as a means of selecting LWCF projects. Applications will be rated and ranked by an LWCF Task Force Committee using the criteria listed within. This Open Project Selection Process is part of the Statewide Comprehensive Outdoor Recreation Plan (SCORP).

To remain current with changes in outdoor recreation, the Open Project Selection Process may be modified slightly from time to time. Each such change must be reviewed and approved by the National Park Service, which provides federal oversight to the stateside of the LWCF Program.

LWCF Application Process / Outreach

Mississippi LWCF grants are awarded on a two year funding cycle, when appropriations are available. This notification is widely publicized as it is sent to every mayor, president of the boards of supervisors, eligible state agency directors, MRPA, and all PDDs, as well as any other recreation consultants and planners throughout the state Mississippi. An electronic application is posted on the MDWFP web site for applicants to download. A presentation describing the technical information required for the application is also available online.

The application form, along with a checklist for the required items, is sent in the initial notification.

Once all applications are reviewed and necessary site visits are made, applications are then ranked by ORG staff. The staff utilizes an objective standardized priority rating system and ranks applications according their score. At this point, all applications are evaluated and separate funding decisions are made. This process continues until all available funds have been allocated. Applications at the lower end of the priority list are not considered until all higher-ranking applications have been approved or rejected.

The final ranking list is presented by the State Liaison Officer to the Executive Committee of the MDWFP for review and then presented to the Executive Director of the MDWFP for ratification. The priority rating system was revised and updated in 2013, after review by the SCORP Task Force Committee. Comments received from these participants were evaluated and where feasible, incorporated into the revised rating process.

Priority Rating System

The priority rating system used in evaluating applications for each fiscal year is divided into two sections: local governments and state agencies.

Local Government, priority rating system

1. Minimum requirements are evaluated from data on the application forms. Included are a list of regulations, assurances of matching funds, citizen participation procedures, and compliance with the SCORP, dated boundary map, and environmental assessment.

2. Measured criteria allow a variable number of points for:
   - Per capita income;
   - Planning considerations, including local and regional plans and factors effecting project area;
   - Site alteration which allows more points when a greater percentage of the total project is used for facility development;
   - Degree of citizen participation, allowing for additional credit to be revealed.
3. Incentive criteria allow bonus points for projects utilizing consultant services, land donations, low income project sites, multiple use facilities, and/or inter-agency collaboration, among others.

**State Agencies, priority rating system**

1. Needs – containing evidence of statewide need in the SCORP, individual agency plans, and state legislation mandating specific development.

2. Special consideration – including acquisition of land to expand project (park) boundaries, land acquisition to preserve natural or endangered areas, acquisition of wetlands, emergency acquisition, minority considerations, and handicapped considerations. Please note, the recommended state project share is 40 percent of the annual appropriation, unless increased by legislative mandate.

**LWCF Project Application**

**Minimum Assurances and Requirements**

Before proceeding with this application, the applicant must be able to demonstrate compliance with the following:

1. **The Applicant** - The applicant must be a legally constituted governmental entity responsible for administering local recreation program, such as cities/mayors, counties/presidents of the boards of supervisors, tribal governments/chiefs, and state agency directors.

2. **Application** - The applicant must submit the completed application form with all supplemental documentation, which includes a map of the jurisdiction identifying all public recreational facilities, a map identifying the land acquisition and/or construction requested in this application, and a map identifying minority population distribution. Please note, attached to the recreation facilities map should be an additional narrative describing the proposed recreational facilities located and labeled on the map.

3. **Property Boundary Map** - The applicant must provide a dated property boundary map on 11 x 17 size paper showing metes and bounds, footages of each and the surrounding land use.

4. **Environmental Assessment** - The applicant will be required to submit environmental assessment documentation with the application. Please note, an environmental assessment packet will be provided with the application packet.

5. **Public Participation** - Mississippi’s open project selection process requires public participation in the formulation of the project. During the early phases of the project, prior to submitting the application, an applicant must document public involvement. In the ranking criteria, additional credit is given if the potential sponsor has invited and received large amounts of citizen input on determining priority recreation needs (sites and facilities). A detailed description of the procedure used to obtain local citizen input along with a summary of the results obtained must be submitted in writing. The applicant must insure citizen participation in the formulation of the proposed project or have demonstrated significant and representative input into seeking recreational priorities.

6. **Matching Funding** - The applicant must have budgeted the 50% matching requirements or have a resolution attesting to the availability of the matching requirement. They must also identify sources of other federal funds used as matching share, when applicable. Please note, if land acquisition is involved, plans of the property must be provided with full description.

7. **Facilities Inventory** - The applicant must document that a need for the outdoor recreation grant exists. Need, as perceived by a small group of individuals, will not be considered sufficient documentation to meet this requirement. Applicant must complete facilities inventory form, provided by ORG staff, for each existing park and submit local or
regional recreational plan(s), if available. The project must also be consistent with the goals of the SCORP document.

8. **Assurances** - The applicant must assure ORG in writing that project initiation will commence immediately upon notification by NPS that the grant has been approved.

9. **Checklist** - A checklist of the components of the application will be submitted along with the application. The checklist will be signed and dated by the applicant.

**ADDITIONAL ASSURANCES**
Submission of the application is evidence that the applicant has read and understands all applicable federal and state rules, regulations, and assurances pertaining to the LWCF supported projects. These requirements have either been detailed or incorporated by reference in this application document. Each of the following must be complied, with an agreement signed by the applicant to that effect, before a project can be selected for funding.

1. The applicant must sign assurances that compliance with all federal and state laws and Outdoor Recreation Grants guidelines will be guaranteed, i.e. PL 88 - 352 Title VI of the Civil Rights Act of 1964, Department of Interior Regulations (43-CFR 17), and all other assurances assigned to applicable federal and state law.
2. Each grant recipient must designate a coordinator that will be responsible for assuring compliance with Section 504 of the Rehabilitation Act of 1973. This act requires a self-evaluation of facilities to determine accessibility by the handicapped, and grievance procedure to follow, in event of a complaint of discrimination.
3. Property acquired or developed with assistance from the Land and Water Conservation Fund Program (under Section 6F3 of the LWCF Act), shall be retained and used for "public outdoor recreation" in perpetuity. In the event that this property is converted to other than outdoor recreation use, knowingly or unknowingly, by the project sponsor, it will constitute a conversion. In order to rectify such a conversion, the project sponsor must first notify the State Liaison Officer for assistance. Then a federal land appraisal will need to be conducted to determine the "fair market value" of the loss, and equal value replacement property must be acquired and developed at the Sponsors expense. The National Park Service will have final approval of this process. In order that this regulation may be stringently enforced, the attached limitation of use must become a part of the warranty deed and be recorded in the county courthouse. Evidence of this recording must be furnished to this office before reimbursement of funds is made.
4. Each grant recipient must provide the ORG staff a copy of the official city/county comprehensive audit that includes all transactions relative to the LWCF grant. Failure to do so within a reasonable length of time after the project closeout will result in the demand for a payback of all federal funds expended.
5. Each grant recipient agrees that project initiation will commence immediately upon notification by the National Park Service that the grant has been approved. This includes an immediate land appraisal (if applicable), bid advertisements, contract acceptance procedures and facility construction. Inability to adhere to this assurance will result in project withdrawal.
6. Each grant recipient will operate and maintain the proposed development in a manner that is aesthetically pleasing, sanitary, safe and open for public use. The recipient will also maintain an attractive LWCF site sign at all times and adhere to all guidelines included in the National Park Service regulations.
7. Each grant recipient will agree to adhere to new federal regulations regarding lobbying, contractor debarment, federal grant notification procedures and other federal guidelines deemed essential has been approved.

**AFFIRMATIVE ACTION**
The open project selection process recognizes the need for proposed projects, to the greatest extent practicable, to be accessible to all segments of the general public including minority population (Blacks, Hispanics, Native Americans and Asian Americans), the elderly
and handicapped. The LWCF program requires that all applicants provide city and/or county maps identifying all existing and proposed park sites and the geographic distribution of low income/minority areas. Additionally, the applicant must complete facility inventory forms of each existing park. This information enables the ORG staff to analyze the need for the proposed site as well as determine its accessibility to all segments of the general public.

**TECHNICAL ASSISTANCE**

Assistance is available to potential sponsors needing help in completing the application process. If a potential sponsor fails to comply with minimum requirements, technical assistance will be available to assure that they meet these requirements for the next funding cycle. Considerable effort is made to make personal contact with potential sponsors through meetings, pre-award inspections, and telephone communication. By providing help early in the grant process, ORG is able to develop high-quality projects while reducing later grant problems.

**CONCLUSION**

Mississippi has developed an open project selection process emphasizing public involvement in the initial development of a project scope by the project sponsor. This process helps to ensure that a project is developed with citizen input from the inception forward.

### MINIMUM CRITERIA

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<td>Surveyed boundary map with GIS</td>
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<td>Complies with SCORP needs</td>
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<td>Local or Regional Plan</td>
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<td>3. Site Alteration</td>
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<td>4. Evaluation of existing facilities</td>
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<td>Excellent – well maintained</td>
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<td>Poor – Not well maintained</td>
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<td>5. Degree of citizen participation</td>
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### INCENTIVE CRITERIA

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<td>2. New recreational opportunity</td>
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<td>3. Gift of land</td>
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<td>4. Coordination between levels of government</td>
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<td>Community wide agreement for use of facilities</td>
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<td>City/County agreement</td>
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<td>5. Acquisition</td>
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<td>6. Multi-use Facility</td>
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<td>7. No in-kind match</td>
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<td>9. Special Site considerations</td>
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<td>Minority</td>
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<td>Upgrade existing site</td>
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<td>10. Handicapped considerations</td>
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<td>Facilities designed to accommodate handicapped</td>
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<td>Retrofitting included for existing facilities</td>
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<tr>
<td>Input from handicapped in project design</td>
<td>2</td>
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**MAXIMUM SCORE OF 120**
Early in the conceptual development of an LWCF proposal, the State shall encourage LWCF project sponsors to document their planning and analysis process, including all efforts to reach out to the interested and affected public and agencies. The public and agencies should be invited to provide input early in the planning process and before any environmental analysis formally begins so the sponsor can clearly communicate the purpose and need for the project and give the public and agencies an opportunity to provide any information that could be useful for scoping out the LWCF proposal and considering its potential impact on resources. This scoping step in the planning process will yield information for use in defining the scope of the LWCF proposal and possible associated environmental impacts.

The LWCF PD/ESF shall be used by all potential LWCF project sponsors and for any LWCF proposal requiring federal action. The PD/ESF is designed for use as a tool during project scoping, planning, and proposal development to document environmental information and consider the LWCF proposal’s possible environmental impacts at the time it is discussed, presented, or discovered in the field rather than as a "compliance exercise" after a decision is made and the application for federal assistance is being prepared.

As a result of early project scoping and planning, the State/sponsor develops a final proposal for possible federal assistance or action, including a completed ESF. The scope of the environmental review under NEPA, i.e., the extent of resources that may be affected by the project, depends on the type of LWCF proposal under consideration as follows:

a. New acquisition projects. The scope of the environmental review shall include the lands to be acquired and the proposed public outdoor recreation uses intended for the property to be completed within three years from the date of acquisition.

b. Development projects. The scope of the environmental review shall be the proposal to provide or improve facilities for public outdoor recreation use and associated activities resulting from these improvements.

c. Section 6(f)(3) Conversions. Pursuant to 36 CFR 59.3, the scope of the environmental review for Section 6(f)(3) conversions is the entire Section 6(f)(3) park proposed for conversion, including for partial conversions, and lands proposed for replacement including the proposed development for public outdoor recreation use and associated activities. Resources beyond the existing Section 6(f)(3) area are not subject to review unless required by other federal compliance programs.

d. Other LWCF proposals. To determine the scope of the environmental review for other types of LWCF proposals, consult your NPS Regional Office LWCF Program Manager. The scope of the environmental review determines the resources that must be screened for possible environmental impacts resulting from the LWCF proposal.

**NEPA Pathway Options**

The completed PD/ESF will guide the state/project sponsor along the appropriate NEPA pathway to produce the level of environmental analysis and documentation required for the proposed undertaking. The PD/ESF will document and support the NEPA analysis pathway option chosen for the proposal. States are required to include the completed PD/ESF with its formal LWCF proposal submission to the NPS.

The NEPA analysis pathway options available to States are:
a. Categorical Exclusion for which a record is needed. These Categorical Exclusions (CE) are for federal actions that, under normal circumstances, are not considered major federal actions and have the potential for minor or no measurable impacts on the human environment. Prior to submitting a proposal to the NPS for federal review and decision, it is the State’s responsibility to review the LWCF proposal to determine if the project meets the criteria for a CE determination. If the LWCF proposal meets the criteria for a CE, the State provides sufficient documentation on the PD/ESF to support the CE by indicating that all potential impacts will be minor or less, and NPS agrees with the CE selection, NPS will sign its own CE form signifying the proposal is categorically excluded from further NEPA analysis.

A CE is not applicable if the ESF indicates that the proposal may result in more than minor impacts on resources.

Note in addition to the CE criteria, the State must also consult the list of exceptions to the CE criteria listed in the PD/ESF. These exceptions describe additional circumstances that may be relevant for the proposal and could result in adverse impacts on the human environment and, therefore, preparation of an EA would be required.

b. Environmental Assessment. An Environmental Assessment (EA) is required when 1) the significance of impacts on any resource is unknown, (A SITE THAT HAS NO DEVELOPMENT ON IT) or 2) the proposed action does not meet the criteria for CE and is not included in the list of actions that normally require an EIS, or 3) the proposed action needs several CE categories to fully describe the action, would involve one or more CE criteria exceptions, or would involve unresolved conflicts concerning the use of resources. A Environmental Assessment will consist of 5 Chapters.

Chapter 1 – Purpose, Need, Background. This chapter describes the purpose of the EA so that the interested and affected public, including other agencies and decision makers, understand the type and nature of the proposal that needs a federal LWCF decision. This chapter needs to explain the EA will provide a framework for the NPS to evaluate the environmental consequences of the proposed action on the human environment, and must also include any information to help the interested and affected public and decision-makers understand the context for the proposed action, including a clear explanation of the role of the LWCF Act Section 6(f)(3) in the proposal and the scope of the environmental review (see Item 5 above).

Chapter 2 - Description of Alternatives. This chapter must provide enough information for the interested and affected public and decision-makers to understand the proposed alternative (federal approval of the LWCF proposal) and the no action alternative. This chapter should lead off with an evaluation of all alternatives considered and the reasons for selecting the proposed alternative and rejecting the other alternatives.

At a minimum, the proposed alternative should be described in detail along with the public outdoor recreation resources and opportunities provided by the proposal including maps clearly depicting the creation of or changes in the LWCF Section 6(f) boundary. New and/or existing Section 6(f) parkland must be described in detail. This chapter must include an explanation and status of any other approvals, permits or other factors needed to implement the proposal.

Chapter 3 - Affected Environment. The affected environment is a detailed description of the current state of resources expected to experience environmental impacts. Using the resource impact information documented on the environmental screening form (ESF) and other means of collecting information about affected resources, delineate an analysis area boundary for each resource and describe its existing status (location, nature, condition, scope, size, etc.). The existing status of these resources will serve as baseline information upon which impacts will be compared in the next EA chapter.

This includes detailed description of any existing public outdoor recreation resources and opportunities at the affected site(s) including a clear depiction any existing Section 6(f) boundary.
This chapter must also describe the park/recreation area’s population service area and demographics, including information about minority and low income populations pursuant to Executive Order 12898, Environmental Justice in Minority and Low-Income Populations.

Also, this chapter must include a description of any existing easements, right-of-ways, leases, and any other agreements about use of the Section 6(f)(3) area. If the proposal includes land with a history of contamination, this chapter should describe the contamination and current condition/remediation status.

For Section 6(f)(3) conversions, this chapter must include a description of the existing resources associated with the Section 6(f)(3) parkland proposed for whole or partial conversion, including associated outdoor recreation facilities and opportunities and a description of the existing resources at the replacement site(s). The description must include a detailed description of existing outdoor recreation resources, facilities and opportunities for all affected areas as well as the existing population served by the converted park and the existing population to be served by the new replacement parks. For conversions, resources beyond the existing and proposed Section 6(f)(3) areas are not subject to review unless required by other federal compliance programs.

Any resources and issues to be dismissed from further analysis must be described in this chapter.

**Chapter 4 - Environmental Impacts.** This chapter analyzes the degree to which the resources described in Chapter 3 (above) will be impacted by the proposal. The analysis should be presented for the interested and affected public, agencies, and decision-makers to understand the potential for impacts, both beneficial and adverse, and should include qualitative and quantitative data that considers the context, intensity, duration, and timing of the potential impacts. The presentation of data must be presented objectively, accurately, and factually. Resource impacts within the proposed Section 6(f)(3) boundary must be described including any future easements, right of ways, leases and agreements about the use of the Section 6(f)(3) area.

This chapter must also include a detailed discussion of the proposed impacts, both beneficial and adverse, on the provision of public outdoor recreation for the populations served by the proposal including impacts to minority and low income populations pursuant to Executive Order 12898, Environmental Justice in Minority and Low-Income Populations, and a clear depiction of any Section 6(f) boundary changes, especially for expansion of existing Section 6(f) areas and conversions, including a description of any easements, rights-of-way, leases, and any other agreements about the use of the Section 6(f)(3) area as a result of the proposal. If Chapter 3 (above) includes information that any of the land resources in the proposal has a history of contamination, this chapter must include information on the impacts of the proposal on this land considering its status including the land’s suitability to support healthy and safe public outdoor recreation activities in perpetuity. For Section 6(f)(3) conversions, an analysis of impacts to the affected resources described in Chapter 4 must be presented in this chapter. Resources beyond the existing and proposed Section 6(f)(3) areas are not subject to review unless required by other federal compliance programs.

**Chapter 5 - Coordination and Consultation.** This chapter must list persons, organizations and agencies contacted for information and for identifying important issues, developing alternatives, or analyzing impacts. Any scoping or other public involvement efforts should also be detailed. A list of preparers and their qualifications should be included as well.

(1) Opportunity for public review and comment. At a minimum, States are required to ensure the interested and affected public has had an opportunity to review and provide written comments on completed environmental assessments for LWCF proposals. This public comment period shall be no less than 30 days. The notice an EA is available for review shall be published in the local newspapers and community notices, posted on the sponsoring agency’s web site, and made broadly known to the public in such a way that the interested and affected public has ample notice of the public comment period. The State/project sponsor is responsible for reviewing the public comments. These comments and the responses that address all substantive comments are to be included in the proposal’s submission to NPS.
If the proposal is revised in response to substantive public comments or for any other reason, States should consult with NPS to determine if the public needs another opportunity to review the revised EA.

b. **Environmental Impact Statement**. An Environmental Impact State (EIS) is required when the potential for significant impact to the human environment exists is indicated by an EA or through the PD/ESF. The State should contact NPS for further guidance as soon as there is an indication that an EIS may be required.