National Park Service

LWCF-PGL - State and Local Assistance Division

2023
P23AS00318

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A. Program Description

Authority:
54 U.S.C. 2003 et. seq., Land and Water Conservation Fund Act of 1965, as amended; 10 U.S.C. 2684a, Agreements to limit encroachments and other constraints on military training, testing, and operations

Assistance Listing:
15.916,12.017

Program Background, Objectives, and Goals:

The Land and Water Conservation Fund (LWCF) State and Local Assistance (SLA) Program provides grants to the States, and through them to local units of government and federally-recognized Indian tribes, for projects that will provide outdoor recreation opportunities to the public. This is accomplished through the acquisition of lands and waters for parks and other outdoor recreation areas, as well as through the development of new, or the renovation of existing, outdoor recreation facilities. The Program is operated by the National Park Service (NPS) in partnership with designated lead agencies in each of the 50 States as well as American Samoa, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands. Congress allocates money from the LWCF for this program, which is then apportioned to the States based on a legislative formula. To be eligible for LWCF grants, States must maintain an approved Statewide Comprehensive Outdoor Recreation Plan (SCORP), which is used to assess the supply and demand for outdoor recreation resources and set priorities for the use of LWCF funds. Since 1964, more than $5.2 billion has been made available to all 50 states, territories, and the District of Columbia and more than 44,000 grants have been awarded.

The Department of Defense (DOD) Readiness and Environmental Protection Integration (REPI) Program protects the Nation's military readiness, enhances relationships with communities, preserves the environment, and improves military installation and community resilience to climate change. Under 10 U.S.C. 2684a, the REPI program funds cost-sharing partnerships for the military with state and local governments and private conservation organizations. These partnerships obtain easements or other interests in land from willing sellers, or promote natural resource management and military installation resilience to preserve critical areas, resources and natural infrastructure near our military installations. Since program inception, REPI partnership projects have protected nearly 1.18 million acres of land in 120 locations in 35 states and territories. Overseen by the Office of the Secretary of Defense and implemented by the military Services, these projects help to preserve vital missions at key installations.

In coordination with Congress and the DOD, the Secretary of the Interior is establishing a special competitive funding initiative using previously apportioned funds that are not currently allocated for any particular state or territory. The LWCF State Assistance and REPI Partnership Challenge Program will seek to fund projects that will acquire and enhance lands for public outdoor recreation that are also within the geographic scope of an agreement between a state, local government, or conservation-focused non-governmental entity and a military department pursuant to 10 U.S.C. 2684a. Projects must meet the dual purposes of providing outdoor recreation opportunities and promoting or supporting compatible land uses and avoiding incompatible development in areas in the vicinity of, or ecologically related to, a military

installation or military airspace, and/or to maintain or enhance the climate resilience of one or more military installations (hereinafter, "REPI Program Areas"). The projects will serve the general public and military families.

Therefore, consistent with the purposes and requirements of the LWCF Act and LWCF Manual, the NPS is seeking land acquisition only or acquisition with compatible recreation development (aka, "combination") project proposals matching the following factors:

- meeting a priority outdoor recreation need or goal as identified in the State's SCORP as well as that of the community(ies), and that will provide compatible land use within the REPI Program Area
- creating or expanding public outdoor recreational opportunities for the general public, including for nearby residents and military families associated with the military installation within the REPI Program Area
- located within an active REPI Program Area or in an area where there is active interest in establishing a new REPI Program Area
- promoting compatible land uses for military installations within REPI Program Areas, particularly land uses related to compatible recreation development, advancing conservation or climate resilience (only if offering compatible public access), and related uses
- advancing the goals of a REPI partnership

Program Information

Projects will be selected through an NPS-led competition among projects solicited and nominated by an LWCF State Lead Agency, based on the project's responsiveness to the program purpose and review criteria**.** Eligible project sponsors (subrecipients), as described in Section C1, interested in seeking a grant under this program must contact their LWCF State Lead Agency to get details about their process for identifying and selecting projects for submission under this competition. A list of the lead agencies can be found at: https://www.nps.gov/subjects/lwcf/contact-list.htm. The NPS will award the grant to the State Lead Agency, which is responsible for ensuring that allocated funds are used for the purposes of, and in a manner consistent with, the LWCF Act and Manual. The State Lead Agency, in turn, will make a subgrant to the project sponsor, which must be the public entity that submitted the proposal. The decision to award a grant and the amount of funding is not guaranteed until the NPS completes its review of the application and determines that the project meets all requirements.

As the States will make the initial determination to decide which applications to forward to the NPS, State application deadlines to review and select projects will need to allow time for States to consider options prior to submission to meet this competition's deadline. The States will conduct the initial review of applications for completeness and eligibility; evaluating them according to the criteria used for this competition as well as criteria from the State's Open Project Selection Process (OPSP), if applicable; and ensuring that they are consistent with outdoor recreation priorities outlined in the State's SCORP. States and prospective sponsors may obtain information concerning existing or proposed REPI Program Areas from the REPI program office at https://www.repi.mil. The State must also work with the project sponsor to prepare the required LWCF application documents. Preparation of a full application includes initiating

required reviews of the project under the National Environmental Policy Act and the National Historic Preservation Act.

If a project is selected by the NPS, the project cost estimate included in the proposal generally defines the maximum Federal share that can be requested, unless the additional amount is nominal, up to the overall ceiling of $5,000,000 ($10,000,000 total cost). Significant changes to the project proposal after the initial submission, whether in terms of the scope of work or the budget, are generally unallowable as they may materially alter the circumstances under which the project was evaluated and selected. Such changes can lead to the federal share of the grant offer being reduced or the grant offer being withdrawn.

Acquisition and Combination Project Requirements

To be eligible for either an acquisition or combination grant, the project must involve publicly-owned land and the project sponsor must secure sufficient legal title and control of the property to ensure that it can be managed and maintained for outdoor recreation in perpetuity and otherwise remain compliant with the conversion provisions of the LWCF Act and regulations (see 54 U.S.C. 200305(f)(3) and 36 CFR 59). In addition, if funds provided to a State or local government under the REPI Program are used pursuant to the authority of 10 U.S.C. 2684a(h) to satisfy in whole or in part the non-federal cost share requirements of the LWCF Act, the legal title, control, and use of the property must also comply with the requirements of 10 U.S.C. 2684a, as described below and in Section H.

LWCF-assisted outdoor recreation areas and facilities must be open to the public and not limited to special groups (for example, a project open to military families only would not be allowable). Chapter 3 of the LWCF Manual describes project eligibility requirements in detail.

Acquisition of land may be in fee simple or a lesser interest (e.g., an easement) if sufficient rights, including the right for the public to access and recreate on the site and excluding rights for non-recreation uses, in perpetuity, would be provided.

If the project will include compatible recreation development, LWCF assistance is available for a range of outdoor recreation uses and the facilities needed to support the use and enjoyment of these areas. These include community parks, sports fields and courts, picnic areas, swimming pools, trails, campgrounds, etc. Indoor recreation and other buildings are not eligible but supporting facilities, such as restrooms or changing areas, that facilitate the public's use of a recreation area, can be eligible. If funds received by a State or local government under the REPI program are to be used to satisfy in whole or in part the non-federal cost share requirements of the LWCF Act, project proponents must coordinate any proposed development or us of facilities with the appropriate military installation(s) to ensure that any development or use is compatible with military mission activities and DOD natural resource management requirements.

B. Federal Award Information

B1. Total Funding

Estimated Total Funding:

$40,000,000

B2. Expected Award Amount

Maximum Award
$5,000,000
Minimum Award
$250,000

B3. Anticipated Award Funding and Dates

Anticipated Award Date
January 01, 2024

B4. Number of Awards

Expected Number of Awards
15

B5. Type of Award

Funding Instrument Type
G - Grant

LWCF Awards are given as grants. A Grant is a legal instrument of financial assistance between The National Park Service and a non-
Federal entity that, consistent with 31 U.S.C.6302, 6304:

1. Is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency to the non-Federal entity to carry out a public purpose authorized by a law of the United States (see 31 U.S.C. 6101(3)); and not to acquire property or services for the Federal awarding agency's direct benefit or use;
2. Is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

No substantial involvement on the part of the NPS is anticipated for LWCF + REPI partnership grants.

C. Eligibility Information

C1. Eligible Applicants

Eligible Applicants
00 – State governments

Additional Information on Eligibility
In accordance with 54 U.S.C. 200305(a), each state and territory has a lead agency designated by the Governor or by state legislation for the purposes of implementing LWCF in that state, and only the lead agency can be the applicant for an LWCF grant. The lead agency may submit on behalf of themselves or another eligible subrecipient.

Applications submitted directly by entities other than the State Lead Agency will be eliminated without consideration. Individuals, nonprofit organizations, and other private entities are not eligible as applicants or subrecipients.

Eligible subrecipients (aka project sponsors) include state agencies and local units of government (e.g., state political subdivisions such as cities, counties, and special purpose districts such as park districts). Although Federally-recognized Indian Tribes are eligible for LWCF grants, they are not eligible to receive funds under 10 U.S.C 2684a, therefore REPI program funds could not be used to satisfy the non-federal cost share requirements for projects proposed to occur on tribal land.

C2. Cost Sharing or Matching

Cost Sharing / Matching Requirement
Yes

The LWCF Act (54 U.S.C. 200305(c)) generally requires that grant projects be cost-shared with non-federal (i.e., state, local, non-governmental, or private) funds at a minimum ratio of 1:1. However, there are exceptions. For example, 48 U.S.C. 1469a(d) mandates that the Department of the Interior waive any cost-sharing requirement for the jurisdictions of American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands. Further, because 10 U.S.C. 2684(a)(h) provides that REPI funding may be used to "to satisfy any matching funds or cost-sharing requirement of any conservation or resilience program of any Federal agency notwithstanding any limitation of such program on the source of matching or cost-sharing funds," REPI funds can be used to supply the required cost-share that would otherwise have to be supplied independently. This initiative seeks to expand partnership opportunities with Military Services and to leverage funding where there are compatible project goals and authorities. Also, although the provision of matching funds is normally anticipated, there are limited circumstances in which matching value in the form of in-kind contributions of land, services, materials, etc. are also allowable. Match contributions must benefit the same property interest that LWCF is assisting in acquiring.

A matching share meeting the 1:1 minimum required must be secured or firmly committed at the time of application and must be supported by a signed letter from the partner confirming the type (cash, in-kind, etc.) and amount or value of the contribution. If the project match exceeds the 1:1 requirement, the budget must indicate how the additional funds/in-kind contributions will

be used. Further information about eligible costs and cost-sharing requirements can be found in Chapter 5 of the LWCF Manual, 10 U.S.C. 2684a, and 2 C.F.R. 200.306.

The following are examples of costs that may not be counted toward the non-Federal matching share:

- Any project costs incurred before the grant start date, unless they are an eligible pre-award cost as defined in the LWCF Manual or unless the sponsor gets prior written approval from the State Lead Agency and the NPS (i.e., waiver of retroactivity).
- Any funds or in-kind contributions such as land or services that have been used previously or will be used in the future to satisfy the matching requirements of another LWCF grant or other Federal grant.
- Any funds or in-kind contributions such as lands or services that were or will be acquired with other Federal funds, except funds provided under the REPI program pursuant to 10 U.S.C. 2684a.

C3. Other

Excluded Parties:
NPS conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award. The NPS cannot award funds to entities or their key project personnel identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, as their ineligibility condition applies to this Federal program.

Foreign Entities or Projects
This program does not provide funding to foreign entities or for projects conducted outside the United States.

D. Application and Submission Information

D1. Address to Request Application Package

The full NOFO and application materials are available on Grants.gov. LWCF-specific forms are noted in the list of required elements and can be obtained from the State lead agency. Project sponsors should check with their state's lead agency to determine if the state has any other requirements for submitting proposals at the state level. You may also contact the NPS LWCF program lead for assistance (see Section G).

D2. Content and Form of Application Submission

Project Narrative
State Lead Agency Role in Application Process

Each state's LWCF lead agency is responsible for nominating the projects it has deemed eligible and responsive to the Challenge priorities to the NPS for consideration in the national competition. It is also responsible for: assisting NPS by further soliciting project proposals; conducting the initial review of proposals for completeness and eligibility requirements; evaluating and prioritizing proposals according to the criteria used for this competition criteria as well as criteria from the State's OPSP, if applicable; ensuring that proposals are consistent with outdoor recreation priorities outlined in the state's SCORP; and selecting the proposal(s) to be nominated.

Required Proposal Elements

A complete proposal must include the following elements listed below (1-20). The Standard Forms 424, 424C, SF424D, and Project Abstract Summary must be completed using the on-line forms within the funding opportunity on Grants.gov. All other documents, including the SF-429, should be attached as individual documents. Further detail is provided about the application elements in or below the list. Page limits for specific elements are noted where applicable. Information beyond the page limit will not be reviewed.

1. Standard Form 424, Application for Federal Assistance
2. Standard Form 424C, Budget Information for Construction Programs
3. Standard Form 424D, Assurances for Construction Programs
4. Standard Form 429B, Real Property Status Report, Request to Acquire, Improve, or Furnish
5. Standard Form - Project Abstract Summary
6. Pre-award Onsite Inspection Report (State's form)
7. Project Narrative (max 10 pages) – must include information detailed under "Project Narrative" in this section.
8. Budget Narrative (max 5 pages, including tables) – must include information detailed under "Budget Narrative" in this section.
9. Project Timeline (max 1 page) stating milestones and timeframes to complete the tasks/activities under the proposal
10. Photos to provide context such as current site conditions, the surrounding environment, etc.
11. Maps and Plans, including
    - Location Map, showing regional context and also locating the military installation(s) that the project would benefit.
    - Map (or Aerial Photo) Delineating Project Area and Proposed Boundary - must clearly indicate area to be acquired and, if applicable, 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), and a north arrow.

- Plan or Sketch of the Site Features identifying location of planned recreational improvements if applicable, and other features such as where the public will access the site, parking, etc.

12. Letters of Support Documenting Secured Contributions of Matching Share clearly stating the amount and type of contribution
13. Letter of Intent to Sell, Purchase or Donate Property
14. UASFLA-Compliant Appraisal
15. Application and Revision Form (A&R - LWCF form available from the state)
16. Description and Notification Form (DNF - LWCF form available from the state)
17. Copy of an approved waiver of retroactivity (if applicable)
18. Conflict of Interest Disclosure (described within NOFO)
19. SF-LLL - Disclosure of Lobbying Activities (described within NOFO)
20. Overlap or Duplication of Effort Statement (described within NOFO)

Project Narrative – (10-page limit 12-point font)

Project Overview (2-page limit): Provide the following information:

1. Project Sponsor Name
2. Name of Proposed or Existing Park/Property
3. Project Title
4. Project Type: Acquisition or Combination
5. Statement that project Creates a New Park, Expands an Existing Park, or Neither
6. Name(s) of Property Title Holder or Seller/Purchaser
7. Project Property Address/Location
8. Identify the military installation(s) and/or military airspace in the vicinity of or ecologically related to the project
9. Statement that the project will create public outdoor recreational opportunities that will benefit the public and military communities
10. Brief statement explaining project specific work, and a second statement explaining overall project (if larger than proposed work). (250-word max.)

Detail Narrative (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.).

- Describe how the project addresses the goals of the REPI partnership, such as preventing incompatible land development within a REPI Program Area, improving water quality by controlling runoff and erosion, protection of habitat, advancing climate resilience, etc.
- Describe how the project has been coordinated with the appropriate military installation(s)/military service and/or REPI office to ensure long-term compatibility with the military mission

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 due diligence materials such as title work and appraisal.

Combination Projects:

Provide information requested for "Acquisition Only" plus:

- 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.

Criteria Responses (5-page limit; see Section E.1)

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.

Any applicant organization that has not completed the financial assistance certifications and representations within their SAM.gov registration must submit the appropriate signed and dated

Assurances form. All required application forms are available with this announcement on Grants.gov.

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 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.

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 subrecipients. 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 the acquisition and any additional work that will completed under the project if selected. A total budget for the entire project (if including work beyond what would be funded under a grant) may be provided separately.

Provide a budget breakdown that includes the following information:

- Detailed breakdown of *each cost item* included under each of the SF424C Construction Budget Categories
- Clearly indicate which costs are covered by the LWCF funds and which are covered by matching funds, including funds provided to an eligible entity under the REPI program pursuant to 10 U.S.C. 2684a.
- Clearly indicate any proposed pre-agreement costs and the timeframe during which the associated work cost was performed.
- Describe how the REPI funding match will be provided (e.g., existing or new partner agreement)

The LWCF Act specifically excludes acquisition support costs (such as title research and appraisals) as an eligible expense, meaning these costs cannot be reimbursed or used for match. (See "Program Funding Restrictions" under Section D6 for detailed explanation.) Note that REPI funds may be used for this purpose, but could not be counted as part of the matching share.

If the LWCF grant-funded project is part of a larger project, please be sure the LWCF-related components of the budget can be clearly discerned. It can be difficult for reviewers to evaluate and score a budget when it's not clear how the grant funds will be used or what specific costs are being provided as match, and project sponsors risk having the requested federal share reduced if it appears ineligible costs are proposed to be charged to the grant or used as part of the 1:1 match share. Note that the LWCF and match-funded element(s) of the project must still result in a viable recreation opportunity that is not reliant on other funding even in the context of a larger planned project.

Project Abstract Summary

Please complete and submit with your application package the Project Abstract Summary form with the following information:

- Funding Opportunity Number;
- Goals and Objectives of your proposed project;
- Summary of Project Activities;
- Performance Goals including milestones and expected outcomes;
- Who will benefit from your project.

This information will be transmitted to USASpending.gov and be viewable by the public.

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.

(a) Applicability.

(1) 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.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict of interest provisions in 2 CFR §200.318 apply.

(b) Notification.

(1) 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.

(2) 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 sub recipients.

(c) 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 §18 and prelim@title31/subtitle2/chapter13&edition=prelim">31 USC §1352.

(d) *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.

(e) 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 §200.339, Remedies for noncompliance, including suspension or debarment (see also 2 CFR §180).

Uniform Audit Reporting Statement

All U.S. states, local governments, federally recognized Indian tribes, institutions of higher education, 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, in accordance with 2 CFR 200 subpart F. U.S. state, local government, federally recognized Indian tribes, institutions of higher education, 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

Applicants and recipients must not use any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a Federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress connection with the award. Applicants and recipients must complete and submit the SF-LLL, "Disclosure of Lobbying Activities" form if the Federal share of the proposal or award is more than $100,000 and the applicant or recipient has made or has agreed to make any payment using non-appropriated funds for lobbying in connection with the application or award. The SF-LLL form is available with this Funding Opportunity on Grants.gov. See 43 CFR, Subpart 18.100 and 31 USC 1352 for more information on when additional submission of this form is required.

Overlap or Duplication of Effort Statement

If the project proposed in this application is funded through another Federal financial assistance award, in part or in whole, the applicant must provide a statement detailing the potential funding overlap in regards to activities, costs, or time commitment of key personnel. Provide a copy of any overlapping or duplicative proposal submitted to any other potential funding entity and identify when that proposal was submitted or copy of Federal financial assistance award covering activities covered under this proposal. 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. Any overlap or duplication of funding between the proposed project and other active or anticipated projects may impact selection and/or funding amount. 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"

D3. Unique Entity Identifier and System for Award Management (SAM)

Identifier and System for Award Management (SAM.gov) Registration:
This requirement does not apply to individuals applying for funds as an individual (i.e., unrelated to any business or nonprofit organization you may own, operate, or work within), or any entity with an exception to bypass SAM.gov registration with prior approval from the funding bureau or office in accordance with bureau or office policy. All other applicants are required to register in SAM.gov prior to submitting a Federal award application and obtain a Unique Entity Identifier (UEI) which replaced the Data Universal Numbering System (DUNS) number from Dun & Bradstreet in April 2022. A Federal award may not be made to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by the time the program is ready to make an award, the program may determine the applicant is not qualified to receive an award. Federal award recipients must also continue to maintain an active SAM.gov registration with current information through the life of their Federal award(s). See the "Submission Requirements" section of this document below for more information on SAM.gov registration. **There is no cost to register with SAM.gov**. There are third-party vendors who will charge a fee in exchange for registering entities with SAM.gov; **please be aware you can register and request help for free**.

Register with the System for Award Management (SAM):
Applicants can register on the SAM.gov website. The "Help" tab on the website contains User Guides and other information to assist you with registration. The Grants.gov "Register with SAM" page also provides detailed instructions. Applicants can contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM, entities will be assigned a Unique Entity Identifier (UEI). Entities must renew and revalidate their SAM registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the entity's IRS information. If applicable, foreign entities who want to receive payment directly to a U.S. bank account must enter and maintain valid, current banking information in SAM.

D4. Submission Dates and Times

Due Date for Applications
08/21/2023

Application Due Date Explanation
Electronically submitted applications must be submitted no later than 11:59 PM, ET, on the listed application due date and must be submitted by the State Lead Agency via Grants.gov. The State Lead Agencies may establish earlier deadlines for project sponsors to submit their proposals for their review for nomination to the national competition. Applications sent by facsimile, email, or mail delivery will not be accepted. Applications that are not received by the deadline will not be considered. The NPS will accept applications that: 1) were accepted in Grants.gov by the stipulated time, based on the time/date stamp in Grants.gov and 2) have been validated in Grants.gov, even if they are not forwarded to the DOI's grant management system before the deadline.

You are encouraged to submit your application well before the deadline and not wait until the last minute. The uploading and transfer process can take a while, especially when Grants.gov is getting heavy use. In addition, after the application is submitted, it is validated before it is forwarded to the NPS. Normally this happens within a few minutes to a couple of hours, but it can take Grants.gov up to a day or two to validate or reject an application. You can monitor your application's status by using "Track My Application" on Grants.gov. Be sure to record the Grants.gov tracking number which will displayed on the confirmation page in Grants.gov immediately after you successfully submit to Grants.gov as you will need it for tracking. Sometimes there are glitches that prevent actual transmission, for example, applications that exceed 200MB in size do not get forwarded to the DOI system. Technical difficulties with application submittal should be directed to the Grants.gov help desk. NPS staff can confirm receipt of submission but cannot resolve issues with Grants.gov or extend the application deadline due to difficulties with submission via Grants.gov.

D5. Intergovernmental Review

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372.

D6. Funding Restrictions

LWCF grants may only be used for costs needed to support the acquisition and development of lands and facilities that will provide outdoor recreation opportunities to the public. LWCF funds may not be used for (not inclusive):

- Grant administration expenses for state lead offices,
- Incidental costs related to land acquisition such as appraisals or title work,
- Operation and maintenance activities,
- Facilities that support semi-professional or professional athletics such as baseball stadiums or soccer arenas,
- Indoor facilities such as recreation centers or facilities that support primarily non-outdoor purposes like dining facilities or overnight accommodation (such as a lodge or hotel), or
- Acquisition of lands, or interests in lands, that completely restrict access to specific persons (e.g., non-residents of a community).

The LWCF Act specifically excludes acquisition support costs from eligibility (see 54 U.S.C. 200305(e)(2)(A)) so such costs should not be proposed to be part of the grant share or to meet the match share.

Land acquisition costs must be based on the Uniform Appraisal Standards for Federal Land Acquisition (aka yellow book) estimate of fair market value. Be sure to explain the basis for the value estimate if an appraisal has not yet been performed.

In general, 54 U.S.C. 200305(f)(1) stipulates that projects assisted with LWCF funds may not include funds from other Federal sources in the project's budget. This is the case even if all programs' match requirements are met. Therefore, projects including other federal funds within the proposed budget will be eliminated from the competition without consideration unless the funds are authorized to serve as match, as in the case of funds authorized by 10 U.S.C. 2684a.

Project sponsors are not permitted to also seek LWCF formula funding to support the proposed project (except as an alternate grant source if not selected for a grant).

Indirect Costs: Organizations

The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior is your organization's cognizant agency, the Interior Business Center will negotiate your indirect cost rate. Contact the Interior Business Center by phone 916-930-3803 or using the IBC Email Submission Form. See the IBC Website for more information.

Organizations must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients must have prior written approval from the Service to use amounts budgeted for direct costs to satisfy cost-share or match requirements or to cover unallowable indirect costs. Recipients shall not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

Required Indirect Cost Statement to be submitted with Application.
All organizations must include the applicable statement from the following list in their application, and attach to their application any documentation identified in the applicable statement:

We are:

- A U.S. state or local government entity receiving more than $35 million in direct Federal funding each year with an indirect cost rate of [insert rate]. We submit our indirect cost rate proposals to our cognizant agency. Attached is a copy of our most recently approved rate agreement/certification.
- A U.S. state or local government entity receiving less than $35 million in direct Federal funding with an indirect cost rate of [insert rate]. We have prepared and will retain for audit an indirect cost rate proposal and related documentation.
- A [insert your organization type; U.S. states and local governments, do not use this statement] that has previously negotiated or currently has an approved indirect cost rate with our cognizant agency. Our indirect cost rate is [insert rate]. [Insert either: "Attached is a copy of our most recently approved but expired rate agreement. In the event an award is made, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award is made." *or* "Attached is a copy of our current negotiated indirect cost rate agreement."]

- A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. If we receive an award, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award date.
- A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is lower than 10%. Our indirect cost rate is [insert rate; must be lower than 10%]. However, if we receive an award we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat indirect cost rate of [insert rate; must be lower than 10%] against [insert a clear description of the direct cost base against which your rate is charged (e.g., salaries; salaries and fringe benefits; or modified total direct costs). However, please note that your organization cannot charge indirect costs in excess of the indirect costs that would be recovered if applied against modified total direct costs as defined in §2 CFR 200.68]. We understand that we must notify the Service in writing if we establish an approved rate with our cognizant agency at any point during the award period.
- A [insert your organization type] that has never submitted an indirect cost rate proposal to our cognizant agency and has an indirect cost rate that is 10% or higher. Our indirect cost rate is [insert your organization's indirect rate; must be 10% or higher]. However, if we receive an award we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat *de minimis* indirect cost rate of 10% to be charged against modified total direct project costs as defined in 2 CFR §200.68. We understand that we must notify the Service in writing if we establish a negotiated rate with our cognizant agency at any point during the award period. We understand that additional Federal funds may not be available to support an unexpected increase in indirect costs during the project period and that such changes are subject to review, negotiation, and prior approval by the Service.
- A [insert your organization type] that is submitting this proposal for consideration under the "Cooperative Ecosystem Studies Unit Network", which has a Department of the Interior-approved indirect cost rate cap of 17.5%. If we have an approved indirect cost rate with our cognizant agency, we understand that we must apply this reduced rate against the same direct cost base as identified in our approved indirect cost rate agreement per 2 CFR §1402.414. If we do not have an approved indirect cost rate with our cognizant agency, we understand that we must charge indirect costs against the modified total direct cost base defined in 2 CFR §200.68 "Modified Total Direct Cost (MTDC)". We understand that we must request prior approval from the Service to use the 2 CFR 200 MTDC base instead of the base identified in our approved indirect cost rate agreement. We understand that Service approval of such a request will be based on: 1) a determination that our approved base is only a subset of the MTDC (such as salaries and wages); and 2) that use of the MTDC base will still result in a reduction of the total indirect costs to be charged to the award. In accordance with 2 CFR §200.405, we understand that indirect costs not recovered due to a voluntary reduction to our federally negotiated rate are not allowable for recovery via any other means.

A [insert your organization type] that will charge all costs directly.

D7. Other Submission Requirements

Please note that Grants.gov requires the use of "Workspace" for application development and submission. Workspace will be the mechanism for electronically filling out and submit the standard forms (e.g., SF-424). However, for the other required application elements files can be submitted in PDF or typical software programs such as Word, Excel, etc.

Grants.gov will only accept applications from currently authorized organization representatives (AORs) affiliated with a particular agency. If you are not already an AOR you will need to create an account with Grants.gov and identify your agency's e-business point of contact to be designated as an AOR for your agency. Agency processes vary: some have only a limited number of AORs who can submit applications while others will designate AORs for each program that needs one. Prior to attempting to submit an application, it is a good practice to check to ensure that your agency's Grants.gov and SAM accounts are current/active, along with the individual Grants.gov account of the AOR who will submit the application. Lastly, please make sure that the DUNS number associated with the Grants.gov account that will be used to submit the application matches the one that has been registered with the NPS for use with the payment system (ASAP), otherwise funds will not transfer to ASAP when the award is approved. In the event you experience technical difficulties with submitting your application, it is best for you to contact the Grants.gov help desk. However, you should also contact your state's Program Officer to let them know your application may be delayed.

Application size limitations and file naming: The electronic application system (Grants.gov) has an overall application size limit of 200MB, above which the application will not be forwarded to the DOI's grant management system. Check the file sizes of individual attachments and do not submit extraneous material. Overall, the pre-application should not exceed 40 pages total in length (excluding the SF424, SF424C, Indirect Cost Rate Agreement and SLO Letter of Recommendation) and fewer than 30 is preferred. Additionally, Grants.gov has requirements for naming application documents. Attachments that do not follow these rules may cause the entire application to be rejected or cause issues during processing. Please refer to the Grants.gov site for current requirements at https://www.grants.gov/applicants/applicant-faqs.html.

E. Application Review Information

E1. Criteria

Criterion 1 - Improving Access to and Benefits of Public Outdoor Recreation Opportunities **Maximum Points:** 20

This criterion assesses the extent to which the project will create or expand needed outdoor recreational opportunities for the public and military families in the area around the military installation, and the degree to which the project promotes physical activity in the outdoors.

Priority will go to projects in areas that are located within one or more active REPI Partnership Opportunity Areas (see https://repi.osd.mil/map) that create new or significantly expand or improve park and recreation opportunities that are lacking in the target area and communities.

- Describe specific deficiencies as they relate to the lack of, or inadequacy of, outdoor recreation in REPI Program Areas
- Describe the new or expanded types of outdoor recreation opportunities and/or capacities that will be created as a result of the proposed project
- Describe the development plans or future plans for the recreation facilities within the 3-year timeline required by the LWCF program
- Describe how the proposed project will address or meet priority outdoor recreation needs of the target communities
- Describe the expected benefits of the proposed project to the public and the military community, such positive effects on mental or physical health

Criterion 2 - Promotion of Compatible Military Goals or Initiatives **Maximum Points:** 20

This criterion assesses how the project addresses and advances compatible goals of the REPI partnership that supports the military installation(s).

Priority will be given to projects that will best 1) protect the military installation(s) from encroachment by incompatible land development and uses and/or 2) advance the compatible goals of the partnership such as providing conservation benefits (e.g., protection of natural resources or specific habitats), improving water quality by controlling runoff and erosion, maintaining or enhancing resilience to the impact of climate change, etc.

- Describe issues and challenges the particular military installation(s) is(are) facing in adjacent lands and communities.
- Identify any community or economic trends that add pressure to the surround area.
- Describe how the project will address goals and mitigate the issues described.
- Describe the compatible benefits that will be supported by the park or other recreation area such as cooling effects, improved mental and/or physical health, cleaner air, etc.

Criterion 3 - Partnering and Leveraging Resources **Maximum Points:** 20

This criterion assesses the level of supportive partnership-building involved in the development and implementation of the project among the project sponsor, residents of the target community to be served by the park, and the military installation(s).

Priority will be given to projects that 1) demonstrate the highest degree of effort or initiative to engage residents of the target community(s) in the project's design, 2) demonstrate collaboration with the military installation(s) involved, and 3) demonstrate support for the project through leveraged matching resources including cash, land, equipment or other resources.

- Describe the process that led to the development of this proposal. Focus on the efforts made to engage the public, especially the target community, and their participation in the project's design as well as that of other interested/affected entities. Include details such as

number of meetings held and number of attendees, number of community members contacted, number of responses received.

- Describe the partnerships or other collaborative efforts that have helped, or will help to, facilitate the project.
- Describe or provide evidence of local support for the project, particularly from the local community and the military installation(s) involved. (Reference letters of support included with the application.)

Criterion 4 - Project Alignment with SCORP and Other Applicable Plans **Maximum Points:** 20

This criterion assesses the degree to which the project aligns with, advances, or is otherwise tied to the priority recreation needs and/or goals of the applicable Statewide Comprehensive Outdoor Recreation Plan (SCORP), local or regional park and recreation plans, and/or other relevant plans such as open space plans.

Priority will be given to projects that best meet 1) at least one recreation goal or need that is identified in the SCORP and 2) at least one goal or need identified in a state or local plan.

- State the specific SCORP goals or needs that the proposed project will advance or implement, and support how this project addresses each goal/need.
- Describe any other park or outdoor recreation plan (provide date of plan) that the project advances or supports, and state how the proposed project aligns with it/each.
- Describe any other relevant plan (provide date of plan) that the project advances or supports, and state how the proposed project aligns with it/each.

Criterion 5 - Project Feasibility and Likelihood of Success **Maximum Points:** 20

This criterion assesses the probability that the project will be successfully completed within the proposed timeline and budget, the viability of the proposed budget, and the ability of the project sponsor and partners to manage the project and maintain the park/resource in the future.

Priority will be given to projects that 1) that show support from partners, including the relevant military installation(s), 2) can be acquired and/or break ground within one year and will be complete and open to the public within 2 to 3 years, 2) are managed by project sponsors and partners with proven experience in successfully managing similar projects with no problems, and 3) can demonstrate a clear capacity, and a plan, for successful long-term park management and protection.

Budget costs must be clearly linked to the scope of work and are necessary, reasonable,allowable, and allocable. The matching share must be fully secured or firmly committed and supported by a letter of commitment from the donor. (*The budget will not be scored by the panels; however, it will be considered as a deciding factor in selection if the budget is insufficiently detailed, contains unreasonable, unnecessary, or unallowable costs, and/or does not align with the technical scope of the proposal.*)

- Describe the status of planning for the grant project, its readiness to be implemented and support the accuracy of the established deadlines and milestones within the attached timeline.

- Describe any issues with the site that would prevent it from being open and available to the public within 2-3 years.
- Describe the relevant experience of those managing the various aspects of this project. If partners are involved, their role(s) should also be described.
- Describe how the park or recreation area will be managed and maintained, physically and financially, to assure permanent use for public outdoor recreation and compatibility with the military mission
- Ensure the LWCF boundary map clearly indicates the project area and the proposed protected boundary separately or indicates that they are the same.
- Within the Budget Narrative:
    - Break down, describe, and justify the proposed project costs.
    - Clearly indicate which costs (or the amount of each cost) that will be covered by LWCF funds versus REPI.
    - List all agencies, organizations or other entities providing matching share under this project.
    - State the value and type (cash, donation of equipment etc.) of each matching share contribution.
    - Document that the 1:1 required matching share contribution is secure or firmly committed at the time of application. If overmatch is included, state if it has been secured, or when and how it is expected to be secured.

E2. Review and Selection Process

Prior to award, the program will review any applicant statement regarding potential overlap or duplication between the project to be funded and any other funded or proposed project in terms of activities, funding, or time commitment of key personnel. Depending on the circumstances, the program may request modification to the application, other pending applications, or an active award, as needed to eliminate any duplication of effort, or the Bureau may choose not to fund the selected project.

The program may not make a Federal award to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by the time the Bureau is ready to make an award, the program may determine that the applicant is not qualified to receive an award. The program can use that determination as a basis for making an award to another applicant.

Prior to award, the program will evaluate the risk posed by applicants as required in 2 CFR 200.205. Programs document applicant risk evaluations using the Bureau's "Financial Assistance Recipient Risk Assessment" form. Prior to approving awards for Federal funding in excess of the simplified acquisition threshold (currently $250,000), the Bureau is required to review and consider any information about or from the applicant found in the Federal Awardee Performance and Integrity Information System. The Bureau will consider this information when completing the risk review. The Bureau uses the results of the risk evaluation to establish monitoring plans, recipient reporting frequency requirements, and to determine if one or more of the specific award conditions in 2 CFR 200.207 should be applied the award.

NPS and DOD personnel, and in some cases independent reviewers, will review all proposals. All proposals for funding will be considered using the criteria outlined above. A summary of the review panel comments may be provided to the applicant if requested.

a. Initial Review

Prior to conducting the comprehensive merit review, an initial review will be performed to determine whether: (1) the applicant is eligible for an award; (2) the information required by the NOFO has been submitted; (3) all mandatory requirements of the NOFO are satisfied; and (4) the proposed project is responsive to the program objectives of the NOFO (program determination). If an applicant fails to meet the requirements or objectives of the NOFO, or does not provide sufficient information for review, the applicant will be considered non-responsive and eliminated from further review.

b. Comprehensive Merit Review Scoring

All applications that satisfactorily pass the initial review will be eligible for the Comprehensive Merit Review. Each criteria element will be scored on a 0-10 point scale, which will then be doubled. Total point value for all criteria is 100 points.

10	Superior	(100 % of weighted average)
8	Good	(80 % of weighted average)
6	Satisfactory	(60 % of weighted average)
4	Marginal	(40 % of weighted average)
2	Poor	(20 % of weighted average)
0	Not Acceptable	(No score)

The scoring of each criterion must be based on the strengths and weaknesses of the application narrative. To assist in assessing the value and assigning an appropriate score, the following will be used as a guideline:

Rating	Descriptive Statement
9-10	Superior: Applicant fully addresses all aspects of the criterion, convincingly demonstrates that the project will meet requirements, and demonstrates no weaknesses.
7-8	Good: Applicant fully addresses all aspects of the criterion, convincingly demonstrates a likelihood the project will meet requirements, and demonstrates no weaknesses.
5-6	Satisfactory: Applicant fully addresses all aspects of the criterion and demonstrates a likelihood the project will meet requirements, but contains a major weakness or a number of minor weaknesses.
3-4	Marginal: Applicant addresses all aspects of the criterion and demonstrates a likelihood that the project will meet requirements, but contains a significant weakness and/or a number of major and minor weaknesses.

1-2	Poor: Applicant addresses only some aspects of the criterion and information indicates the likelihood the project will have difficulty to meet requirements. Significant weaknesses are demonstrated and clearly outweigh any strengths presented.
0	Not Acceptable: Applicant does not address all aspects of the criterion and the information presented indicates a strong likelihood the project will fail to meet requirements.

c. Proposal Review and Selection:

The application must include all Required Elements, listed in the "Required Elements" in Section D2. *Applications submitted without all the required elements will be eliminated from the competition without consideration. Information linked within application documents will not be considered in the review.* Project proposals will be scored and ranked on a based on an evaluation of how well the project meets the review and selection criteria for the competition and the general requirements of the LWCF Act.

The NPS will conduct an initial screening of each proposal to determine whether it is complete (i.e., at a minimum contains all Required Elements) and meets all Eligibility Requirements (i.e., project is from an eligible applicant and/or sponsor, provides the minimum cost share, and its purpose is consistent with the LWCF Act and the objectives of this competition). Presuming it is found to be eligible for consideration, the proposal will be evaluated and scored by a panel of NPS and DOD staff. Reviewers' scores will be compiled and averaged as needed to create a final score.

Simultaneous to the merit review panel process, NPS staff will review the project for compliance with federal law, most notably compliance with the National Environmental Policy Act and with the National Historic Preservation Act. If these reviews reveal features of the project that affect its eligibility or viability, the NPS may remove the project from the competition.

Budgets for projects rating high enough to be considered for selection will be evaluated by program staff to validate or confirm the merit ratings of the review panel. Importantly, the budget evaluation provides some initial insight to project-related risk, beyond those dealing with technical uncertainty, which will be considered prior to award. Deficiencies identified by the technical or merit panel reviews, as well as suggested adjustments, will be noted for possible negotiation purposes. Although the budget evaluation does not affect the technical score, it can be considered as a deciding factor if the budget does not support the technical aspects of the proposal.

The scores and reviewer evaluations will be used by the competition managers to produce a ranked list of proposals that will be recommended to the competition's selecting official for final selection. Generally, proposals will be recommended in the ranked order unless there is justification to select out of order based upon:

- Availability of funding
- Geographic distribution of projects and/or funds
- Program objective and priorities (see Section A of this NOFO)
- The applicant's prior performance in managing LWCF grants and/or assisted sites

- Issues uncovered during the NPS compliance review that cannot be resolved prior to the date of selection of projects

If two or more proposals within a state rank equally in their scores, and a judgment must be made as to which is/are awarded funding, NPS will request that the State make a recommendation as to which best reflects the priorities of the SCORP, is most likely to be successfully completed, and/or will have the highest impact.

The Selection Official may consider the merit review recommendation, program policy factors (list any specific policy factors and/or important criteria to be noted by the applicant while preparing their submission – example "property must be located in a Historic District/on National Park managed land", preference regarding geographic diversity regarding applicant selection, etc.), and the amount of funds available to select applications for funding.

When a decision has been made (whether to award or declination of award), summaries of technical and merit reviews will be made available to the State Lead Agency and/or the project sponsor upon request. Declined applications will be held by the NPS for three years, in accordance with the current retention requirements, and then destroyed.

d. Discussions and Award

The Government may enter into discussions with a selected applicant for any reason deemed necessary, including, but not limited to: (1) only a portion of the application is selected for award; (2) the Government needs additional information to determine that the applicant is capable of complying with the requirements of DOI Financial Assistance Regulations, and/or (3) additional specific terms and conditions are required. Failure to satisfactorily resolve the issues identified by the Government may preclude award to the applicant.

E3. CFR – Regulatory Information

See the NPS's Award Terms and Conditions for the general administrative and national policy requirements applicable to NPS awards. The NPS will communicate any other program- or project-specific special terms and conditions to recipients in their notices of award. However, prospective sponsors should be aware that the "Build America, Buy America" requirements may be applicable to grants awarded under this competition if the grant-funded project will contain development elements. The term is described below.

Buy America Domestic Procurement Preference and Waiver Process

As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Applicants under this NOFO are hereby notified that none of the funds provided under an LWCF award may be used for a project for infrastructure unless:

1. all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

2. all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

3. all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

For further information on the Buy America preference, please visit www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

Authors may need to provide additional instructions based on legislative or program requirements. If applicable, provide the additional instructions within the text box below. Text field can be left blank if additional instructions are not needed.

Recipients of an award may seek waivers under certain circumstances. In accordance with Section 70914 (b), agencies may waive the Buy America domestic content procurement preference requirements if the agency finds that:

1. applying the domestic content procurement preference would be inconsistent with the public interest (Public Interest Waiver);
2. types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (Non-Availability Waiver); or
3. the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (Unreasonable Cost Waiver).

Check the DOI General Applicability Waivers to determine if your project or materials meet the criteria of one of the already approved DOI-wide waivers. If the criteria are met, a separate waiver is not required. Currently there are two general applicability waivers: a small grants (total cost less than $250,000) waiver and de minimis waiver.

If your project or materials would not meet the general applicability waiver criteria, you may submit a waiver request directly to the financial assistance awarding officer for your grant. The

waiver request justification should include a detailed justification for the use of goods, products, or materials mined, produced, or manufactured outside the United States and a certification that the non-Federal entity made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with potential suppliers. To assist your financial assistance awarding officer with processing your request, note that the below information must be completed (as applicable) on your waiver request form.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant PSC or NAICS code for each.
11. A certification that the recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of efforts made (e.g., market research, industry outreach) by the recipient, in an attempt to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
13. Anticipated impact if no waiver is issued.

Entities applying for a waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver requests.

If the DOI determines that your waiver request (in whole or in part) appears to meet the legal and policy criteria of Buy America, and in accordance with Section 70914 (c), the DOI will post its proposed waiver justification for public comment for a period of not less than 15 days to the DOI Waiver Requests Available for Public Comment page. The DOI will post approved waivers on the DOI Approved Buy America Requests page, and your financial assistance awarding officer will notify you if your waiver request was approved.

E4. Anticipated Announcement and Federal Award Dates

The initial technical review of proposals will begin immediately following the application deadline, followed by the merit panel review. The NPS is targeting January 1, 2024, for an announcement about selection results.

F. Federal Award Administration Information

F1. Federal Award Notices

Once a final decision is made by the NPS about the award of a grant, a project agreement will be issued by the applicable LWCF Financial Assistance Awarding Officer for the LWCF Region in which the project's state is located and sent to the State Lead Agency. The State Lead Agency will then, if needed, make a subgrant to the local project sponsor. In no case will the NPS make an award directly to the local project sponsor. Until the project agreement is signed, the sponsor should not begin work on the project that would result in the incurring of expenses desired for reimbursement from the grant or for use as match, unless for eligible pre-award costs or the project has a waiver of retroactivity. A grant agreement issued by a Financial Assistance Awarding Officer is the only authorizing document required to begin performance.

Organizations whose applications have not been selected will be advised as promptly as possible.

As the primary grantee, the state lead agencies are responsible for managing the day-to-day implementation of the grant and the subgrant supported activities to assure the project's compliance with the LWCF Act and Manual, other applicable Federal requirements, and that performance goals are being achieved.

F2. Administrative and National Policy Requirements

See the "DOI Standard Terms and Conditions" for the administrative and national policy requirements applicable to DOI awards.

Data Availability
Per the Financial Assistance Interior Regulation (FAIR), 2 CFR §1402.315:

(a) All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the Interior, including being available in a manner that is sufficient for independent verification.

(b) The Federal Government has the right to:

(1) Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and

(2) Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

The LWCF Grant Assistance Manual, v. 71 (March 11, 2021) establishes the specific eligibility, procedural, and programmatic requirements for LWCF grants. A copy of the Manual can be found at https://www.nps.gov/subjects/lwcf/upload/LWCF-FA-Manual-Vol-71-3-11-

2021- final.pdf. The Manual outlines the criteria and process for eligible states and territories to develop a SCORP, develop projects for nomination to the NPS, submit applications, and implement grants for selected projects. All applications submitted pursuant to this announcement must be consistent with the Manual and are subject to the requirements described therein. Recipients and subrecipients of LWCF grants are also subject to all Federal law and agency policies, regulations, and procedures applicable to Federal financial assistance awards.

These are described in the Manual and in the LWCF terms and conditions. The LWCF-specific terms and conditions are integrated into the standard conditions document and are additional conditions that recipients must also agree to in accepting the grant, such as the requirement to record language and a copy of the LWCF boundary map with the land records for the property to acknowledge the LWCF assistance. If there are outstanding issues still requiring resolution at the time the grant is issued, the NPS may include special award conditions on the grant constraining when work on the project may begin or restricting access to the funds until the conditions are satisfied.

F3. Reporting

Financial Reports
All recipients must use the SF-425, Federal Financial Report form for financial reporting. At a minimum, all recipients must submit a **final** financial report. Final reports are due no later than 120 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim** financial reports on the frequency established in the Notice of Award. The only exception to the interim financial reporting requirement is if the recipient is required to use the SF 270/271 to request payment and requests payment at least once annually through the entire award period of performance. We will describe all financial reporting requirements in the Notice of Award.

The FFR (and relevant instructions) can be downloaded from:https://www.grants.gov/forms/post-award-reporting-forms.html

The NPS Financial Assistance Awarding Officer will review the report for patterns of cash expenditures and assess whether performance or financial management problems exist. Before submitting the FFR to the NPS Financial Assistance Awarding Officer, recipients must ensure that the information submitted is accurate, complete, and consistent with the recipient's accounting system. The recipient Authorized Certifying Official's signature on the FFR certifies that the information in the FFR is correct and complete and that all outlays and obligations are for the purposes set forth in the agreement documents and represents a claim to the Federal Government. Filing a false claim may result in the imposition of civil or criminal penalties.

Performance Reports
Performance reports must contain a comparison of actual accomplishments with the established goals and objectives of the award; a description of reasons why established goals were not met, if appropriate; and any other pertinent information relevant to the project results. Final reports are due no later than 120 calendar days after the award period of performance end date or

termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim** financial reports on the frequency established in the Notice of Award.

In accordance with 2 C.F.R. 200.328, the performance reports shall contain brief information on:

1. A comparison of actual accomplishments to the objectives of the Federal award established for the period. Where the accomplishments of the Federal award can be quantified, a computation of the cost (for example, related to units of accomplishment) may be required if that information will be useful. Where performance trend data and analysis would be informative to the Federal awarding agency program, the Federal awarding agency should include this as a performance reporting requirement;
2. The reasons why established goals were not met, if appropriate; and
3. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

Before submitting the performance report to the NPS Financial Assistance Awarding Officer, recipients must ensure that the information submitted is accurate, complete, and consistent with the recipient's Federal financial report. Filing false information may result in the imposition of civil or criminal penalties.

Significant Development Reports

Events may occur between the scheduled performance reporting dates which have significant impact upon the supported activity. In such cases, recipients are required to notify the Bureau in writing as soon as the recipient becomes aware of any problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation. The recipient should also notify the Service in writing of any favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Real Property Reports

Recipients and subrecipients are required to submit status reports on the status of real property acquired under the award in which the Federal government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. The Bureau will include recipient-specific real property reporting requirements, including the required data elements, reporting frequency, and report due dates, in the Notice of Award when applicable.

Conflict of Interest Disclosures

Recipients must notify the program immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award.

Other Mandatory Disclosures

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.339 Remedies for Noncompliance, including suspension or debarment.

Reporting Matters Related to Recipient Integrity and Performance

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings in accordance with Appendix XII to 2 CFR 200.

G. Federal Awarding Agency Contact(s)

G1. Program Technical Contact

For **programmatic technical assistance**, contact:

First and Last Name: Elisabeth Fondriest

Address: 1849 C Street NW, Washington, DC 20240

Telephone: 202-354-6916

Email: elisabeth_fondriest@nps.gov

Questions and issues may also be directed to the State Lead Agency and the assigned NPS program officer for each state.

G2. Program Administration Contact

For **program administration assistance**, contact:

First and Last Name: Elisabeth Fondriest

Address: 1849 C Street NW, Washington, DC 20240

Telephone: 202-354-6916

Email: elisabeth_fondriest@nps.gov

G3. Application System Technical Support

For Grants.gov technical registration and submission, downloading forms and application packages, contact:
Grants.gov Customer Support
Numeric Input Field: 1-800-518-4726
Support@grants.gov

For GrantSolutions technical registration, submission, and other assistance contact:
GrantSolutions Customer Support
1-866-577-0771
Help@grantsolutions.gov

H. Other Information

Payments

Domestic recipients are required to register in and receive payment through the U.S. Treasury's Automated Standard Application for Payments (ASAP), unless approved for a waiver by the Service program. Foreign recipients receiving funds to a final destination bank outside the U.S. are required to receive payment through the U.S. Treasury's International Treasury Services (ITS) System. Foreign recipients receiving funds to a final destination bank in the U.S. are required to enter and maintain current banking details in their SAM.gov entity profile and receive payment through the Automated Clearing House network by electronic funds transfer (EFT). The Bureau will include recipient-specific instructions on how to request payment, including identification of any additional information required and where to submit payment requests, as applicable, in all Notices of Award.

In Perpetuity Requirements

The LWCF Act requires that any park or other outdoor recreation area benefiting from assistance from the LWCF, whether for acquisition or development purposes, and regardless of the amount or extent of assistance, may not be converted to any use other than public outdoor recreation uses (*see* 54 U.S.C. 200305(f)(3)). Section 2684a of title 10, United States Code (10 U.S.C. 2684a) authorizes the Military Departments to enter into agreements with eligible entities to acquire real property interests in the vicinity of, or ecologically related to, a military installation or military airspace in order to preserve and protect the military mission, and requires that the Secretary of the Military Department concerned be notified of any subsequently proposed change in future use or development of the acquired property to ensure the property concerned is used and developed in a manner compatible with military mission.

Therefore, as a condition of the grant, the NPS and DOD require that language be recorded in or with the deed for the assisted park or recreation property being acquired by the grantee specifying that the property was acquired and/or developed with Federal funds from the LWCF and REPI program used to satisfy, in whole or in part, the non-federal cost share requirements of the LWCF Act, and that the property must be preserved for outdoor recreation uses in perpetuity and cannot be converted to any other use without the written approval of the Secretary of the Interior and Secretary of the Military Department concerned. Before seeking an LWCF + REPI

Challenge grant, project sponsors should carefully consider their ability and willingness to comply with this provision.

The perpetuity requirement is applied to the assisted park or other recreation area *as a whole*. Exceptions for boundaries that would apply to a lesser unit of a park will be considered only if the unit is a stand-alone (i.e., its borders do not include other areas of the park) and self-sustaining (i.e., it does not rely on adjoining park area for access, utilities, support facilities, etc.) recreation area. The state and the NPS must agree to any boundary that does not comprise the whole park, and the NPS may eliminate from consideration proposals that are not consistent with this policy. Applicants who wish to propose a project with a boundary that would not include the whole park are urged to contact the national program office prior to completing an application for a determination on whether the boundary would be accepted.

Secretary of the Interior and Defense Priorities

This program supports priorities of the Secretary of the Interior, including "Working to conserve at least 30% each of our lands and waters by the year 2030" and "Centering equity and environmental justice" as outlined in Executive Order (EO) 14008: Tackling the Climate Crisis at Home and Abroad, and EO 14005: Ensuring the Future is Made in All of America by All of America's Workers. This program could also help contribute to the goals of the Sentinel Landscape Partnership.

Further Resources

Information about the LWCF State and Local Assistance Program, including the LWCF Manual, can be found at https://www.nps.gov/subjects/lwcf/index.htm. This NOFO is available via the grants.gov website: http://www.grants.gov (search for LWCF). Application materials are available via the Grants.gov and LWCF websites or by contacting the program officials identified above. Project sponsors should also review their state's LWCF website (if available) and particularly the State's SCORP. A list of the State Lead Agencies can be found at: https://www.nps.gov/subjects/lwcf/contact-list.htm. Information about the REPI program can be found at https://www.repi.mil and active REPI Partnership Opportunity Areas can be viewed on the REPI Mapper at https://repi.osd.mil/map.

Prospective project sponsors are reminded that this competition represents just a portion of the funding available for grants through the LWCF State and Local Assistance Program in FY2023. Grants may be available for your project from your State from the formula apportionment funds. Contact your state's lead agency for more information.

Neither the NPS nor the DOI will be responsible for proposal preparation costs or project costs if the proposal fails to receive funding. Publication of this announcement does not oblige the NPS to make an award to any specific project or to obligate any available funds.