

# 2016 Land & Water Conservation Fund Project Administration Guide



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**MISSOURI DEPARTMENT OF NATURAL RESOURCES**  
DIVISION OF STATE PARKS

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## LIST OF ACRONYMS

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<b>ABA</b>	Architectural Barriers Act
<b>ADA</b>	Americans with Disabilities Act
<b>ATV</b>	All-Terrain Vehicle
<b>CAA</b>	Clean Air Act
<b>CFR</b>	Code of Federal Regulations
<b>CWA</b>	Clean Water Act
<b>DNR</b>	Department of Natural Resources
<b>DOJ</b>	U.S. Department of Justice
<b>DSP</b>	Division of State Parks
<b>EPA</b>	Environmental Protection Agency
<b>FEMA</b>	Federal Emergency Management Agency
<b>FFATA</b>	Federal Funding Accountability and Transparency Act
<b>FHWA</b>	Federal Highway Administration
<b>GMS</b>	Grants Management Section
<b>LWCF</b>	Land and Water Conservation Fund
<b>MBE</b>	Minority Business Enterprise
<b>NFIP</b>	National Flood Insurance Program
<b>NHPA</b>	National Historic Preservation Act
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NPS</b>	National Park Service
<b>NTP</b>	Notice to Proceed
<b>NWP</b>	Nationwide Permit
<b>OPDMD</b>	Other Power-Driven Mobility Devices
<b>PD/ESF</b>	Project Description/Environmental Screening Form
<b>SCORP</b>	Statewide Comprehensive Outdoor Recreation Program
<b>SHPO</b>	State Historic Preservation Office
<b>SWPPP</b>	Storm Water Pollution Prevention Plan
<b>UASFLA</b>	Uniform Appraisal Standards of Federal Land Acquisitions
<b>Uniform Act</b>	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
<b>USACE</b>	U.S. Army Corps of Engineers
<b>WBE</b>	Women Business Enterprise

## SECTION I. GENERAL OVERVIEW OF GRANT ADMINISTRATION AND PROJECT COMPLIANCE

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Congratulations on having your proposed project recommended for funding through the 2016 Land & Water Conservation Fund (LWCF). Created by Congress in 1965, LWCF provides matching grants to states and local governments for the acquisition and development of public outdoor recreation areas and facilities. The program is intended to create and maintain a nationwide legacy of high quality recreation areas and facilities and to stimulate non-federal investments in the protection and maintenance of recreation resources across the United States. The LWCF program is funded through revenue from off-shore oil and gas drilling. The Department of Interior's National Park Service (NPS) oversees the LWCF program and has delegated administration of the program to each state. In Missouri, the Department of Natural Resources (DNR) administers the program. Direct oversight of the program is performed by the Division of State Parks' (DSP) Grants Management Section (GMS). Projects that are recommended for funding by GMS are those that demonstrate an ability to meet the needs outlined in the 2013-2017 Statewide Comprehensive Outdoor Recreation Plan (SCORP), which is available at <https://mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants>. The SCORP serves as a framework for the planning, development, management and protection of Missouri's outdoor recreation resources.

### Grant Administration Overview

The following provides a general overview of the process for administering your grant. Subsequent chapters of this guide detail the process more thoroughly. Sponsors have **two years** from the date the project agreement is signed to complete their LWCF project. Additionally, physical work (such as ground clearing or the beginning of construction) **must commence within one year** from the start date indicated on the project agreement. It's important that you, the project sponsor, demonstrate every effort to complete your project within the agreed-upon timeframe indicated on the Project Agreement. Most projects will be completed well within the project timeline but it is acknowledged that unforeseen issues can arise that may delay project completion. GMS staff will work with project sponsors on a case-by-case basis for extension requests or other amendments to the project, the procedures for which are discussed in Section IV of this manual.

- **Mandatory project administration workshops.** Sponsors are required to attend a mandatory project administration workshop. During the workshop, GMS staff will explain the requirements for administering the LWCF grants. Additionally, staff will provide instruction on how to register to complete a State of Missouri Vendor Input/ACH-EFT Application (<https://oa.mo.gov/vendors>), which allows reimbursement funds to be transferred electronically to the sponsor's account at their bank or financial institution.
- **Project Agreement.** After attending the workshop, you will be sent a project agreement to sign. The project agreement is between the project sponsor and the Department of Natural Resources and includes the project number, used for identification purposes; the project title, which should be used on all future correspondence regarding the project; the project period, including a start date and an end date; a description of the project scope; the total project budget; and the amount of LWCF funds requested. Additionally, the agreement provides a signature line for the Division of State Parks' director and the project sponsor. By signing the project agreement, your agency is agreeing to comply with the General Provisions attached to the project agreement, as well as the requirements outlined in this guide.
- **Acquisition of real property.** Federally-assisted real property acquisition, which includes property acquired with LWCF funds, must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Also known as the "Uniform Act," this act ensures that landowners are fully informed of their rights and are justly compensated when selling or leasing private property or selling/leasing some type of interest in the property (such as an easement). As part of this assurance, the Uniform Act requires an appraisal and an appraisal review to be performed. If your project includes the acquisition of real property, Section II of this guide outlines the steps you must perform to show compliance with the Uniform Act. Appendix D provides the supporting documentation you will be required to submit to GMS to demonstrate compliance. In order for your project to remain active, you have **up to a year** from the date your project agreement is signed to provide GMS staff the documentation showing compliance with the Uniform Act (when required) and acquire the property.
- **Notice to Proceed (NTP).** Formal Notice to Proceed (NTP) letters or emails will be issued by GMS that provide approval to proceed with specified phases of the project. These notices will be issued once all compliance requirements have been met. Depending on the scope of the project, the cost categories in the funding request and the timing of compliance documentation submittals, a project sponsor may receive several NTPs throughout the life of the project. For instance, a NTP would be issued for construction-related activities once GMS staff reviews plan specifications and required compliance documentation for contracts. For projects that include acquisition of real property, another NTP would be issued upon receipt of documentation demonstrating compliance with the Uniform Act. **It's important to remember that you can't begin any construction activities or acquire real property until after receiving a NTP for those particular phases of your project.**

- **Project development.** Section III. Project Development outlines the required documents you will need to maintain in your project file; the procurement procedures you are required to use, including the bid process for goods and contracted labor; the permits you may be required to obtain; and the submission of project plans and specifications for review, including demonstration of compliance (where required and where possible) with the Americans with Disabilities Act (ADA).
- **Requesting reimbursements and reporting project status.** Section IV. Reimbursement and Reporting Requirements describes the process for submitting funding reimbursement requests, including required cost documentation and time accounting records; submitting quarterly and annual status reports; and requesting project amendments, such as changes in project scope or time extensions. Any costs incurred prior to the project period start date or prior to receiving a NTP will not be reimbursed, with the exception of certain planning and design costs. Costs in these categories incurred up to nine months prior to project approval and notice to proceed may be reimbursed or used as match if they were identified in your budget table and budget narrative. Examples of planning and design costs include site investigation and selection, site planning, preliminary design, environmental assessment, preparation of cost estimates, construction drawings, specifications and similar items necessary for project preparation. Because this is a reimbursable matching grant, you must pay for your entire project expenses per each billing cycle and then request a reimbursement of 45% of the costs, following the steps outlined in Section IV.
- **Project completion.** Section V. Project Closeout outlines the process for submitting a final reimbursement request, the post-construction certification, as-built site plans and final 6(f)(3) boundary maps, and other closeout documents that are required at the completion of the project to ensure the project meets all federal and state regulations.
- **Post-completion and long-term stewardship requirements.** Section VI describes the post-completion record retention, stewardship, operation and maintenance requirements a project sponsor must follow to ensure longevity of the project. Section 6(f)(3) of the LWCF Act contains provisions for protecting a project that utilizes LWCF funding. When LWCF monies are used to acquire or develop a project, the project must remain dedicated to public outdoor recreation use in perpetuity. Should a project sponsor ever intend to use any portion of project land protected under 6(f)(3) for any other purpose than outdoor recreation, a conversion would be required. Section VI outlines the circumstances in which a conversion would be required.
- **Contact information.** For questions and to submit any correspondence regarding your LWCF project, including all required forms and documentation, please use the below contact information:  
 LWCF Planner  
 Grants Management Section  
 Missouri State Parks  
 PO Box 176  
 Jefferson City, MO 65102-0176  
 573-751-8462  
 573-526-4395 (FAX)  
 lwcf.rtp@dnr.mo.gov

### **Project Compliance Requirements**

By accepting the LWCF grant and signing the project agreement, the project sponsor agrees to abide by the requirements outlined in the “Land and Water Conservation Fund General Provisions,” a copy of which was attached to the project agreement but is also included in Appendix A of this guide and can be found online at <https://www.mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants>. Please note in Paragraph E of Part I that of the General Provisions, wherever a term, condition, obligation, or requirement refers to the State, these also apply to the project sponsor, 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 the General Provisions, the terms "State," "grantee," and "recipient" are deemed synonymous. The sponsor also agrees to abide by the terms and conditions outlined in the “Missouri Department of Natural Resources Federal Financial Assistance Agreements General Terms and Conditions.” A copy of DNR’s terms and conditions is found in Appendix B and a PDF copy can also be downloaded from the web at <https://www.mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants>.

Additionally, project sponsors must comply with the following federal laws regarding nondiscrimination:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin, including Limited English Proficiency, in programs and activities receiving federal financial assistance. Appendix C provides a copy of the provisions in Title VI, as outlined in 43 CFR 17, Subpart A.
- Section 504 of the Rehabilitation Act of 1973, which makes it illegal for federal agencies, or programs or activities that receive federal financial assistance or are conducted by a federal agency, to discriminate on the basis of disability. Appendix C provides a copy of the provisions in Section 504 of the Rehabilitation Act, as outlined in 43 CFR 17, Subpart B.

- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. Appendix C provides a copy of the provisions in Section 504 of the Rehabilitation Act, as outlined in 43 CFR 17, Subpart C.
- Title II of the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of disability in state and local government services. Because of document size, a copy of the Title II rules has not been incorporated in this guide; however, a copy can be downloaded at [https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.pdf](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.pdf). Project sponsors are expected to be familiar with the ADA provisions for Title II entities, which are explained in more detail in Section III of this guide.
- Title III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability by private entities that provide public accommodation. Because of document size, a copy of the Title III rules has not been incorporated in this guide; however, a copy can be downloaded at <http://www.ecfr.gov/cgi-bin/text-idx?node=pt28.1.36&rgn=div5>. Project sponsors are expected to be familiar with the ADA provisions for Title III entities, particularly as they relate to commercial facilities that provide public accommodation, such as a privately run concession operation in a public park.
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance. Appendix C provides a copy of the provisions of Title IX, as outlined in 43 CFR 41.



## SECTION II. REAL PROPERTY ACQUISITION

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Acquisition of land may be accomplished through purchase, transfer, or by donation. Acquisition of real property interests through less than fee simple from another public agency, such as an easement or lease agreement, must include permanent recreation use easements or similar devices. Provisions stated in the easement or lease agreement cannot be detrimental to the proposed recreational development, and cannot diminish the project sponsor's ability to enforce the Section 6(f)(3) provisions. A lease or easement agreement must be for a minimum of 25 years and must state that it cannot be revoked at will by the public agency landowner and that the land must be retained in public recreation use in perpetuity. Additionally, the agreement must include a statement that the public agency landowner assumes compliance responsibility for Section 6(f)(3) provisions in the event of default by the project sponsor or expiration of the agreement.

All acquisition of real property with LWCF funds, whether through purchase, donation, easement or lease, must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended ([http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24_main_02.tpl)). Known as the "Uniform Act," this act also applies to acquiring property with non-federal funds when the intent is to apply for LWCF money for future development. In other words, a project sponsor cannot knowingly circumvent the federal law by acquiring real property with local funds and not follow the regulations of the act, and then apply for a LWCF grant at a later date for project development. The Uniform Act ensures that landowners are fully informed of their rights and are justly compensated when selling or leasing property or selling/leasing any type of interest in the property. As part of this assurance, the Uniform Act requires an appraisal and an appraisal review to be performed that comply with the provisions outlined in the Uniform Appraisal Standards of Federal Land Acquisitions (UASFLA). Additionally, the act also covers the provision of relocation assistance to owners or tenants displaced by the acquisition. Below are the steps you must perform to show compliance with the Uniform Act when acquiring real property with LWCF funds. Appendix D provides the supporting documentation you will be required to submit to GMS to demonstrate compliance. You have up to one year to provide GMS staff the documentation showing compliance with the Uniform Act. **It's important to remember that you can't take title to the property, even if it's a donation, until GMS staff has viewed all compliance documentation and you've received Notice to Proceed (NTP).**

This section outlines specific procedures under the Uniform Act that you must follow when acquiring land with LWCF funds. Appendix D provides a checklist of the documentation you are required to submit to GMS, as well as templates for the various letters and statements that are required.

- 1. Conduct title search.** Conduct a title search of the property to be acquired to determine ownership of the property, any liens or restrictions on the property, or any rights or interests held by others. It is recommended that a title company conduct the title search.
- 2. Contact seller.** Make initial contact with the landowner to see if the land might be available for sale or for donation, if the landowner would be willing to negotiate a permanent easement or right-of-way, or if the landowner would be willing to lease the property for the project. At this point, the price cannot be negotiated since it must be based on an appraisal. If the initial contact is made via a telephone call, follow up with a letter that indicates notice of interest to the property. The Notice of Interest letter must include a statement of landowner rights, which is that a landowner has the right of just compensation for the property. A sample Notice of Interest letter is provided in Appendix D. Unless the project sponsor has their own written guidelines that fully incorporate compliance requirements of the Uniform Act and all applicable state and local requirements, sponsors are encouraged to enclose a copy of the Federal Highway Administration's (FHWA) booklet entitled, "Acquisition: Acquiring Real Property for Federal and Federal-Aid Programs and Projects." A pdf of the booklet can be found at [http://www.fhwa.dot.gov/real\\_estate/uniform\\_act/acquisition/acquisition.pdf](http://www.fhwa.dot.gov/real_estate/uniform_act/acquisition/acquisition.pdf).
- 3. Determine relocation assistance eligibility.** Determine whether or not the owners, any business(es), or any tenants on the property might be eligible for relocation assistance. The landowner and any tenants must be informed of their relocation rights. It is recommended that both the owner and any tenants be given a copy of FHWA's booklet entitled, "Relocation: Your Rights and Benefits as a Displaced Person under the Federal Relocation Assistance Program," a PDF of which can be found at ([https://www.fhwa.dot.gov/real\\_estate/publications/your\\_rights/rights2014.pdf](https://www.fhwa.dot.gov/real_estate/publications/your_rights/rights2014.pdf)). A relocation plan will be required for any persons displaced from the acquisition of the property. Refer to FHWA's "Relocation" booklet for more information.
- 4. Conduct appraisal and appraisal review.** Before negotiating a purchase price with the landowner, the real property to be acquired must be appraised. Have the property appraised by a licensed appraiser according to the Uniform Appraisal Standards of Federal Land Acquisitions (UASFLA), commonly referred to as the "Yellow Book," with the landowner given the opportunity to accompany the appraiser. The appraiser must have a copy of the appraisal requirements, which are located on the web at <http://www.justice.gov/enrd/land-ack/Uniform-Appraisal-Standards.pdf>. (Also, see Appendix D for specific LWCF requirements concerning UAFSLA.) The appraisal must then be reviewed by a state-certified review appraiser. GMS does not provide appraisal services. For a list of certified appraisers, visit <https://www.asc.gov/Pages/FindAnAppraiser.aspx>. Exceptions to the appraisal requirement include the following conditions:

- a. **Waiver valuation when fair market value is less than \$10,000.** If the acquisition of property is not complicated and a review of the available data suggests that the fair market value will likely be \$10,000 or less, an appraisal is not required. Instead, a waiver valuation from a qualified person knowledgeable of the general market values in the project area will be acceptable. A sample Waiver Valuation has been provided in Appendix D. Note that the averaging of the final values of two or more appraisal reports to estimate the fair market value of a property is unacceptable and does not meet the requirements of the Uniform Act.
  - b. **When property is being donated.** An appraisal is also not required when the landowner is donating the property and releases the project sponsor from their obligation to appraise the property. However, if the value of the donated property is being used as the project sponsor's match, an appraisal or waiver valuation will still need to be conducted to determine the fair market value of the property, in order to determine the match amount.
5. **Establishment and Offer of Just Compensation.** Before initiating negotiations with the property owner, the project sponsor must establish an amount which they believe is just compensation for the real property. The amount can't be less than the approved appraisal of the fair market value of the property and must take into account the value of allowable damages or benefits to any remaining property. The project sponsor will then make a written offer to the owner to acquire the property for the full amount believed to be just compensation. The written offer must enclose a copy of the appraisal and appraisal review. Appendix D provides a sample Offer of Just Compensation.
6. **Statement of Just Compensation.** The Offer of Just Compensation must also include a written statement for the basis of the Offer of Just Compensation. The statement must include the amount offered as just compensation; a description and location identification of the real property and/or the interest in the real property to be acquired; identification of the buildings, structures and other improvements which are included as part of the offer; and whether or not there are any other separately held ownerships in the property (such as tenant-owned improvements) – the statement must indicate that these ownership interests are not included in this offer. If the project sponsor is acquiring a portion of the property and not the whole, there may be damages or benefits to the remaining property. The Statement of Just Compensation must also reflect these damages or benefits. A sample Statement of Just Compensation is provided in Appendix D.
7. **Real property donations.** In the case where the landowner is willing to donate the real property, an Offer of Just Compensation and a Statement of Just Compensation are not required. Instead, the landowner must sign a Waiver of Right to Just Compensation, which states that the landowner waives their rights to just compensation and agrees to donate the property or property interest. Appendix D provides a sample Waiver of Right to Just Compensation. In some cases, a landowner may be willing to sell real property for less than the full market value, but is not able to donate the entire value of the land. The difference between the sale price and the appraised fair market value can be considered donated land value. For a LWCF project, federal reimbursement may be provided for the purchase part of the acquisition but not for the donated part. However, the donated value can be used as match for the purchase cost of the same tract of property or for development costs of the project. Landowners making partial donations must also sign a Waiver of Right to Just Compensation. By signing, the landowner is acknowledging a partial donation of the property and waives his or her rights to compensation for the donated parcel. The appraisal requirements outlined above apply to both full and partial donations, as do the requirements for notifying the landowner and any tenants of their rights.
8. **Landowner negotiations.** Once the landowner has received the Offer of Just Compensation and Statement of Just Compensation, the owner must be given reasonable opportunity to consider the offer and present any additional information or material the owner believes is relevant to determining the value of the property. The owner must also be given opportunity to suggest modifications to the proposed terms and conditions of the purchase.
9. **Updating Offer of Just Compensation.** The project sponsor must have the initial appraisal updated or obtain a new appraisal if the information presented by the owner indicates the need is warranted; or if a material change in the character or condition of the property is such that it requires updated information; or if a significant delay has occurred since the initial appraisal (the purchase must be made within a year of the initial appraisal being conducted, or a new appraisal will be required). If the new appraisal information indicates that a change in the purchase offer is warranted, the sponsor must provide the landowner with a new Offer of Just Compensation and Statement of Just Compensation reflecting this updated appraisal information.
10. **Provide justification for purchase offer if higher than appraised value.** The purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and the project sponsor considers the higher price as being reasonable, prudent and in the public interest. A detailed and well-documented statement on this difference with all pertinent appraisal documents and a history of negotiations documenting discussions of price between the landowner and the sponsor should be submitted. The statement should also indicate the importance of the proposed purchase as opposed to other alternative sites, or other justification regarding the need to purchase the subject property at a higher amount. If GMS and NPS agree the higher negotiated price represents a reasonable cost, that amount can be eligible for assistance if sufficient funds are available in the fiscal year apportionment and have not already been obligated to other grant projects.

- 11. Notice to Proceed required before purchasing the property.** Once GMS staff reviews all of the above required compliance documentation and concur with the findings, a Notice to Proceed (NTP) will be sent to the project sponsor. At this point, the sponsor will be able to move forward in acquiring the real property. **Do not acquire the property until receiving the NTP.**
- 12. Record the deed.** Once the sponsor has paid the negotiated purchase price, any closing costs, relocation benefits, etc., and taken title to the property, the deed must be recorded with the Records Officer and a copy submitted to GMS. Sponsors must include a deed clause indicating the land will remain in public outdoor recreation use in perpetuity (Notice of Limitation of Use). The deed must also include a non-discrimination statement as required by 49 C.F.R. § 21 (<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=5fc7946b772f5f6b1177c7eeebb0fc39&rgn=div5&view=text&node=49:1.0.1.1.15&idno=49>).
- 13. Submit reimbursement request.** A reimbursement request for the LWCF share (45%) of the acquisition costs can then be submitted to GMS, the process for which is outlined in Section IV.

## SECTION III. PROJECT DEVELOPMENT

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### Maintaining Your LWCF Project File

Before you begin developing your project, you'll need to create a project file that includes relevant documents. The file must be made available upon request for audit purposes and must be maintained for a period of five years starting from the date of submission of the final payment request (see "Record Retention" in Section VI of this manual). The project file will also help keep your project organized and on-track as you complete each stage of the project. The project file should include the following documents:

- **LWCF application and supporting documentation.** A copy of your LWCF grant request application and the supporting documentation you were required to submit with the application should be kept in your project file. GMS uses the project narrative, budget table and budget narrative from your application to develop the project scope and budget indicated on the project agreement, so a copy of the application is a helpful reference document to have in your file.
- **Proof of land ownership or leaseholder/easement rights.** A copy of the land deed, lease or easement agreement is required if the project sponsor currently owns or leases the land for the project, or has a permanent easement. The lease or easement agreement must be for a minimum of 25 years and must state that it cannot be revoked at will by the public agency landowner and that the land must be retained in public recreation use in perpetuity. Additionally, the agreement must include a statement that the public agency landowner assumes compliance responsibility for Section 6(f)(3) provisions in the event of default by the project sponsor or expiration of the agreement.
- **Project Agreement.** A signed copy of the Project Agreement must be kept in your project file.
- **Sub-Recipient Information Form.** Retain a copy of the signed Sub-Recipient Information Form that you submitted as part of your application. The Sub-Recipient Information Form is a requirement of the Federal Funding Accountability and Transparency Act (FFATA), which provides oversight and transparency for the expenditure of federal funds.
- **State of Missouri Vendor Input/ACH-EFT Application.** Keep a copy of the completed Vendor Input/ACH-EFT Application in your file, but remember to also submit the application to the Office of Administration. This process allows electronic reimbursement funds to be transferred to your agency's or organization's bank account.
- **Real property acquisition documentation.** For land acquisition projects, the project file should retain a copy of each of the documents listed on the Real Property Acquisition Documentation Checklist in Appendix D.
- **Notice to Proceed.** Copies of the Notice to Proceed (NTP) letters or emails from GMS must be retained in your file as well. **Do not start any construction activities or acquire property before receiving a NTP.**

Documents that will be added to your project file as you move toward completing your project include the following, which must be retained for the retention period as well:

- Planning and engineering documents and specifications
- Bid documents and signed contracts
- Any required permits
- All written correspondence between you and GMS, and you and any contractor, supplier, etc., working on your project
- Copies of project amendment requests, if required
- Final 6(f)(3) boundary map
- As-built facility plans documenting ADA compliance
- A written policy regarding use of Other Power-Driven Mobility Devices (OPDMD) as outlined below (if required)
- Reimbursement documentation, including copies of invoices, employee and volunteer timesheets, equipment use logs, etc. (see Section IV of this guide for more detail)
- Completed quarterly and annual report forms, as described in Section IV
- Project close-out documentation, which is described in Section V of this guide

### Project Development Procedures

Development of a project site may be by contract, force account (in-house labor), in-kind contribution, donation or a combination of these methods. The procedures regarding each of these methods are explained below, as are the procurement procedures for purchasing materials and equipment. The project sponsor should use their own documented procurement procedures that reflect applicable state and local laws and regulations, provided that procurement conforms to the standards set forth in the "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards" (<http://www.ecfr.gov/cgi-bin/text-idx?SID=e5a3e230b18df274b27ba83528b43156&mc=true&node=pt2.1.200&rgn=div5>).

#### Contracting for Services or Materials:

Projects funded through the LWCF program are not eligible for cooperative purchasing through consolidated contracts, so the purchase of services or materials must be done through solicitation of cost estimates or bids, depending on the cost threshold. Every effort must be made to solicit bids from minority business enterprises (MBE) and women business enterprises (WBE). To

find certified MBE and WBE firms, use the Missouri Office of Equal Opportunity's MBE/WBE search webpage (<https://apps1.mo.gov/MWBCertifiedFirms/>) and search by "Services Provided." Project sponsors must inform all bidders that federal funds are being used in the project, and all relevant federal, state and local requirements apply. The following documentation must be included in the bidding documents.

- **Affidavit of Compliance with Prevailing Wage Law.** Per Section K of the DNR Federal Financial Assistance Agreements Terms and Conditions, construction contracts in excess of \$2,000 must comply with the Davis-Bacon Act, as amended, with respect to wage rates. At the completion of the construction work, the contractor must sign an affidavit indicating compliance with the act. The affidavit is found in Appendix E. Contract Compliance Required Documentation and can also be downloaded as a PDF copy from <https://mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants>.
- **Certification of Non-Segregated Facilities,** found in Appendix E.
- **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion over \$25,000,** found in Appendix E. To ensure that ineligible contractors are not awarded a contract, project sponsors are required to check the Contractor Debarment List maintained by the Missouri Department of Labor and Industrial Relations, at [http://labor.mo.gov/DLS/PrevailingWage/debarment\\_list](http://labor.mo.gov/DLS/PrevailingWage/debarment_list). Project sponsors are also required to check with the U.S. Department of Labor's Office of Federal Contract Compliance Programs for a list of contractors that have been declared ineligible to receive federal contracts (<https://www.dol.gov/ofccp/regs/compliance/preaward/debarlist.htm>).
- **Anti-Lobbying Certification,** found in Appendix E.
- **Equal Opportunity Compliance.** All construction contracts and subcontracts in excess of \$10,000 must comply with Executive Order 11246 ([https://www.dol.gov/ofccp/regs/compliance/ca\\_11246.htm](https://www.dol.gov/ofccp/regs/compliance/ca_11246.htm)), which prohibits federal contractors and federally-assisted construction contractors and subcontractors from discriminating in employment decisions on the basis of race, color, religion, sex, national origin, sexual orientation or gender identity. Any solicitation for an offer or bid over \$10,000 must include a Notice of Requirements for Affirmative Action and an Equal Opportunity Clause as outlined in 41 CFR 60-4, Public Contracts and Property Management (<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=3b71cb5b215c393fe910604d33c9fed1&rgn=div5&view=text&node=41:1.2.3.1.4&idno=41>). You must also ensure your contractor or bidder complies with the requirement to send written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000.

***Purchase/Service Contracts Under \$25,000:***

For purchase or service contracts under \$25,000, a formal bid process is not required. It is recommended, however, that you make every effort to solicit three bids or estimates to ensure the most advantageous and cost-efficient contract is made for your project. Product specifications for bid or estimate solicitations should be based solely on quality and performance and should not be brand-specific, meaning that the specifications listed should not be written in such a way that they cannot be met by more than one manufacturer. Prior approval from GMS is required when soliciting a construction estimate or bid in excess of \$10,000, to ensure compliance with the Equal Opportunity provisions outlined above.

***Purchase/Service Contracts \$25,000 or Greater:***

When contracting for a service or purchase of materials of \$25,000 or higher, bids must be solicited through a formally-advertised, sealed-bid process. Bid specifications should be based solely on quality and performance and should not be brand-specific, meaning that the specifications listed should not be written in such a way that they cannot be met by more than one manufacturer. A copy of all bidding documents must be submitted to GMS for approval prior to advertising for bids. GMS staff will make every effort to review and approve your bid documents within two weeks of receiving. Note that GMS review of bids and contracts does not relieve you of the responsibility for full compliance with federal, state and local regulations applicable to your project.

Once you have GMS approval, the request for bids must be publicly advertised for a minimum of three weeks and a copy of the advertisement submitted to GMS as proof of compliance. The advertisement must include a statement that this is an equal opportunity bidding event and MBE/WBE firms are encouraged to respond. The advertisement must also indicate that federal funds will be used to assist in the development of the project. Project sponsors are required to advertise bidding opportunities in multiple publications and formats so that all interested contractors and suppliers have opportunity to submit bids.

Contracts must be awarded to the lowest responsible and responsive contractors or suppliers who have the ability to perform successfully under the terms and conditions of the contract. Prior approval must be obtained from GMS before awarding the contract. Submit a copy of the bid tabulation summary sheet and a copy of the bid being recommended for award. When the project sponsor considers the lowest bidder unresponsive or not responsible, the next lowest bidder may be recommended for award. If a contract is being recommended for award to any other than the lowest bidder, a letter of

justification for this action must be sent to GMS with the bid summary. Copies of all awarded contracts must be submitted to GMS within 15 (fifteen) days after awarding the contract. Any proposed change orders to the contract must first be cleared with GMS before the change order is negotiated. Contractors must sign an affidavit of compliance with prevailing wage law; a certification of non-segregated facilities; a certification regarding debarment, suspension, ineligibility and voluntary exclusion over \$25,000; and anti-lobbying certification.

#### **Force Account Labor and Use of In-House Equipment:**

Salaries of in-house staff are eligible for the project sponsor's match. Use of an agency's or organization's internal labor force should be valued at the current hourly rate of individual employees working on the project, and should be directly tied to completing the elements listed in the project scope. For use of in-house equipment, use the Federal Emergency Management Agency's (FEMA) Schedule of Equipment Rates to determine the cost of operating various pieces of mechanized equipment (<https://www.fema.gov/schedule-equipment-rates>). Documenting the use of force account labor and use of in-house equipment is discussed in Section IV. Reimbursement and Reporting Requirements.

#### **Donations:**

The value of volunteer labor can also be used for the project sponsor's match, up to 25%. A volunteer's donated time should be valued at hourly rates paid for similar work in the area, unless the person is professionally skilled in the work being performed on the project. When this is the case, the wage rate this individual is normally paid for performing this service may be used. For donated materials, use the fair market value of those items. Documenting the use of volunteer labor and donated material as match is discussed in Section IV as well.

#### **Temporary Signage**

All development projects exceeding \$500,000 in total development costs should have a sign erected during the construction phase acknowledging the use of federal funds in the project. Unless precluded by local signing ordinances, each sign must be at least two feet by three feet and include the source, percent, and dollar amount of all federal and local monies involved in funding your project.

#### **Section 106 Compliance**

Under the National Historic Preservation Act (NHPA), Congress established a comprehensive program to preserve the historical, archaeological and cultural resources of our nation. Section 106 of NHPA requires federal agencies to consider the effects on these resources of projects they carry out, approve or fund. The State Historic Preservation Office (SHPO) is the agency authorized for ensuring Section 106 compliance. If the current project area or scope of work is changed or a borrow area is included in the project, work must stop and appropriate information must be provided to SHPO for further review and comment. If potential historic, cultural, archaeological, or paleontological resources are encountered during construction activities, work shall cease immediately and SHPO and GMS will be contacted for further consultation. No work can resume until a new Section 106 Review is satisfactorily completed.

#### **Permitting**

To ensure that your project follows all permitting requirements, it is recommended you use DNR's Permit Assistant webpage to determine what permits you may be required to obtain (<http://dnr.mo.gov/mopermitassistant/index.jsp>). Additionally, you are expected to be familiar with and comply with any local permitting requirements that apply to your project. Below is a summary of permits you may be required to obtain.

##### **404/401 Permit**

Section 404 of the Clean Water Act (CWA) regulates the discharge of dredged or fill material into jurisdictional waters of the United States. Jurisdictional waters include large lakes, rivers, streams and wetlands, including those that don't always contain water. Activities in jurisdictional waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), and infrastructure development. Some specific examples of construction activities that would require permitting include placing culverts under road crossings, placing rip rap along stream banks and installing stormwater outfall pipes. Section 404 requires a federal permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities). A state-issued 401 Water Quality Certification (401 Certification) is also needed for any project that needs a federal 404 Permit. The permitting and certification process is shared between the U.S. Army Corps of Engineers (USACE) and the Missouri Department of Natural Resources (DNR).

In order to determine if your project will require a 404 Permit and a 401 Certification, you will need to establish if any of the following are in your project location:

- Creek or stream channel (even if the bed is currently dry)
- Lake
- River



- Drainage ditch
- Wetlands – if you're unsure if your project contains wetlands, look for these indicators: an area that often has standing water; a low spot that holds water for several days after it rains; the water table in the area is not far from the surface; the area is near a river, lake or pond; or the area contains plants more typical of a wetland, such as cattails, rushes and sedges. A useful tool for identifying potential wetlands is the Wetlands Mapper, provided through the National Wetlands Inventory (<https://www.fws.gov/wetlands/Data/Mapper.html>).

If any of the above conditions exist within your project area, then you will need to determine if your project has the potential to impact any jurisdictional water. Project sponsors are strongly encouraged to hire or consult with a professional who is qualified to identify wetlands and other jurisdictional waters to determine if the project will have an impact on those resources. Many activities involving relatively minor impacts are authorized under Nationwide Permits, or NWP. To find out if your project falls under a NWP, you will need to contact the USACE District Office that oversees the district in which your project is located. A map of Missouri's USACE districts is available here: <http://dnr.mo.gov/env/wpp/401/images/corps-map3.gif>. The USACE will indicate whether your project is covered under a NWP or if you will be required to complete an individual 404 permit application (<http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>). The USACE will then send you a letter authorizing your project under a particular permit, and will send a copy of your letter to DNR. If the USACE's letter to you indicates that DNR has "conditionally certified" your activity and the letter includes DNR's conditions, you will not need to contact DNR for further certification. If the USACE's letter to you indicates that you must obtain an individual 401 certification, please follow the instructions for submitting your application materials to DNR, which can be found at <http://dnr.mo.gov/env/wpp/401/index.html>.

#### **Land Disturbance Permit**

The Clean Water Act (CWA) also established the National Pollutant Discharge Elimination System (NPDES), which is a permitting program that addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. The Environmental Protection Agency (EPA) has authorized the NPDES permit program to state governments to perform many permitting, administrative, and enforcement aspects of the program. DNR is the regulatory agency that administers the NPDES permit program in Missouri. DNR requires a Land Disturbance Permit for projects that disturb one or more acres or disturb less than one acre when part of a larger common plan of development that will disturb a cumulative total of one or more acres over the life of the project. A permit must be obtained prior to starting land disturbance activities. To obtain a land disturbance permit, a Storm Water Pollution Prevention Plan (SWPPP) is also required. Prior to the issuance of a land disturbance permit, the project sponsor needs to have already developed a SWPPP. A sample SWPPP can be found at [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs144p2\\_042752.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_042752.pdf). For your convenience, DNR has created the ePermitting system to allow you to apply for your Land Disturbance Permit online (<http://dnr.mo.gov/env/wpp/epermit/help.htm>)

#### **Floodplain Development**

Communities (cities, counties or states) participating in the National Flood Insurance Program (NFIP) are required to regulate construction in the floodplain. Communities accomplish this by requiring permits for development in special flood hazard areas. Additionally, the Federal Emergency Management Agency (FEMA) has mandated that any project in a floodplain must be reviewed to determine if the project will increase flood heights. FEMA defines a floodplain as any land area susceptible to being inundated by water. The 100-year flood, or a flood with a one percent annual chance of being equaled or exceeded in a given year, has been adopted by FEMA as the base (regulatory) flood for the NFIP. The water surface elevation of the base flood is known as the base flood elevation. A special flood hazard area is land in the floodplain inundated by the 100-year flood and is commonly referred to as the "100-year floodplain." A floodplain development permit is required for any construction in a special flood hazard area. Special flood hazard areas are typically shown as "A zones" on flood insurance maps. To determine if your project is in a floodplain or special flood hazard area, use the FEMA Flood Map Service Center (<https://msc.fema.gov/portal>). If you determine your project is within a floodplain or special flood hazard area, you must obtain a floodplain development permit from the local floodplain authority (i.e., community or county). For a list of communities and counties participating in the NFIP, see <http://www.fema.gov/cis/MO.pdf>. In some instances, a No-Rise Certification may be required by the community or county before a permit is issued.

Additionally, the Flood Disaster Protection Act of 1973 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 NFIP. Examples of insurable improvements for which insurance is required include restroom facilities; administrative buildings; bathhouses; interpretive buildings; maintenance buildings and sheds for landscaping tools or other equipment; and sheltered facilities consisting of two or more walled sides and a roof. Examples of improvements for which insurance is not required include open picnic shelters; permanently affixed outdoor play equipment such as swings and slides; sun shades covering outdoor ice skating rinks; and, outdoor swimming pools. The amount

of insurance required is either the development cost of the insurable improvement or the maximum limit of coverage made available with respect to the particular type of facility under the National Flood Insurance Act of 1968. The amount is based on the total cost of the insurable improvement, not just the federal share. Whenever flood insurance is available to cover a facility during construction, the project sponsor must obtain coverage as soon as the facility becomes insurable. Coverage is usually available as soon as construction progresses beyond the excavation phase. The sponsor must include proof of insurance in the project closeout packet, as described in Section V.

### **Burn Permit**

The Clean Air Act (CAA) is the federal law that regulates air emissions. Air quality standards regulate open burning. Open burning of tree trunks, tree limbs and vegetation from land clearing operations is allowed without a permit if the burning takes place outside the city limits of any incorporated area or municipality and at least 200 yards from the nearest inhabited dwelling. Local jurisdictions (i.e., municipalities, counties, etc.) may have additional restrictions on open burning. Prior to conducting any open burning, the project sponsor should contact the city or county of jurisdiction for any local restrictions or required permits. The open burning of certain trade wastes, primarily untreated wood wastes such as pallets or crates, throughout the state, and vegetation from land clearing operations in the Springfield-Greene County area and the Kansas City and St. Louis Metropolitan areas, may be permitted when it can be shown that open burning is the only feasible method of disposal or that disposal is in the public interest. In a nonattainment area, a permit may be denied, revoked, or suspended when conditions exist where burning would be considered detrimental to air quality standards. The open burning permit may require the project sponsor to use an air curtain destructor. An air curtain destructor is an air pollution control device designed to increase burning efficiency, reducing air contaminant emissions during open burning. Permit applications are available at <http://dnr.mo.gov/forms/#AirPollution> or any regional or local agency office.

### **Invasive Species**

Other factors to consider when developing your project include landscaping with native species and implementing measures to prevent the spread of noxious or invasive species. Project sponsors are encouraged to landscape with native species whenever feasible, and to make sure all equipment brought on site is cleaned and inspected prior to use to ensure there is no plant debris or seeds from noxious weeds being spread by the equipment. For information about controlling noxious weeds, see the Missouri Department of Agriculture's website at <http://agriculture.mo.gov/plants/ipm/noxiousweeds.php>. For projects that incorporate boat ramps or other boating access, it is recommended that information be provided to users on methods for preventing the spread of zebra mussels, a harmful exotic species that spreads rapidly by "hitchhiking" on boats. Information can be provided either through signage or through print publication. The Missouri Department of Conservation has provided a factsheet that can be downloaded and printed ([http://mdc.mo.gov/sites/default/files/resources/2010/08/zebra\\_mussels.pdf](http://mdc.mo.gov/sites/default/files/resources/2010/08/zebra_mussels.pdf)).

### **Accessibility**

As you begin designing your project, you must take into consideration the access needs of people with varying physical abilities. Federal regulations regarding accessibility and outdoor recreation are promulgated under two separate statutes, the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA). The ADA is a broad federal civil rights law that prohibits discrimination based on disability. The law defines "disability" as "...a physical or mental impairment that substantially limits a major life activity." The ADA has five main sections, or "titles," of which the relevant ones for this administration guide are Title II, which covers services and programs of state and local governments such as school districts, townships, cities, and counties; and Title III, which covers public accommodations. Title II reads in part, "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity..." Title III reads, "No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation." For more information about ADA, the U.S. Department of Justice (DOJ) has provided an online manual that helps explain what state and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner ([https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.pdf](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.pdf)).

To provide guidance on how to comply with the ADA, the Department of Justice has issued the 2010 ADA Standards for Accessible Design ([https://www.ada.gov/2010ADASTandards\\_index.htm](https://www.ada.gov/2010ADASTandards_index.htm)). These design standards are minimum accessibility standards for buildings and other structures. As of March 15, 2012, compliance with these regulations is required for any new construction and any alterations to existing facilities. The 2010 ADA Design Standards contain technical specifications for building and site elements common to parks and outdoor recreation areas, such as parking, accessible routes, ramps, drinking fountains, and restrooms. It also specifies how many accessibility features must be incorporated in each facility. Sponsors are required to provide accessible parking and accessible routes to connect users to any accessible recreation-related facilities that are subject to the 2010 ADA Design Standards. Additionally, design standards have been developed for specific recreation facilities, such as boating and fishing facilities, play areas and play surfaces, sports facilities, and swimming pools. The design standards can be accessed at



<https://www.access-board.gov/guidelines-and-standards/recreation-facilities/guides>. Project sponsors are required to comply with these design standards and are encouraged to consult with a design professional for assistance to ensure ADA compliance. Additionally, the New England ADA Center has developed a series of ADA checklists that GMS is recommending as a resource to assist you in incorporating required design standards. The checklists include design standards for parking, access routes, restrooms, fishing and boating facilities, swimming facilities, play areas, etc., and can be found at <http://www.adachecklist.org/checklist.html>.

At the completion of your project, you will be required to submit as-built facility plans showing ADA compliance. Additionally, if you indicated in your project scope that you would be designing elements of your project to be universally accessible, you must show proof of universal design on your as-built plans. Universally designed recreation experiences have characteristics that make them easier to use by everyone, including people with a variety of different abilities and limitations. Designing for universal access means going beyond the minimum requirements of the ADA so that all people in the community or outside the community, including those with disabilities, may enjoy the recreation opportunities provided.

#### **Outdoor Developed Areas and Trails:**

Accessibility standards for outdoor developed areas (such as campgrounds, picnic areas, beaches, viewing areas, etc.) and trails have not yet been developed and incorporated into the ADA for non-federal entities, so the DOJ does not currently require local governments to make these amenities accessible. However, project sponsors are strongly encouraged to incorporate accessibility standards where feasible. To this end, GMS staff recommends project sponsors use the U.S. Access Board's accessibility standards manual entitled, "Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas" (<https://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/a-summary-of-accessibility-standards-for-federal-outdoor-developed-areas>). Although this manual was developed for federal facilities, it has applicability to local agencies attempting to develop accessible and sustainable outdoor recreation areas. Additionally, the U.S. Forest Service (USFS) has compiled a comprehensive manual that incorporates accessible design standards for outdoor settings and trails that uses the Access Board's standards manual, but provides a more detailed explanation of each standard's technical requirements with illustrative graphics (<http://www.fs.fed.us/recreation/programs/accessibility/pubs/htmlpubs/htm12232806/index.htm>).

For projects that include the development of trails, it may not be practicable to implement accessibility standards. There are several conditions or exceptions that may preclude making a trail accessible. For instance, a trail's intended user group may make it impossible to design and construct a trail that is considered accessible – a mountain bike trail is a good example of this. Other conditions include the following:

- When existing terrain would make it impractical to design an ADA-compliant trail, such as a trail that is steeply sloped and would require extensive cuts or fill that would be difficult to construct and maintain, or would be difficult to prevent erosion and other drainage issues from occurring.
- When prevailing construction practices would prohibit the ability to construct an ADA-compliant trail. For instance, an area may only allow the use of hand tools for trail construction because of resource concerns or policy prohibitions (such as in a state-designated wild area), which would make the construction of an accessible trail virtually impossible.
- When constructing an accessible trail would fundamentally alter the setting or purpose of the area. For example, primitive trails in natural settings with little to no development or trails intended to provide a rugged experience would not be capable of being made accessible.
- When federal, state or local laws would prevent the construction activities required to make a trail accessible, because of impacts to a resource protected under the Endangered Species, National Historic Preservation, Wilderness, or National Environmental Policy acts or other federal, state or local laws protecting significant resources.

#### **Other Power-Driven Mobility Devices (OPDMD):**

In March 2011, the Department of Justice issued regulations regarding ADA and the use of Other Power-Driven Mobility Devices (OPDMD) on trails open to the public. These regulations cover trails managed by state and local governments. The regulations distinguish between wheelchairs and OPDMDs. A wheelchair is a device purposely designed for use by a person with a mobility-impairment. An OPDMD, on the other hand, is a device not expressly designed for, but can be used by, a person with a mobility-impairment. OPDMDs are any devices or vehicles powered by batteries, fuel or other engines, that can be used by a person with a mobility-impairment for the purpose of locomotion. This includes golf carts, Segways®, ATVs, etc., without regard to size, width, weight or horsepower.

A person who has a mobility impairment may use an OPDMD on public trails UNLESS a prior assessment of that route or area has determined the use of the specific class of OPDMD the person has requested to use cannot be operated in that location:

- without creating a substantial risk of serious harm to the immediate environment, or natural or cultural resources; or,
- because it poses a safety risk to users; or,
- because it poses a conflict with federal land management laws and regulations.

The assessment must demonstrate a thorough review of the following five assessment factors:

- the type, size, weight, dimensions and speed of the class of device;
- the facility's volume of pedestrian traffic;
- the facility's design and operational characteristics;
- whether legitimate safety requirements can be established to permit the safe operation of that specific class of OPDMD at that facility;
- and, as outlined above, whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with federal land management laws and regulations.

If, after completing an assessment, a trail manager determines that there are trails that cannot accommodate the use of certain types of OPDMDs (or any at all) because of the risk factors described above, the managing entity will then need to draft a written policy that establishes adequate reasons for banning or limiting OPDMD use based on the above five assessment factors. The public will also need to be informed, in advance, of the OPDMD policy. These requirements relate in general to existing trails open to public use but, more specifically, they also relate to new trail projects. This means that, in order to comply with the OPDMD regulations, project sponsors using LWCF funds for trail projects will need to complete an assessment of the new trail to determine if it can accommodate OPDMDs and, if their use must be restricted, draft an OPDMD policy and demonstrate that the public has been informed of the policy. There are no specific rules for informing the public, so posting the policy to the project sponsor's website or Facebook page, or posting information at the trailhead, is considered sufficient demonstration. A screenshot of the website or Facebook page, a photo of the information posted at the trailhead, or some other proof that the public has been informed will need to be submitted to GMS staff, along with a copy of the assessment and the OPDMD policy, when you submit your project closeout documentation.

American Trails has provided a very comprehensive webpage that addresses questions regarding the interpretation of the OPDMD regulations (<http://www.americantrails.org/resources/accessible/power-mobility-questions-answers.html>). They have also compiled a list of state, local and private organizations that have completed assessments and drafted OPDMD policies, and have provided links to those policies at <http://www.americantrails.org/resources/accessible/OPDMD-trail-policies-assessments.html>. These resources may be helpful to you when completing your trail assessment and drafting an OPDMD policy (where necessary) but it's important that you don't just adopt another organization's OPDMD policy without evaluating and documenting the five assessment factors outlined above. A written policy alone, without a supporting assessment, will not meet the Department of Justice's requirements. To read the DOJ ruling related to state and local governments (28 CFR § 35.137), see [https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_withbold.htm](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm). The DOJ has also provided an easy-to-understand summary of the OPDMD ruling and how to implement it at <https://www.ada.gov/opdmd.pdf>.

## SECTION IV. REIMBURSEMENT AND REPORTING REQUIREMENTS

This section describes the process for submitting quarterly status reports; funding reimbursement requests, including required cost documentation and time accounting records; and requesting project amendments, such as changes in project scope or time extensions.

### Quarterly Reports

After you've begun developing your project, you will be expected to keep GMS apprised of the status of your project through quarterly reports. The reports need to be submitted each quarter until the project is complete, using the Quarterly Report Form in Appendix F. The form has also been provided as a fillable PDF that can be downloaded from <https://www.mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants>. Quarters are January-March, April-June, July-September and October-December of each calendar year. Submit your quarterly report by the end of the month following each quarter; see the below table for an example. Reports can be faxed, mailed or emailed to the contact information provided on page 2 of this guide. It is recommended that you establish some form of reminder system to alert you when the reports are due. GMS staff may send you a friendly reminder if your quarterly report hasn't been submitted. Reimbursements may not be processed if quarterly reports are not submitted as required.

Quarterly Reports Schedule	
Quarter	Due Date
January – March	April 30
April – June	July 31
July – September	October 31
October - December	January 31

### Annual Report

The NPS requires an annual report be submitted on the status of all open projects. Project sponsors must email an annual report to GMS staff, who will then forward the information to the NPS. Your report will be due a year from the project start date identified on your project agreement. A copy of the Annual Report Form is found in Appendix F, but GMS encourages you to use and email the fillable PDF version of the form that can be downloaded from <https://www.mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants>. The form asks you to summarize work completed during the year, identify work yet to be completed, expected completion date, and if the project is on-track or if an extension or amendment may be needed. GMS staff will send you a reminder if your annual report hasn't been submitted.

### Amendment Requests

In unusual circumstances, you may find that you need to amend an element of your project agreement. Amendments to your project agreement will require prior GMS approval and, in some cases, may require NPS approval to ensure your project's eligibility. A significant change in project scope may also require completing a new Project Description/Environmental Screening Form (PD/ESF). The process for requesting amendments is outlined below.

#### Time Extensions:

Should you be unable to complete your project by the end date of your project period because of extenuating or unusual circumstances beyond your control, you may request a time extension using the Extension Request in Appendix F. An electronic request form is also available upon request from GMS staff. Time extension requests MUST be made before your original project period expires to ensure funding remains available for your project. When reviewing your request, GMS staff may require additional information from you such as a revised schedule for completing key milestones and an assurance that the project is still viable. The form can be faxed, mailed or emailed to the contact information provided on page 2 of this guide.

#### Change in Project Scope:

Proposed changes to the project scope must be made in writing to GMS staff, either through email or by mail. GMS will in turn coordinate with NPS staff for their approval to ensure that the project eligibility remains valid. Include an explanation for why you cannot complete the project as originally approved as well as a justification of the proposed change. Approved project scopes may change the amount of grant reimbursement you receive. A change in project scope may require a revised PD/ESF.

#### Change in Project Budget:

Often when your project scope changes, so will your project budget table. You can move up to 10% of your grant award between budget categories without GMS approval. Moving more than 10% of your grant award between budget categories requires GMS and NPS approval and an amended project agreement. If you wish to move more than 10% of the grant funds in your budget, submit a request in writing to the GMS office (again, requests can either be emailed or mailed). Include the

proposed new budget breakdown. Adding new budget categories constitutes a change in project scope and requires GMS and NPS approval as well as a revised PD/ESF and an amended project agreement.

### **Project Termination**

In extreme circumstances, you may determine that your organization will be unable to complete your project and will need to cancel the project. Your project must be withdrawn prior to any reimbursement of grant funds. Once a partial reimbursement has been made, the project can only be withdrawn with the approval of NPS. To withdraw a project, submit a written request to GMS.

Additionally, NPS may terminate a project at any time if it deems the project sponsor is not in compliance with the conditions of the project agreement.

### **Reimbursement Requests**

Reimbursement requests may be submitted at any time during the project as long as the project is in compliance with the required provisions outlined in this guide but, in order to ensure that projects do not become inactive, project sponsors are required to submit at least one reimbursement request annually. Reimbursement requests may be emailed, faxed or mailed to the address on page 2 of this guide. Reimbursement requests must include the following:

- **Reimbursement Statement**, provided in Appendix F and also online at <https://www.mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants>. The Reimbursement Statement is the signed statement from the project sponsor formally requesting grant reimbursement. Up to four partial payments can be made during the life of the project but, as stated above, you must submit at least one reimbursement request annually. For each Reimbursement Statement submitted, indicate whether this is the first billing, second billing, or third and so on, under “Billing Number” at the top of the form. Also indicate if this is a “partial” or “final” reimbursement, under “Billing Status.” The total cost for your project this billing period must agree with the total of all invoices, labor, equipment, in-kind contributions and donations shown on the Reimbursement Log form. Your reimbursement request cannot exceed 45% of the total project costs for each billing period.
- **Reimbursement Log**, provided in Appendix F and also online at <https://www.mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants>. The Reimbursement Log documents the costs of your project and should reflect the list of eligible costs indicated in your budget table. Each item listed on the log must be supported by the appropriate documentation, as outlined in the Cost Documentation section below, and must be dated within the billing period identified on the Reimbursement Statement. Billing periods cannot overlap with previous or subsequent billing periods, so pay close attention that dates on invoices, receipts, etc., fall within the current billing period. You must also include a copy of any NTPs issued by GMS that are relevant to the costs included in the log, such as the NTP for contract compliance and the NTP for real property acquisition, as necessary.
- **Individual and Volunteer Time Record**, provided in Appendix F and online at the address above. Use the Time Record to document the hourly rate of all force account (in-house) employees and all volunteers working on the project. See the Cost Documentation section below for further details.
- **Equipment Use Log**, also provided in Appendix F and online at the address above. The Equipment Use Log documents the cost of in-house equipment usage and, when appropriate, the cost of using loaned equipment, as outlined in the Cost Documentation section below.

### **Cost Documentation**

Only eligible costs will be reimbursed or allowed to be used as the sponsor’s match. Eligible costs are those that relate directly to your project scope, were specified in your project budget table and narrative, and were incurred within the project period identified on your project agreement (except in the instance of eligible pre-award planning costs).

#### **Documentation of Pre-Award Planning Costs:**

It is recognized that some costs may be incurred as part of proposal development before a proposed project can be submitted for approval. For development projects, the costs of site investigation and selection, site planning, feasibility studies, preliminary design, environmental review, preparation of cost estimates, construction drawings and specifications, and similar items necessary for project preparation are eligible for reimbursement, if they were incurred within nine months prior to project approval and if they were included in your budget table and budget narrative. Similar costs may be allowable for acquisition proposals except those relating to appraisals, surveys, and other incidental costs to the purchaser that are precluded by the LWCF Act. If submitting a reimbursement request for pre-award planning costs, make sure that all invoices, receipts, etc., are dated within the nine-month period prior to the start date identified on the project agreement. Indicate in the “Comments” section of the Reimbursement Statement that these are pre-award planning costs. Consult with GMS staff prior to submitting to ensure eligibility of costs.

#### **Documentation of Contract Labor:**

When submitting invoices to the project sponsor for completed work, contractors must also include a certified copy of their employee payroll and a signed Statement of Compliance indicating that the payrolls are correct and complete and that each

employee has been paid the prevailing wage rate for the work performed. For more information about Missouri prevailing wage rates and how to complete the Contractors Payroll Form ([http://labor.mo.gov/sites/default/files/pubs\\_forms/LS-57-AI.pdf](http://labor.mo.gov/sites/default/files/pubs_forms/LS-57-AI.pdf)), visit the Missouri Department of Labor and Industrial Relations prevailing wage webpage at <http://labor.mo.gov/DLS/PrevailingWage/pwContractors>.

#### **Documentation of Force Account Labor and In-House Equipment Usage:**

This type of cost involves the use of your organization's paid work crews (on your payroll) and/or equipment in the completion of your project. Use the Individual and Volunteer Time Record for each employee who works on an aspect of the project. Indicate the employee's hourly rate at the top of the form. The description of work must be tied directly to the project's scope. Both the employee and their supervisor must sign the Individual and Volunteer Time Record. Copies of payroll checks must accompany the time record forms and reflect the dates indicated on the forms. Additionally, a copy of the employee's earnings record, which shows rate of pay, gross pay and deductions for the pay period, must be included. A computer payroll register may be substituted for the earnings record. Fringe benefit reports must indicate the percentage each fringe benefit is of gross salary.

Track equipment use on the Equipment Use Log, using one form for each type of equipment used and noting the type of equipment, hours of use, and hourly rate. The Equipment Use Log must be signed by the equipment operator and his/her supervisor. Use the Federal Emergency Management Agency's (FEMA) Schedule of Equipment Rates to determine the cost of operating various pieces of mechanized equipment (<https://www.fema.gov/schedule-equipment-rates>). Occasionally, equipment used in the construction of a facility will be loaned to the project sponsor. The sponsor may claim the value of the equipment use as donated contribution to the sponsor's share of project costs. Use the Equipment Use Log as you would for in-kind equipment usage and, in place of the employee signature, have the volunteer sign instead. The project manager supervisor must sign as well. Use FEMA's Schedule of Equipment Rates to value the cost of operating the piece of equipment.

#### **Documentation of Volunteer Services:**

The value of volunteer labor can also be used for the project sponsor's match, up to 25%. A volunteer's donated time should be valued at hourly rates paid for similar work in the area, unless the person is professionally skilled in the work being performed on the project. When this is the case, the wage rate this individual is normally paid for performing this service may be used. Use the Individual and Volunteer Time Record for each volunteer who works on an aspect of the project. The description of work must be tied directly to the project's scope. Both the volunteer and the project manager must sign the Individual and Volunteer Time Record.

#### **Documentation of Purchase of Materials or Supplies:**

Follow the contracting requirements outlined in Section III, as applicable. Use the Reimbursement Log to record any materials or supplies you purchased as part of the project. Submit supporting documentation with the log, which includes copies of invoices, copies of receipts, and copies of checks used to pay the invoices. Ensure all copies of invoices and receipts are legible. Invoices should include the project number assigned to your project, as indicated on your project agreement. Ensure that any checks written to pay invoices and receipts are from the project sponsor's bank account.

The value of donated supplies, materials and equipment that are permanently acquired should be reasonable and not exceed the current market prices at the time they are purchased for the project. For donated funds, materials or supplies, include a letter from the donor indicating what was donated and the amount or value of the donation. Use the Reimbursement Log to record donated contributions of supplies and materials, and provide the fair market value by listing the comparable prices from other vendors or list the amount paid by the donor. If possible, request the donor to provide you a copy of any invoice or receipt for purchased materials or supplies, which should be included with your Reimbursement Log. Cash donations must be documented by a copy of the check from the donor made payable to the project sponsor, and a copy of the project sponsor's bank account statement showing the deposit. If your project includes the value of a land donation, the steps you followed in Section II will have provided you with an appraisal valuation, a copy of which you will have already submitted to GMS. Document the appraised value of the real property on the Reimbursement Log.

#### **Documentation of Real Property Acquisition:**

Follow the Uniform Act requirements outlined in Section II, as applicable. Upon completion of the acquisition and the subsequent transfer of ownership, submit the following documentation along with the Reimbursement Log:

- Evidence of title
- Title insurance or an attorney's opinion of title, vested in the name of the project sponsor
- Copy of cancelled check showing payment to the landowner
- Copies of invoices for the appraisal and appraisal review
- Copies of cancelled checks showing payment for the appraisal and appraisal review

**Final Reimbursement Request**

Your final reimbursement request should be submitted within **60 days** after project completion or following the end date of the project period indicated on your project agreement, whichever comes first. The final reimbursement request should include the Reimbursement Statement, the Reimbursement Log, the Individual and Volunteer Time Record form, the Equipment Use Log as appropriate, and all supporting cost documentation as outlined above. All pledged donations must have been received prior to submitting the final reimbursement request. Invoices must be dated prior to the project period end date and paid for within 30 days after the project end date. Additionally, a Final Inspection Request and a Project Closeout Packet must accompany your final reimbursement request. A copy of the Final Reimbursement Request is provided in Appendix F and detailed instructions for completing it and compiling the Project Closeout Packet are included in Section V.



## SECTION V. PROJECT CLOSEOUT

### Project Completion

The date of completion is the date when all work in a project is completed, or the date the project expires, whichever comes first. The project sponsor should submit the final reimbursement request, final inspection request and all required project close-out documents within **60 days** after the date of completion (see the Project Closeout Packet section below). GMS staff will conduct a final inspection of the project site, using the as-built plans submitted by the project sponsor, the original project scope, and any subsequent amendments as aids in determining project compliance.

### LWCF Acknowledgement Sign

Once the project is complete, a sign acknowledging the Land and Water Conservation Fund program must be posted at the project site, and should be placed at the entrance to the project. The acknowledgement sign must use the LWCF logo and must be installed prior to the final inspection. An acknowledgement sign must be maintained at the project site in perpetuity, and be replaced when damaged from age or vandalism. For your convenience, a sign may be ordered online from the Missouri Vocational Enterprises at <http://doc.mo.gov/mve/html/ordering.html>. The cost of the sign may be reimbursed.



### Project Closeout Packet

Documents to be submitted as part of your project closeout packet include the following. Use the Project Closeout Documents Checklist in Appendix G to ensure that you've submitted all required documentation. GMS staff must receive your project closeout packet within 60 days after the date of completion, to ensure time to schedule an inspection, resolve any outstanding issues and process your final reimbursement request.

- **Final reimbursement request.** Use the Reimbursement Statement form provided in Appendix F (or the electronic form at <https://www.mostateparks.com/page/61215/land-and-water-conservation-fund-lwcf-grants>). Under "Billing Status," check the box marked "Final." Include a Reimbursement Log, relevant time and equipment use records, and all pertinent cost documentation, as outlined in Section IV.
- **Final Inspection Request form.** A copy of the Final Inspection Request form is provided in Appendix G. On the form, provide three potential dates when you or someone from your organization who is familiar with the project could meet with GMS staff for a final inspection. It's important that the proposed dates fall within a 30-day window following the submittal of your project closeout packet. This will give GMS time to contact you to schedule an inspection and you time to resolve any outstanding issues noted by GMS during the inspection. Additionally, it will allow GMS time to process your final reimbursement.

- **Section 6(f)(3) Boundary Map.** You must submit an updated signed and dated project boundary map which clearly delineates the area to be protected under Section 6(f)(3) of the LWCF program. In most cases, there may be no change from the 6(f)(3) map submitted with the application other than showing the project as complete and labeling it with the completion date.

**Land identified within the Section 6(f)(3) boundary must be retained in perpetuity for public outdoor recreation use.**

Generally, this area includes the entire park or project area where recreation is being developed, except in unusual cases where it can be shown that a facility within an area is clearly self-sustaining (and accessible) without reliance on the surrounding area (subject to NPS approval). The project area must be readily accessible through a public corridor (i.e. parking lot, street, permanent public easement, etc.). **Maps should be no bigger than 11" x 17".** Maps may be drawn on a satellite or aerial image. **Full-color images are preferred.** The map must include the following information. For your convenience, a 6(f)(3) Boundary Map Checklist has been provided in Appendix G. Maps that do not include all of the required information will be returned to the project sponsor for necessary revision.

- Entitle the map, "Section 6(f)(3) Boundary Map."
- Signature and date on the map by the project sponsor's authorized signatory.
- Name of park or site.
- Date of map preparation.
- Clearly indicate dimensions of the project area with measurements in feet on each side to effectively illustrate the area that will be under Section 6(f)(3) protection.
- The map needs to indicate entrance/access point(s) to project area and to park or site, if project is part of a larger area.
- If applicable, identify any pre-existing uses (buildings/non-outdoor recreation facilities) that do not support outdoor recreation and that should be excluded from 6(f) protection. Include the square footage of the non-supporting facility or area footprint. Subtract this square footage from the total square feet of the area to be protected under 6(f).
- If applicable, indicate any outstanding rights and interest in the area, including easements, deed/lease restrictions, reversionary interests, rights-of-way, etc.

- If applicable, include any area or resource upon which the project is dependent, even if the area/resource was not included in the project scope and did not receive LWCF money. An example of this would be an existing parking lot that provides the sole access to a picnic area that was developed with a LWCF grant. The parking lot would need to be included in the 6(f) boundary and its footprint added to the total square footage.
- Include a north arrow.
- If applicable, indicate any areas under lease with term of at least 25 years remaining on the lease.
- Indicate adjacent street names, bodies of water and any other features that could be used as identifying landmarks.
- Convert the total square footage to acreage and indicate total acreage within the 6(f)(3) boundary.
- Indicate assessor's parcel number(s).
- Provide the latitude and longitude of the project entrance.
- For projects within an already established LWCF area, indicate the location of the development/renovation project in relation to existing facilities.
- **As-built facility plans.** As-built plans showing elevations and floor plans of all structures and facilities must be submitted. The plans must also indicate the accessibility standards that were incorporated into the project.
- **Post-Construction Certification.** A copy of the signed Post Construction Certificate (found in the Appendix G) must accompany the final reimbursement for development projects. This form is to be completed by the supervising architect or engineer on the project. If the project did not involve a contract architect or engineer, then the project sponsor's architect, engineer or project manager should inspect the project and sign the Post Construction Certification.
- **Control and tenure documentation.** If not already submitted to GMS, copies of property titles, leases, easements, or appropriate documents must be submitted as part of a project's documentation. This includes copies of deeds or easements of real property acquired with LWCF funds or real property donated as part of this project.
- **Proof of flood insurance.** if required as outlined in Section III.

#### **Project Dedication**

Project sponsors are encouraged to invite GMS staff to any scheduled events promoting the completion of the project, such as dedications or ribbon-cutting ceremonies. GMS staff may use photos of the completed project in print or electronic promotional materials publicizing the LWCF program.



## SECTION V. POST-COMPLETION REQUIREMENTS

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### **Record Retention**

For audit purposes, the project sponsor will need to retain financial records, supporting documents, environmental clearances and all other records pertinent to the LWCF grant for a period of five years starting from the date of submission of the final payment request, per Section B of Appendix B (DNR Federal Financial Assistance Agreements General Terms and Conditions). Refer to Section III for a list of documents you are required to maintain in your project file.

### **Long-Term Stewardship Responsibilities**

Property developed with federal LWCF assistance must be properly operated and maintained for general public use in perpetuity. The site should appear attractive and inviting to the public. Proper sanitation and sanitary facilities should be maintained in accordance with applicable federal, state and local standards. The site should be kept safe for public use. Fire prevention, lifeguard, and similar activities must be maintained for proper public safety. Buildings, roads, and other improvements should be kept in reasonable repair throughout their lifetime to prevent undue deterioration and to encourage public use. Evidence of vandalism should be repaired as quickly as possible.

#### **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, GMS staff will conduct a post-completion inspection within five years after final billing and at least once every five years thereafter. Copies of the inspection reports will be sent to the project sponsor. The purpose of these inspections is to ensure that the site is being used for the purposes intended; the site is attractive and properly maintained; and the area is accessible and open to the general public. Discovery of compliance problems such as park closures and non-recreation or private uses occurring within the Section 6(f) boundary will require enacting the conversion process as outlined further in this section.

#### **Public access:**

The facility should be kept open for general public use at reasonable hours and times of the year according to the type of area or facility. The project must be open to entry and use by all persons regardless of race, religion, color, sex, national origin, age, disability, or place of residence. The site cannot be restricted for use only by community or county residents. Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities developed with LWCF funds when such a limitation is necessary for maintenance or preservation.

#### **User fees:**

If fees are charged to use federally-funded sites or facilities, the project sponsor must submit a complete schedule of all charges to be assessed for those using the facilities to GMS. The fee schedule must allow for broad public participation, perhaps by including free days or reduced rate days, if feasible. If the project was partially funded by local tax revenues, a higher user fee may be charged to out-of-city or out-of-county residents. 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. Reservations, 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.

#### **Land management practices:**

Land management practices such as the rental of structures, the sale of timber and the lease or rental of land occurring during or after the project period must be compatible with the outdoor recreational use of the areas as described in the project scope. Any practice that alters the use or purpose of the area is prohibited. Extraction of oil and gas from LWCF-assisted projects involving the purchase of subsurface rights is allowable and will not constitute a conversion provided the extraction process does not reduce the recreation opportunities at the site, nor detract from the recreation experiences. Income derived from mineral extraction and its uses must be approved by the NPS through a formal agreement with DNR prior to the onset of extraction activities.

#### **Leases and concession operations:**

A project sponsor may provide for the operation of a LWCF-assisted area by leasing the area/facility to a private organization or individual or by entering into a concession agreement with an operator to provide a public outdoor recreation opportunity at the site. All lease documents and concession agreements for the operation of LWCF-assisted sites by private organizations or individuals must address the following:

- In order to protect the public interest, the project sponsor must have a clear ability to periodically review the performance of the lessee/concessioner and terminate the lease/agreement if its terms and the provisions of the grant agreement, including standards of maintenance, public use, and accessibility, are not met.

- The lease/agreement document should clearly indicate that the leased/concession area is to be operated by the lessee/concessionaire for public outdoor recreation purposes in compliance with provisions of the Land and Water Conservation Fund Act and implementing guidelines (36 CFR 59). As such, the document should require the area be identified in all signs, literature and advertising as publicly-owned and operated as a public outdoor recreation facility, to eliminate the perception that the area is private.
- The lease/agreement document should require all fees charged by the lessee/concessionaire be competitive with similar private facilities.
- The lease/agreement document should make clear that compliance with all Civil Rights and accessibility legislation (e.g., Title VI of Civil Rights Act, Section 504 of Rehabilitation Act, and Americans with Disabilities Act) is required, and compliance will be indicated by signs posted in visible public areas, statements in public information brochures, etc.

#### **Earned income:**

Income earned by the project sponsor after the project period, including from recreational use fees, leases, concession operations and land management practices, may be disposed of at the sponsor's discretion. However, the sponsor is encouraged to use such income to further recreation objectives related to the facility when state and local laws allow.

#### **Underground utility easements:**

Underground utility easements within a LWCF area are allowed as long as the easement site is restored to its pre-existing condition to ensure the continuation of public outdoor recreational use of the easement area within 12 months after the ground within the easement area is disturbed. If restoration exceeds the 12-month period, or the easement activities result in permanent above-ground changes, NPS must be consulted to determine if the changes will trigger a conversion. If present or future outdoor recreation opportunities will be impacted in the easement area or in the remainder of the Section 6(f)(3) area, a conversion will be triggered.

#### **Cellular towers:**

Cellular towers are considered permanent non-recreational facilities that do not add recreational value to a LWCF site. Placement of a cellular tower in a LWCF-assisted area would trigger a conversion.

#### **Overhead utility lines:**

Overhead utility lines are a major detractor from the natural quality of many outdoor recreation areas and can pose a safety hazard for recreational users, so must be eliminated where possible. Project sponsors are expected to take all reasonable steps to insure the burial, screening, or relocation of existing overhead lines at development or acquisition projects where such lines intrude upon the site's character, and insure that all new electric wires under 15 KV and telephone wires are placed underground where technically and economically feasible. Burying overhead lines is an eligible cost for LWCF assistance.

#### **Commercial signage:**

Commercial signs are only allowable within Section 6(f)(3) boundaries when the advertising is attached to allowable park structures such as benches, fencing, walls, and buildings, and are not inconsistent with the park setting and/or the built environment in which it is located (e.g., athletic fields). Signs may face either outside or inside the park. Commercial advertising in the form of a stand-alone structure such as a billboard that creates a footprint in the park, or commercial signage permanently affixed to a natural feature within the 6(f) area, is a conversion regardless of which direction it faces.

#### **Public facilities:**

Public facility requests will only be approved if the public facility clearly results in a net gain in outdoor recreation benefits or enhances the outdoor recreation use of the entire park, and the facility is compatible with and significantly supportive of the outdoor recreation resources and opportunities of the Section 6(f)(3) protected area. Requests to construct public facilities will be considered when it's shown that:

- Uses of the facility will be compatible with and significantly supportive of outdoor recreation resources and uses at the rest of the site and recreation use remains the overall primary function of the site.
- The proposed public facility will include a recreation component and will encourage outdoor recreation use of the remaining Section 6(f) area.
- All design and location alternatives have been adequately considered, documented and rejected on a sound basis.
- The proposed structure is compatible and significantly supportive of the outdoor recreation resources of the site, whether existing or planned. The park's outdoor recreation use must continue to be greater than that expected for any indoor uses, unless the site is a single use facility, such as a swimming pool building, which virtually occupies the entire site.

Examples of uses which would not ordinarily be approved include, but are not limited to, a community recreation center which takes up all or most of a small park site; clinics; police stations; restaurants catering primarily to the general public; fire stations; professional sports facilities or commercial resort or other facilities which are not accessible to the general public, require memberships, or have the effect of excluding elements of the public because of high user fees, or which include office,

residential or elaborate lodging facilities. Restaurant-type establishments with indoor dining/seating that cater primarily to the outdoor recreating public must be reviewed under this public facility policy. Other park food service operations such as snack bars, carry-out food service, and concession stands with outdoor dining including pavilions and protected patios are allowable without further NPS approval if the primary purpose is to serve the outdoor recreating public. Consult GMS staff for assistance with the process for requesting approval of public facilities.

**Sheltered facilities:**

Proposals to build sheltered facilities or to shelter existing facilities, such as an indoor pool or ice rink, within a Section 6(f)(3) protected area may be allowable, provided they do not change the overall public outdoor recreation characteristics of the area and are significantly supportive of outdoor recreation. Such proposals must be reviewed and approved by NPS. Consult with GMS staff for assistance with this process.

**Temporary non-conforming uses:**

All requests for temporary uses for purposes that do not conform to the public outdoor recreation requirement must be submitted to and reviewed by GMS. GMS in turn will submit a formal request to NPS describing the temporary non-conforming use proposal. Continued use beyond six-months will not be considered temporary, but will result in a conversion of use and will require the project sponsor to provide replacement property.

**Significant change of use:**

Section 6(f)(3) of the LWCF Act requires project sponsors maintain the entire area defined in the project agreement in some form of public outdoor recreation use. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area as described in the original project scope. NPS approval is not required for each facility use change unless the change is substantially different, such as a change from a swimming pool with substantial recreational development to a less intense area of limited development such as a passive park, or vice versa. Project sponsors are required to consult with GMS staff prior to initiating any such change. GMS staff will in turn notify NPS. NPS will expedite a determination of whether a formal review and approval process will be required. A primary NPS consideration in the review will be the consistency of the proposal with the SCORP. Changes to any use other than public outdoor recreation use constitute a conversion and will require NPS approval and the substitution of replacement land in accordance with Section 6(f)(3) of the LWCF Act

**Obsolete facilities:**

Project sponsors are not required to continue operation of a particular recreation area or facility beyond its useful life. However, Section 6(f)(3) of the LWCF Act requires project sponsors to maintain the entire area within the Section 6(f)(3) boundary in some form of public outdoor recreation use. Notwithstanding neglect or inadequate maintenance on the part of the project sponsor, a recreation area or facility may be determined to be obsolete if:

- Reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating.
- Changing recreation needs dictate a change in the type of facilities provided.
- Park operating practices dictate a change in the type of facilities required.
- The recreation area or facility is destroyed by fire, natural disaster, or vandalism.

A facility may be considered obsolete and its use may be discontinued or changed if the project sponsor provides a sound justification statement for determining obsolescence and GMS staff concurs with the change. However, NPS approval must be obtained prior to any change from one LWCF allowable use to another when the proposed use would significantly contravene the original plans for the area. LWCF assistance may be provided to renovate outdoor recreation facilities that have previously received LWCF assistance, if GMS determines the renovation is not required as a result of neglect or inadequate maintenance and the project sponsor provides documentation to that effect.

**Conversions of Use**

Any property acquired and/or developed with LWCF assistance cannot be wholly or partially converted to any purpose other than public outdoor recreation uses without the approval of NPS, per Section 6(f)(3) of the LWCF Act. Project sponsors must consult early with GMS staff when a conversion is under consideration or has been discovered. GMS staff will in turn consult with NPS 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. A critical first step is for the sponsor, GMS 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. Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary.

Situations that may not trigger a conversion if NPS determines that certain criteria are met include:

- Underground utility easements that do not impact the recreational use of the park and are restored to their original surface condition.

- Proposals to construct public facilities, such as recreation centers and indoor pool buildings, within a Section 6(f)(3) protected area where it can be shown there is a gain or increased benefit to the public outdoor recreational opportunity. These proposals must be reviewed by the NPS as a “public facility request.”
- Proposals for "temporary non-conforming uses," which are temporary non-recreation activities of less than a six-month duration within a Section 6(f)(3) protected area. These must be reviewed and approved by NPS prior to start, as outlined above.
- Proposals to build sheltered facilities or to shelter existing facilities within a Section 6(f)(3) protected area provided they do not change the overall public outdoor recreation characteristics. Prior approval is required by NPS review, as outlined above.
- Proposals for changing the overall outdoor recreation use of a Section 6(f)(3) area from that intended in the original LWCF project agreement. These proposals must be reviewed by NPS as outlined above.

Situations that trigger a conversion include:

- Property interests that are conveyed for private use or non-public outdoor recreation uses.
- Non-outdoor recreation uses (public or private) that are made of the project area, or a portion thereof, including those occurring on pre-existing rights-of-way and easements, or by a lessor.
- Unallowable indoor facilities that are developed within the project area without NPS approval, such as unauthorized public facilities and sheltering of an outdoor facility.
- Public outdoor recreation use of property acquired or developed with LWCF assistance that is terminated.

The property to be converted will be required to be replaced with substitute property of at least equal fair market value as established by the appraisal process outlined in Section II. The property proposed for replacement must be of reasonably equivalent usefulness and location as that being converted. Depending on the situation, and at the discretion of NPS, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. GMS staff can provide guidance on the evaluation process for determining an equivalent substitute. Consult with GMS staff immediately when considering a conversion, for assistance with the conversion process.



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LWCF General Provisions*



*This page intentionally left blank for insertion of  
Missouri Department of Natural Resources  
Federal Financial Assistance Agreements  
General Terms and Conditions*





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federal nondiscrimination laws.*

## APPENDIX D. REAL PROPERTY ACQUISITION DOCUMENTATION CHECKLIST

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The following items are required documents to indicate compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Please submit **one copy** of each item to the Grants Management Section (GMS), at the address below. Use this checklist to ensure that you've included all required documentation.

LWCF Planner  
Grants Management Section  
Missouri State Parks  
PO Box 176  
Jefferson City, MO 65102-0176

- ☐ **Title Search/Title Clearance Report** identifying owner of the property, any liens or restrictions on the property, or any rights or interests held by others. Original to be kept by the project sponsor, with a copy sent to GMS.
- ☐ **Notice of Interest** in real property sent to the landowner, with a copy of the letter retained by the project sponsor and a copy sent to GMS. The letter must include a statement of landowner rights. In the absence of the sponsor's own written guidelines for compliance with the Uniform Act and all applicable state and local requirements, the sponsor should enclose copies of the following booklets provided by the Federal Highway Administration, as appropriate: "Acquisition: Acquiring Real Property for Federal and Federal-Aid Programs and Projects" ([http://www.fhwa.dot.gov/real\\_estate/uniform\\_act/acquisition/acquisition.pdf](http://www.fhwa.dot.gov/real_estate/uniform_act/acquisition/acquisition.pdf)) and "Relocation: Your Rights and Benefits as a Displaced Person under the Federal Relocation Assistance Program" ([https://www.fhwa.dot.gov/real\\_estate/publications/your\\_rights/rights2014.pdf](https://www.fhwa.dot.gov/real_estate/publications/your_rights/rights2014.pdf)).
- ☐ **Evidence of Relocation Benefits Explanation** provided to any person or business being displaced by the acquisition. A copy of "Relocation: Your Rights and Benefits as a Displaced Person under the Federal Relocation Assistance Program" should be provided to anyone being displaced by the acquisition.
- ☐ **Appraisal Report or Waiver Valuation**, the original retained by the sponsor, a copy given to the landowner and a copy sent to GMS. Property that is valued less than \$10,000 may not require an appraisal and may only require a waiver valuation. A sample Waiver Valuation is provided in this appendix.
- ☐ **Relocation Plan** for any persons displaced by the acquisition, as appropriate. The plan should include the number of individuals, businesses or farms being displaced, and should include relocation services and benefits being provided.
- ☐ **Review Appraisal Report** by a certified review appraiser. The original should be retained by the project sponsor and a copy sent to the landowner and GMS.
- ☐ **Written Offer of Just Compensation** and all required attachments sent to the landowner, with a copy kept by the project sponsor and a copy sent to GMS. A sample Offer of Just Compensation is provided in this appendix.
- ☐ **Written Statement of Just Compensation** sent to the landowner, with a copy kept by the sponsor and a copy sent to GMS. A sample is provided in this appendix.
- ☐ **Waiver of Right to Just Compensation** signed by the landowner, indicating voluntary donation of the property, either in part or a full donation. A sample is provided in this appendix. Signed originals should be kept by the sponsor and the landowner, with a copy sent to GMS.
- ☐ **Statement of Justification of Difference in Value** must be submitted to GMS, when the negotiated price is more than the approved appraised value. This statement should relay the history of negotiations between the sponsor and the landowner, the importance of the proposed purchase as opposed to alternative sites, or other justification regarding the need to purchase the property at higher than appraised value.

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UASFLA requirements.*

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**NOTICE OF INTEREST  
(SAMPLE)**

*Date*

*Name of Landowner*

*Address*

*City, State ZIP*

Dear \_\_\_\_\_ (*Name of Landowner*),

On behalf of \_\_\_\_\_ (*Name of Project Sponsor*), I am writing to inform you of our interest in acquiring the property located at \_\_\_\_\_ (*Address of Property*), further described as \_\_\_\_\_ (*Legal Description of Property*) \_\_\_\_\_. Our records indicate the property is owned by \_\_\_\_\_ (*Name of Landowner*). Acquiring the property will allow us to develop \_\_\_\_\_ (*Name of Project*).

We have received funds through the National Park Service's (NPS) Land & Water Conservation Fund (LWCF) to develop this project. Because federal funds are being used for the project, it is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. To help you understand your rights under the act, we have enclosed two informational booklets. Under the act, you are entitled to just compensation based on the fair market value of your property. Additionally, you and any tenant currently on the property may be eligible for relocation assistance.

We are hopeful that, because of the benefits to be derived from the project, we can reach an agreement with you to acquire the land and/or property rights needed to accomplish the project. If you would be interested in discussing acquisition options, please contact \_\_\_\_\_ (*Name of Project Sponsor's Representative*) at \_\_\_\_\_ (*Phone Number/Email Address*). He/She will outline the next steps of the process.

Thank you very much for your consideration of our proposal.

Sincerely,

*Signature of Project Sponsor's Authorized Representative*

*Title of Project Sponsor's Authorized Representative*

c: LWCF Planner, Missouri Department of Natural Resources, Division of State Parks

Enclosures: "Acquisition: Acquiring Real Property for Federal and Federal-Aid Programs and Projects"  
"Relocation: Your Rights and Benefits as a Displaced Person under the Federal Relocation Assistance Program"



**WAIVER VALUATION  
(SAMPLE)**

Project Name \_\_\_\_\_  
Parcel Address \_\_\_\_\_  
Parcel Number \_\_\_\_\_  
County \_\_\_\_\_

Property Owner \_\_\_\_\_  
Owner's Address \_\_\_\_\_

Date Owner Invited To Accompany Person \_\_\_\_\_  
Assessing Value: \_\_\_\_\_

Identification of Property \_\_\_\_\_

Lot: \_\_\_\_\_ Zoning: \_\_\_\_\_ Area \_\_\_\_\_ Sq. Ft.: \_\_\_\_\_ Acres: \_\_\_\_\_

Past Sales of Property (5 years): \_\_\_\_\_

Improvements to Property since Last Sale:

\_\_\_\_\_  
\_\_\_\_\_

Description of Acquisition : \_\_\_\_\_

Calculation of Value of Land to be Acquired:

Land: \_\_\_\_\_ acres at \$\_\_\_\_\_/per acres = \$\_\_\_\_\_

Basis for Value:

\_\_\_\_\_  
\_\_\_\_\_

Calculation of Value of Improvements to be Acquired:

Type of Improvement: \_\_\_\_\_ = \$\_\_\_\_\_

Type of Improvement: \_\_\_\_\_ = \$\_\_\_\_\_

Type of Improvement: \_\_\_\_\_ = \$\_\_\_\_\_

Basis for Value:

\_\_\_\_\_  
\_\_\_\_\_

Final Value Estimate:

Land Value \$\_\_\_\_\_ + Value of Improvements \$\_\_\_\_\_ = \$\_\_\_\_\_

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Preparer: \_\_\_\_\_

**Required Attachments:**

Site Plan

Photograph of Acquisition Area

Comparable Sale or Other Value Support

**WRITTEN OFFER OF JUST COMPENSATION  
(SAMPLE)**

*Date*

*Name of Landowner*

*Address*

*City, State ZIP*

Dear \_\_\_\_\_ (*Name of Landowner*),

On behalf of \_\_\_\_\_ (*Name of Project Sponsor*), I am writing this Offer of Just Compensation for the property located at \_\_\_\_\_ (*Address of Property*), further described as \_\_\_\_\_ (*Legal Description of Property*).

We have had the property appraised by a licensed appraiser and this report has been thoroughly analyzed by a certified review appraiser and found to be well-supported. Please find enclosed a copy of the appraisal and appraisal review. A Statement of Just Compensation is also enclosed, that provides the basis for the Offer of Just Compensation. Based on the appraisal and review, \_\_\_\_\_ (*Name of Project Sponsor*) hereby makes you an offer in the amount of \$ \_\_\_\_\_ (*Appraised Value*) for the purchase of your property. Relocation benefits to which you may be entitled are in addition to the acquisition price of your property.

If this offer meets with your approval, or if you have any questions, please contact \_\_\_\_\_ (*Name of Project Sponsor's Representative*) at \_\_\_\_\_ (*Phone Number/Email Address*). Our staff has prepared \_\_\_\_\_ (*Description of Conveyance Documents*) to assist in finalizing the acquisition.

Thank you very much for your cooperation and favorable consideration of this offer.

Sincerely,

*Signature of Project Sponsor's Authorized Representative*

*Title of Project Sponsor's Authorized Representative*

c: LWCF Planner, Missouri Department of Natural Resources, Division of State Parks

Enclosure: Appraisal Report  
Appraisal Review Report  
Statement of Just Compensation

**WRITTEN STATEMENT OF JUST COMPENSATION  
(SAMPLE)**

**Description and Location of Property**

(Name of Project Sponsor) proposes to purchase land and improvements on (Legal Description of Property) from owner at (Address of Landowner).

**Purpose of Purchase**

(Name of Project Sponsor) intends to use the parcel for construction of (Name of Project).

**Improvements**

*(Provide a description of the physical setting and improvements, buildings, etc., on the property.)*

**Declaration of Offer**

Based on an appraisal by a licensed appraiser and an appraisal review by a certified review appraiser, (Name of Project Sponsor) hereby makes an offer in the amount of \$ (Appraised Value) for the purchase of said property. This offer is for the fair market value of the property and does not include any considerations of decrease or increase in value attributable to the project for which it is being acquired. It reflects no relocation payments which the owner/tenant may be entitled to receive under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

**Definition of Fair Market Value**

"Fair Market Value is the highest price estimated in terms of money which the property would bring if exposed for sale in the open market, allowing a reasonable time in which to find a purchaser buying with knowledge of all the uses and purposes for which it is adapted and for which it is capable of being used."

**Appraisal Techniques**

The following techniques were utilized to determine the fair market value of this property.

*(List the techniques used by the appraiser to determine fair market value, such as Cost Approach, Sales Comparison Approach, and Value Estimate by the Income Capitalization Approach.)*

**Final Estimate of Value**

*(Provide an explanation of how the appraiser arrived at the final opinion of value and how the results of each approach were weighed in that opinion, and the reliability of each approach to this particular piece of property. The final estimate of value should be a single amount that reflects all contributing values of the property from improvements, etc.)*

## WAIVER OF RIGHT TO JUST COMPENSATION (SAMPLE)

WAIVER OF ACQUISITION RIGHTS AND BENEFITS UNDER THE FINAL GOVERNMENT-WIDE RULE IMPLEMENTING THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, AS AMENDED.

I, \_\_\_\_\_ have been informed of my rights to receive just compensation for the portion  
(Owner's Name)  
of my property which will be used by \_\_\_\_\_ to construct \_\_\_\_\_  
(Govt. Agency or Organization) (Project Name)  
in the \_\_\_\_\_.  
(Project Area)

I have received a copy of “Acquisition: Acquiring Real Property for Federal and Federal-Aid Programs and Projects” and “Relocation: Your Rights and Benefits as a Displaced Person under the Federal Relocation Assistance Program” and was contacted by a representative of \_\_\_\_\_ on \_\_\_\_\_  
(Govt. Agency or Organization) (Date)

to outline my rights under the Uniform Act, including my right to have the property appraised at no cost to me; my right to accompany the appraiser during this process; and my right to receive Just Compensation based upon the appraisal or valuation process. I was also given the opportunity to discuss any concerns I might have regarding the information I have been provided. I have received a copy of the plat which identifies my property and I understand which portion of my land I will be donating to the

(Govt. Agency or Organization)

I have determined that it is in my best interest to waive all or a portion of my acquisition rights and benefits accruing to me under the Uniform Act, and prefer to donate an easement or donate my land as described below.

### Easement or Land Description

Or Partial Land Donation

Let it be known that by signature hereon, I freely and without duress waive any and all rights accruing to me for a purchase under the Uniform Act.

Signature of Owner(s):

Name of Owner(s):

Address of Owner(s):

Plat #:

Date:



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Affidavit of Compliance with Prevailing Wage Law*

**CERTIFICATION OF  
NON-SEGREGATED FACILITIES**

The federally assisted construction contractor certifies that he/she does not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The federally assisted construction contractor certifies further that he/she will not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she will not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this section is a violation of the Equal Opportunity Clause in this contract. As used in this caption, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national of because of habit, local custom, or otherwise. The federally assisted construction contractor agrees that (except where he/she has obtained identical certifications from proposed subcontractors for specific time periods) he/she will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause, and that he/she will retain such certifications in his/her files.

NOTE-. The penalty for making false statements in offers is prescribed in 18 U. S. C. 1001.

Contractor Signature\_\_\_\_\_

Typed Name & Title \_\_\_\_\_ Date\_\_\_\_\_

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Certification Regarding  
Debarment, Suspension, Ineligibility and Voluntary Exclusion*



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Certification Regarding  
Debarment, Suspension, Ineligibility and Voluntary Exclusion*

**Anti-Lobbying Declaration**  
**Certification for Contracts, Grants, Loans and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure From to Report Lobbying", in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code.

Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Applicant, Recipient Company,  
Exporter, Ancillary Service Provider  
or Local Cost Provider

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Signature of Authorized Representative

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Date

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Name and Title

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Company Address

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Reporting, Reimbursement and Amendment Request Forms*

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## APPENDIX G. PROJECT CLOSEOUT FORMS AND CHECKLISTS

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The following items are required documents to submit when closing out your project and submitting your final reimbursement request. Please submit **one copy** of each item to the Grants Management Section (GMS), at the address below. Use this checklist to ensure that you've included all required documentation in the Project Closeout Packet.

LWCF Planner  
Grants Management Section  
Missouri State Parks  
PO Box 176  
Jefferson City, MO 65102-0176

- ☐ **Reimbursement Statement Form**; under "Billing Status," check the box marked "Final."
- ☐ **Reimbursement Log Form**, including all required cost documentation.
- ☐ **Individual and Volunteer Time Record Form**
- ☐ **Equipment Use Record**, as appropriate.
- ☐ **Final Inspection Request Form**
- ☐ **Section 6(f)(3) Boundary Map**, providing all information on the 6(f)(3) Boundary Map Checklist.
- ☐ **As-Built Floor Plans**, identifying all accessible facilities.
- ☐ **OPDMD Assessment and Written Policy**, as appropriate.
- ☐ **Post-Construction Certification Form**
- ☐ **Control and Tenure Documentation**, if not already submitted.
- ☐ **Proof of Flood Insurance**, if required.

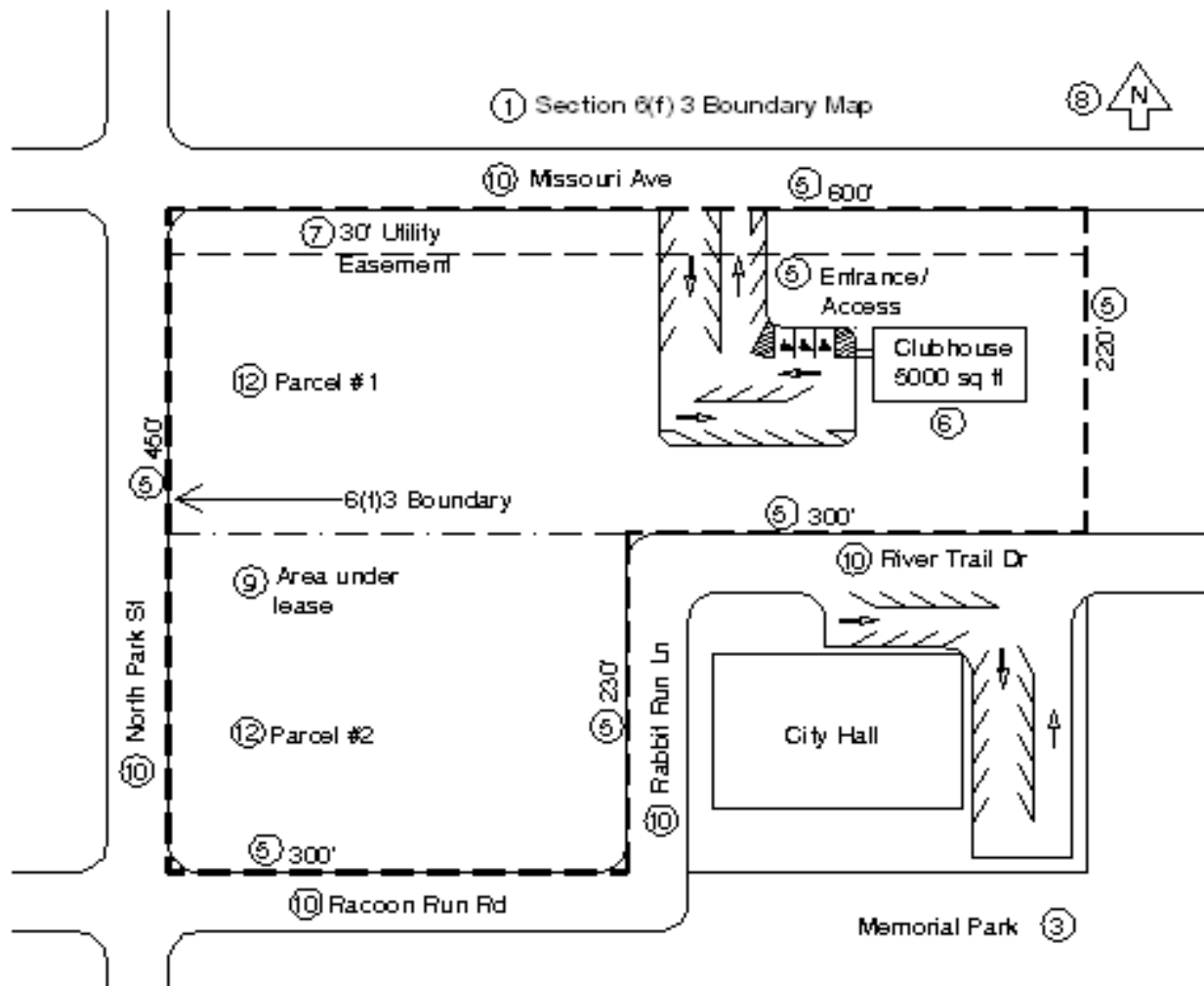
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Final Inspection Request Form*

### 6(f)(3) Boundary Map Checklist

**Maps should be no bigger than 11" x 17".** Maps may be drawn on a satellite or aerial image. **Full-color images are preferred.** The map must include the following information. For your convenience, a sample map has been provided on the following page. Maps that do not include all of the required information will be returned to the project sponsor for necessary revision.

- ☐ Entitle the map, "Section 6(f)(3) Boundary Map."
- ☐ Signature and date on the map by the project sponsor's authorized signatory.
- ☐ Name of park or site.
- ☐ Date of map preparation.
- ☐ Clearly indicate dimensions of the project area with measurements in feet on each side to effectively illustrate the area that will be under Section 6(f)(3) protection.
- ☐ Indicate entrance/access point(s) to project area and to park or site, if project is part of a larger area.
- ☐ If applicable, identify any pre-existing uses (buildings/non-outdoor recreation facilities) that do not support outdoor recreation and that should be excluded from 6(f) protection. Include the square footage of the non-supporting facility or area footprint. Subtract this square footage from the total square feet of the area to be protected under 6(f).
- ☐ If applicable, indicate any outstanding rights and interest in the area, including easements, deed/lease restrictions, reversionary interests, rights-of-way, etc.
- ☐ If applicable, include any area or resource upon which the project is dependent, even if the area/resource was not included in the project scope or funded by LWCF. An example of this would be an existing parking lot that provides the sole access to a picnic area that was developed with a LWCF grant. The parking lot would need to be included in the 6(f) boundary and its footprint added to the total square footage.
- ☐ Include a north arrow.
- ☐ If applicable, indicate any areas under lease with term of at least 25 years remaining on the lease.
- ☐ Indicate adjacent street names, bodies of water and any other features that could be used as identifying landmarks.
- ☐ Convert the total square footage to acreage and indicate total acreage within the 6(f)(3) boundary.
- ☐ Indicate assessor's parcel number(s).
- ☐ Provide the latitude and longitude of the project entrance.
- ☐ For projects within an already established LWCF area, indicate the location of the development/renovation project in relation to existing facilities.

# Sample 6(f)(3) Boundary Map



Signature of individual  
Authorized in resolution

Date of map preparation

Date

Section 6(f)3 Boundary Acreage

Latitude/Longitude

## POST CONSTRUCTION CERTIFICATE

This certificate must be submitted with the final billing. The form must be signed by the project sponsor and by the architect or engineer who supervised the construction. If the project did not involve a contract architect or engineer, the project sponsor's architect, engineer or project manager should inspect the project and sign the form.

### As-Built Plans

One copy of as-built site plans must be submitted to the Grants Management Section, with a copy retained in the project sponsor's file. If deviations in design were not made to plans previously submitted the Grants Management Section, a set of the original as-built plans with a revised date is sufficient. As-built plans must include:

- a) Elevations and floor plans of structures, indicating ADA-compliance.
- b) A stamp by a certified architect or engineer, if the project involved either.

### POST CONSTRUCTION CERTIFICATION:

I hereby certify that construction of LWCF Project Number \_\_\_\_\_ has been completed in accordance with the original and revised plans and specifications on file with the Grants Management Section. The plans and specifications are consistent with the scope of the project approved by the National Park Service and the Grants Management Section, on behalf of the Missouri Department of Natural Resources. The project has been constructed in accord with all applicable federal, state and local building rules and regulations and is acceptable for public use.

A RESPONSIBLE OFFICIAL FROM THE SPONSORING ORGANIZATION MUST SIGN AND DATE THE CERTIFICATION

\_\_\_\_\_  
Signature of Project Sponsor

DATE \_\_\_\_\_

\_\_\_\_\_  
Signature of Project Architect/Engineer

DATE \_\_\_\_\_

Certification Number of Stamp (if applicable) \_\_\_\_\_