



Operations Office
512 SE 25th Ave.
Pratt, KS 67124-8174

Phone: (620) 672-5911
Fax: (620) 672-2972
www.ksoutdoors.com

Brad Loveless, Secretary

Laura Kelly, Governor

February 24, 2021

Dear Land & Water Conservation Fund (LWCF) Recipient:

Enclosed is the annual operation and maintenance assurance statement (AOMAS) with a list of LWCF projects for which you have previously received awards. Also enclosed is information outlining your LWCF sites and the LWCF program in general. This information is provided as a tool to help you understand the LWCF program and your responsibilities as a subgrantee. Please keep this information for your records.

Please read the responsibilities listed on the blue AOMAS form and sign and return it to the attention of the KDWPT State Park Division by **April 30, 2021**. Also, please fill out the Contact Information Update on the back of the blue AOMAS to be sure our office has your most current contact information.

Keep in mind that any new improvements to the LWCF site must be approved by our office prior to development and must meet ADA requirements. Also remember that overhead lines are a direct violation of LWCF requirements and are never permitted within a project's boundaries. Any future utility development at these facilities must be buried underground or relocated outside of the 6(f) boundaries.

It is very important that LWCF guidelines are followed and that you return the blue AOMAS form. Your cooperation in maintaining your LWCF project is very important if you are interested in receiving future outdoor recreation funding.

We are now taking applications for new projects. If you would like to submit an application please have them to our office by **September 15, 2021**. You can find information on the application process by going to [www.ksoutdoors.com/KDWPT-Info/Grants](http://ksoutdoors.com/KDWPT-Info/Grants).

Feel free to call our office if you have any questions. Thank you for your dedication to providing outdoor recreation opportunities to your community.

Sincerely,

Kati Westerhaus
Kansas Department of Wildlife, Parks and Tourism
LWCF Coordinator, State Parks Division



Protecting Places that Matter



LWCF History

Since 1965, the Land and Water Conservation Fund has been an active partner with states and communities in creating places that really matter: playgrounds alive with kids, well-used baseball diamonds and soccer fields, peaceful picnic areas, safe paths for walking and cycling, fast-paced basketball courts, popular beaches and pools, and scenic state parks.

But America's most productive conservation partnership does even more. The benefits of the Land and Water Conservation Fund extend beyond park and recreation facility construction and open space acquisition. The Fund also plays a major stewardship role, ensuring the integrity and recreational quality of Fund-assisted parks and conservation lands, now and for future generations.

Protecting our Parklands Forever

One of the most important aspects to understand about LWCF assisted sites is that the sites are protected under LWCF stewardship forever.

The Fund's most important tool for ensuring long-term stewardship is its "conversion protection" requirement. Administered by the National Park Service in cooperation with states, this requirement, Section 6(f)(3) of the Land and Water Conservation Fund Act, strongly discourages casual discards and conversions of state and local park and recreation facilities to other uses.

SEC. 6(f)(3) No property acquired or developed with the assistance under this section shall, without the approval of the Secretary be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

Clearly, change is inevitable and sometimes – when all other alternatives have been carefully reviewed – conversions are deemed both necessary and desirable. When conversions are approved, the goal is always a “win-win” solution, balancing the needs of recreation and open space with other community needs. At the same time, the Fund's conversion protection language ensures that any changes or conversions from recreation use will bear an equivalent cost – a cost that guarantees that our nation's past investments in its treasured recreation and open space resources will be honored.

The conversion process (which is set forth in Title 36, Part 59.3 of the Code of Federal Regulations) includes a comprehensive review of key issues relating to recreation access and use, land valuation, and an assessment of its impact on the environment. The process takes time – from six months to more than a year depending on the complexity of the conversion and the replacement site – and is subject to concurrence by the State and the National Park Service.

Understanding Stewardship Responsibilities

Stewardship responsibility for Fund-assisted state and local parks and recreation facilities is shared by the Land and Water Conservation Fund's three partners: the National Park Service, the State Sponsor (KDWPT), and the local project sponsor (you). Stewardship duties are as follows:

Local sponsor (YOU): are responsible for local site stewardship, including:

- Public access and safety
- Basic maintenance
- All responsibilities outlined on the AOMAS statement

State Sponsor (KDWPT): responsible for site stewardship at state parks and coordination with local sponsors, including:

- Periodic site visits – KDWPT conducts site visits every 5 years
- Working with local sponsors to ensure that LWCF stewardship goals are met

National Park Service: charged with the overall responsibility for protecting the integrity and recreational value of all state and local sites assisted by the Fund.

State Sponsor Contact Information

Kansas Department of Wildlife, Parks and Tourism administers the Land and Water Conservation Fund as the state sponsor. Our goal is to support and maintain the spirit of the Fund as we work to preserve outdoor recreation opportunities statewide through the state park system and local LWCF projects.

As the State sponsor, our office works directly with the local sponsors to ensure that LWCF goals are met statewide. We do this primarily through the Annual Operations and Maintenance Assurance Statement (AOMAS) and local site visits. AOMAS statements are sent yearly as a reminder of the stewardship responsibilities for the local sponsor; we ask that you sign this statement and return it to us as an acknowledgement of understanding. In addition to the AOMAS, KDWPT conducts site visits every 5 years to ensure that Fund-assisted sites are still open and in compliance with LWCF goals.

Any questions or concerns you have regarding your LWCF assisted sites may be directed to:

Kati Westerhaus
LWCF Coordinator
512 SE 25th Avenue
Pratt, KS 67124

Email: kati.westerhaus@ks.gov
Phone: 620-672-0740
Fax: 620-672-2972

KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
512 SE 25th AVENUE
PRATT, KS 67124

2021 ANNUAL OPERATION AND MAINTENANCE ASSURANCE STATEMENT
Land & Water Conservation Fund (LWCF)

Whereas, **City of Arkansas City** has received financial assistance from the Land & Water Conservation Fund for the following project(s):

<u>NPS Project No.</u>	<u>Project Title</u>
20-00176	North C Street Tennis Court
20-00209	Walnut River Park Acq. Project
20-00254	Walnut River Park Development
20-00255	Center City Park Area Acq. & Dev.
20-00285	Municipal Swimming Pool Renovation
20-00498	Springhill Golf Course Acq.
20-00622	Wilson Park Improvements
20-00785	Wilson Park Splash Pad & Restroom

The subgrantee does hereby assure that it:

1. will not convert any portion of a project area to other than public outdoor recreation use through sale, lease, easement, construction of non-outdoor recreation facilities or by any other means without prior approval and replacement of the converted property. (see Section 6(f)(3) of the LWCF act) A "project area" will generally include all or any outdoor recreation area which has received LWCF assistance;
2. will not install any overhead electric or telephone lines on project areas;
3. will maintain the project area and facilities in a safe, attractive, and inviting manner;
4. will maintain sanitary facilities in accordance with local/state health standards;
5. will make reasonable and prompt repairs on facilities funded with LWCF throughout their estimated lifetime to prevent undue or premature deterioration;
6. will keep facilities open for public use during reasonable hours of the day and times of the year;
7. will permanently display a LWCF sign (symbol) at all project areas;
8. will comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975;
9. will not change, by addition or deletion, any structural features of facilities without prior review and approval of the Kansas Department of Wildlife, Parks & Tourism and the National Park Service.
10. will submit any new development plans for the project site to Kansas Department of Wildlife, Parks & Tourism prior to development, and all required permitting from the State Historical Preservation Office and all environmental approvals must be sent to Kansas Department of Wildlife, Parks & Tourism for their files.

City of Arkansas City
Project Sponsor

** I certify that I have the authority to sign for this project sponsor **

Date: _____

Signature: _____

Printed Name: _____

Title: _____

Contact Information Update
Printed Name:
Title:
Agency or Department:
Mailing Address:
City, State, Zipcode:
Phone number:
Fax number:
E-mail address:

Andrew Lawson

From: Westerhaus, Kati [KDWPT] <Kati.Westerhaus@KS.GOV>
Sent: Wednesday, January 29, 2020 2:28 PM
To: Andrew Lawson
Subject: Obsolete & Change of Use - LWCF Facilities

Follow Up Flag: Follow up
Flag Status: Completed

Hi Andrew,

Per your request, below is information regarding the obsolete facilities rules for LWCF projects that have outlived their useful life and significant change of use:

Obsolete Facilities

Project sponsors are not required to continue operation of a particular recreation area or facility beyond its useful life. However, Section 6(f)(3) of the LWCF Act requires project sponsors maintain the entire area within the Section 6(f)(3) boundary in some form of public outdoor recreation use.

Notwithstanding neglect or inadequate maintenance on the part of the project sponsor, a recreation area or facility may be determined to be obsolete if:

1. reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating;
2. changing recreation needs dictate a change in the type of facilities provided;
3. park operating practices dictate a change in the type of facilities required; or,
4. the recreation area or facility is destroyed by fire, natural disaster, or vandalism.

States may determine a facility is obsolete and permit its use to be discontinued or allow a particular type of recreation use of the LWCF assisted area to be changed provided that the project record maintained by the State is documented by the sponsor with a justification statement for determining obsolescence and the State concurs in the change. However, NPS

approval must be obtained prior to any change from one LWCF allowable use to another when the proposed use would significantly contravene the original plans for the area.

If, in the judgment of the State, the facility is needed and was lost through neglect or inadequate maintenance, then replacement facilities must be provided at the current value of the original investment.

LWCF assistance may be provided to renovate outdoor recreation facilities that have previously received LWCF assistance if the State determines the renovation is not required as a result of neglect or inadequate maintenance and the State documents the project record to that effect.

Significant Change of Use

Section 6(f)(3) of the LWCF Act requires project sponsors maintain the entire area defined in the project agreement in some form of public outdoor recreation use. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area as described in the original LWCF project(s).

NPS approval is not required, however, for each and every facility use change. Uses within a Section 6(f)(3) protected area should be viewed in the context of overall use and should be monitored in this context. A change from a swimming pool with substantial recreational development to a less intense area of limited development such as a passive park, or vice versa, would, for example, require NPS approval.

States shall notify NPS in writing of proposals to significantly change the use of Section 6(f)(3) areas in advance of their occurrence. NPS will expedite a determination of whether a formal review and approval process will be required. A primary NPS consideration in the review will be the consistency of the proposal with the Statewide Comprehensive Outdoor Recreation Plan.

Changes to other than public outdoor recreation use constitute a conversion and will require NPS approval and the substitution of replacement land in accordance with Section 6(f)(3) of the LWCF Act.

Thank you,
Kati

Kati Westerhaus
LWCF Grant Coordinator
Kansas State Parks



P 620.672.0740
KS Dept. of Wildlife, Parks & Tourism
512 SE 25th Ave. | Pratt, KS 67124
kati.westerhaus@ks.gov | www.ksoutdoors.com

RESOLUTION NO. 2020-07-3338

A RESOLUTION AUTHORIZING MAYOR KAREN WELCH TO SIGN AND EXECUTE THE PROJECT AGREEMENT FOR LAND AND WATER CONSERVATION FUND (LWCF) PROJECT NO. 20-00785 WITH THE KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM FOR THE WILSON PARK MASTER PLAN PHASE 1 UPGRADES.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the Mayor and/or City staff of the City of Arkansas City, Kansas, to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment, including but not limited to signing and executing the Project Agreement for Land and Water Conservation Fund (LWCF) Project No. 20-00785 with the Kansas Department of Wildlife, Parks and Tourism (KDWPT).

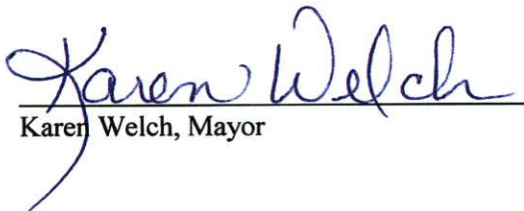
SECTION TWO: This Resolution shall be in full force and effect from its date of passage by the Governing Body of the City of Arkansas City, Kansas.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas, on this 7th day of July, 2020.





Lesley Shook, City Clerk



Karen Welch, Mayor

APPROVED AS TO FORM:



Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2020-07-3338 of the City of Arkansas City, Kansas, adopted by the Governing Body thereof on July 7, 2020, as the same appears of record in my office.

DATED: July 8, 2020.



Lesley Shook, City Clerk



**KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM
LAND AND WATER CONSERVATION FUND PROGRAM**

COUNTY: Cowley
PROJECT NO.: 20-00785

PROJECT AGREEMENT

NAME OF PARTICIPATING AGENCY: City of Arkansas City
ADDRESS: 118 W. Central Ave., Arkansas City, KS 67005
PROJECT TITLE: Wilson Park Splash Pad & Restroom
PROJECT PERIOD: September 23, 2019 through September 30, 2022
PROJECT SCOPE: (Description of Project)

The proposed project would provide assistance to the City of Arkansas City for the construction of a splash pad and restroom facility.

PROJECT SEGMENT COVERED BY THIS AGREEMENT:

PROJECT COST:

Total Cost	\$	<u>777,192.00</u>	
Fund (LWCF) amount not to exceed		50%	
Fund (LWCF) Amount	\$	<u>300,000.00</u>	38.6%
Cost of this Segment	\$	<u>777,192.00</u>	
Assistance this Segment	\$	<u>300,000.00</u>	

ATTACHMENTS:

1. General Provisions
(Dated:) December 2015

Project Agreement (Cont.)

The State of Kansas and the local agency named on the previous page, mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964) as amended, with the general provisions attached hereto and made a part hereof, and with the approved project proposal including attachments and any amendment thereto which have been or will be submitted for this project.

The State hereby promises, pending the execution of this agreement by the above named political subdivision, to take the necessary steps and action and to attempt to enter an agreement and any necessary amendments to obtain federal cost-sharing for that portion of the project cost referred to on the reverse side as "Fund Amount," to accept such funds from the United States and disburse the same to reimburse the local agency that portion of the total project cost that is the United States' share. It is understood by the parties hereto that this agreement shall not obligate State of Kansas funds for the project costs described herein, to execute the project or project segment described on the reverse side in accordance with the terms of the agreement. It is further understood that incurred costs will not be reimbursed without written approval that such federal funds have been encumbered.

The following special project terms and conditions were added to this agreement before the parties signed it hereto:

A final billing for reimbursement shall be submitted to the State not later than 90 days following the expiration of the project period. Failure to do so shall, at the discretion of the State, be cause for termination of the project with no further reimbursement of funds.

The grantee shall comply with 43 CFR Part 12, Subpart B -Audit Requirements for State and Local Governments.

STATE OF KANSAS

By: _____
Linda Lanterman, Director of State Parks
Kansas Department of Wildlife, Parks and Tourism

LOCAL AGENCY

By: Karen Welch
Signature

Karen Welch Mayor
Name & Title

Date