

North Dakota Parks and Recreation Department

Land and Water Conservation Fund (LWCF) and Outdoor Recreation Legacy Partnership (ORLP) Program Manuals



Anton Hillig
Recreation Division Chief
Alternate State Liaison

Char Langehaug
Grants Coordinator
Alternate State Liaison

A.J. Torgerson
Special Projects Officer

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Table of Contents

Program Description.....	4
General Provisions	5
Project Application.....	5
Web Grants Application Submission.....	5
Project Timeline.....	5
State Comprehensive Outdoor Recreation Plan (SCORP).....	5
Environmental Clearances.....	5
LWCF Application and Revision Form (A&R).....	5
National Park Service (NPS) LWCF Grant Application	6
Conversion of Use Policy.....	6
Procurement Standards	6
Eligible Applicants.....	7
Authorized Projects.....	7
Acquisition	7
Development.....	8
Combination.....	10
Ineligible Projects	10
Open Project Selection Process (OPSP).....	11
ND OPSP Priority Rating System	11
Recurring Funding Cycle	11
Federal Requirements.....	11
State and Local Contributions.....	12
Valuation of volunteer services	12
Valuation of equipment and materials.....	13
Reimbursement.....	15
Reimbursement Requests	15
Partial Billing.....	16
Final Billing.....	16
Progress Reports	16
Amendments	16
Changes in Project Scope.....	16

Amendments for adding funds to existing projects	17
Project Period Extensions:	17
Submission of an Amendment Request	17
Grant Completion.....	18
Grant Termination.....	18
Post Completion and Stewardship	19
Operation and Maintenance	19
LWCF Acknowledgement Sign	20
Outdoor Recreation Legacy Partnership (ORLP)	21
Application Process	21
Required Proposal.....	22
Optional Proposal Elements.....	23
Supplemental Proposal Elements:.....	23
Required Proposal Elements Instructions.....	23
SF-424, Application for Federal Assistance.....	25
Detailed Budget Narrative	26
Conflict of Interest Disclosure.....	27
Single Audit Reporting Statement.....	28
Certification Regarding Lobbying	28
Overlap or Duplication of Effort Statement.....	28

Program Description

The Land and Water Conservation Fund (LWCF) grant program is a federal matching grant program offered by the National Park Service (NPS) through the North Dakota Parks and Recreation Department (NDPRD). The Land and Water Conservation Fund (LWCF) is a 50/50 matching grant reimbursement program administered at the state level by the North Dakota Parks and Recreation Department (NDPRD) and funded at the federal level by the U.S. Department of Interior, National Park Service (NPS). The LWCF provides grants for outdoor recreation projects such as ball fields, pools, campgrounds, playgrounds, and land acquisitions for park development.

Political subdivisions may participate in the program as subrecipients of the State of ND with the State retaining primary grant compliance responsibility. Eligible project sponsors include federally recognized tribes, cities, counties, townships, park districts, school districts, water management districts, and State of ND agencies. The NDPRD Director is appointed by the Governor as the State Liaison Officer (SLO) to oversee the program and the Grants Coordinator is appointed as the Alternate State Liaison Officer (ASLO) to administer the LWCF program in North Dakota.

SELECTED GRANTEE'S ARE NOT AUTHORIZED TO BEGIN ANY CONSTRUCTION OR OTHER REIMBURSEMENT ELIGIBLE COSTS UNTIL OFFICIALLY NOTIFIED BY THE NDPRD.

The SLO is responsible for overall administration and final approval of recommended projects of the LWCF Program in North Dakota. The ASLO is responsible for the administration of the LWCF program. Only project proposals in accordance with the State Comprehensive Outdoor Recreation Plan (SCORP), reviewed through an Open Project Selection Process (OPSP), and recommended by the LWCF Advisory Board and ASLO may be considered. Duties of the ASLO include: evaluation and selection of projects in accordance with an OPSP; validate compliance of projects with the requirements of the Federal LWCF Financial Assistance manual, Volume 71 and other published regulations; review and submit all project applications and amendments to NPS; conduct project site inspections; and process reimbursement requests.

Any Park or other outdoor recreation area that receives any LWCF monies may not be converted to any use other than public outdoor recreation. Lands or property acquired with LWCF monies must be preserved for outdoor recreation use in perpetuity and cannot be converted to any other means without approval. A request for change can be submitted, however the area being converted must be replaced by a new recreation area at equal fair market value that serves the same outdoor recreation purpose consistent with the ND SCORP

LWCF monies are apportioned to the States by the Secretary of the Interior each fiscal year in accordance with the apportionment formula contained in the LWCF Act.

General Provisions

Project Application

The project application and all required appendixes are available on the NDPRD website at [Grants | ND Parks and Recreation - Business and Grants](#) .

Web Grants Application Submission

Applications for the LWCF will be available on-line through the grants administration platform, Web Grants. NDPRD has worked to establish this grant administration program to ensure potential grantees have ease to accessing and submitting applications for LWCF. Please visit the Web Grants website at <https://grants.nd.gov/index.do> for grant round updates and application submission.

Project Timeline

Sponsors must complete projects within 18 months of the project being awarded.

State Comprehensive Outdoor Recreation Plan (SCORP)

In order for a project to be selected for funding, it must show a need in the SCORP for the legislative planning region in which the project will be developed. The SCORP is available on the NDPRD website: <https://www.parkrec.nd.gov/business/planning/state-comprehensive-outdoor-recreation-plan-scorp>. The grant program also aligns with the state's Main Street Initiative to build healthy, vibrant communities that attract and retain skilled workforce by providing critical outdoor recreation opportunities.

Environmental Clearances

To ensure environmentally, historically, and culturally important properties are not negatively affected, projects must be reviewed for clearance through the ND State Historic Preservation Office, ND Department of Transportation, and the ND Natural Heritage Inventory. Eligible applicants are encouraged to begin the environmental clearance process prior to submitting their applications. Applications that are submitted with the environmental clearance process completed will receive priority in funding.

The NPS is responsible for conducting federal tribal consultation and Section 106 review, however if the sponsor believes consultation will require additional attention, the state can begin the coordination with corresponding partners prior to NPS official action. The projects selected for funding will be forwarded by NDPRD to these agencies for review. Projects which do not pass this review will not receive funding.

LWCF Application and Revision Form (A&R)

Once a project is selected, the project sponsor will be notified of pre-award at which a state Solicitation of Views (SOV) review will take place and responses will be submitted to the applicant for possible follow up actions (such as obtaining appropriate permits) before the A&R Project

Description & Environmental Screening Form can be submitted by NDPRD, available on the NPS website at: <https://www.nps.gov/subjects/lwcf/lwcf-forms.htm> NDPRD will offer assistance in this step.

National Park Service (NPS) LWCF Grant Application

Once a project has been selected and passed all clearances, NDPRD will submit an application packet to NPS for final approval. This step may take several weeks or even months. The approved application will then be submitted into an open federal fiscal round window through the NPS. Upon final approval by NPS, the grantee will receive a grant award agreement from NDPRD which authorizes them to begin incurring reimbursable costs.

Conversion of Use Policy

The LWCF Act requires the States to operate and maintain by acceptable standards the properties or facilities acquired or developed for public outdoor recreation use. Further, Section 6(f)(3) of the LWCF Act requires that no property acquired or developed with LWCF assistance shall be converted to other than public outdoor recreation uses without the approval of the Secretary of the Department of the Interior, and only if he/she finds it to be in accord with the then existing SCORP and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location (36 CFR 59).

The restriction on the use of LWCF assisted properties is a perpetual restriction which can only be removed by an act of Congress. Conversions are remedies to otherwise irresolvable situations, not vested rights in the Program. The basis for determining the area covered by Section 6(f)(3) is through the LWCF Agreement with the State and any attachments made part of the agreement and the project boundary map.

Procurement Standards

Projects or portions thereof may be undertaken through contracts in accordance with the procurement standards and guidelines set forth in Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 43 CFR Part 12, except the provisions concerning the Davis-Bacon Act. This includes the procurement of supplies, equipment, construction, and services.

A **State** agency will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Refer to the Office of Management and Budget for the most recent procurement requirements and thresholds.

Grantees and subgrantees, which include political subdivisions and Tribal governments, will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and standards. Refer to 43 CFR §12.76 Procurement.

Eligible Applicants

The NDPRD is the lead agency for all LWCF projects, however the State can make funds available to political subdivisions, Federally Recognized Tribes, and other state agencies. Applicants must compete in an OPSP that provides objective criteria and standards for grant selection. The OPSP is dependent on the current SCORP which identifies eight different regions whose citizens have established priority, secondary, and tertiary outdoor recreation needs. Applicants are encouraged to only submit projects that are identified as priority needs for the acquisition and development of outdoor recreation resources as identified in the SCORP.

Applicants will be limited to two (2) project submissions per grant round unless sufficient funding is available for all submitted applications. If two projects are submitted by any one entity, please indicate which are primary projects.

Authorized Projects

The NDPRD has the authority to designate LWCF efforts to the acquisition and/or development work at one site or designate the acquisition and or development work sponsored by a single State agency or local unit of government, at several sites. Any project submission must indicate possession by the applicant agency or entity, of title and legal control of the property where work is to be performed.

The project sponsor is responsible for conducting research and being knowledgeable on all outstanding rights or claims to lands that will be included in a LWCF project. Authorized projects are categorized into three types of projects serving outdoor recreation: acquisition, development, or a combination of both. Projects whose intended use is for indoor activities not defined below will not be considered for funding.

Acquisition

Acquisition of lands, wetlands, and waters for public outdoor recreation, including new areas or additions to existing parks, forests, wildlife management areas, beaches, and other similar areas dedicated to outdoor recreation, as well as physical connections among them (e.g., trails, waterways, land between recreation areas, wildlife habitat corridors) may be eligible for assistance. All acquisitions must be publicly available for use.

Areas acquired may serve a wide variety of public outdoor recreation activities including but not limited to walking and driving for pleasure, sightseeing, Off-Highway Vehicle (OHV) use, swimming and other water sports, fishing, picnicking, nature study, boating, hunting, shooting, camping, horseback riding, bicycling, snowmobiling, skiing, and other outdoor sports and activities.

LWCF assistance may be available to acquire property for development of outdoor recreation facilities that is planned for at a future date. In the interim, between acquisition and development, the property should be open for those public recreation purposes that the land can support, or that can be achieved with minimum public investment.

Development

LWCF funds may be used for the development of eligible outdoor recreation activities and/or support activities needed by the public for recreation use identified in the SCORP. With the passage of the [Bipartisan Infrastructure Law](#), Federal financial assistance programs for infrastructure must comply with domestic content procurement preference requirements established in the "Build America, Buy America Act" at Section 70911 *et seq.* ("Buy America"). Buy America's domestic content procurement preference applies to all of the iron, steel, manufactured products, and construction materials used for infrastructure projects under an award. Development projects include but are not limited to the following:

Sports and playfields. LWCF assistance may be available for fields, courts and other outdoor spaces used in competitive and individual sports. This includes fields for baseball, softball, soccer and football, tennis courts, playgrounds and tot lots, golf courses, rifle/pistol ranges, trap/skeet fields, archery ranges, rodeo arenas, inline hockey rinks, skate parks, running tracks, and other similar facilities.

Picnic facilities. LWCF assistance may be available for tables, fireplaces, shelters, and other facilities related to family or group picnic sites.

Trails. LWCF assistance may be available for the development of land or water-based trails primarily for outdoor recreation activities such as nature walks, hiking, bicycling, horseback riding, paddling, exercising, and off-road vehicles. The trails can connect parks with communities or other parks, be within parks, or serve as stand-alone recreation features. Trail projects can also include supporting features such as trailheads, overlooks, and turnouts.

Swimming facilities. LWCF assistance may be available for swimming beaches, outdoor pools, wave-making pools, wading pools, spray pools, lifeguard towers, bathhouses, and other similar facilities.

Boating facilities. LWCF assistance may be available for most facilities related to motor boating, sailing, canoeing, kayaking, sculling and other boating activities. These facilities include, but are not limited to, docks, berths, floating berths secured by buoys or similar services, launching ramps, breakwaters, mechanical launching devices, boat lifts, boat storage, sewage pump-out facilities, fuel depots, water and sewer hookups, restrooms, showers, electricity, and parking areas.

Fishing/hunting facilities. LWCF assistance may be available for areas and facilities that will provide opportunities for public fishing and hunting. This includes facilities and activities such as fishing piers, access points, fish hatcheries, tree stands, blinds, initial clearing and planting of food and cover, stream improvements, and other habitat improvements.

Public target range facilities. LWCF assistance may be available for outdoor target ranges such as archery, rifle, handgun, skeet, and trap facilities.

Winter sports facilities. LWCF assistance may be available for facilities such as: ski trails, jumps, lifts, slopes, and permanent snowmaking equipment used in downhill skiing, cross country skiing, tobogganing, sledding, snowmobiling, and other winter sports. Outdoor ice skating and ice hockey rinks are also eligible.

Camping facilities. LWCF assistance may be available for tables, fireplaces, restrooms, information stations, snack bars, utility outlets and other facilities needed for camping by tent, trailer, or camper. Cabins or group camps of simple basic design and accessible to the general public in an equitable manner are eligible.

Exhibit facilities. LWCF assistance may be available for outdoor exhibit or interpretive facilities that provide opportunities for the observation or interpretation of natural resources located on the recreation site or in its immediate surrounding areas. This includes small demonstration farms, arboretums, outdoor aquariums, outdoor nature exhibits, nature interpretive centers, and other similar facilities.

Community gardens. LWCF assistance may be available for land preparation, perimeter fencing, storage bins and sheds, irrigation systems, benches, walkways, parking areas, and restrooms for a community garden. To be eligible, community gardening must be clearly identified in the SCORP as a needed outdoor recreation activity and must be accessible to the general public in an equitable manner.

Renovated facilities. LWCF assistance may be available for extensive renovation or redevelopment to bring a facility up to standards of quality and attractiveness suitable for public use, if the facility or area has deteriorated to the point where its usefulness is impaired, or outmoded, or where it needs to be upgraded to meet public health and safety laws or requirements.

Support facilities. LWCF assistance may be available for support facilities needed by the public for outdoor recreation use of an area, such as roads, parking areas, utilities, sanitation systems, restroom buildings, simple cabins or trail hostels, warming huts, shelters, visitor information centers, kiosks, interpretive centers, bathhouses, permanent spectator seating, walkways, wayfinding/directional signage, pavilions, snack bar stands, and equipment rental spaces.

Operation and maintenance facilities. Facilities that support the operation and maintenance of the recreation resource on which they are located, such as maintenance buildings, storage areas, and administrative offices are eligible.

Erosion Control/Shoreline Stabilization. Within recreation areas, facilities or infrastructure needed to help preserve an existing LWCF-assisted area or recreation improvements from being lost due to erosion may be eligible for assistance.

Safety. Projects to directly increase safety in parks may be eligible for assistance. Facility related security improvements within, or along public parks and recreation areas can include infrastructure such as entrance kiosks, gates, fencing, communication utilities (phone lines, cell towers, etc.), fire suppression, and lighting.

Energy conservation elements. LWCF assistance may be available to install energy efficiency improvements or alternative energy sources to support an outdoor recreation area. This includes but is not limited to solar energy systems, earth berms, window shading devices, energy lock doors, sodium vapor lights, insulation, windmills, on-site waterpower systems, bioconversion systems, and other energy efficient design methods and materials. Converting an existing power system to a more efficient system is also allowable.

Combination

Any approved combination of acquiring and developing new property for eligible public outdoor recreation use. For combination grants, an Environmental Assessment (EA) is needed (rather than a Categorical Exclusion). If sponsors are considering a combination grant, they should work with the state to submit the EA early so the NPS can review and write a decision on the action.

Ineligible Projects

- Routine maintenance, which includes work and care for a site that should be conducted on a frequent basis in order to keep a park or recreation area in working order.
- Overhead costs that include regular operating expenses, such as equipment usage for routine maintenance, building rent and upkeep, utilities, insurance, and fixed costs associated with a business, agency, or group.
- Indirect costs, which typically represent the regular expenses of doing business. Only costs that are directly related to the awarded LWCF grant project are eligible while the project is actively open.
- Budget contingencies included as budget line items.
- Ceremonial or entertainment expenses or any other costs associated with opening or ribbon-cutting ceremonies.
- Publicity or promotional costs, such as brochures or other print materials, website development, etc.
- Appraisals or other incidental costs related to land acquisition, even if the acquisition is a project cost.
- Equipment purchase, such as hammers, ladders, or lawn mowers.
- Interest expenses.

Open Project Selection Process (OPSP)

The NDPRD has developed an OPSP to assure equal opportunity of eligible project sponsors across the entire state. The OPSP utilizes the SCORP to identify priority recreation needs as selected by the residents of ND.

The NDPRD will publish all available LWCF application cycles and the application process on the Department Website and through press releases to inform all potential state and local applicants.

ND OPSP Priority Rating System

NDPRD has established a priority rating system for selecting eligible projects for funding based primarily on outdoor recreation needs identified in the SCORP. The scoresheet used by the selection panel provides each applicant a fair and equitable assessment during competition to qualify for project funding.

The priority rating scoresheet is an evaluation of each project using a 100-point scale. Projects are evaluated based on the application received by the NDPRD and then scored individually by a panel of at least three members selected by the NDPRD. The project scores are averaged, and projects are then ranked from highest to lowest.

Points are awarded based on grant management, project details (which include any proposed improvements to eliminate ADA barriers, increase accessibility and address needs of underserved populations), and serving priority needs identified by regions in the current SCORP. Other considerations for awarding LWCF funds to projects include; the seasonal duration of the outdoor activity, providing new recreational opportunities to local communities, increased accessibility, and demonstrated support of the four pillars of the ND Main Street Initiative. A full listing criterion weighed during the OPSP can be found at Land and Water Conservation Fund | ND Parks and Recreation - Business and Grants

Recurring Funding Cycle

The NDPRD will conduct a recurring funding cycle for receiving, evaluating, and selecting project proposals annually in February.

Project sponsors must be aware the NPS is the release authority for federal matching dollars and dates for release vary and are subject to Congressional approval.

Federal Requirements

The LWCF grantee does enter certain federal assurances with the acceptance of the grant award. The NDPRD staff can assist eligible applicants navigate the federal requirements listed below.

- Title VI of the Civil Rights Act of 1964 at 43 CFR 17, Subpart A
- Section 504 of the Rehabilitation Act of 1973 at 43 CFR 17, Subpart B

- Non-Discrimination on the Basis of Age at 43 CFR 17, Subpart C
- ADA Title II at 28 CFR 35
- ADA Accessibility Guidelines at 28 CFR 36
- Title IX of the Education Amendments of 1972 at 43 CFR 41
- Limited English Proficiency (E.O. 13166) at 28 CFR 42.104(b)(2)
- National Historic Preservation Act, Section 106, as amended.
- Endangered Species Act, Section 7
- Floodplain Management and Wetland Protection, Executive Orders 11988 and 11990
- Environmental Justice in Minority and Low-Income Populations, Executive Order 12898
- Department of the Interior Environmental Compliance Memorandum (ECM) 95-2
- Intergovernmental Review of Federal Programs, Executive Order 12372
- Build America, Buy America Act Section 70911

State and Local Contributions

A minimum total project cost of \$60,000 (or LWCF grant request of \$30,000) is required for consideration and project sponsors must have 50 percent of the total cost available (local share) at the time of application. The local share may include cash, tax sources, bond issues, force account labor, donated labor, donated equipment, donated materials, or in-kind equipment and materials. Grant recipients must utilize funding within 18 months of the award to ensure timely completion of the project and efficient use of the funds. NDPRD will reimburse the project sponsor up to 50 percent of the eligible project costs, with the remainder the responsibility of the local project sponsor.

In-kind equipment, labor, and materials cannot be counted as both a match and a reimbursable expense.

Valuation of volunteer services

Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Each hour of volunteered service may be counted as matching share if the service is an integral and necessary part of an approved project. Records of in-kind contributions of personnel shall include time sheets containing the signatures of the person whose time is contributed and of the supervisor verifying that the record is accurate. For further explanation or previous examples, contact the NDPRD grants coordinator.

Rates for volunteer services. The time of a person donating services/labor will be valued at a rate paid on an average of like skills rounded to the nearest higher dollar as determined by the US Bureau of Labor Statistics for North Dakota. Any donated labor match requests must be formatted to account for each individuals' hours, day or donation, description of donation, signature by donor for each entry and a certification memorandum from the project sponsor validating all donated labor.

Volunteer services may only be used as a match and is never a reimbursable item. Youth ages are established mirroring the criteria used from the NPS volunteer program. The categories below are the set donated labor rates and the only authorized reimbursement request rates. Requests for category 2 or category 3 reimbursements must be accompanied by documentation certifying claimed skill. Sponsors must submit SFN 59170 (Documentation of Donated Labor) to the NDPRD Grants Coordinator to receive match credit.

Youth ages 15 to 18 - must be residents of North Dakota and authorized to donate labor. However, youth will only be matched at the current ND minimum wage rate. Youth under age 18, can volunteer provided that the work does not pose a threat to their health or safety or violate Federal or State child labor laws or the policies of the agency's volunteer program. A parent or legal guardian must give written consent and sign a release from liability waiver before a person under 18 years of age may volunteer.

Category 1 – General Laborer - \$20.00

- Examples: Construction Laborers, Roofer, Painter, Cement Finisher

Category 2 – Skilled Laborer - \$28.00

- Examples: Brickmason, Carpenter, Skidsteer Operator, Supervisor

Category 3 – Professional Services - \$40.00

- Examples: Engineer, Architect, Lawyer, Mechanic, Heavy Equipment Operator

Valuation of equipment and materials

Donated equipment and materials may be used as match and are not reimbursable items. The value of the donated materials must be documented through an invoice with the ability for NDPRD to verify prices from an on-line source or official letter from the donor/vendor.

Equipment rates for rentals or donated use will only be matched at the rate specified from the Federal Emergency Management Agency (FEMA) [Schedule of Equipment Rates | FEMA.gov](#). Any donated material from a previously purchased stockpile can be accepted if approved by the NDPRD prior to submission of a reimbursement request. The project sponsor is required to provide documentation of the original cost of the material and will only be matched at the original cost. The project sponsor must complete and submit a SFN 59169 (Donated Equipment) and/or a SFN 59172 (Donated Materials) to the NDPRD Grant Coordinator for match credit.

Valuation of donated real property. The value of donated real property shall be established by an independent appraiser in accord with the Uniform Appraisal Standards for Federal Land Acquisitions. The State must review and approve donation appraisals. NPS will spot-check (administrative review) appraisal reports for adequacy and consistency.

Valuation of other charges. Other necessary charges such as equipment use charges incurred specifically for an indirect benefit to the project on behalf of the sponsor may be accepted as matching share provided that the charges are adequately supported and permissible under the law. Such charges must be reasonable and properly justifiable.

Documentation. The basis for determining the charges for donated personal services, material, equipment, and land must be documented and must be approved by the State prior to the request for payment that includes the value of the donation.

Multi-site land donations. To be eligible for matching assistance, in-kind contributions shall be applicable to a single project site. However, a multi-site project involving land donations may be considered to the extent that such is logical, reasonable, and more advantageous than the application of the donation to a single site.

Limits of the valuation. In-kind contributions of real property donations are eligible in a project only to the extent there are additional acquisition and/or development costs to be met by the federal assistance requested for that project that must be fully described and explained in the proposal.

- Example: Land valued at \$10,000 is donated to the project sponsor who proceeds to develop the property for recreational use. Development costs total \$6,000. The actual total project cost is \$16,000. But because only \$6,000 was actually spent, and since a grant in excess of that would constitute a profit to the sponsor, the federal share is reduced accordingly. Sponsor's share (amount of the \$10,000 donation applied to the project): \$ 6,000 LWCF Assistance: \$ 6,000 Total: \$12,000

The amount of donation that is matchable is the value of the donation or the amount of cash spent by the sponsor for additional acquisition or development, whichever is less. Any portion of the value of a donation not utilized by the project sponsor for matching in the project (\$4,000 in the above example) may be made available to subsequent projects if approved by NPS and only for the fiscal year in which the donation is made plus one additional fiscal year.

Reimbursement

The project sponsor will not receive upfront funding at the time of project approval. Instead, the sponsor must pay the bills and be reimbursed for a maximum of 50% of the expenses incurred for the project. Land donations will be credited towards the match of the sponsor's share of the project. No retroactive costs are allowed for reimbursement unless coordinated with the NDPRD and approved by NPS.

As in any program where a reimbursement is requested for a portion of the project costs, adequate documentation and records are essential. There must be definite supporting documentation (i.e., invoices and canceled checks) for each item of cost claimed. Estimates are not sufficient and cannot be used for reimbursement purposes. NDPRD may request additional support documentation in order to process a billing.

Reimbursement Requests

The following is a list of documentation NDPRD will need to process reimbursement requests:

- SFN 59174 Grant Program Reimbursement Request Form. (see Appendix B – Reimbursement Request Form)
- Affidavit of publication for advertisement of bids
- For procurement purchases, include documentation of procurement procedures referenced. Include any required approvals, solicitation documents used, list of bidders solicited, and responses received. In addition, a bid tab or summary must be included which includes the name, address, and phone number of all bidders along with evaluation worksheets, reasons for rejecting a particular bid, and method of award (e.g., sealed bid, competitive proposal, simplified acquisition, etc.). Include documentation of efforts made to solicit small, minority and women owned business enterprise. Forms should be dated and signed by responsible official
- Contractor invoices (or final payment, if countersigned by contractor acknowledging payment of all prior charges, and if the cost of each major work item is shown) and cancelled checks to contractor
- All other cancelled checks
- Copies of invoices. Not monthly statements
- Certified payrolls or individual earnings records for the calendar year or payroll journals. Should show gross wages, withholdings, and net pay for each pay period
- Equipment rental time records
- SFN 59169 Donated Equipment (see Appendix C – Donated Equipment Form)
- SFN 59172 Donated Materials (see Appendix D – Donated Material Form)
- SFN 59170 Documentation of Donated Labor (see Appendix E – Donated Labor Form)

Partial Billing - A partial bill along with supporting documentation may be submitted to NDPRD after portions of the work have been completed. The state will retain five percent (5%) of the grant amount until the project is complete, and a final inspection completed. Supporting documentation as mentioned above is required.

Final Billing: For a project to be considered completed and ready for final billing, it should be submitted within thirty days of the completion of the project or grant expiration date, whichever comes first. Final project billings must be submitted to NDPRD utilizing the process outlined above. Final project billing and grant closeout will not be completed until NDPRD has conducted the final inspection and certified the project is indeed complete, meeting the project description outlined in the grant application and/or project amendment.

Progress Reports

Sponsor progress reports are due annually to the NDPRD and with each payment request. Progress reports shall include:

- A list of the major work elements agreed to in the grant scope and a narrative description of the status of work for each, including actual or projected completion dates.
- Identification of any elements that are behind schedule and why.
- Estimated costs incurred during the billing period for each work item.
- Total costs incurred and total costs previously billed for all parts of the project to date
- Reimbursement Request Form: A separate file shall be established and maintained for each project. The project sponsor is responsible to track costs according to the categories on the Grant Programs Reimbursement Request Form and must maintain an auditable record for a period of not less than three (3) years from the date of the final reimbursement. A grant reimbursement form must be submitted for all payment requests and reimbursements. Only the form provided by NDPRD will be accepted.

Amendments

Any changes to an approved grant agreement require an amendment be submitted from the sponsor to the NDPRD for approval. During the grant period, various situations may result in changes or deviations from the grant description. An amendment is necessary to add to or alter the approved project. Changes that may necessitate an amendment are increases or decreases in the grant amount, scope changes, or an extension of the project period.

Changes in Project Scope

Only those items approved for the grant are eligible for reimbursement. Facilities must be constructed in the same location as designated on the plans submitted with the application. Due to unforeseen changes in project costs, emergencies, or revisions in the plans for the facility, certain items may have to be added or deleted from the project after it is approved. In the case of adding an item to the project, construction on that item cannot begin until the amendment is approved.

The amount of state assistance specified on the grant award letter is the maximum amount reserved for that particular project. Costs over this amount shall be paid by the applicant. All changes in project scope should be in accordance with the intent of the original application and must be justifiable. The need for the change must be documented by a letter to the NDPRD, accompanied by revised cost estimates, construction plans, and maps.

Amendments for adding funds to existing projects

The NDPRD may honor request to amend grants to increase the cost of a project that has previously competed in the OPSP, if sufficient funds are unallocated, with the following limitations:

- Cost increases less than \$15,000 may be approved by the Grants Coordinator
- Cost increases between \$15,001 and \$80,000 may be approved by the Recreation Coordinator
- Cost increases between \$80,001 and \$200,000 may be approved by the Director of the NDPRD
- Cost increases over \$200,000 will be required to re compete through an OPSP in the next available grant round

Project Period Extensions:

All acquisition and development must take place within the project period, which is identified in the grant award letter. The award letter is sent to the project sponsor after the project has received approval. For most projects, the target date for project completion will be based on an 18-month project period. The project sponsor is encouraged to complete the project as soon as possible as inflation can add a 5% cost increase each year; as grants are not adjusted for inflation, any inflationary cost increases must be the responsibility of the project sponsor.

If the project cannot be completed during the period identified on the project letter, a request must be submitted for a time extension. The request must justify why the project cannot be completed before the expiration date. This justification should include a time schedule for completing the remaining items. Typically, no more than one six-month extension can be granted and then only under unforeseen circumstances. Work performed after the project has expired will not be eligible for reimbursement. Final payments for work done during the project period can be made after the project has expired. These payments should specify the work had been completed before the project expired.

Submission of an Amendment Request

The grant sponsor initiates the amendment by submitting a request for the changes to NDPRD. It is recommended that NDPRD be contacted prior to the submittal of the amendment request. Requests should include all project revisions desired, including cost estimates, maps or design plans, and justification of the need for the changes. Department staff will be able to provide advice on the feasibility of an amendment approval. An amendment for a change in scope can be requested any time prior to the beginning of work on the added item. An amendment for an extension of time should be submitted forty-five days before the grant is scheduled to expire.

It is essential that amendment requests be kept to a minimum. Amendments are used to cover items that could not be anticipated in the original project. Major deviations from the original grant application will not be accepted. It is the responsibility of the local sponsor to thoroughly determine the type of project and its feasibility, prior to submission and, upon approval, carry through with that proposal.

Grant Completion

Upon notification by the local sponsor that a project has been completed, NDPRD staff will conduct a final inspection. If the project has been completed in accord with the grant description, the final billing can be processed. In order for a project to be considered completed and ready for final billing, it should be submitted within thirty days of the completion of the grant or expiration date, whichever comes first.

Items required for grant close out will include, but may not be limited to:

- A final letter or report from the grantee attesting to the completion of the project in accordance with the approved project agreement/amendment.
- A final on-site inspection report prepared by NDPRD in accordance with the State's Inspection Agreement with NPS.
- A completed Description and Notification Form (DNF). This is only needed for projects where a change has occurred since the submission of the original DNF.
- A completed site plan indicated the type and location of the Fund-assisted facilities and/or acquired properties along with the official park or site name unless previously submitted or evident on the signed and dated Section 6(f) map.
- A signed and dated Section 6(f)(3) project boundary map that includes the delineation of any newly added parcels as a result of the project.
- If applicable, a completed certification by the SLO that the State has reviewed each appraisal associated with the project per federal requirements.
- In consultation with NDPRD and NPS, other required documentation not previously submitted.
- Digital images of the completed project. Best images are those of people enjoying the new outdoor recreation resource. Images should be accompanied with a description and date taken.

Grant Termination

A local sponsor may request withdrawal of a grant at any time prior to the first payment or expenditure of grant funds. After the initial payment, the grant may be rescinded, modified, or amended only upon review by NDPRD and/or NPS.

NDPRD and/or NPS may terminate a grant in whole or in part, at any time before the date of completion, if it is determined the local sponsor has failed to comply with the terms of the grant proposal or the intent of the program. Failure by the local sponsor to comply with the terms of the

grant may cause suspension of all obligations and a return of any monies received. If a grant is terminated, the sponsor will be notified in writing of the determination and the reasons for the termination, together with the effective date. Payments made to the local sponsor or recovery of funds by the NDPRD under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

NDPRD and/or NPS may terminate the grants in whole or in part at any time before the date of completion when both parties agree that the continuation of the grant would not produce beneficial results commensurate with the further expenditure of funds. The parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The local sponsor shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. Termination either for cause or for convenience requires the partially completed grant project in question be brought to a state of recreational usefulness agreed upon by the local sponsor and NDPRD, or all funds must be returned.

Post Completion and Stewardship

At the time of project approval, the local sponsor, through the acceptance of funds, commits that the facilities developed, renovated, or acquired with federal assistance must remain open for general public use and will be operated and maintained. The entire 6f area must remain open to the public in perpetuity. If ever a facility or site which received LWCF assistance reaches the end of its usable life, the project sponsor must contact NDPRD and arrange for a 6f conversion or to declare a facility obsolete. Occasionally NDPRD will approve a change-of-use for a facility or site when notified prior to any actions. If the project sponsor fails to meet these requirements, they will be ineligible for future funding.

Operation and Maintenance

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

- The property shall be maintained to appear attractive and inviting to the public.
- Sanitation and sanitary facilities shall be maintained in accordance with applicable healthstandards.
- Properties shall be kept open for public use with reasonable hours and times of the year, according to the type of area or facility.
- Properties shall be kept accessible and safe for public use. Fire prevention, lifeguard and similar activities shall be maintained for proper public safety.
- Buildings, roads, trails and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
- An approved, LWCF acknowledgement sign shall remain displayed at the project site.

LWCF Acknowledgement Sign

Permanent signs shall be installed at the cost of the sponsor to acknowledge the federal-state-local partnership role in providing new high-quality outdoor recreation areas and facilities. All projects funded through LWCF must display the required signage. NDPRD will provide project sponsors with the required sign content to be included on the project sign.

Outdoor Recreation Legacy Partnership (ORLP)

The ORLP offers nationally competitive grants to support the creation or significant renovation of state or locally owned parks and other outdoor recreation spaces located in urban areas. Funded projects help the public access or re-connect with the outdoors, and specifically target economically disadvantaged neighborhoods that lack adequate parks and recreational opportunities. To be considered economically disadvantaged, the target community must be identified in the Census track with a poverty rate of at least 20%, or at least 10 percentage points greater than that of the city, county, and state rates.

The NDPRD is the lead agency and is responsible for nominating any projects it has deemed eligible and responsive to ORLP priorities. If a proposal is selected by NPS for funding in the national competition, the state lead agency (NDPRD) will be responsible for submitting the final application documents to the NPS. Grants will be awarded by NPS to the state lead agency, which will be responsible for ensuring that allocated funds are used for the purposes of and in a manner consistent with the LWCF. NDPRD (state lead agency) will in turn make a sub-award to the project's sponsor, which must be the public entity that submitted the proposal.

The NDPRD may request grants on behalf of the state or eligible local jurisdictions for projects ranging from a minimum of \$300,000 (or a \$600,000 total project) up to a maximum of \$5,000,000 (or \$10 Million total project). Project sponsors and/or their partners must contribute a minimum dollar-for-dollar non-federal matching share to the project. Preference is given to projects that are identified in the ND current SCORP that demonstrate a community need for outdoor recreation spaces. Projects that will substantially renovate or redevelop an existing public park or other outdoor recreation space to an extent that it equates to the impact of a brand-new park are also eligible but are less favored in scoring. The project must serve neighborhoods that are economically disadvantaged and lack adequate access to quality parkland or recreational facilities.

Eligible applicants include state and local government agencies and federally recognized Indian tribes within or serving areas delineated by the Census Bureau as having populations of 30,000 or more people and consisting of densely settled territory as of the most recent census. the project sponsor is a state agency or a county, the project must serve an eligible city of 30,000 or more as of the most recent Federal Census which limits the applicants to the cities of Bismarck, Grand Forks, West Fargo, Minto, and Fargo

Application Process

Projects must be past the design and public engagement stages and have the matching share secured or firmly committed at the time of application so that they can be completed within 2 to 3 years after award. Any interested sponsor must complete the required proposal elements listed below and submit to the NDPRD grants division no later than 30 days prior to the NPS submission suspense.

Required Proposal Elements - (40-page maximum (excluding items 1-4) and fewer than 30 is preferred)
A complete proposal must include the following elements listed below.

- Standard Form SF424, Application for Federal Assistance (online form in Grants.gov)
- Standard Form 424C, Budget Information for Construction Programs (online form in Grants.gov)
- Letter of Recommendation from the State Liaison Officer (SLO) highlighting why and how the project was selected and concurring with or supplementing the project sponsor's explanation for how the project helps to advance the priorities of the SCORP.
- Project Narrative (maximum length 10 pages) – must include information detailed under "Project Narrative" in this section.
- Budget Narrative (maximum length 5 pages, including tables) – must include information detailed under "Budget Narrative" in this section.
- Project Timeline to complete the tasks/activities under the proposal. (must include information detailed under "Project Timeline" in this section.)
- Photos provide context such as current site conditions, the surrounding environment, etc. Descriptions of the photos, including date taken should be included.
- Maps and Plans Including
 - Recreation Area Map showing the location of the project and identifying all existing recreation resources (if any) within a 1-mile vicinity of the project site.
 - Map (or Aerial Photo) Delineating Project Area and Proposed Boundary - must clearly indicate area to be acquired and/or developed, as well as the proposed boundary of the larger park/recreation area that would be subject to the perpetual protection provisions of the LWCF Act (54 U.S.C. 200305(f)(3)), all known outstanding rights and interests in the area held by others, total acres within the boundary(ies), scale bar and a north arrow.
 - Plan(s) or Sketch(es) of the existing and proposed Site Features identifying location of planned park/recreational improvements and other features such as where the public will access the site, parking, connections to existing facilities that are being retained, significant natural or historic assets that impact the design (stream, wetland, ruins etc.), etc.
 - Letters of Support Documenting Secured Contributions of Matching Share clearly stating the amount and type of contribution, or Co-Sponsor/Ownership Agreements if project sponsor is not title holder.

To assist applicants in ensuring that required information is included, suggested formats for the Project and Budget Narratives, Timeline, an application checklist, and a photos form are included under the "Related Documents" tab of the Grants.gov opportunity.

Optional Proposal Elements

- General Letters of Support must be submitted with the Grants.gov application to be considered. Letters of support from Congress must be addressed to the Project Sponsor and included with the application to Grants.gov.
- Letter of Intent to Sell, Purchase or Donate Property for projects requiring acquisition.

Supplemental Proposal Elements:

The following Supplemental Elements are not required with the pre-application, but if the proposal is selected for funding, they **will be required for review with the final application** before grant funds could be awarded.

Submitting one or more Supplemental Elements with the pre-application may help substantiate the project's "readiness." The noted forms are available on the LWCF program website at LWCF Forms - Land and Water Conservation Fund (U.S. National Park Service) (nps.gov).

- Assurances for Construction Programs (SF-424D)
- Application & Revision Form (A&R Form)
- Description and Notification Form (DNF)
- Pre-award Onsite Inspection Report (State form)
- Real Property Status Report (SF-429 series - acquisition and combination projects)
- Copy of an approved waiver of retroactivity (if applicable)
- Overlap or Duplication of Effort Statement (see description in this section)

Required Proposal Elements Instructions

Project Timeline – (2-page limit) The timeline must clearly show all tasks necessary to complete the proposed work including dates for discrete benchmarks of significant work elements. The timeline must include the date that park/resource will be open to the public. Ideally, a GANT chart with work phases, significant tasks, milestones showing their dependencies would be included.

Project Narrative Contents – (10-page limit 12-point font) The Project Narrative consists of a **Project Data page, Project Overview**, and responses to the **Project Criteria**. These sections are outlined below.

Project Narrative - Project Data Sheet (1-page limit):

- Project Sponsor Name
- Name of Park/Property
- Project Title
- Name of Property Title Holder
- Project Property Address/Location

- Most recent Project Property Census Jurisdiction Population (must be over 50,000)
- Name of applicable Census delineated Urban Area
- Statement of Project Type: Acquisition, New Development, Renovation, Combination
- Statement that project Creates a New Park, Expands an Existing Park or Neither
- Statement clarifying if this park/resource previously benefitted from LWCF or UPARR funding and/or if the park/resource was obtained through the Federal Lands to Parks Program.
- Brief statement explaining project specific work, and a second statement explaining overall project (if larger than proposed work). (250-word max.)

Project Narrative - Project Overview (2-page limit):

Provide the following information:

All Projects:

- Describe and quantify the types of resources and features of or on the property (e.g., 50 acres of forested area, 2,000 feet of waterfront, scenic views, unique or special features, recreation amenities, historic/cultural resources)
- Describe the current uses (if any) or disposition of the property to be acquired or developed, if uses will need to be discontinued, or the site rehabilitated. If there are any existing non-outdoor recreation or other non-public uses that are intended to continue on the property on an interim or permanent basis and/or proposed in the future, these should be explained.
- Describe constraints of the property (e.g., existing development; hazardous materials/contamination history; and restrictions such as institutional controls, easements, rights-of-way, reversionary interests, above ground/underground utilities; etc.).

Development Only:

- Describe the planned physical improvements and/or facilities, and the reason(s) such development is needed.
- Explain whether the work involves new development or rehabilitation or replacement of existing recreation facilities.

Acquisition Only:

- Provide a description of the property (including the current ownership) and an explanation of the need for its acquisition.
- State whether the acquisition would create a new public park/recreation area or if it will expand an existing site, and if so, by how much.
- Describe the plans for developing the property for recreation purposes after acquisition and the timeframe for the start and completion of development and when it will be open for public use.

- Describe the status of the acquisition, including negotiations with the landowner and development of applicable due diligence materials such as title work, environmental phase 1 & 2 assessments and appraisal.

Combination Projects

Provide information requested under all "All Projects", "Development Only" and "Acquisition Only".

Project Narrative - Project Criteria Information (remaining pages within Project Narrative):

Provide information required by in Criteria **1-5** as detailed in **Section E-Application Review Criteria. Project**

Narrative Criterion Notes: *Within criterion 1, the local community refers to those within a .5 mile or 10-minute walk of the recreation area (or 1 mile if recreation site is serving multiple communities) and the proposed project/work refers to only the work that would be completed if an ORLP grant is awarded (not the larger project).*

SF-424, Application for Federal Assistance

Applicants must submit the appropriate Standard Form (SF)-424, Application for Federal Assistance. Individuals applying as a private citizen (i.e., unrelated to any business or nonprofit organization you may own or operate in your name), must complete the SF-424, Application for Federal Assistance-Individual form. All other applicants must complete the standard SF-424, Application for Federal Assistance. The required application forms are available with this announcement on Grants.gov. The SF-424, Application for Federal Assistance must be complete, signed, and dated. Do not include any proprietary or personally identifiable information. Please note: Enter only the amount requested from this Federal program in the "Federal" funding box on the SF-424 Application form. Include any other Federal sources of funding in the "Other" box and provide details on those Federal source(s) and funding amount(s) in the required Budget Narrative (see the "Budget Narrative" section below).

Applicants must submit the appropriate SF-424 Budget Information form and Budget Narrative. For construction programs or projects, applicants must complete and submit the SF-424C, "Budget Information for Construction Programs". All of the required application forms are available with this announcement on Grants.gov. Federal award recipients and subrecipients are subject to Federal award cost principles in 2 CFR 200. (The SF424C is used for acquisition, development, or combination projects; however, if the state is requesting indirect expenses, this must be reflected in the detailed budget narrative. Alternately, the state can separately attach an SF-424A, reflecting the direct and indirect expenses.)

Applicants seeking approval to acquire real property under an award must complete and submit the SF-429, "Real Property Status Report (Cover Page)" and the SF-429-B, "Real Property Page 14 of 33 Status Report Attachment B (Request to Acquire, Improve, or Furnish)". These forms are required if the

real property is acquired with Federal funds, with recipient cost share or matching funds, or as an in-kind contribution under the award. The SF-429 should be included for acquisition or combination projects.

Detailed Budget Narrative

The project budget shall include detailed information on all cost categories and must clearly identify all estimated project costs. Unit costs shall be provided for all budget items including the cost of work to be provided by contractors or sub-recipients. In addition, applicants shall include a narrative description of the items included in the project budget, including the value of in-kind contributions of goods and services provided to complete the project when cost share is identified to be included (reference section C of this announcement). Cost categories can include, but are not limited to, those costs items included on the SF424A or SF424C.

Budget information should reflect only costs related to work/acquisition that will be completed under an ORLP grant if selected. A total budget for the entire project (including work beyond what would be funded under a grant) may be provided separately.

Budget Cost Limitations and Exclusions: ORLP projects are limited to using a maximum of 25% of the total budget for costs not directly attributable to physical development/rehabilitation activities, supplies, equipment, or cost of land. Additionally, the LWCF Act specifically excludes acquisition support costs (such as acquisition research and appraisals). (See "Program Funding Restrictions" under Section D6 for detailed explanation.)

- Provide a budget breakdown that includes the following information:
 - **Detailed breakdown** of *each cost item* included under each of the SF424C, Construction Budget Categories and for indirect costs if being charged.
 - Clearly indicate which costs are covered by federal funds and which are covered by matching funds.
 - Clearly indicate any proposed pre-agreement costs and the timeframe during which the associated work cost was performed.
- Provide information required by in **Criteria 6** as detailed in **Section E-Application Review Criteria**.

Conflict of Interest Disclosure

Per the Financial Assistance Interior Regulation (FAIR), 2 CFR §1402.112, applicants must state in their application if any actual or potential conflict of interest exists at the time of submission.

Applicability.

- This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.
- In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict-of-interest provisions in 2 CFR 200.318 apply.

Notification.

- Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112.
- Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

Restrictions on lobbying. Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR part 18 and 31 U.S.C. 1352.

Review procedures. The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for noncompliance, including suspension or debarment (see also 2 CFR part 180).

Single Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian tribal governments, and non-profit organizations expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. U.S. state, local government, federally recognized Indian tribal government, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the EIN associated with that report and state if it is available through the Federal Audit Clearinghouse website.

Certification Regarding Lobbying

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying. If this application requests more than \$100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in 43 CFR Part 18, Appendix A.

Disclosure of Lobbying Activities Note that this form applies to lobbying by the recipient OR the subrecipient.

Overlap or Duplication of Effort Statement

Applicants must provide a statement indicating if there is any overlap between this Federal application and any other Federal application, or funded project, in regard to activities, costs, or time commitment of key personnel. If no such overlap or duplication exists, state, "There are no overlaps or duplication between this application and any of our other Federal applications or funded projects, including in regard to activities, costs, or time commitment of key personnel". If any such overlap exists, provide a complete description of overlaps or duplications between this proposal and any other federally funded project or application in regard to activities, costs, and time commitment of key personnel, as applicable. Provide a copy of any overlapping or duplicative proposal submitted to any other potential funding entity and identify when that proposal was submitted, to whom (entity name and program), and when you anticipate being notified of their funding decision. The statement and the description of overlap or duplication, when applicable, may be provided within the proposal or as a separate attachment to the application. If at any time a proposal is awarded funds that would be overlapping or duplicative of the funding requested from NPS, the applicant must immediately notify the NPS point of contact. Any overlap or duplication of funding between the proposed project and other active or anticipated projects may impact selection and/or funding amount.