



Competitive Grant Program Procedures of the  
State Board of the  
Great Outdoors Colorado Trust Fund  
June 27, 2017

## **Introduction**

These Competitive Grant Program Procedures are intended to elaborate on certain policies of GOCO's competitive grant programs found in section 3 of *Policies & Procedures of the Great Outdoor Colorado Trust Fund*. Each procedure provides additional detail on the policy of the same number, such as explaining the steps to take and the authority needed to make decisions to implement the policies.

### 3.3. Funding Parameters

#### a) Grant Amount

Consistent with policies 2.10 and 2.12 of the *Policies and Procedures of the State Board of the Great Outdoors Colorado Trust Fund*, the board “will adopt a spending plan for all investments and competitive grant programs” and, “the board shall develop and consider a multiyear spending plan on a regular basis.” Subsequently, GOCO staff and leadership determine grant amount award guidelines for individual programs. Factors in developing these guidelines include strategic plan priorities; historical award amounts; demand as demonstrated during previous grant cycles; and grantee feedback. Grant applications will consistently and clearly speak to grant award amount guidelines, including whether the award amount is a “soft” cap or a “hard” cap that cannot be exceeded. The table below summarizes the current grant amount award guidelines for each program.

Type of Grants	Program	Grant Amount Award Guidelines
Local Government	Mini Grants	\$45,000
	Planning Grants	\$75,000 (with exceptions for competitive projects)
	LPOR Grants	\$350,000
	Land Acquisitions (for future development)	\$350,000
	Connect Special Initiative	\$2,000,000
Open Space	Open Space – Regular	\$1,000,000 (with rare exceptions for highly competitive projects)
	Protect Special Initiative	N/A
	Transaction Costs	\$50,000
	Habitat Restoration	N/A
	Conservation Excellence	\$100,000
Youth Initiatives	School Yard	\$110,000
	Inspire Special Initiative Implementation	\$5,000,000
	Inspire Special Initiative Planning	\$100,000
	Youth Corps Initiative	\$100,000

**b) Match Requirements**

- 1) For construction grants, matching costs cannot be incurred prior to the date of grant award with the exception of acquired land and design and engineering. Reference 3.3(f) for a description of eligible costs.
- 2) A grantee that acquired land for the purposes of a project funded through the local government purpose within three years prior to the application date can use the fair market value of the land as match; an appraisal will be required to establish the fair market value of the land as of the date of the acquisition. If the property was purchased with cash, it can count as cash match; if the land was donated, it can be included as in-kind match.
- 3) Local government grantees can use the value of design and engineering costs incurred within two years in advance of the application deadline toward the match requirement.
- 4) For land acquisition projects funded through a regular open space grant or a Protect Special Initiative grant, only costs that are required to acquire the property and limited indirect costs are eligible to be used as matching resources. Reference 3.3(f) for a description of eligible costs.
- 5) Landowner donations are not required for land acquisition projects funded through a regular open space grant or a Protect Special Initiative grant. Grantees may not use the value of land donations as match. In an application for a regular open space grant or a Protect Special Initiative grant, GOCO will award points for the landowner's donation as part of the land value.
- 6) The value of discounted or donated eligible project components/costs (such as materials, labor, and the use of applicant or partner equipment for construction and restoration projects) needed to implement a project can be used as in-kind match.
- 7) For habitat restoration projects, up to 50% of pre-project engineering and design costs completed within one year prior to award date may be used as cash match. Limited volunteer time can be used as in-kind match.

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Type of Grants	Program	Minimum Cash Match Percentage	Minimum Overall Match Percentage
Local Government	Mini Grants	10%	25%
	Planning Grants	10%	25%
	LPOR Grants	10%	25%
	Land Acquisition Grants (for future development)	10%	25%
	Connect Special Initiative	10%	25%
Open Space	Open Space – Regular	12.5%	25%
	Protect Special Initiative	12.5%	25%
	Transaction Costs	15%	15%
	Habitat Restoration	12.5%	25%
	Conservation Excellence	12.5%	25%
Youth Initiatives	School Yard	10%	25%
	Inspire Special Initiative Implementation	10%	25%
	Inspire Special Initiative Planning	10%	25%
	Youth Corps Initiative	0.0%	0.00%

**c) Grant Term**

Grant terms will be outlined in the grant application and grant agreement.

Type of Grants	Program	Grant Term (from date of award)
Local Government	Mini Grants	2 years
	Planning Grants	2 years
	LPOR Grants	2 years
	Land Acquisition Grants (for future development)	2 years
	Connect Special Initiative	3 years
Open Space	Open Space – Regular	2 years
	Protect Special Initiative	2 years
	Transaction Costs	2 years
	Habitat Restoration	2 years
	Conservation Excellence	2 years
Youth Initiatives	School Yard	2 years

	Inspire Special Initiative Implementation	3 years
	Inspire Special Initiative Planning	1 year for pilots 21 months for Tier 2
	Youth Corps Initiative	1 year

**d) Peer Review & Site Visits**

In order to maintain a fair and transparent grant review process, GOCO staff engages outside peer reviewers to assist in the evaluation of proposals for all grant programs. In each grant cycle, GOCO solicits at least three professionals in parks and recreation, municipal administration, open space, non-profit, land conservation, or grant-making, leveraging their background and expertise to assist in application review and scoring. A project's final score will reflect the scores of both peer reviewers and GOCO staff.

For applications to the regular open space program and Protect Initiative, GOCO staff will usually conduct a site visit. For all other open space grant programs site visits are not typically conducted.

With the exception of local government land acquisition projects and the Connect Special Initiative, local government grant programs do not typically include a site visit.

With the exception of the Youth Corps Initiative youth initiative grant programs will typically include a site visit by GOCO staff.

**e) Overdue Grants**

GOCO understands that there are unforeseen circumstances that may interfere with a grantee's ability to complete a project by the project completion date set forth in the grant agreement. This procedure outlines the options available to grantees to extend a grant deadline.

- 1) Staff Extensions: Staff can grant an extension for at least 90 days and up to the date of the next scheduled GOCO Board meeting beyond that 90 days. A grantee may only request one staff extension per project.
  - a. The grantee must submit a request for a staff extension prior to the original project completion date via email or postal mail to the appropriate GOCO program staff.

- b. Requests must include the following: a) grantee name; b) project title; c) contract number from the grant agreement; d) original project completion date; e) percent of project completed to date or due diligence items completed to date for land acquisitions; f) reason for delay; g) estimated date of project completion or closing; and h) estimated date of final report submission to GOCO, if applicable.
  - c. Staff will notify the grantee via email of the decision to grant or deny the request for a staff extension.
- 2) Board Extensions: If the grantee needs more time than a staff extension would provide, the grantee must request a board extension. A grantee can request a second board extension if needed, although this is not a favorable action.
  - a. The grantee must submit a request for a board extension prior to the original or staff-extended project completion date via email or postal mail. Requests must be sent to the appropriate GOCO program staff.
  - b. Requests must include the following: a) grantee name; b) project title; c) contract number from the grant agreement; d) original project completion date and, if applicable, staff-extended project completion date; e) percent of project completed to date or due diligence items completed to date for land acquisitions; f) reason for delay; g) estimated date of project completion or closing; and h) estimated date of final report submission to GOCO, if applicable.
  - c. The board will consider the request for board extension at its next scheduled meeting. Staff will notify the grantee via email of the board's decision to grant or deny the request for a board extension.
  - d. Requests for a second board extension must follow all of the procedures listed above.
- 3) To request a staff or board extension, notify your grant coordinator, who will create an extension request form in GOCO's online portal system for you to complete and submit.
- 4) GOCO expects the grantee to request the appropriate amount of time needed to complete the project. Failure to complete a project by the original due date, or by any extended due dates authorized by staff or the board, may result in the de-authorization of the grant and a suspension from applying in future grant cycles.

**f) Eligible Costs**

In order to accomplish GOCO's mission, each grant program has established costs that are eligible and ineligible to be included in a GOCO-funded project. Eligible costs are those costs that may be included in a project budget to be funded by GOCO or used as match; ineligible costs may not be included in the project budget to be funded by GOCO or used as match. Each grant program will list eligible and ineligible costs in its respective grant application materials.



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<b>Grant Type</b>	<b>Eligible Costs</b>	<b>Ineligible Costs</b>	<b>Indirect Costs?</b>
Local government park and trail construction grant	Must directly relate to the capital costs associated with constructing playgrounds, trails, skate parks, fishing piers, fairground amenities that are located outdoors, outdoor swimming pools, outdoor education classrooms, disc golf courses, nature play areas, athletic fields, and associated infrastructure.	Include but not limited to: applicant and partner staff time, any funds expended prior to the grant award date unless explicitly permitted by these procedures, the purchase of non-fixed assets (lawnmowers, snow blowers, rakes, etc.), programmatic costs, operations and maintenance, administrative costs, grant writing, grant administration, special event costs.	No
Local government land acquisition grant (for future development)	Include but not limited to: purchase price, survey, appraisal, environmental hazards assessment, baseline documentation report, title policy, mineral assessment, closing costs, and attorney fees.	Anything not listed in the previous column.	Yes
Local government planning grant	Include but not limited to: consultant costs; professional services such as legal, facilitation, professional planning; costs that directly relate to the planning activity such as inventories, design, GIS/mapping, printing; costs for public engagement such as public meetings, focus groups, surveys, and web-based outreach.	Include but not limited to: grant writing or administration costs, volunteer time, future costs of land acquisition and facility development, costs of existing operations, events, publications, advertising and/or similar event items for fundraising or public meetings.	No
Connect Special Initiative grant	Include but not limited to: trail construction, trailhead amenities, underpasses, overpasses, trail corridor acquisitions, and associated infrastructure.	Include but not limited to: applicant and partner staff time, any funds expended prior to the grant award date unless explicitly permitted by these procedures, the	

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		purchase of non-fixed assets (lawnmowers, snow blowers, rakes, etc.), programmatic costs, operations and maintenance, administrative costs, grant writing, grant administration, special event costs.	
Regular open space grant or Protect Special Initiative grant	Purchase price, survey, appraisal, environmental hazards assessment, baseline documentation report, title policy, mineral assessment, closing costs, attorney fees, stewardship endowments <sup>1</sup> .	Anything not listed in the previous column.	Yes; see 3.3(f)(1). <sup>2</sup>
Transaction costs grant	Survey, appraisal, environmental hazards assessment, baseline documentation report, title policy, mineral assessment, closing costs, attorney fees, stewardship endowments.	Anything not listed in the previous column.	No
Habitat restoration grant	Include but not limited to: professional services such as consultant or contracted services, youth corps crews, staff time when it can be shown that staff is the most effective and strategic way of	Include but not limited to: fundraising; staff time on projects outside the scope of the application; equipment purchases; land, water, or conservation easement purchases;	Yes; see 3.3(f)(1). <sup>3</sup>

<sup>1</sup> GOCO's stewardship endowment contribution for any grant shall be capped at 50% of the endowment cost or \$10,000, whichever is less. GOCO staff may reassess this limit periodically, but at least once every five years. If there are multiple properties in the project, GOCO will pay up to \$10,000 for a stewardship endowment for each property. Stewardship endowment funds from GOCO must be matched by an equivalent cash contribution by the applicant and/or partners.

<sup>2</sup> Payment of indirect costs is limited to 3% of the purchase price or 5% of the GOCO grant, whichever is less, for a cumulative total of \$50,000 per grantee over a rolling, retroactive two-year period. Applicants must demonstrate that they are fulfilling an essential role in ensuring that the public does not lose a vital land conservation opportunity.

<sup>3</sup> For habitat restoration projects, payment of indirect costs (not including staff time) is limited to 3% of the GOCO grant. This limitation applies to the grantee as well as any contracted service providers.

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	addressing the project and that the staff person's other duties can still be fulfilled, equipment operation and/or rental, travel expenses related to the project, surveys, engineering, design, GIS/mapping, monitoring and evaluation services.	costs incurred prior to grant award except for limited engineering and design costs.	
Conservation excellence grant	Include but not limited to: consultant costs; professional services such as legal, facilitation, professional planning; staff time when it can be shown that existing staff is the most effective and strategic way of addressing the project and that the staff person's duties can be completed in a different way; trainings that are germane to the issue/topic of the project; inventories; design; GIS/mapping; printing; public input meeting costs.	Include but not limited to: administrative overhead, fundraising, computers, rent or other occupancy expense, website design, financial audits, tuition for degree programs, conference costs, recurring staff training, volunteer or board member time, staff time on existing work, organization fees, existing operations or equipment, meeting costs not associated with the project.	No
School yard grant	Include but not limited to: costs associated with capital investments in new and existing school yards, natural playscapes, outdoor classrooms, learning gardens, walking paths, environmental education signage, shade elements, age specific play equipment.	Include but not limited to: applicant and partner staff time, any funds expended prior to the grant award date unless explicitly permitted by these procedures, the purchase of non-fixed assets (lawnmowers, snow blowers, rakes, etc.), programmatic costs, operations and maintenance, administrative costs, grant writing, grant administration, special event costs.	No

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Inspire special initiative implementation	Include but not limited to: costs associated with capital investments in parks, such as nature play areas, outdoor education classrooms, fishing piers, and trails; investments in youth programming related to environmental education and outdoor recreation; applicant and partner staff time, project coordination.	Include but not limited to: athletic fields, tracks, funding for existing programs, maintenance, vehicles, fundraising costs	Yes
Inspire special initiative planning	Include but not limited to: consultant costs; professional services such as legal, facilitation, professional planning; costs that directly relate to the planning activity such as inventories, design, GIS/mapping, printing; costs for public engagement such as public meetings, focus groups, surveys, and web-based outreach.	Include but not limited to: grant writing costs, future costs for project implementation	Yes
Youth Corps Grants	Include but not limited to: constructing and maintaining Colorado's trail system, improving outdoor recreation amenities, mitigating fire fuels, restoring wildlife habitat, installing and dismantling fences, mitigating and removing invasive species, environmental education and other projects that address pressing natural resource and stewardship needs.	Include but not limited to: projects on state or federal lands, projects requiring volunteers, projects that require professional work crews, projects that require less than two weeks of work	

- 1) Indirect costs for projects funded through a regular open space grant, Protect Special Initiative grant, or habitat restoration grant:
  - a. include staff time; travel costs; any office overhead, such as telephone, copying, and postage costs; and any other costs necessary to (1) a non-land acquisition project that do not directly produce work on the ground or written work product or (2) close a land acquisition that do not directly produce due diligence documents.
  - b. The applicant must inform GOCO at the application stage that the applicant intends to request indirect costs by submitting the *Request for Indirect Costs on a Project with an Open Space Purpose* form.
  - c. The applicant must describe the project's complexity, the applicant's risk in participating in the project, and the amount of time and effort the applicant has and will put into the project if it is funded.
  - d. GOCO will base its final determination of payment of indirect costs on the applicant's demonstration of the criteria listed in this procedure. GOCO may also consider the amount of direct costs requested of GOCO in the project budget.
  - e. If indirect costs are approved, the grantee must provide GOCO with full disclosure of the costs, payments, fees, and reimbursements involved in the purchase. This includes any fees paid to the grantee by the landowner or any other party.
  - f. GOCO's payment of indirect costs must not duplicate payment of indirect costs by other participants in the project.

**g) Stewardship and Organizational Health**

- 1) The easement holder shall monitor the easement property at least annually. While easement holders must keep written and photographic records of all monitoring visits, they need not submit those annual reports to GOCO unless a violation or suspected violation is discovered.
- 2) The easement holder must submit an Organizational Stewardship Report, the form of which GOCO will provide, that: (1) delineates how the organization funds stewardship activities on GOCO-funded projects, (2) details the balance of any stewardship fund or stewardship endowment or describes any source of dedicated funding, and (3) affirms that any GOCO funds awarded for stewardship will not be

used for legal defense. GOCO requires easement holders to provide updates at least biennially.

- 3) While GOCO expects state agencies to adhere to the spirit of these procedures, we may make special accommodations to address their particular needs and circumstances.
- 4) Any proposed conservation easement amendment shall adhere to the requirements of GOCO's *Guidelines for Amending a GOCO-Funded Conservation Easement*.
- 5) Any proposed assignment of a conservation easement shall adhere to the requirements of GOCO's *Guidelines for Assigning a GOCO-Funded Conservation Easement*.

#### **h) Disbursement of Funds**

- 1) Local Government and Youth Initiatives Projects
  - a. A grantee is required to supply documentation of committed funds and project expenditures prior to requesting payment from GOCO. GOCO offers three payment options for grants:
    - i. one advance payment prior to beginning work on a project. Using the *Local Government and Youth Initiatives Advanced Payment Report form*, grantees may request up to 50% of the grant amount or up to 75% of the funds committed to date, whichever is less. Funds to be paid in advance must be committed via executed contracts, purchase orders, or other documentation. The remainder is payable upon grantee's submission and GOCO's approval of a final report.
    - ii. one progress payment once work has started on a project yet prior to project completion. Using *Local Government and Youth Initiatives Progress Report form*, grantees may request up to 50% of the grant amount or up to 75% of funds expended to date, whichever is less. The remainder is payable upon grantee's submission and GOCO's approval of a final report.

- iii. one final payment of the entire grant amount for actual expenditures made, upon GOCO's approval of a final report.
  - b. GOCO staff reserves the right to provide additional grant payments if extenuating circumstances exist. However, the final grant payment will not be made until the project is 100% complete and final documentation has been submitted by the grantee and approved by GOCO.
  - c. Please reference the *Local Government and Youth Initiatives Advanced Payment Report form*, *Local Government and Youth Initiatives Progress Report* and *Local Government Final Report Form* for all requirements.
- 2) GOCO reserves the right to withhold all or a portion of the final payment should we find that ineligible expenses were included either in a progress report or at final report stage.
- 3) In cases where the board sets special funding conditions, GOCO may also prescribe an alternate method of payment.

**i) Federal Lands**

- 1) Applicants seeking funding for projects involving federal land must discuss the proposal with GOCO staff prior to submitting a formal application. Staff will consider the following when evaluating whether or not to advance the project to an application:
- a. Is there a demonstration by the applicant that any proposed recreational development will benefit the local community?
  - b. Status of applicable management agreement(s) between the applicant and the federal agency involved. A copy of the agreement(s) will be requested if it is not included in the application materials.
  - c. If the project involves acquiring land from the federal government, GOCO staff may require the applicant to disclose the authority (e.g., statute, regulation) under which the land is being acquired.
  - d. For acquisitions, staff may also request additional information from the eligible entity applying for the grant on a case-by-case basis to determine if the

acquisition will be consistent with other GOCO policies and technical real estate requirements.

**j) Property Ownership**

- 1) This procedure provides guidance for (1) proving ownership or control of the site on which a GOCO-funded park, trail, or environmental education facility is to be constructed, (2) the process required to fund a park, trail or environmental education facility on a property owned by a non-eligible entity, (3) GOCO's requirement of reasonable public access on any project funded by GOCO local government purpose funds, and (4) the way by which a project's useful life is determined.
  - a. When signing a grant application, an applicant certifies that it owns, leases, or otherwise has control over the property on which the project will be completed and verifies that it has evidence of this control. GOCO staff may require an applicant to submit supporting documentation such as a deed or long-term lease to prove ownership or control of the project site.
  - b. GOCO can fund projects on property owned by a third party that is not eligible under Article XXVII, Section 5(1)(a)(IV) of the Colorado Constitution when there is an executed agreement (IGA, MOU, use agreement, etc.) between the eligible applicant and the property owner. If an agreement is not in place at the time of application, the third party must submit a support letter to confirm its commitment to the project. An executed agreement will be required upon submission of the grant agreement.
  - c. In the event that the eligible applicant receives a grant on behalf of an ineligible entity, the applicant – as GOCO's grantee – will be responsible for grant administration. This means that the eligible applicant will sign the GOCO grant agreement, receive GOCO grant payments to be passed on to the project partner, and be responsible for executing formal communications with GOCO such as project modification and extension requests.
  - d. The definition of public access will be established by staff and/or the GOCO Board, when necessary, on a case-by-case basis. Due to the diversity of projects funded by GOCO, not all projects are held to the same standard. When needed,



staff works with grantees to establish the most reasonable form of public access for each project.

- e. Project applications must provide detailed estimates of the useful life of each project component. If the project is awarded, the useful life of the most substantial project component is documented in the grant agreement and becomes the length of time the grantee is required to operate and maintain the project.

### **3.4 Project Scope & Modification**

#### **Project Scope**

##### **a) Indoor facilities**

GOCO-funded projects must be located outdoors, with the exception of environmental and outdoor education facilities and restrooms.

##### **b) Active Recreational Use**

The GOCO Board maintains that active recreational use on properties acquired with open space funds is inappropriate. However, the board may make exceptions to this position. A grantee may request an exception to the prohibition by submitting a written request to GOCO staff. Staff may approve the request and provide written notice to the grantee of its decision or, at the grantee's request, promptly bring the request to the Open Space Committee for its consideration. The Open Space Committee may refer the request to the full GOCO Board for final decision.

##### **c) White Water Parks**

All applicants seeking funding for white water parks must include the following information in the application:

- 1) Indicate strong partnerships between the local government and the local community.
- 2) Demonstrate that the water park will be sustainable for 25 years based on existing water rights in the basin for the water park and the park's structures.
- 3) Demonstrate how the facility can be used in various water flow situations.
- 4) Provide evidence of proper park design and engineering.
- 5) Applicants must have U.S. Army Corps of Engineers 404 permit secured or demonstrate the ability to secure the permit prior to commencing construction.
- 6) Ensure the Environmental Checklist is completed by a professional from Colorado Parks and Wildlife.

If the project is funded, before final payment is made, all design and engineering drawings must be stamped and approved by a professional engineer, consistent with

state requirements, and all appropriate permits should be in place with documentation provided to GOCO.

#### Project Modifications

##### **d) Property Substitution for Land Acquisitions Prior to Closing**

A grantee may request substitution of an approved land acquisition project under the following procedures when the original project is no longer feasible. Grantees may not substitute an alternate project without GOCO's written approval.

- 1) The grantee must discuss the substitution proposal with GOCO staff prior to submitting a formal proposal.
- 2) Staff may deny the request or allow the grantee to submit a formal proposal.
- 3) If permitted, the grantee will submit the *Land Acquisition Substitution Request* form (amended from time to time), budget form, maps, title work, and a contract or letter of intent from the landowner of the substitution property.
- 4) GOCO will review the information and may conduct a site visit to the substitution property. The substitute project should achieve the same or similar objectives as those of the original approved project. When reviewing a project substitution request, GOCO will compare the approved project and the substitution project in the following areas:
  - a. conservation values,
  - b. property acreage,
  - c. interest to be acquired,
  - d. purchase price,
  - e. appraised value,
  - f. intended use of the property,
  - g. location of the property, and
  - h. GOCO's percentage contribution to the project.
- 5) GOCO staff has the discretion to approve or deny a project substitution request when the request applies to a large-scale grant opportunity that contemplates multiple projects within a defined area and the substitution project lies within the originally defined area. In all other cases, GOCO staff will make a recommendation to approve or deny the request to the GOCO Board committee that approved the original grant no later than the next scheduled committee meeting.

- 6) The respective GOCO Board committee may (a) deny the request, (b) approve the request, or (c) make a recommendation to the full GOCO Board no later than the next scheduled board meeting.
- 7) GOCO and the grantee will amend the grant agreement if the substitution request is approved.

**e) Modifications to Acreage and/or Budget for Land Acquisitions Prior to Closing**

- 1) The following definitions apply exclusively to this procedure:
  - a. Donated Property Value: The amount of property value for which a seller is not compensated as part of a land or conservation easement acquisition.
  - b. Project Cost: The sum of eligible cash expenses and in-kind expenses.
  - c. Project Value: The sum of eligible cash expenses, in-kind expenses, and Donated Property Value.
- 2) GOCO staff has the discretion to approve the following project modifications without committee or board authorization:
  - a. Acreage Changes
    - i. Any increase to project acreage;
    - ii. Any decrease to project acreage based upon a survey, assessor's data, or other source of due diligence (as long as the source documenting the change substantially aligns with maps submitted in the application); or
    - iii. Any decrease to project acreage of up to 10% of the total project area or 100 acres, whichever is less, from the approved acreage.
  - b. Budget Changes
    - i. Any increase to Project Cost or Project Value, as those figures appear in the approved budget;
    - ii. Any proportionate reduction of GOCO's grant such that GOCO's percentage of Project Value and Project Cost remains equal to the approved budget;
    - iii. An increase of up to 6% to the GOCO percentage of Project Value from the approved budget; or
    - iv. An increase of up to 3% to the GOCO percentage of Project Cost from the approved budget.

- 3) If staff has the discretion to consider the project modification request:
  - a. Staff shall promptly determine whether the project modification is acceptable and provide written notice to the grantee of its decision; or
  - b. Staff may bring the project modification request to the appropriate board committee for its consideration.
- 4) If staff does not have the discretion to consider the project modification request, staff shall notify the grantee and, at the grantee's request, bring the project modification request to the appropriate board committee for its consideration no later than the next scheduled committee meeting. The committee may refer the project modification request to the full GOCO Board for final decision.

**f) Modifications of Non-Land Acquisition Projects Prior to Completion**

- 1) A grantee may request a modification of a non-land acquisition project prior to completion by submitting a request to GOCO staff using the *Project Modification Request* form. Staff evaluates modification requests on a case-by-case basis. Staff uses its discretion to determine if the proposed modification is appropriate, considering factors including whether the modified project will provide the same benefit and meet the same need as the approved project scope. Staff shall promptly determine whether the project modification is acceptable and provide written notice to the grantee of its decision.
- 2) If a proposed modification significantly deviates from the original intent of the project, GOCO staff may make a recommendation to approve or deny the request to the appropriate board committee no later than the next scheduled committee meeting.
- 3) The board committee may (a) deny the request, (b) approve the request, or (c) make a recommendation to the full GOCO Board no later than the next scheduled board meeting.

**g) Change of Use for Land Acquisition Projects After Closing**

- 1) The following definitions apply exclusively to this procedure:
  - a. Applicant: The entity or entities that own(s) the property interest contemplated for a change of use.
  - b. Property: The property interest originally acquired in whole or in part through GOCO funding for which a change of use is contemplated.

- c. Open Space: Land of regional or statewide significance permanently protected and maintained to preserve its value as (1) buffer/inholding, (2) natural area and nongame wildlife habitat, (3) agricultural land, (4) greenway and stream corridor, (5) community separator, or (6) locally significant urban open land. Generally, allowed uses include only passive recreation such as non-motorized trail use, limited environmental education and watchable wildlife interpretation. Accessory structures such as parking and restroom facilities may be allowed.
  - d. Open Space/Conservation Values: The values the Property provides as stated in the grant application, grant agreement, board funding decision, and use restriction (such as a conservation easement). For example, these may include the community separator value of a property, habitat protection for certain species, or wetlands protection.
  - e. Parks and Outdoor Recreation Values: The values that the Property and its attendant facilities provide, as stated in the grant application, grant agreement, and board funding decision. These may include outdoor recreation or educational amenities such as: playgrounds, picnic facilities, and sports fields; local parks; environmental education facilities; and hard surface trails.
  - f. Public Use: A use that directly benefits the public and that is typical of a function or facility generally provided by state or local government but that falls outside of GOCO's mission. For example, Public Use includes affordable housing developments, public not-for-profit hospitals, indoor recreation facilities, and community meeting facilities. Public Uses do not include, for example, private residential or commercial developments, private golf courses or bowling alleys.
- 2) Open Space Applicant must request a change of use through the following procedures:
- a. Applicant must discuss any proposed change of use with staff. Staff may deny the request based on the criteria below or allow Applicant to submit a formal proposal as described below, in addition to answering the questions in the *Land Acquisition Substitution Request* form.
  - b. If a formal proposal is permitted, staff will review the information and may conduct a site visit to the Property and proposed substitute property. Staff will consider whether the Applicant has demonstrated compliance with the following criteria:
    - i. The Property has been managed as Open Space for at least 25 years;

- ii. The change of use is for Parks and Outdoor Recreation or a Public Use;
  - iii. A compelling public need is driving the changed use for which no other alternative exists *or* the Open Space/Conservation Values of the Property no longer exist;
  - iv. The Applicant must replace the Property with a substitute property of equal or greater value and existing in the same general region as the Property. This requirement applies to both the fair market value (determined by a qualified appraiser at the time of the change of use proposal) and the Open Space/Conservation Values. If the proposed change is a Public Use, the substitute property's fair market value shall be at least two times greater than that of the Property;
  - v. The change of use maintains or increases the regional open space values *or* disallowing the change of use diminishes the regional open space values;
  - vi. Any facilities, amenities, or other appurtenances on the Property that will be lost as a result of the change of use (whether they existed at the time of grant application or were funded by GOCO afterward) shall be replicated on the substitute property; and
  - vii. The Applicant's governing board must pass a resolution endorsing the proposed change of use and the proposed acquisition of the property interest on the substitute property.
- c. Based on analysis of the above criteria, staff will make a recommendation to the Open Space Committee of the board at the next scheduled meeting to approve the proposed change of use or to deny the request.
  - d. The Open Space Committee of the board may recommend the change of use and forward the request to the board, request additional information, or deny the request.
  - e. The board, if requested by the appropriate committee, in its sole and absolute discretion has the authority to approve or deny the change of use request.
- 3) Local government grantees must request a change of use through the following procedures:
- a. Applicant must discuss any proposed change of use with staff. Staff may deny the request based on the criteria below or allow Applicant to submit a formal

proposal as described below, in addition to answering the questions in the *Land Acquisition Substitution Request* form.

- b. If a formal proposal is permitted, staff will review the information and may conduct a site visit to the Property and proposed substitute property. Staff will consider whether the Applicant has demonstrated compliance with the following criteria:
  - i. The change of use is for a Public Use;
  - ii. A compelling public need is driving the changed use for which no other alternative exists;
  - iii. The Applicant must replace the Property with a substitute property of equal or greater fair market value (determined by a qualified appraiser at the time of the change of use proposal) that provides equal or greater Park and Outdoor Recreation Values and is easily accessible to and meets the needs of the community the original Property was intended to serve;
  - iv. Any facilities, amenities, or other appurtenances on the Property that will be lost as a result of the change of use (whether they existed at the time of grant application or were funded by GOCO afterward) shall be replicated on the substitute property; and
  - v. The Applicant's governing board must pass a resolution endorsing the proposed change of use and the proposed acquisition of the property interest on the substitute property.
- c. Based on analysis of the above criteria, staff will make a recommendation to the Local Government Committee of the board at the next scheduled meeting to approve the proposed change of use or to deny the request.
- d. The Local Government Committee of the board may recommend the change of use and forward the request to the board, request additional information, or deny the request.
- e. The board, if requested by the Local Government Committee, in its sole and absolute discretion has the authority to approve or deny the change of use request.

#### **h) Removing or Relocating Local Government-Funded Capital Improvements**

- 1) A grantee may request to remove or relocate its project prior to the project meeting its useful life using GOCO's Removing/Relocating of a GOCO-Funded Project form. Staff evaluates these requests on a case-by-case basis and uses its discretion to



- determine if the project removal or relocation is warranted. Staff shall promptly determine whether the removal or relocation is acceptable and provide written notice to the grantee of its decision.
- 2) When considering project relocation, staff evaluates a) the circumstances surrounding the relocation b) how the relocation positively or negatively impacts recreational opportunities for the community and c) the ability for components to be moved without substantial damage.
  - 3) When considering a project removal, staff evaluates a) the circumstances surrounding the proposed removal b) the project's age and condition c) whether the grantee appropriately maintained the project and d) how project removal will impact recreational opportunities for the community
  - 4) If staff does not approve a request to remove or relocate a project, it will forward its recommendation to the local government committee no later than the next scheduled committee meeting. The local government committee may (a) deny the request (b) approve the request, or (c) make a recommendation to the full GOCO Board no later than the next scheduled board meeting. If denied, the committee and/or board may determine how much, if any, of the grantee's GOCO funding has to be returned.

**Forms Referenced by these Procedures Available on GOCO's Website:**

Conservation Excellence Final Report

Conservation Excellence Progress Report

Guidelines for Amending a GOCO-Funded Conservation Easement

Guidelines for Assigning a GOCO-Funded Conservation Easement

Habitat Restoration Final Report

Habitat Restoration Progress Report

Land Acquisition Substitution Request

Local Government and Youth Initiatives Advanced Payment Request Form

Local Government and Youth Initiatives Final Report

Local Government and Youth Initiatives Progress Report

Local Government Project Extension Request

Project Modification Request

Removing/Relocating of a GOCO-Funded Project

Request for Indirect Costs on a Project with an Open Space Purpose