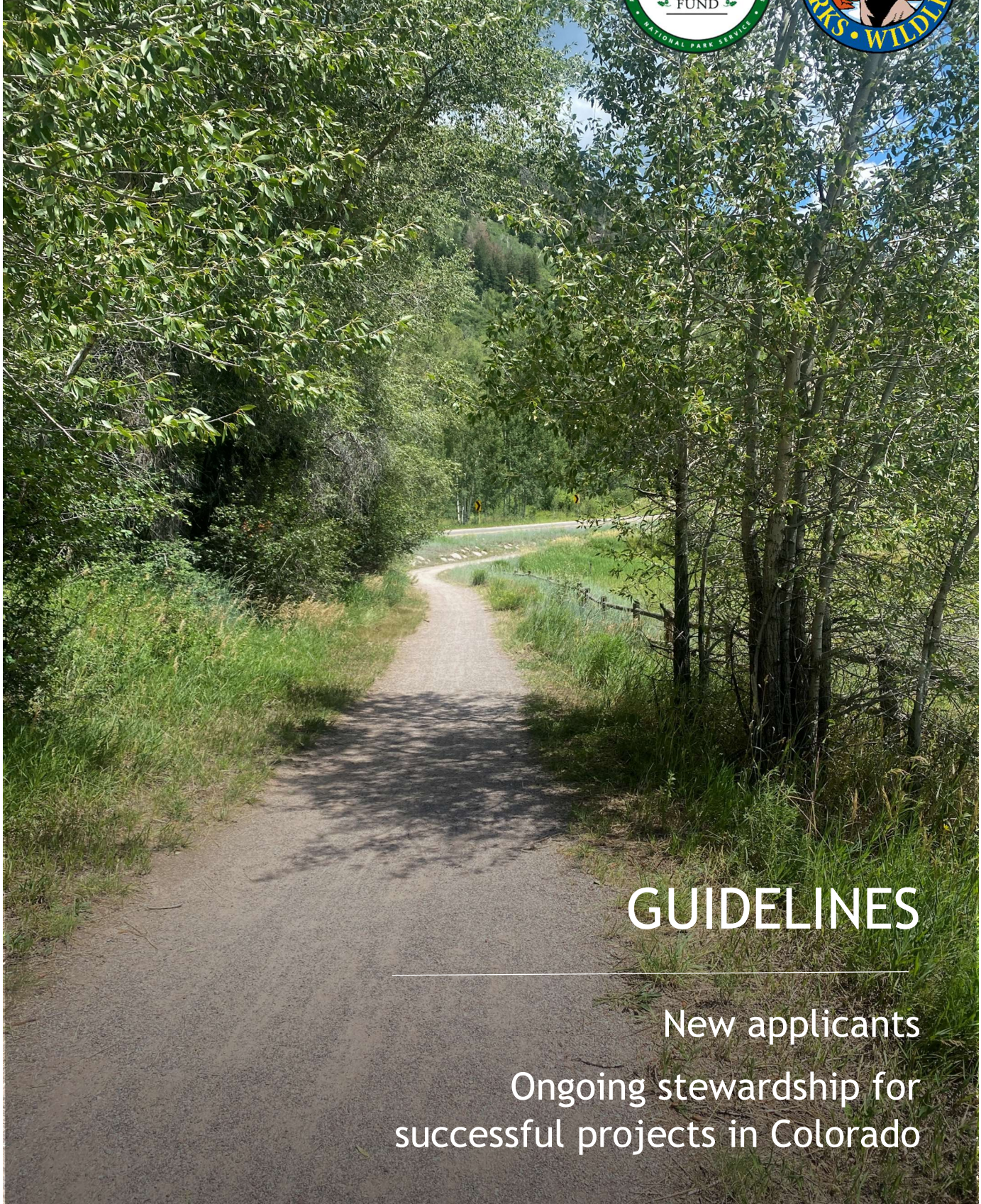


LWCF Manual

LAND & WATER CONSERVATION FUND INFORMATION



GUIDELINES

New applicants
Ongoing stewardship for
successful projects in Colorado

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Introduction

The Land and Water Conservation Fund (LWCF) is an important grant program investing in the acquisition, development and protection of natural areas and outdoor recreation facilities across America. Enacted by Congress in 1965, the LWCF Act provides financial assistance for projects aimed at strengthening the health and vitality of local communities by expanding the availability and protection of outdoor areas. Administered locally by Colorado Parks and Wildlife (CPW) for the National Park Service (NPS), the program plays an integral part in protecting Colorado’s natural resources and providing meaningful recreation opportunities for current and future generations.

Funding source

LWCF funds are primarily derived from federal oil and gas leases on the Outer Continental Shelf through the Gulf of Mexico Energy Security Act, Public Law 109-432 105 (a)(2)(B). Annual allocations for each State and Territory are congressionally appropriated as per the formula set out in the LWCF Act. The average annual apportionment for Colorado is \$4.6m and is split between Local, County, State and Tribal government projects that undergo a competitive selection process, as well as CPW projects that meet LWCF eligibility criteria.

Program snapshot

Purpose	<ul style="list-style-type: none">• Creating new or expanding/improving existing outdoor recreation sites and facilities
Project types	<ul style="list-style-type: none">• Land acquisition (for immediate or delayed development)• Development or major renovation of an existing site or facility (including previous LWCF funded sites)• Combination land acquisition and development
Project examples	<ul style="list-style-type: none">• Refer to previous LWCF applications on CPW's LWCF webpage
Applicants	<ul style="list-style-type: none">• Local, County, State, or Tribal government agencies in Colorado
Grant request	<ul style="list-style-type: none">• \$100,000 - \$1,250,000
Match	<ul style="list-style-type: none">• 1:1 with a minimum of 10% cash
Other requirements	<ul style="list-style-type: none">• Ownership and management of the land where the project is situated• Must be a self-supporting (standalone) outdoor recreation facility• Alignment with at least one priority in Colorado's Statewide Comprehensive Outdoor Recreation Plan (SCORP)• Compliance with applicable federal and state laws, regulations, and polices (including Civil Rights and Build America, Buy America)• All federal, state and local permits and clearances in hand before grant award• No ground disturbing work until grant award and CPW contract is finalized• Project completion within three years of grant award• Perpetual protection and maintenance of the land for outdoor recreation
Funding cycle	<ul style="list-style-type: none">• Refer to CPW's LWCF webpage for specific dates for upcoming grant rounds, but as a guide:• August - Applications open• September - Pre-applications close (similar to a Letter of Intent)• October - Full applications close• Following March - Selection finalized• Following September - Anticipated date of NPS award provided there are no delays (ie. permitting)

Before applying

Applicants are encouraged to reach out to CPW to discuss any potential projects before commencing an application. This will provide the applicant with the opportunity to ask project specific questions as they relate to LWCF and eligibility requirements.

Application documents

LWCF applications require completion of the following:

Pre-application submission Due early September	Full application submission Due early October
<ul style="list-style-type: none"> • Letter of intent • Basic area map • Information for Planning and Consultation (IPaC) resource list 	<ul style="list-style-type: none"> • Application form • Certification • Boundary map • Application and Revision (A&R) form • Timeline • Budget • Site plan • Photographs • Letters of support • Resolution • Proof of land ownership

Letter of intent

The letter of intent indicates that an organization plans to submit a full LWCF application by the due date. The letter should be no more than one page and include a basic project scope of work, anticipated grant request amount, land ownership details, and confirmation that LWCF eligibility criteria has been considered. Submit as a PDF.

Basic area map

Create a basic map of the project area to accompany the letter of intent. Submit as a PDF.

Information for Planning and Consultation (IPaC) resource list

The IPaC resource list is a US Fish and Wildlife Service (USFWS) online project planning tool. It provides a list of any threatened and endangered species, critical habitat, migratory birds, or other natural resources within the project area that may be impacted. To run the report:

- Go to the [IPaC website](#);
- Click on Get Started;
- Search for the location;
- Use the drawing tool to select the project area or Upload a Shapefile;
- Click Continue, Print Resource List, I'm Printing this page for other purposes; and
- Save and submit as a PDF.

If the IPaC resource list determines that there are significant impacts, it is recommended that the applicant begin communications with any relevant local, state or federal agencies (USFWS for example) to secure any applicable clearances (as per the Permitting and clearances section below).

Application form

This document records basic applicant and property information and can be downloaded from CPW's LWCF webpage. Note that it requires a Unique Entity Identifier (UEI), which recently replaced the DUNS number. To find or request a UEI, go to sam.gov.

Project specific questions are also included on this form, which are reviewed and scored by a subcommittee. The recommended length of response for open-ended questions is:

- Brief summary - one to two sentences (300 characters maximum)
- Project scope - two paragraphs (2,500 characters maximum)
- All others - one paragraph (1,250 characters maximum)

Character counts are in place to encourage shorter, more succinct responses.

Applicants are asked to use the Application form template to record responses, rather than creating a separate Word document. Submit as a PDF.

Certification

This form asks applicants to acknowledge LWCF program requirements, as outlined below. It can be downloaded from CPW's LWCF webpage and submitted as a signed PDF.

Match and reimbursement

Confirming match is available and if the grant is approved, failure to spend the minimum match requirements (during the CPW contract period) will reduce the amount of grant funds.

Reimbursement

Understanding that LWCF uses a reimbursement model where grantees incur project costs before seeking reimbursement from CPW.

Laws and regulations (including Civil Rights and Build America Buy America)

Agreeing to adhere to all applicable local, state and federal laws and regulations, as well as guidelines governing the LWCF program.

This includes, but is not limited to:

Civil Rights: Facilities must be designed to reasonably meet the needs of persons with disabilities. In so doing, the applicant must comply with all applicable provisions of the Americans with Disabilities Act (ADA).

For details on the 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)

Build America, Buy America (BABA): a domestic content procurement preference that applies to federally funded programs as part of the Infrastructure Investment and Jobs Act (s. 70901). It requires projects to use:

- American produced iron or steel;
- American manufactured products with 55% minimum domestic content; and
- American manufactured construction materials.

Grantees are responsible for determining that a product or material used for the project is American made, along with keeping records of certifications to demonstrate compliance. It applies to entire projects even if they are funded with federal and non-federal funds.

Exclusions

- Items and materials not permanently incorporated into the project (ie. tools or equipment brought to site and removed at or before project completion).
- Projects with a total budget (federal and local match) of \$250,000 or less.
- Up to 5% of total applicable project costs, up to \$1,000,000.

Waivers

Individual project waivers may be available for projects, if:

- Applying the provision would be inconsistent with public interest (public interest waiver);
- The United States does not produce the needed product or material in a sufficient and available quantity or of a satisfactory quality (non-availability waiver); or
- Applying it would increase the overall project cost by more than 25% (unreasonable cost waiver).

Waivers should be project and product-specific and must undergo the normal waiver process, which includes a public comment period. This includes NPS review, and subsequent processing by the Office of Management and Budget's (OMB) Made in America Office. This process could take up to six months.

Definitions

Construction items - materials that primarily consist of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, or drywall. It does not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

Manufactured products - items that consist of two or more of the listed (construction) materials that have been combined together through a manufacturing process; or items with at least one of the listed (construction) materials combined with a material that is not listed through a manufacturing process.

LWCF boundary area

Agreeing to maintain the site in perpetuity for outdoor recreation.

Inspections

Acknowledging that CPW and/or the NPS will undertake periodic site inspections to ensure the site is being used for the purposes intended.

Boundary map

Create a map of the project area, with the following information and labels:

- Project title;
- Defined boundary area using a red line;
- Acreage;
- Street names;
- Public entrance points;

- Known major project elements as per the site plan (playgrounds, sports fields etc);
- Any surface or subsurface rights or interests including rights-of-way, easements, deeds, leases, mineral or utilities (power, gas, water, cell phone towers etc);
- Any non-public or non-recreational uses or areas within the boundary area; and
- North arrow.

The project area must be located on a single contiguous site. If it is part of a larger park or adjoining property, the boundary area must include the entire parcel. Sites that have received previous LWCF funding should use the existing boundary area, unless the area is being expanded.

Submit the map as a PDF and include Shape or KML files if possible.

If the application is successful, this map will define the area that will be protected in perpetuity for public outdoor recreation. CPW will work with applicants to ensure that the map is an accurate representation of the site and will make adjustments as needed during the pre-award stage.

Application and Revision (A&R) form

This is an NPS-specific document designed to capture the project scope and planning, and to document environmental information to consider any potential impacts. It can be downloaded from CPW's LWCF webpage and requires completion of the following sections:

- All applications: page 1 (including project description), sections 1.0, 2.0, and 3.0
- Land acquisition projects: section 2.1
- Development/renovation projects: section 2.2
- Combination land acquisition and development projects: sections 2.1 and 2.2

Section 1 questions A (attachments checklist), B1, C1, and C2 can be left blank, as CPW will complete these.

Section 3C Environmental Resources Survey should be completed by an environmental professional or resource expert within the applicant's organization that has knowledge of the project and authority to respond to the questions.

When completing table 1, disregard short-term impacts unless a federal permit is required. Additionally, not every resource will have an impact (for example, Water: coastal barrier resources or coastal zones is not applicable in Colorado). If this is the case, mark it as 'no impact' and discuss it in question 2, along with any negative impacts. If '?' is selected, clarification will be required to categorize the resource as positive, negative, or no impact. Multiple '?' or negative impacts will trigger an Environmental Assessment (EA).

When completing table 2, all answers should be 'No' if a Categorical Exclusion (CE) is the desired NEPA pathway. If '?' or 'Yes' is selected, clarification will be requested. If none can be obtained, an EA will be necessary.

The NEPA Pathway Recommendation is completed by referring to the Categorical Exclusion List available for download on CPW's LWCF webpage. Many projects fall under F-5. If the project does not qualify for a CE, an EA or Environmental Impact Statement (EIS) will be required. If an EA or EIS have already been completed, include a copy with the grant application, along with any other environmental evaluations, permits or mitigation plans.

It is strongly recommended that the applicant begin communications with any relevant local, state or federal agencies after completing this form to secure any applicable permits or clearances.

When completing the form, make all answers discernible from the associated question by using blue font. Ensure all project features discussed in the form are also listed in the project budget. Submit the completed form as a Word document.

Timeline

The timeline records the proposed work schedule for the project. It can be downloaded from CPW's LWCF webpage and submitted as a PDF.

Note that:

- Ground disturbing work or acquisition cannot begin until the grant has been awarded and the contract with CPW fully executed;
- Planning, design and engineering can begin prior to grant award but these costs must be clearly labelled in the project budget and A&R form as 'pre-award costs'; and
- Projects must be completed (or open to the public if it is an acquisition) within three years of grant award (any extensions or modifications to the timeline after grant award require CPW and NPS approval).

Budget

A well-developed budget demonstrates that the project is properly planned and cost-effective. A template is available for download on CPW's LWCF webpage.

The minimum grant request is \$100,000 with a ceiling of \$1,250,000. Every dollar requested must be matched by the applicant, of which 10% must be cash. Beyond cash, other forms of match include in-kind goods or services, volunteer hours, and staff time (outside of normal work hours or job function). The local share should be secured at the time of application submission. Note that most federal funds and donated land are not allowable as match.

When completing the form:

- List specific items line by line adding the quantity and cost for each item (avoid lump sums and rounding up or down);
- Mark any planning, design and engineering expenses occurring before grant award as a 'pre-award cost';
- Determine the split between LWCF grant and match;
- Include provisions for a Class III Cultural Survey, as this is a frequent outcome of NHPA Section 106 reviews (cost is dependent upon the size of the project site, scope, and location but are generally between \$3,000 - \$5,000); and
- Remember that any costs for iron or steel, manufactured products and construction materials must meet the Build America, Buy America requirement.

Eligible costs for development/renovation projects generally include:

- Professional services (feasibility studies, site planning, environmental site assessments, cultural resource surveys, design);
- Construction (site preparation, demolition, excavation, grading);
- Supplies and materials (lumber, road base, crusher fines, plants);

- Equipment rental (purchase is also possible but a clear case must be made that it is more economical to purchase rather than rent); and
- Permanent equipment (playgrounds, bicycle racks, picnic tables, trash receptacles, signage).

Ineligible costs for development/renovation projects generally include:

- Non-fixed items;
- Indirect costs (overhead business expenses, ordinary operating costs);
- Marketing and publicity costs;
- Consequential damages to adjoining properties, ie. caused by noise, lights, vibration;
- Equipment or supplies for ongoing maintenance; and
- Contingency costs (unless applicants can provide a cost estimating methodology and explanation of the categories where the contingency may be needed. In this case, contingencies should be no more than 10 - 15% of construction costs).

Acquisition projects should only list the purchase price and no due diligence or incidental costs (appraisals or closing costs). Exceptions include environmental site assessments, cultural resource surveys, NEPA compliance, and relocation costs under the Uniform Relocation Assistance of Real Property Act (this must be discussed with CPW before submitting an application).

It is recommended that applicants submit budgets as close to a 50% grant 50% match ratio as possible. This is because the budget underpins the reimbursement process and rate at which grant funds are processed.

Submit the budget as an unprotected Excel file.

Site plan

Include any site plans that show the proposed project features and work. Submit as a PDF.

Photographs

Provide any photographs of the site in its current condition that support the project narrative. Submit photographs as a collage in a single PDF document, no more than three pages in total.

Letters of support

Letters of support can emphasize the need for a project, the consequences of it not proceeding, or validation of the applicant's experience managing similar projects. A maximum of five letters can be submitted as a single merged PDF. Letters from clubs, groups or individuals working on the project should be avoided.

Resolution

Provide a signed letter of resolution from the governing body in PDF form that specifies the applicant will contribute at least half of all project costs, dedicate the land for public recreation in perpetuity, and maintain the site and any facilities for their reasonable life expectancy.

Proof of ownership

Federal guidelines require applicants to demonstrate control of the land where the project is situated. This ensures that the property can be protected in perpetuity for outdoor recreation.

Fee title ownership is required. Documentation to demonstrate proof of ownership includes property titles, deeds, and legal land descriptions. Submit as a PDF.

Other documents

- All projects (where applicable) -
 - Results of any SHPO records requests
 - Copies of any relevant previous cultural surveys
 - Copies of any secured permits or clearances
 - Proof of flood insurance if the project is located in a floodway
- Acquisition projects
 - Uniform Appraisal Standards for Federal Land Acquisition (UASFLA) appraisal, commonly referred to as “Yellow Book”
 - Legal land description
 - Relocation plan for projects that involve moving owners or tenants from the property (discuss this with CPW before submitting an application)
 - For delayed developments, a statement detailing:
 - Why immediate acquisition is necessary;
 - What the anticipated future outdoor recreation facilities will be;
 - What non-recreation uses will continue on the site and when they will cease; and
 - Assurance that any income will be used for site development.

Permitting and clearances

LWCF projects may involve work that requires permits and clearances from various agencies. These must be secured by the applicant and provided to the NPS (through CPW) before the project can be awarded and work can begin. Applicants are strongly encouraged to start the permitting process early (at the time of CPW application or earlier) to allow sufficient time for approval before grant award (if the application is selected). This includes contacting appropriate federal, state and local government agencies to brief them on the project and to determine if any permits are required. Applicants may wish to consider the list below to determine any required permitting or clearances, and to commence discussions with the relevant agency.

Will the project:

- Affect any (a) federally listed endangered or threatened species or designated critical habitat or (b) species listed as wildlife of special concern in Colorado?
- Include introduction or exportation of any species not presently or historically occurring in the project location?
- Affect any recognized state natural areas, prime or unique ecosystems, geologic features or other ecologically critical areas?
- Involve habitat alteration or land use changes such as planting, burning, removal of native vegetation, clearing, grazing, water manipulation or modification of public use?
- Involve any new or modified construction or development in floodplains or wetlands?
- Require ground or surface water through contract or acquisition for long-term project viability?
- Include the use of any chemical toxicants?
- Result in any discharge which will conflict with federal or state air or water quality regulations?
- Affect any archaeological, historical or cultural site that will alter the aesthetics of the subject area?

- Impact designated wild or scenic rivers, wilderness areas, national trails or other protective national or state designations (i.e., Unique Waters, Area of Critical Environmental Concern, National Conservation Area, etc.)?
- Have any substantive environmental impacts not addressed above, or result in cumulative impacts, which separately do not require assessment but together must be considered substantial?

References

1. Section 7, Endangered Species Act of 1973, as amended
2. Administration of Clean Air Act of 1970 (P.L. 91-604) and Federal Water Pollution Control Act (P.L. 92-500), Executive Order 11738; and Clean Water Act Amendments of 1977 (P.L. 95-217)
3. Wild and Scenic Rivers Act (P.L. 90-542)
4. Wilderness Act (P.L. 88-577)
5. National Trails Act (P.L. 90-543)
6. National Environmental Policy Act (NEPA), 1969; CEQ guidelines, Federal Register 43(230), 11-29-78, §§ 1507.3 and 1508.4; Federal Register 44(112), 6-8-79, pp. 33160-33162
7. Colorado Weed Management Act, §§ 35-5.5-101 through 119, C.R.S. (2000).
8. Eradication of Tamarisk on State Lands, Colorado Executive Order D 002 03.
9. Development and Implementation of Noxious Weed Management Programs, Colorado Executive Order D 006 99.
10. Colorado Nursery Act, §§ 26-1.0 through 26-7.2, C.R.S. (1999).
11. Colorado Seed Act, §§ 35-27-101 through 125, C.R.S. (1993 Supp).
12. Colorado Mosquito Control, Administrative Directive B-300.
13. Colorado Forest Management, Administrative Directive B-301.
14. Colorado Native Vegetation, Administrative Directive B-302.
15. Colorado Wildlife and Hunting, Administrative Directive C-275.
16. Colorado Rare Plants, Administrative Directive C-276.
17. Colorado Noxious Pests, Policy B-300.

Copies of any permits or clearances will need to be provided to CPW as they become available. If the applicant has discussed permitting with an agency and it is determined that no permits or clearances are required, a copy of that correspondence must still be sent to CPW.

Application submission

Applicants should send the pre-application submission due in September and the full application due in October by email to trails@state.co.us. If file sizes are too large to email, contact CPW for a file sharing link. Applications are limited to one per organization per year.

Presentations

Applicants are asked to provide a 15-minute presentation (10 minutes plus 5 minute Q&A) in early January to the subcommittee. It is strongly recommended that applicants use PowerPoint to convey key project information (maximum 10 slides), as well as a specific slide answering any questions that have arisen during grant review (these are provided to applicants beforehand). The current format for presentations includes in-person and virtual, depending on the applicants preference. A copy of the presentation must be emailed to trails@state.co.us ahead of time.

Application selection

Area Wildlife Manager (AWM) review

Submitting the pre-application submission to CPW in September automatically triggers a review and identification of potential wildlife concerns for that project by CPW as part of the Wildlife Assessment Guidelines. Any concerns will be provided to applicants so that they may begin considering mitigation strategies before the full grant application is submitted in October.

Any concerns raised by CPW, along with any mitigation strategies must be discussed in the application form that contains specific wildlife and natural resource questions. This document is reviewed and scored by a subcommittee who are also provided with a full list of wildlife concerns raised by CPW to ensure that this aspect is considered in detail when scoring applications.

If a project has significant wildlife concerns but receives sufficient scores to receive funding, CPW, members of the public, and other agencies may present their concerns to the State Trails Committee prior to and/or during the recommended grant funding approval meeting. Throughout the grant funding recommendation process, the State Trails Committee may decide to withhold a funding recommendation for a specific project based on these concerns.

If a project with major wildlife concerns is recommended for funding by the State Trails Committee to the CPW Commission, the same process for public comment will occur.

Application review

CPW is required to have an Open Project Selection Process (OPSP) as the program administrator and distributor of LWCF funds in Colorado. It is approved and overseen by the Recreational Trails Committee (RTC), whose role and authority is described in sections 33-11-105 through 33-11-107 of the Colorado Revised Statutes. The OPSP establishes criteria and standards for grant selection, based on the state's priority recreation needs as outlined in the SCORP. This includes grant review, scoring, public comment periods, and recommendations for funding. More specifically, it involves:

- CPW Trails Program staff review to ensure applications are complete and eligible;
- CPW regional field staff review and identification of any local concerns (which can then be addressed by the applicant early in the process);
- Subcommittee review, scoring, ranking and recommendation for funding to the RTC (the subcommittee includes representatives from the RTC, GOCO, CPW Trails Program staff, Colorado's State LWCF Liaison Officer, and outside peer reviewers);
- RTC review and recommendation for funding to the CPW Commission;
- Final review and approval by the CPW Commission; and
- Submission to the NPS for final approval.

This process invites public review and comment at four separate stages: upon submission and posting of the application on CPW's website, before the subcommittee, before the RTC and before the Commission.

Timeline

The timeline for successful applications is around 12 months from application submission to contracting, provided there are no delays (with permitting for example) or issues with the application. A snapshot is provided below. Note that all permitting and clearances must be in hand before grant award, ground-disturbing work cannot begin until after grant award, and the contract with CPW is finalized.

ALL APPLICATIONS	
August	<ul style="list-style-type: none"> Grant round opens
September	<ul style="list-style-type: none"> Pre-application submission due AWM review
October	<ul style="list-style-type: none"> Full application due CPW review to ensure applications are complete and eligible Applicants are strongly encouraged to begin the process for securing any relevant permits and clearances
November - December	<ul style="list-style-type: none"> CPW and subcommittee review
January	<ul style="list-style-type: none"> Applicant presentations Subcommittee scoring, ranking and funding recommendations to the RTC
February	<ul style="list-style-type: none"> RTC review and funding recommendations to the CPW Commission
SUCCESSFUL APPLICATIONS	
March	<ul style="list-style-type: none"> CPW Commission review and approval to submit to the NPS Applicant moves to pre-award stage (discussed below) CPW commences NHPA Section 106 Applicant commences additional NPS documentation
April	<ul style="list-style-type: none"> Applicant finalizes additional NPS documentation Applicant finishes securing any relevant permits or clearances CPW submits draft documents to the NPS
May - June	<ul style="list-style-type: none"> NPS reviews documentation and provides feedback
July	<ul style="list-style-type: none"> CPW submits final documents to the NPS for approval
August - September	<ul style="list-style-type: none"> NPS awards grants (if there are no delays or unforeseen issues) CPW commences contracting
October - November	<ul style="list-style-type: none"> Grantee can begin ground-disturbing work once the contract with CPW is finalized

Pre-award

All projects must comply with applicable federal and state laws, regulations, and polices.

Agency coordination

Colorado's LWCF program is not covered under the 'Single Point of Contact Intergovernmental Review System'. Therefore, applicants must send notices of intent to any public agencies that may have jurisdiction or be affected by the project. Notices should include a project description, boundary map, an address where comments may be sent, and a deadline for comments.

National Historic Preservation Act (NHPA) Section 106

LWCF projects selected for funding must undergo the NHPA Section 106 process to determine if it will affect any cultural, historical or archaeological resources. CPW will coordinate this review. As part of this, CPW may ask applicants to contact the State Historical Preservation Office (SHPO) to request a file search or copies of any previous relevant cultural surveys.

CPW may receive project clearance from SHPO, or it may receive a recommendation for a Class III Cultural Survey. The latter may occur if the project is located in a previously undisturbed, un-surveyed area. If this is the case, the sponsor should be prepared to cover the cost of the survey, which is an eligible LWCF cost and should be listed in the project budget.

The Section 106 process also involves Tribal Consultation. The NPS will initiate this after clearance from SHPO is received.

National Environmental Policy Act (NEPA)

LWCF projects selected for funding must go through the NEPA process to assess any environmental impacts. As part of this process, the NPS will utilize project documentation to determine whether a project is categorically excluded from further environmental analysis or if it requires an Environmental Assessment (EA) or Environment Impact Statement (EIS). The NPS makes this determination primarily based on the Environmental Resources Survey (Section 3C) of the A&R form and copies of any permits, clearances or correspondence from relevant agencies.

Additional documentation

CPW will work with applicants to complete any additional documentation required for the NPS. This includes the project abstract, narrative, and making any updates to documents submitted with the original application (A&R form, budget, timeline and boundary map).

Pre-award inspection

As part of the pre-award process, CPW will conduct an on-site inspection. Photographs will be taken to record site conditions before work or acquisition.

Post award

Public announcements

Funding is not guaranteed until final approval and award by the NPS. Any funding announcements relating to the project should wait until after the grant has been awarded.

Project start

Construction or acquisition can begin after grant award and finalization of the contract with CPW. The only exception to this is if a Waiver of Retroactivity (WoR) has been granted by the NPS (facilitated by CPW). A waiver is not a guarantee for grant approval.

Reimbursement

LWCF uses a reimbursement model, where grantees incur project costs before seeking reimbursement from CPW. Reimbursement is generally calculated on the grant to match ratio. For example, a \$500,000 project with a grant amount of \$200,000 and match amount of \$300,000 will result in 40% of eligible costs for reimbursement, and 60% counted as match. It is therefore recommended and more beneficial for applicants to submit budgets as close to a 50/50 ratio as possible.

It is important to remember that any costs submitted for reimbursement must:

- Be dated after the CPW contract effective date (unless it is listed in the project budget as a 'pre-award cost');
- Follow the Build America, Buy America domestic content procurement preference; and
- Include a copy of the invoice and proof of payment.

Sufficient records to prove the value should accompany in-kind costs. For example, volunteer or staff hours should include timesheets or logs calculated by an hourly wage. Time estimates are not acceptable. Donated goods and supplies should not exceed current market prices and be accompanied by a letter from the donor along with evidence of comparable values from other vendors.

Income generated from the site during the project period will either be used to reduce the project cost or for additional acquisition or development at the site. This includes for example, the sale of any crops, or leasing of land. User fees are exempt.

A grant reimbursement form is available from the CPW Grants Administrator.

Progress reports

Grantees must submit quarterly progress reports to CPW throughout the construction phase of the project. A progress form is available from the CPW Grants Administrator.

Amendments

Grantees should reach out to CPW if there is a material change in project scope, cost or timeline after grant award. This will require an amendment and approval by the NPS and should only be sought for cost increases or delays outside of the grantees control. Grantees must contact CPW at least six months before the contract with CPW expires to request any changes.

Project end

LWCF projects must be completed and open to the public within three years of grant award, unless an extension has been granted through an NPS approved amendment. CPW will undertake a final site inspection to confirm completion, process any final eligible costs for reimbursement, confirm the final boundary area, and close out the grant with the NPS. Following this, grantees will manage all stewardship requirements to maintain and protect the site in perpetuity for outdoor recreation.

Deed restriction

Following project completion, it is recommended that grantees place a restrictive clause in any relevant property deeds stipulating that the area is protected in perpetuity for public outdoor recreation. The restriction should be recorded against the title of the property. Sample deed language is provided below.

Property acquired or developed with Land and Water Conservation Fund assistance shall be retained and used for public outdoor recreation in perpetuity. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without notification to Colorado Parks and Wildlife, and the approval of the National Park Service pursuant to the LWCF Act (54 U.S.C. § 200305(f)(3)) and conversion requirements outlined in regulations (36 C.F.R. § 59.3).

Ongoing stewardship

LWCF grantees are required to commit to perpetual responsibilities that will sustain the project's outdoor recreation benefits for years to come. This includes contacting CPW before any changes are made to sites, regardless of whether they are temporary or permanent.

Signage

LWCF properties must display permanent signage acknowledging the program and federal-state-local partnership that supported it. Small discs (5 inches in diameter) featuring the LWCF logo can be provided by CPW. Electronic copies of the logo are also available upon request. It is recommended that signage is displayed at site entrances, or other appropriate on-site locations.

Maintenance

LWCF properties must remain attractive, inviting and safe for public use. This includes:

- Maintaining any sanitation and sanitary facilities in accordance with applicable health standards;
- Complying with all applicable state and federal legislation and the National Institute for Occupational Safety and Health (NIOSH); and
- Keeping buildings, roads, trails, and other structures and improvements in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use. This includes addressing vandalism as soon as possible.

Public use and fees

LWCF properties must be open for public outdoor recreation use during reasonable hours of operation. The type of facility and season of the year should determine hours of operation.

Grantees are permitted to establish a reasonable fee structure if it maintains broad public participation. Fees for non-residents cannot exceed twice that charged to residents. Where there are no fees for residents, non-resident fees shall be comparable to other state or local facilities.

Periodic site inspections

LWCF properties are inspected every five years to ensure sites are being retained and used for outdoor recreation in accordance with the project agreement (and any relevant amendments) and program requirements. CPW staff carry out these inspections and consider the following for each site:

- Is the site being used for the purposes intended?
- Is the park attractive and properly maintained?
- Is it accessible and open to the public, free of discrimination?
- Is the LWCF sign posted and visible?
- Is there adequate staffing to ensure safety and servicing of facilities?

On completion of the inspection, CPW will issue grantees with a letter of compliance or non-compliance. If the site is non-compliant, corrective actions will need to be made by the grantee in a reasonable amount of time. If the deficiency relates to a change of use at the site, CPW will consider the extent to which it deviates from the original project agreement and intent of the grant. If the change is significant, NPS notification and approval may be necessary. Similarly, if the inspection discovers that all or part of the site has been converted to non-public recreation uses, a conversion will be triggered. See the change of use and conversion sections below for more information.

Any sites that remain out of compliance following an inspection may result in the grantee being ineligible for future LWCF grants until the issues are remedied.

Obsolete facilities

Grantees are required to maintain LWCF-funded properties for outdoor recreation in perpetuity, however, there is no obligation to continue operation of a particular on-site amenity beyond its useful life. Situations that may prompt an obsolete facility request include:

- Reasonable maintenance not being sufficient to keep the facility operating;
- Changing recreation needs dictating a change in the type of facilities provided;
- Park operating practices dictating a change in the type of facilities provided; or
- The area or facilities being destroyed by fire, natural disaster or vandalism.

CPW may determine the amenity as an obsolete facility. This may require subsequent NPS approval depending on the facility and particulars of the original grant. If the amenity has been lost due to neglect or inadequate maintenance, the grantee may be required to replace it.

It is best to contact CPW to discuss any potential obsolescence requests before the removal of any on site amenities. Existing LWCF sites are eligible for new grants, which should be considered for major park renovations.

Temporary non-conforming use (TNCU) permits

TNCU permits allow for a portion of LWCF sites to be used for purposes other than outdoor recreation for six months or less. This requires NPS approval, facilitated by CPW. When reviewing TNCU requests, the following is considered:

- Is the area small enough to avoid significant impacts to public outdoor recreation use?
- Does the temporary use avoid permanent damage or residual impacts?
- Were any alternatives considered and if so, why were they not feasible?

Grantees should contact CPW to discuss any proposed temporary uses before commencing any work. It is important to note that any work under a TNCU permit not completed within six months or less will trigger a conversion (discussed below).

Change of Use

Grantees considering changing the use of an existing LWCF property should contact CPW before any on site changes are made. CPW will review the proposal and consider the extent to which it deviates from the original project agreement and intent of the grant. This includes altering a recreation facility, for example, a tennis court changing to a basketball court.

If the proposed change is minimal, CPW may provide its approval. If the proposed change will significantly alter the intended uses outlined in the project agreement and intent of the grant, NPS approval will be required, as facilitated by CPW. New outdoor recreation uses will be reviewed to ensure that they meet the priorities of the current SCORP. Any new non-recreation uses will trigger a conversion (discussed below).

Conversions

A conversion is triggered when any portion of LWCF designated land, no matter how small, is dedicated to a purpose other than what is outlined in the original project agreement (and any relevant amendments) and intent of the grant. This includes for example, new public roads, indoor recreation facilities, other civic structures (fire stations, schools, libraries), surface or subsurface utilities.

Any conversion must be approved by the NPS in accordance with the LWCF Act, as facilitated by CPW. This includes the grantee being responsible for mitigating the loss of any land through the substitution of other properties with at minimum equal acreage and value, regardless of the reason for conversion.

Conversions must meet a complex set of requirements, including:

- Exploring all practical alternatives to avoid the proposed conversion;
- Establishing equal, fair market value (Yellow-Book appraisal standard) for both properties associated with the conversion;
- Proving the replacement parcel is equivalent in usefulness and location, and will meet similar outdoor recreation needs as the original site;
- Completing all relevant agency coordination, permitting and clearances for the replacement parcel (including NHPA Section 106 and NEPA); and
- Demonstrating that the replacement parcel meets the priorities outlined in the SCORP.

Conversions are timely (12+ months) and costly. This includes for example, potential environmental consultant, EA, EIS or Class III Cultural Survey fees, which are the responsibility of the applicant. Due to the complex nature of conversions, CPW must be consulted before any changes are made to LWCF sites.

Records retention

Grantees should retain any financial documents associated with an LWCF-funded project for a period of three years to satisfy any potential audit requests. This includes bid specifications, contracts, invoices, and Build America Buy America certifications. Additionally, the grant application, agreement (and any amendments), final boundary map, and correspondence relating to inspections and compliance should be retained in perpetuity.

Additional information

Applicants or grantees can refer to the [LWCF State Assistance Program Federal Financial Assistance Manual](#) for additional information.

Contacts

For assistance with a new LWCF application or stewardship query for an existing project, contact:

- Chrystal Read | CPW Federal Grants Administrator | 303-791-1957 x4150 | chrystal.read@state.co.us
- Fletcher Jacobs | CPW LWCF Alternate State Liaison Officer | 303-791-1957 x4129 | fletcher.jacobs@state.co.us

For guidance on project development, contact the appropriate CPW Regional Trail Coordinator:

- Luke Svare | Northeast region | 970-472-4300 | lucas.svare@state.co.us
- Tappan Brown | Southeast region | 719-227-5200 | tappan.brown@state.co.us
- Randy Engle | Northwest region | 970-434-6862 x 4221 | randy.engle@state.co.us
- Josh Stoudt | Southwest Region | 970-375-6711 | joshua.stoudt@state.co.us

List of abbreviations

A&R	Application and Revision form
ADA	Americans with Disabilities Act
AWM	Area Wildlife Manager
BABA	Build America, Buy America
CDOT	Colorado Department of Transportation
CE	Categorical Exclusion
CPW	Colorado Parks and Wildlife
DOI	Department of Interior
EA	Environmental Assessment
EIS	Environment Impact Statement
GOCO	Great Outdoors Colorado
IPaC	Information for Planning and Consultation
LWCF	Land and Water Conservation Fund
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NIOSH	National Institute for Occupational Safety and Health
NPS	National Park Service
OMB	Office of Management and Budget
OPSP	Open Project Selection Process
RTC	Recreational Trails Committee
SCORP	Statewide Comprehensive Outdoor Recreation Plan
SHPO	State Historical Preservation Office
TNCU	Temporary non-conforming use
UEI	Unique Entity Identifier
USACE	US Army Corps of Engineers
USFWS	US Fish and Wildlife Service
WoR	Waiver of Retroactivity