

# LWCF GRANT APPLICATION INFORMATION

Acceptance of an LWCF grant agreement with the Utah Division of Outdoor Recreation requires the recipient/sponsor to assume the responsibility for compliance with LWCF Act, any and all program requirements, and applicable state and local laws. In signing the contract with the Division of Outdoor Recreation, the sponsor accepts the responsibility for compliance and the consequences of non-compliance.

Once a public outdoor recreation site, always a public outdoor recreation site.

Any site that has been acquired, developed, or improved, no matter how small the improvement, with funds from the LWCF grant program, must be open to the public and maintained in perpetuity (forever) for public outdoor recreation.

## Environmental, Historical, and Cultural Studies

As part of the application or conversion process, all projects must comply with the National Environmental Policy Act (NEPA) and the Historic Preservation Act. Projects must include analysis of potential impacts on environmental and historic resources. Project sponsors and applicants should review the Proposal Description and Environmental Screening Form (PD-ESF) for resources to be investigated for potential impact. For all conversions, the sponsor is required to prepare an Environmental Assessment (EA) document for NEPA compliance. Keep in mind if a conversion or project is controversial or contains major impacts to the environment or cultural resources, the sponsor may be required to prepare an Environmental Impact Statement (EIS).

## Build America, Buy America Act

With the passage of the [Bipartisan Infrastructure Law](#), Federal financial assistance programs for infrastructure must comply with domestic content procurement preference requirements established in the [“Build America, Buy America Act”](#) at Section 70911 *et seq.* (“Buy America”). **Buy America’s domestic content procurement preference applies to all of the iron, steel, manufactured products, and construction materials used for infrastructure projects under an award.** These requirements take effect on May 14, 2022; however, parties may seek waivers under certain circumstances.

The LWCF requires a 6F boundary map of the recreation site.

This map determines the area bound by the LWCF grant requirements outlined here and in your contract with the Division of Outdoor Recreation. All property and facilities contained within the 6F

boundary map must not be converted from public outdoor recreational use. The project must be maintained as originally intended and significant changes to the use or functionality must be approved by the Division of Outdoor Recreation and the NPS. Conversions of use are to be avoided whenever possible. The Conversion of Use Process must be pursued to request approval from the NPS.

## **Project must comply with the Civil Rights Act and Americans with Disabilities Act.**

Pursuant to 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.

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 (Public Law 100-336) simply references and reinforces these requirements for federally assisted programs.

## **Public Comment**

All proposals are required to have solicited public comment before recommendation to the Division of Outdoor Recreation. If an application is received that has not undergone a public comment period and/or hearing, it will be scored lower during the initial project ranking. Examples of public comment are the official minutes of a commission or council meeting, a planning document that includes the site specifically identified and any public comments associated with the site, or the minutes of an actual public hearing on the proposed facility.

## **Procurement, Contracts, and Bidding**

Sponsors receiving federal LWCF assistance must comply with all applicable local, state and federal requirements regarding contracts and bidding. This includes, but is not limited to, compliance with Utah's public procurement laws and procedures, administrative requirements for grants and cooperative agreements to state and local governments, any administrative and audit requirements and cost principles for assistance programs, Department of Interior cost principles for state and local governments, audits of state and local governments as these relate to the application and acceptance/use of federal funds for assistance.

## **Quarterly Reports**

All grantees are required to submit quarterly reports on the grantees' progress toward completion of the grant project.

## Expenditure Documentation

Invoices and proof of payment for eligible reimbursable items must be submitted with all reimbursement requests. Only expenditures incurred within the approved LWCF project period are eligible for reimbursement. Expenses incurred prior to authorization of the LWCF grant agreement or after the expiration date are ineligible for reimbursement.

## LWCF Acknowledgement Sign

LWCF requires that all recreation areas assisted by the program post a sign acknowledging LWCF assistance. The sign must be posted in a prominent public area visible to all visitors. If the facility is located in an area where excessive tagging or graffiti preclude the use of a sign, the sponsor may add the logo and acknowledgement to their recreation website. Contact the LWCF grant coordinator for NPS requirements and official logo.

## Retention of Records

All documents related to the LWCF project should be retained in perpetuity. These papers include project agreements, correspondence, deeds, as-built plans, inquiries regarding proposed changes at the park, Section 6F boundary map, and grant application materials. Also, all financial records and documents used for verifying your reimbursement, including bid information, must be retained for a period of three years with the following qualifications:

- If any litigation, claim, or audit is started prior to the expiration of the three years, the records shall be retained until all such actions have been resolved.
- Records for non-expendable property acquired with fund assistance shall be retained three years after its final disposition.

## Operation and Use

All LWCF assisted areas must be open to the public during reasonable hours of operation. Hours of operation should be determined according to the type of area or facility being operated and in relation to the season.

## Maintenance

LWCF assisted properties must receive regular maintenance to ensure continuing public use in a safe and sanitary manner.

## Fees

Reasonable user fees may be charged by the sponsor to offset operation and maintenance costs. Sponsors may charge a higher fee to non-residents as long as the higher fee is realistic, comparable to what is charged at other local parks and does not preclude use by non-residents and is no more than twice the residential fee.

## Inspections

Inspections are regularly performed on LWCF assisted areas to monitor the project sponsor's compliance with program requirements. Recreation areas found in non-compliance will be notified in writing of the problems and a timeframe for remediation. In cases, where inspections discover conversions of use, the Division of Outdoor Recreation will provide direction to the sponsor on the Conversion of Use Process and a timeframe for initiation.