

Land and Water Conservation Fund
Grant Application Guide



Nebraska Game and Parks Commission
Planning and Programming Division
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FOREWORD

This guide provides the Land and Water Conservation Fund applicant (project sponsor) with the instructions necessary to prepare the LWCF application. **Please read this entire document before filling out the online project application.** Project sponsors must submit all the requested information in the online grant system application to be considered for funding.

Incomplete or late applications will not be accepted. We encourage you to call with any questions that arise during preparation of your application. Be aware that official project start dates will be the following year after applications are submitted. For example, if you apply in 2023 and are awarded, you will receive a start date in late summer/early fall of 2024 to begin design, construction, etc. for your project.

Online submission of applications is required for this grant. Please see our online application portal at: <https://outdoornebraska.gov/lwcf/>.

Thank you for your interest in the Land and Water Conservation Fund program. Please contact one of the following people for any clarification or requirements of the program.

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LAND AND WATER CONSERVATION FUND

Program Overview

The Land and Water Conservation Fund is a federal assistance program administered by the National Park Service (NPS) at the federal level. Nebraska Game and Parks Commission (Game and Parks) administers the fund at the state level through its Planning and Programming Division. By state statute, 60 percent of the funds are passed through to local sponsors in the form of 50 percent reimbursement grants for the acquisition, development and/or renovation of public outdoor recreation sites and facilities. No direct contact is maintained between the local project sponsor and NPS. All correspondence must be directed through Game and Park Planning and Programming Division.

History

On September 3, 1964, Congress passed and signed into law the Land and Water Conservation Fund Act (LWCF) of 1965 (Public Law 88-578, 78 Stat 897). The act was enacted “...to assist in preserving, developing and assuring accessibility to all citizens of the United States of America of present and future generations...such quality and quantity of outdoor recreation resources as may be available as necessary and desirable for individual active participation...”

Thus, began appropriations for federal projects and matching grants to state and local government for the acquisition and development of public outdoor recreation areas and facilities. Most of the income deposited to the Fund comes from offshore oil leasing revenues, based on the idea of recycling the proceeds of natural resources development back into natural resources protection. While a nonrenewable resource is being used, renewable resources in the form of conservation and recreation lands are increased and enhanced.

Goals of the LWCF Program (state and local government matching grants) are to:

- Meet state and locally identified public outdoor recreation resource needs to strengthen the health and vitality of the American People.
- Increase the number of protected state and local outdoor recreation resources and to ensure their availability for public use in perpetuity.
- Encourage sound planning and long-term partnerships to expand the quantity and to ensure the quality of needed state and local outdoor recreation resources.

Eligible Sponsors

Local sponsors that are eligible for Nebraska LWCF grants are villages, cities, and natural resource districts.

Statewide Comprehensive Outdoor Recreation Plan

All proposed projects must meet goals and priority outdoor recreation needs as identified in the current Statewide Comprehensive Outdoor Recreation Plan (SCORP): A Guide to an Active Nebraska (2021 – 2025) to be eligible for grant assistance. The SCORP priorities can be found in Chapter Five: Action Plan for Nebraska. Project application sponsors must review the SCORP goals, LWCF priorities, demographics, supply, and demand for outdoor recreation in the project area of the state. The SCORP can be downloaded at <https://outdoornebraska.gov/lwcf/>.

Reimbursable Grant

The LWCF is a reimbursable grant, meaning the project sponsor must finance **100 percent of project costs as they are incurred**. The sponsor may then **request reimbursement for up to half of all eligible expenses of the approved grant**. To be eligible for reimbursement, all costs must be incurred and paid by the project sponsor during the project period as identified on the grant agreement.

Project sponsors may not begin their project (e.g., take title to land or begin development) until after the project is approved by the National Park Service with an official start date of the grant awarded. Expenses for planning and engineering necessary for preparing the proposal for submission are eligible project costs if they are documented as pre-agreement costs in the application. These are the only eligible pre-agreement costs. If any work is performed that is not part of a pre-agreement or title to land is accepted prior to federal approval of the project, the expenses incurred are **ineligible** for reimbursement or match.

Grant request floor (minimum) and ceiling (maximum)

Floor: \$75,000 (this means your project must be \$150,000 or more)

Ceiling: \$600,000 (this means your project can be \$1,200,000 or more)

Funding Cycle

- **May** – Grant funding opportunity opens
- **September** – Grant funding opportunity closes
- **October - November** – Preliminary application review for minimum eligibility and pre-award on-site inspection.
- **November/December** – LWCF Selection Committee reviews, scores, and ranks project proposals and forwards to Board of Commissioners.
- **January** – Board of Commissioners approve fiscal year projects for funding.
- **February/March** – Grant recipient applications submitted to National Park Service
- **April to July** – Tribal consultation and Historic Preservation consultation occurs, and grant agreements are created.
- **August/September** – Grant agreements are put in place with grant applicants so that projects can begin (grants are for a period of 3 years from the time the grant agreement is put in place).

State Procurement Procedures Must be followed for Projects

Any project with an aggregate cost of more than \$25,000 (which is all LWCF projects since our floor is \$75,000), must be procured by the method of sealed bids (formal advertising). To determine the project item's aggregate cost, the sponsor or engineer must add the sum of all the parts of the item that will make it a whole, usable and functional facility. A shelter project, for example, might consist of components such as the structure, concrete and electrical whose total combined (aggregate) estimated cost is \$25,000 or more. As such, the facility must be publicly advertised for sealed bids.

Sealed bids are defined as bids that are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. All sealed bid procurement transactions will be conducted in a manner providing full and open competition. Please see the

LWCF Sponsor Procurement Guidelines on our grant portal website for more information on this section. This process may not begin until after a grant is awarded.

Control and Tenure of the Project Site

For development applications, the project sponsor must show ownership of the project site to be eligible for funding assistance. Lands subject to reversionary or outstanding interests require federal determination on the compatibility of the uses proposed and the reversionary/outstanding rights.

Land Acquisition

If land acquisition is part of the project, the sponsor may not negotiate with the landowner until after federal and state approval of the project. For the grant application, an appraiser knowledgeable of the local real estate market may provide an estimate of the land value for each parcel being acquired.

If the proposed acquisition project is awarded funding, a Nebraska General Certified Real Property Appraiser must prepare a formal appraisal in conformance with federal land acquisition appraisal standards (UASFLA and USPAP). In addition, the appraisal must be reviewed to ensure it meets the requirements of both UASFLA and USPAP. The appraisal review is to be conducted by a Nebraska General Certified Real Property Appraiser (independent of the individual/company who conducted the appraisal). The project sponsor must acquire the land according to state law governing their political subdivision. Within thirty (30) days of federal approval, the project sponsor is expected to hire an appraiser meeting the above requirements to conduct the appraisal. Incidental costs associated with acquisition of real property (appraisals, surveys, recording fees, etc.) are not eligible for reimbursement.

All acquisitions are subject to the applicable provisions of Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Failure to comply with P.L. 91-646 may result in project ineligibility for LWCF assistance.

Elaborate Facilities

Elaborate proposals or those that go beyond the basic requirement of providing adequate, safe, and sanitary public outdoor recreation facilities will not be considered for funding. Elaborate items included in a project proposal will be excluded from the grant for funding.

SPONSOR COMMITMENTS AND RESPONSIBILITIES

Permanent Outdoor Recreation Estate

The LWCF Act requires the sponsor to operate and maintain properties acquired, developed and/or renovated with LWCF assistance for public outdoor recreation purposes in perpetuity. Section 200305(f)(3), formerly Section 6(f)(3), of the LWCF Act ensures long-term stewardship through its “conversion protection” requirement. Should the whole or any portion of a LWCF assisted area or facility be converted for anything other than public outdoor recreation use, the project sponsor is required to replace, at its own expense, the converted property with property having equal or greater appraised value and equal or greater recreational usefulness. In most cases, the area protected under Section 200305(f)(3) exceeds the actual project area assisted (e.g., development of a picnic shelter in a 40-acre park would result in all 40 acres being encumbered in perpetuity for public outdoor recreation use).

Matching Share Financial Obligations

The project sponsor is required to provide documentation proving the required match is on hand and allocated to the proposed project. If the match will be derived from organizations or foundations, sponsor must provide evidence these funds are readily available and will be donated to the project when needed by the sponsor. Projects to be funded with bond issue proceeds **will not** be considered prior to the passage of the bond issue.

In-kind or donated contributions may be used as all or part of the project sponsor's share of the project cost. The method of valuation for volunteer services, material, real property, and equipment must be documented and approved by Game and Parks to be considered as part of the sponsor's matching share.

Public Participation

Project sponsors are required to hold one or more public meetings, as well as other actions deemed appropriate, to obtain input from interested and affected public on recreational needs of the community. The applicant is required to make any proposed project available to the public for review and comment prior to submission for funding. Applications shall include a description of this process as well as the official records and minutes of public meetings and/or formal public comment periods. For projects involving floodplains and wetlands, the public meetings and notices of the meetings must specifically indicate the project is proposed for a floodplain or wetland.

Project Execution

Game and Parks requires project sponsors to begin work promptly following NPS approval, but not before. This includes soliciting for bids. It is imperative the project sponsor commit the necessary resources toward the project to ensure the needed facilities are available as soon as possible to meet demand. Failure of sponsors to initiate the project within a reasonable period of time could result in rescission of funds and termination of the project agreement.

Project Performance and Quality

Providing quality facilities over the longest term possible is a goal of the LWCF program. Therefore, new equipment and materials are required. Project sponsors should engage qualified contractors and/or supervisors on the project. Under no circumstance will the sponsor award a contract to a contractor or subcontractor that is debarred or suspended from doing business with the federal government.

Accessibility

All facilities developed with assistance from the LWCF must be designed in conformance with the appropriate current design standards for the Architectural Barriers Act of 1968 (ABA) (P.L. 90-480), Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act.

Plans and Specifications

The sponsor should consult with engineering or architectural services at this point only to discuss various technical requirements and/or to obtain reasonable cost information for the grant application (these pre-agreement costs may be eligible for reimbursement as outlined in the Reimbursement Grant paragraph above). Plans and specifications prepared by a qualified engineer or architect **are required** after federal approval for sports lighting, shelters or buildings, pool renovations, campgrounds, boat and fishing docks, boat ramps, major grading, wells, roads, bridges, and any other project as deemed necessary by Game and Parks. Project items derived from catalogs do not need plans and specifications

since they are pre-engineered. **If the Sponsor does not have such detailed plans prepared at the time of submitting an application: the project sponsor is expected to engage their consultants to prepare detailed plans and specifications as needed and directed by Game and Parks staff within thirty (30) days of federal approval.**

Plans for the development of land and/or facilities should be based on the needs of the public, the expected use, and the type and character of the project area. Facilities should be attractive for public use and generally be consistent with the environment. Plans and specifications for the improvements should be in accord with established engineering and architectural practices. Emphasis should be given to the health and safety of the users, accessibility to the general public, and the protection of the recreational and natural values of the area.

Flood Insurance

Should the project sponsor construct insurable improvements within a special flood hazard boundary, no reimbursement will occur until the sponsor has qualified for and received flood insurance to cover the facility.

Nondiscrimination

The Nebraska Game and Parks Commission receives Federal funds from the National Park Service, Department of Interior, under provisions of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578). Accordingly, all of its public programs and activities must be operated free from discrimination, on the basis of race, color, national origin, age or disability. Any person who believes they have been discriminated against or who would like further information regarding the prohibition of discrimination should contact:

National Park Service
Equal Opportunity Program Office
1201 I Street, N.W.
5th Floor, ORG Code 2652
Washington, D.C. 20005
Ph. (202) 354-1852

Build America, Buy America

As required by Section 70914 of the Bipartisan Infrastructure Law, P.L. 117-58, 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.

PROJECT APPLICATION INSTRUCTIONS

The following information is a guide to the application and provides short lists of questions, brief descriptions, clarification, or examples of information needed in the application. Incomplete applications will result in withdrawal from the applicant pool for funding consideration. Use the online grant portal to apply: <https://ngpcgrants.outdoornebraska.gov>.

NOTE: Each major heading corresponds with a page tab within the online application.

Site Information Summary

This section requires basic information about the project location. In addition to the park name and address you will need to provide other information such as acreage, if the site has previously received LWCF funding, and latitude/longitude.

Proposal Overview

Proposal Overview

Project description: Provide a brief description of your proposal. Include all major components of the project. of the project.

Scope of Proposed Project: Describe the scope of the proposed project and the recreational benefits. Describe the location of the project site and any facilities or recent improvements on the project site. Explain if it is part of any larger planning efforts within the community (e.g., park plans, city plans, economic development, quality of life initiatives, etc.)

Need for the project: Describe the Purpose and justification of the proposed project, including the local need for the project for example:

- Why does your community need this project? How are people adversely affected by the current situation? (e.g., Provide information about economic, social, financial, physical, institutional, or other problems related to the need).
- Provide information on the project site or facility usage (e.g., frequency of use, number of users, age groups affected, current uses of the area, etc.).
- For renovation projects, give the age and condition of the park or facility that will be renovated. Describe how the current condition affects the project sponsor's effort to provide quality public outdoor recreation experiences.

Quality and Environment: Describe the quality and environment of the project site. Describe the history of the site, the future of the site without implementation of the proposed project, any environmental intrusions, etc.

Partnerships: List and describe, if any, interrelationships with other federal, state, or local projects; and any public-private partnerships, beyond letters of support. Describe any partnerships that will assist your organization in the design and construction of this project. Describe any partnerships that will assist with the operation and maintenance of the project once it is complete.

Operation and Maintenance Capability: Describe your organizations' capacity to operate and maintain the project once completed. Reiterate any groups that will assist in the longterm maintenance and operation of the site.

Provide opportunity across age groups: Describe which age groups, and in what ways they, will benefit from this project.

Environmental Justice: Describe how the project will benefit persons with disabilities, older citizens, economically challenged, and/or other disadvantaged populations within your community.

Budget

Budget Narrative

Provide a budget narrative describing the project scope, matching fund sources and amounts, who will do the work (e.g., contractors, local sponsor staff, etc.), and the amount of LWCF award funds requested for the proposed project.

- Upload cost estimates in the Required Attachments section. Be sure all declared costs are addressed within the narrative.
- Upload proof of match supporting documents in the Additional Attachments section.

Budget Sheet

List and estimate, as accurately as possible, the cost for each project item for which reimbursement will be requested and provide a total project cost. Include an amount for contingencies to guard against cost increases between the time project estimates are made and project construction begins. Only items listed in this cost estimate will be eligible for reimbursement. Using these cost estimates, categorize line items into the following categories. Consider creating a supplemental document, to be uploaded with your cost estimates, that indicates the categories selected for each line item.

- Administrative and legal expenses: this includes indirect costs
- Land, structures, rights-of-way, appraisals, etc.: use this for acquisition grants only
- Relocation expenses and payments: this is rarely used
- Architectural and Engineering fees
- Project inspection fees
- Site Work: dirt work, grading, readying the site for construction
- Demolition and removal
- Construction: includes installation and renovation
- Equipment: anything over \$5000 with a lifespan over 1 year (e.g., playground equipment, scoreboards, lighting, splashpad elements, etc.)
- Miscellaneous: this is rarely used
- Contingencies: this should be no more than 10% of direct costs (site work, demolition, construction, equipment)

Match Source

Match funds must equal at least 50% of the total project cost. List all source(s) and amounts of financial match to the LWCF share of the project. Match can consist of cash, donation, and in-kind contributions. Bond issues can be used as match if the bond has passed, and proof is provided, at time of application.

The federal LWCF share, and financial match listed must result in a viable outdoor recreation without relying on any other funding not mentioned here.

Other federal resources may be used as match if specifically authorized by law. Federal grants that can be used as match will have wording in their documentation indicating that it is allowed as LWCF match.

LWCF Application A and R Form - NPS

Development and Combination Project Information

Grant Elements

Questions about new, replaced, or renovated facilities, site improvements, and the anticipated lifespan of the elements of your project.

Design Elements

Questions about how the project addresses American with Disabilities Act (ADA) and Architectural Barriers Act (ABA) access requirements and about preserving environmental resources as part of ensuring quality outdoor recreation for present and future generations.

LWCF Proposal/Type of Proposal

Choose from Acquisition, Development, or a combination of the two. This will populate additional questions, if needed.

Public Benefit

Questions in regard to long- and short-term benefits, how the project may fit into other planned projects, the proposal development process, and public involvement.

Site Information, SCORP, etc.

Site Information General Questions

- Will this proposal create a new public park/recreation area where none previously?
- Is the pre-existing public park/recreation area already protected under LWCF? ****IMPORTANT:** If you do not know, reach out to our office at 402-471-5424 or 402-471-5513.
- Is the project located in a floodplain? If you do not know, the DNR floodplain maps may help. <https://dnr.nebraska.gov/floodplain/interactive-maps>
- Describe the existing site conditions. Be detailed and describe all aspects of the park even if not directly related to your project.
- Explain why the site is suitable for the type of outdoor recreation proposal being submitted. Why is this a great place for your project?
- Does the site include elements that visually detract from the outdoor recreation experience or that represent a potential public safety hazard?
- What is the sponsor's type of ownership and control of the property? (e.g., fee simple, lease, etc.) Upload proof of ownership documentation in the Required Attachments section.

Stewardship Considerations

- Is this a multi-use site? Is this shared space with a school, reservoir, state forest, etc.?
- Who will manage and operate the site(s)?

- Describe any rights-of-way, easements, reversionary interests, etc. to the LWCF park area.
- Are there pre-existing or planned indoor facilities that would not be eligible for LWCF funding?
- Are there pre-existing or planned resource management practices? (i.e., timber management, grazing, etc.)
- Are there pre-existing or planned uses that are incompatible with LWCF requirements that should be excluded from the boundary? (e.g., restricted use ballfield)
- Do parties understand that a Section 6(f) conversion may occur if private or non-recreation activities occur on any pre-existing right-of-way, easement, or leased area? A Section 6(f) conversion would mean the property owner would have to replace the non-conforming space with recreational space of equal or greater value and recreational opportunity, at their own cost.
- As a result of this project, describe new types of outdoor recreation opportunities and capacities, and short- and long-term public benefits.
- How does this proposal implement or directly relate to statewide outdoor recreation goals as presented in the **Statewide Comprehensive Outdoor Recreation Plan (SCORP)**? Explain, in detail, how your project relates to as many of the goals as possible. There is a link to the SCORP within the online application or you can find the SCORP here: <https://outdoornebraska.gov/about/community-resources/grants/land-and-water-conservation-fund/>
- Is this project part of a larger effort not reflected as part of this application?
- List all required federal, state, and local permits/approvals needed and explain their purpose and status.

SHPO Review

State Historic Preservation Office (SHPO) Review Determination - A State Historic Preservation Office (SHPO) review is required under Section 106 of the National Historic Preservation Act of 1966 for all projects/proposals. In Nebraska this office is part of HistoryNebraska. Go to the link below to obtain the required Section 106 Review and Compliance form. There is a link to the form within this section of the online grant application. This process can take between 30-45 business days so please plan accordingly.

If the determination includes the need for an archeological resource survey, it will need to be included with your application.

To obtain a State Historical Preservation Office Recommendation, go to <https://history.nebraska.gov/historic-preservation/review-and-compliance>.

Required Attachments

Property Deed, Title Insurance or Title Opinion

Upload proof of ownership of the property. This is typically a property deed.

Maps

Project maps are one the most important components of the project proposal. The maps will be used for inspection years after the project has been completed. For this reason, accuracy is crucial. Legal description of the boundary should be noted on your map of the project site. The state utilizes signed and dated project boundary maps for National Park Service approval.

- City/County/State Map with project property location: upload a map showing the location of the village/city within the county and state, with the location of the project site labeled.
- Project Site Plan: A map illustrating the recreation area indicating the area of where the project site is located. Label all existing buildings and structures. Label all planned locations of project elements. Label any overhead electrical lines and easements.
- Project Boundary Map: A map illustrating the park boundary that will be encumbered by the LWCF grant.
 - Maps should include the following:
 - title of the project and date of map preparation, certified by signature
 - maps must be to scale, project boundary outlined, showing feet, acres (include acres listed on title/deed, if different), and directional arrow
 - show planned development for project site, color code existing and planned development
 - show all tracts to be purchased (acquisition projects only)
 - show existing roads (include names), any existing easements, overhead utility lines and/or other environmental intrusions; label existing buildings/facilities
 - show existing land use of land adjoining project site (optional)

Project Cost Estimate

The cost estimate should be a line-item estimate of project costs associated with the proposed project. This is typically prepared by a product vendor, construction contractor, design/construction consultant and/or grant applicant sponsor’s engineering staff, etc.

If it applies to your application upload a plat/tract map, floor plan, or estimate of land value.

Resolution

Download the “Resolution on Acquisition or Development for Outdoor Recreation” Form, complete the form, including appropriate administrative signatures.

Additional Attachments

This is a place for you to upload additional documents that support your application.

Examples include, but are not limited to:

- Proof of match
- Letters of support
- Minutes from public meetings
- Comprehensive Plan
- Recreation Plan

NPS Environmental Resources Survey Table 1

The table within this section of the application serves as a record of the environmental resources present at the site, whether the proposed action (project) is likely to have a significantly negative impact those resources, and whether further information is needed to determine the potential impact.

Review the listed resources within the table and identify any resources that may be significantly impacted by the action (project). The Environmental Resources Survey should be completed with professional input from resource experts and in consultation with relevant local, state, tribal, and federal governments, as appropriate.

Significant negative impact on resources: Project components or activities that will have long-term impacts to the resource. (e.g., hike/bike bridge crossing a stream or river containing species of concern or threatened and endangered species that will have long-term or permanent impacts on the species, removal of trees that will have impacts migratory birds or bats, project components that will permanently or have long term effects on plant and animal habitat).

NPS NEPA Environmental Resources Survey Table 2

Mandatory Impact Criteria

Select the appropriate impact level box for each Mandatory Impact Criteria line item (No, Yes, TBD = To Be Determined).

- If you answer “yes” or “maybe” for any of the mandatory criteria, you must develop an Environmental Assessment (EA) or Environmental Impact Statement (EIS) regardless of your answers in Part A. Explain all “yes” and “maybe” answers on a separate sheet.

Environmental Reviewers

List all environmental reviewers assisting/consulting with the environmental review. Please include name, title, agency, and field of expertise of each reviewer.

Environmental Resource Review Questions

Indicate if there has been a previous National Environmental Policy Act (NEPA) or State Environmental Policy Act (SEPA) study or process done.

Application Risk Assessment Questionnaire

2 CFR 200.331 of the Federal Code requires pass-through entities to conduct a risk assessment of each sub-recipient.

Project Risk Assessment

Questions regarding the sponsor’s ability or experience administering similar projects associated with federal funding, how cost estimates were derived, and elements that will improve resiliency.

Sponsor Financial Audit Information

Was an audit performed in the prior fiscal year?

- If yes, upload the audit report
- If no, complete the populated questions

Certification

The authorized official for your agency/city must sign and date the certification page.

Note: For the electronic signature to work, the authorized official of your agency must also be registered in the online grant system with their own unique username and password. If your supervisor is required to sign the grant document, please have them register online or contact one of our grant staff members for gaining access to the system.