

May 27, 2010

**DRAFT**

**LAND AND WATER CONSERVATION FUND  
PROGRAM**

**Grant Application Guide**

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION



**“Creating Community through People, Parks and Programs”**

**STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION**

**DEPARTMENT MISSION**

The mission of the California Department of Parks and Recreation is to provide for the health, inspiration and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

**THE OFFICE OF GRANTS AND LOCAL SERVICES (OGALS) MISSION STATEMENT**

The mission of the Office of Grants and Local Services is to address California's diverse recreational, cultural and Historical Resource needs by developing grant programs, administering funds, offering technical assistance, building partnerships and providing leadership through quality customer service.

**OPEN PROJECT SELECTION PROCESS**

In addition to this Procedural Guide, the DEPARTMENT completes an Open Project Selection Process (OPSP) document which describes the public process used in the development of the Procedural Guide and in the operation of the Land and Water Conservation Fund program in California. The OPSP is part of the California Outdoor Recreation Plan, and is available on the DEPARTMENT website or be obtained by calling OGALS at the number listed below.

(Physical Address)

Calif. Dept. of Parks and Recreation  
Office of Grants and Local Services  
1416 Ninth Street, Room 918  
Sacramento, CA 95814

(Mailing Address)

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Website: [www.parks.ca.gov/grants](http://www.parks.ca.gov/grants)

Follow the link to Annual and Specified Programs, then to the Land and Water Conservation Fund Program

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## ***PART I: LAND WATER CONSERVATION FUND PROGRAM (LWCF) DESCRIPTION***

### ***Purpose and Funding***

The purposes of the LWCF program are “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 and are necessary and desirable. . . by (1) providing funds for and authorizing federal assistance to the states in planning, Acquisition, and Development of needed land and water areas and FACILITIES, and (2) providing funds for the federal Acquisition and Development of certain lands and other areas.” (Public Law 88-578, 16 U.S.C. 460I-1(b), as amended, 78 Stat. 897)

The LWCF program, administered nationally by the National Park Service, provides funds to federal agencies, the 50 states and 6 territories. Funds for the program come from federal recreation fees, sales of federal surplus real property, federal motorboat fuels tax, and Outer Continental Shelf mineral receipts. The money allocated to the states may be used for acquiring and developing outdoor recreation areas and FACILITIES.

Under the provisions of the California Outdoor Recreation Resources Plan Act of 1967, (Public Resources Code §5099 et seq.), the expenditure of funds allocated to California is administered by the Director of the DEPARTMENT. “The director may receive, on behalf of state and local agencies and subdivisions of the state, and disburse any federal funds for outdoor recreation purposes received pursuant to the act.”

### ***Statewide Comprehensive Outdoor Recreation Plan (SCORP)/California Outdoor Recreation Plan (CORP)***

Public Law 88-578, 16 U.S.C. 460I-8(d) and PRC 5099.2 states that for California to be eligible to receive LWCF Assistance, the DEPARTMENT must prepare and regularly update a Statewide Comprehensive Outdoor Recreation Plan (SCORP). California’s SCORP is the California Outdoor Recreation Plan (CORP). The CORP and its companion documents evaluate and address the demand for and supply of public recreation resources within California, identify needs and new opportunities for recreation improvements, and set forth an implementation program to meet recreation goals identified by its citizens and elected leaders. The CORP is available on the DEPARTMENT website at [www.parks.ca.gov/grants](http://www.parks.ca.gov/grants).

All LWCF grant applications submitted must be in accord with the priorities listed in CORP. The LWCF selection criterion facilitates scoring of each PROJECT proposal according to how well the PROJECT meets the needs and priorities published in CORP.

The Issues and Actions chapter of the CORP identifies outdoor recreation issues and needs of statewide importance which are the most pressing concerns broadly affecting California’s park and recreation service providers.

The 2007 Survey of Public Opinions & Attitudes, a component of the CORP, used a variety of survey techniques to provide a comprehensive view of the outdoor recreation patterns and preferences of Californians. The survey and survey results are available on the internet at [www.parks.ca.gov/planning](http://www.parks.ca.gov/planning).

## ***Program Information***

### ***Competitive Program Intent***

As stated in Public Law 88-578, 16 U.S.C. 460I-4, the Congressional intent of the LWCF is for APPLICANTS and the DEPARTMENT to cooperatively acquire, develop, and maintain outstanding properties in perpetuity for outdoor recreation purposes. LWCF provides assistance to develop quality recreation FACILITIES at the local level and statewide.

### ***Land Tenure Requirement – Perpetuity***

Property acquired or developed under the LWCF program must be retained in perpetuity for public outdoor recreation use (Public Law 88-578, 16 U.S.C. 460I-6(f)(3)). The area to be retained is identified on the SECTION 6(F)(3) boundary map (page 17) submitted by the APPLICANT. **To be eligible for LWCF assistance, the area identified within the SECTION 6(F)(3) boundary (see page 17) must include the entire park or property, not just the area being acquired or developed with LWCF assistance.**

If recommended for LWCF funding, a permanent record shall be kept in the Grantee's public property records and available for public inspection to the effect that the property described in the Scope of the Project Contract and the dated SECTION 6(F)(3) boundary map made part of that CONTRACT has been acquired or developed with LWCF assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the SLO, the DIRECTOR, and/or the Secretary of the Interior.

### ***Match Requirement***

This is a reimbursement program; no advances are available. The GRANTEE is expected to finance the entire PROJECT. *The reimbursement rate is up to fifty percent of the actual PROJECT expenditures, not to exceed the Grant amount, will be reimbursed upon PROJECT completion.* (Public Law 88-578, 16 U.S.C. 460I-8(c))

For all LWCF grants, the required MATCH must be at least one APPLICANT dollar to one federal dollar. However, any additional funds used to complete the PROJECT are also considered MATCH and the RATE OF REIMBURSEMENT (see page 28) will be calculated based on the total PROJECT costs. MATCH must be committed at the time of application.

For ACQUISITION PROJECTS, land used to meet the required MATCH is subject to the same federal approval and evaluation through the appraisal process. Therefore, GRANTEES may not take title to land used as MATCH until federal approval is given and the CONTRACT PERFORMANCE PERIOD begins.

### ***Eligible Applicants***

Eligible local agencies are counties, cities, recreation and park DISTRICTS and special DISTRICTS with authority to acquire, develop, operate, and maintain public park and recreation areas. Federally recognized tribes that qualify for LWCF assistance are also eligible to apply.

Eligible state agencies are designated by PRC 5099.12, and include the Department of Parks and Recreation, Wildlife Conservation Board, Department of Boating and Waterways and Department of Water Resources and California Coastal Conservancy.

However, APPLICANTS are *not* eligible to apply for new LWCF grants if they are currently out of compliance with SECTION 6(F)(3) of the LWCF Act or if they have outstanding conversions (see page 17).

### ***Eligible Projects***

LWCF funds can be used for ACQUISITION or DEVELOPMENT projects. APPLICANTS may not take title to PROJECT lands, or begin construction until a grant CONTRACT is fully executed. Any such action, prior to DEPARTMENT and NPS approval of ACQUISITION or DEVELOPMENT PROJECTS, is at the participant's own cost and is not an allowable GRANT expenditure. PROJECTS will not be considered for funding if:

- The timeline indicates that the PROJECT is not likely to be completed within the CONTRACT PERFORMANCE PERIOD and/or
- The applicant does not demonstrate that they, or their PROJECT manager(s), are capable of completing the PROJECT within the CONTRACT PERFORMANCE PERIOD.

### **Acquisition Projects**

ACQUISITIONS must provide for public outdoor recreation. These ACQUISITIONS may be for new areas, additions to existing parks, wildlife areas, beaches, open spaces, or similar properties. ACQUISITIONS can be by fee title or other lesser rights (e. g., permanent recreation use easements or similar devices) that will ensure public use in perpetuity. ACQUISITIONS must be for whole parcels; there must be public access to the property prior to completion of the PROJECT.

If DPR recommends approval of an ACQUISITION PROJECT, the GRANTEE, **at their own expense**, must meet NPS requirements, including:

- Appraisal prepared conforming to Uniform Appraisal Standards for Federal Land ACQUISITIONS (UASFLA).
- Independent review by an appraiser who will certify that the appraisal meets UASFLA.

### **Development Projects**

DEVELOPMENT PROJECTS shall include the construction of new and/or renovation of existing FACILITIES for public outdoor recreation. LWCF funds may also be used for SUPPORT FACILITIES needed by the public for the outdoor recreation use of an area, such as, lighting, parking, and restrooms. Indoor FACILITIES which support outdoor recreation activities in the immediate PROJECT area are also eligible, (e.g. visitor information centers, buildings that interpret resources of the PROJECT area).

APPLICANTS for DEVELOPMENT PROJECTS must satisfy site control and land tenure requirements (see page 20).

### ***Ineligible Projects***

PROJECTS *not* eligible for funding under LWCF include, but are not limited to the following:

1. Combination ACQUISITION *and* DEVELOPMENT PROJECTS

2. Interpretive FACILITIES which go beyond interpreting the PROJECT site and its immediate surrounding area
3. Convention FACILITIES
4. Commemorative exhibits and monuments
5. FACILITIES marginally related to outdoor recreation
6. Indoor FACILITIES such as community centers and gymnasiums
7. FACILITIES used primarily for spectator sports
8. Acquisition, restoration or preservation of historic structures
9. Employee residences

### ***Funds Available***

The amount of funds available varies based on the total amount apportioned to California by the federal government (see Appendix A on page 98). For local agencies, there is no minimum or maximum limit on grant request amounts.

### ***Application Deadline***

DPR shall announce that it is accepting LWCF applications, agencies must submit applications by the deadline specified for the selected year. Applications must be postmarked by the deadline date, or hand-delivered to the Office of Grants and Local Services.

### ***Contract Performance Period***

The CONTRACT PERFORMANCE PERIOD begins when the CONTRACT is approved by the National Park Service and ends on the date specified in the CONTRACT. Grantees must demonstrate that the PROJECT will be FULLY USABLE within three years of CONTRACT approval.

The CONTRACT PERFORMANCE PERIOD encompasses the period of time during which ELIGIBLE COSTS, except PRE-AWARD COSTS, may be incurred. All of the work described in the GRANT SCOPE must be completed by the APPLICANT and approved and paid by OGALS within this period.



## **Competitive Grant Process Overview**

### **Prior to Application**

Review this procedural guide to understand PROJECT eligibility and the COMPETITIVE application process. The PROJECT Selection Criteria (see page 52) can be used as a guide for PROJECT planning and design. Review the LWCF Program Grant Administration Guide to understand your responsibilities as a GRANTEE if your APPLICATION is selected for funding.

### **Application**

The APPLICANT submits a completed APPLICATION(s) for LWCF funds by the application deadline specified for the selected year.

The APPLICANT may submit multiple APPLICATIONS under the LWCF program. However, an individual APPLICATION must be submitted for each PROJECT. The Application Packet Checklist section (see page 10) provides directions and forms.

### **State Review – Application Package**

After review of the APPLICATION form and the required attachments, OGALS sends a letter to the APPLICANT acknowledging receipt of the APPLICATION. In addition, the letter will indicate whether the APPLICATION packet is complete or requires additional information to make it complete. PROJECT Selection Criteria responses (beginning on page 52) must be complete by the APPLICATION deadline. Revisions will not be accepted.

### **State Review – Competitive Process**

1. OGALS will evaluate the APPLICATIONS through a COMPETITIVE process based on eligibility and the responses to the PROJECT proposal criteria.
2. When OGALS concludes the COMPETITIVE process, all APPLICANTS will receive a letter regarding the outcome of the State's review and recommendation.
  - APPLICANTS with PROJECTS not recommended for funding are encouraged to consider submitting a PROJECT proposal for the next APPLICATION cycle the following year.
  - APPLICANTS with PROJECTS recommended for funding will need to complete additional federal requirements before the proposal can be forwarded to NPS for approval.
3. OGALS sends NPS a list of recommended PROJECTS for federal review.

### **Federal Review – Competitive Process**

1. NPS reviews application including all additional federal requirements.
2. NPS approves PROJECT and sends DPR a signed PROJECT agreement.

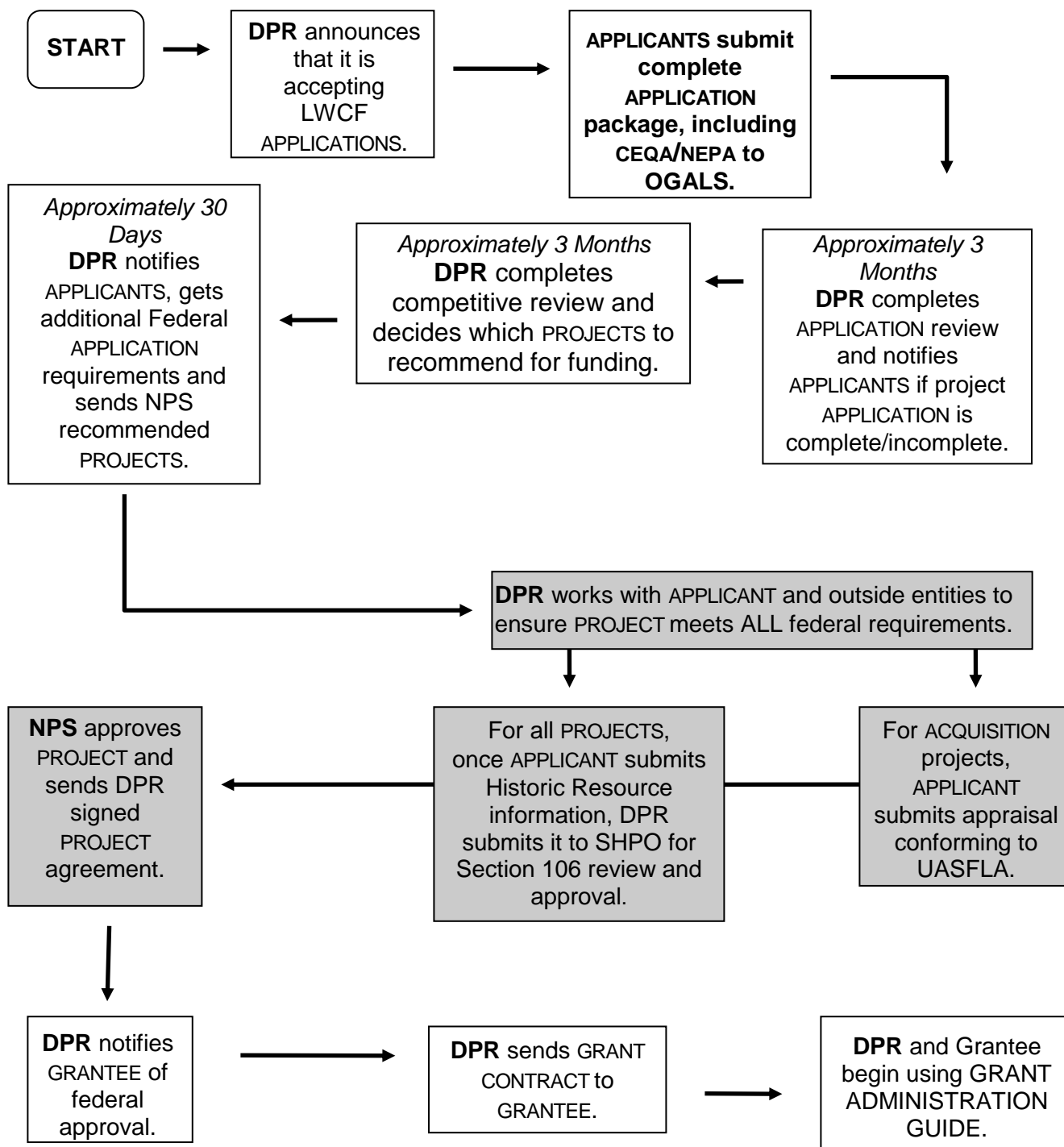
### **Contract**

Funds are only committed to a PROJECT after an agreement has been completed between NPS and the DEPARTMENT and a GRANT CONTRACT has been executed between the DEPARTMENT and the GRANTEE. A CONTRACT must be fully executed before commencement of any work on the PROJECT.

1. APPLICANT completes Federal post-selection requirements (see page 10)
2. OGALS sends a CONTRACT to the APPLICANT'S AUTHORIZED REPRESENTATIVE for signature.
3. The APPLICANT returns the signed CONTRACT to the DEPARTMENT.
4. OGALS returns a fully executed CONTRACT to the GRANTEE. The CONTRACT must be fully executed within the time frame established by the associated federal appropriation and state budget.

Note: Authority cited: PRC 5099.10. Reference: PRC 5099-5099.12.

## Program Process Flowchart for Local Agencies



= Shaded boxes refer to the Federal Application portion of the LWCF process.

## ***PART II: APPLICATION REQUIREMENTS***

### ***Submitting Applications***

Instructions for submittal of the APPLICATION

- Submit **two** unbound, tabbed, original hard-copies of the entire APPLICATION for each PROJECT
- Each PROJECT location must have its own APPLICATION.
- Descriptions and forms for each Checklist item can be found on the pages noted
- Must be hand delivered or postmarked by the deadline for selected year.
- AUTHORIZED REPRESENTATIVE must sign and date where indicated on all forms
- Submit APPLICATION PACKET items in the order shown in the checklist below
- Provide a table of contents based on the checklist
- Number all pages. Handwritten numbers are acceptable
- Respond to all checklist items. If a checklist item does not apply, note “N/A” and provide a brief explanation.
- Send only the items shown in the checklist. Do not send supplementary materials, such as power point presentations, videos, or letters of support

### ***Forward application to:***

(Physical Address)

Calif. Dept. of Parks and Recreation  
Office of Grants and Local Services  
1416 Ninth Street, Room 918  
Sacramento, CA 95814

(Mailing Address)

Calif. Dept. of Parks and Recreation  
Office of Grants and Local Services  
P. O. Box 942896  
Sacramento, CA 94296-0001

**Application Checklist**

1.  Application Form .....11

2.  Resolution (for Local APPLICANTS) or Certification Letter (for State APPLICANTS) .....13

3.  SECTION 6(F)(3) Boundary Map .....17

4.  Land Tenure (DEVELOPMENT PROJECTS only) .....20

5.  Development Cost Estimate or Acquisition Schedule .....22

6.  Match Certification Form .....28

7.  CEQA .....31

8.  Proposal Description/Environmental Screening Form (PD/ESF) .....32

9.  Concept Level Site Plan .....51

10.  Project Location Map/Directions .....51

11.  Photos of the PROJECT Site .....51

12.  Project Service Area (California State Parks LWCF Community FactFinder Report).....51

13.  Project Proposal .....52

**Additional Federal Requirements**

If the DEPARTMENT recommends the PROJECT to NPS for funding, the following additional documents will be required:

- A.  Compliance with National Historic Preservation Act, Memorandum of Understanding, 36 CFR Part 800
- B.  Certification of Compliance - Relocation Act (PL 91-646) (DEVELOPMENT only)
- C.  Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-free Workplace Requirements and Lobbying (DI-2010 June 1995)
- D.  Civil Rights Assurances, Department of Interior 1350

**Post-Selection Federal Requirements (See LWCF Administration Guide for forms)**

If NPS awards the PROJECT LWCF assistance, the following items are required:

- E.  Section 106 Compliance
- F.  Recorded Memorandum of Unrecorded Grant Agreement
- G.  UASFLA Appraisal with independent review (ACQUISITION only)
- H.  Evidence of land tenure, such as copy of the Deed (DEVELOPMENT only)

## **1. Application Form**

The APPLICATION form on the following page must be completed and signed by the APPLICANT'S AUTHORIZED REPRESENTATIVE.

### **Grant Scope**

In the GRANT SCOPE section of the application form, use one of the following phrases to identify the items of work to be completed with LWCF funds and the MATCH.

ACQUISITION PROJECTS:

- Acquire approximately (NUMBER) acres of land for "NAME OF PARK"

DEVELOPMENT PROJECTS:

- Develop "NAME OF PARK" by constructing "TYPE(S) OF OUTDOOR RECREATION AND/OR SUPPORT FACILITY/FACILITIES"

The FACILITIES described in the GRANT SCOPE needs to be uniformly identified throughout the application packet. For example, if the GRANT SCOPE shows a trail, parking area, and restroom, then these same items need to be listed on the cost estimate form, clearly encompassed by the CEQA document(s) and identified on the site plan. However, it is not necessary to include more detailed information about each facility, e.g., the linear feet of PVC pipe, or number of parking stalls, etc. These same FACILITIES will need to be identified on Grant Expenditure Forms if the PROJECT is selected for funding. Do not include items of work that will not be funded by LWCF funds and the MATCH amount.

Do not include the merits of the PROJECT. The merits of the PROJECT should be included in the PROJECT Proposal.

### **Park Land Acreage**

Total park land acreage indicated on application must match total acreage on SECTION 6(F)(3) boundary map (page 17). The acreage must include the entire park or property, not just the area being acquired or developed with LWCF assistance.

## Land and Water Conservation Fund Program Application

This form and required attachments must be submitted for each Project site.

PROJECT NAME \_\_\_\_\_

Amount of Grant requested \$ \_\_\_\_\_  
Match \$ \_\_\_\_\_

TYPE OF PROJECT:  Acquisition  Development

Estimated Total Project Cost \$ \_\_\_\_\_

Grant Applicant (Agency, address, and zip code) \_\_\_\_\_

PROJECT ADDRESS at Park Entrance (including zip code) \_\_\_\_\_

PROJECT ADDRESS LATITUDE AND LONGITUDE:

	Degrees	Minutes	Seconds
Latitude			
Longitude			

COUNTY		NEAREST CITY
Congress District No.	Senate District No.	Assembly District No.

Grant APPLICANT's Representative Authorized in Resolution:

Name <i>(typed or printed)</i> and Title	E-mail Address	Phone
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Person with day-to-day responsibility for Project *(if different from authorized representative)*:

Name <i>(typed or printed)</i> and Title	E-mail Address	Phone
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GRANT SCOPE: *Do not include Project merits*

Acquire approximately \_\_\_\_\_ acres of land for \_\_\_\_\_  
(NAME OF PARK)

**OR**

Develop \_\_\_\_\_ by constructing \_\_\_\_\_  
(NAME OF PARK) *(Items of work to be completed with LWCF funds and the required Match amount.)*

For Development Projects – Total park land is: \_\_\_\_\_ acres

- Land is held in fee title by Grant APPLICANT
- Land held under a perpetual lease agreement
- Federal land is held under a minimum 25 year lease at the time of application

For Acquisition Projects – Total park land will be \_\_\_\_\_ acres

- Land to be acquired in fee simple by Grant APPLICANT
- Land to be acquired in other than fee simple *(explain)*

\_\_\_\_\_  
\_\_\_\_\_

I certify that the information contained in this Project Application form, including required attachments, is accurate and that this Project is consistent with the park and recreation element of the applicable city or county general plan or the district park and recreation plan and will satisfy a high priority need.

Signed \_\_\_\_\_  
Grant APPLICANT's Authorized Representative as shown in Resolution

\_\_\_\_\_  
Date

## **2. Resolution**

The APPLICANT submits the authorizing resolution from the APPLICANT'S governing body, using the required language in the resolution on the next page. This requirement does not apply to state agencies. In lieu of a resolution, California State Agencies need to submit a Certification Letter (see page 15).

The authorizing resolution enables the APPLICANT'S governing body to publicly certify that it has approved the submittal of an application for the PROJECT, agrees to the required provisions of the program, and establishes an AUTHORIZED REPRESENTATIVE to act on behalf of the APPLICANT during the grant process.

1. The text in the resolution is required. Incorporating additional language into the resolution may cause delays in approval, as the DEPARTMENT'S Legal Office may need to review added language.
2. Governing Body: Name of eligible public agency submitting the LWCF application
3. PROJECT Name: Name of PROJECT as it appears on the application form
4. *The AUTHORIZED REPRESENTATIVE must be a position and/or designated positions.* The person holding the position named as the AUTHORIZED REPRESENTATIVE in the Resolution may delegate that authority by sending a letter to the DEPARTMENT. A separate letter is required for each CONTRACT.
5. Resolution is not complete until votes are tallied and resolution is filed.

**Resolution Form**

Resolution No. \_\_\_\_\_  
**RESOLUTION OF THE (APPLICANT's Governing Body)**  
**APPROVING THE APPLICATION FOR LAND**  
**AND WATER CONSERVATION FUND**  
\_\_\_\_\_ **PROJECT**

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing Applications by local agencies under the program; and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the APPLICANT to certify by resolution the approval of Applications and the availability of eligible Matching funds prior to submission of said Applications to the State; and

WHEREAS, the proposed \_\_\_\_\_ (Name) \_\_\_\_\_ Project is consistent with the most recent *California Outdoor Recreation Plan (CORP)*; and

WHEREAS, the Project must be compatible with the land use plans of those jurisdictions immediately surrounding Project;

NOW, THEREFORE, BE IT RESOLVED that the \_\_\_\_\_ (Governing Body) \_\_\_\_\_ hereby:

1. Approves the filing of an Application for Land and Water Conservation Fund assistance; and
2. Agrees to abide by SECTION 6(F)(3) of Public Law 88-578 which states "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, 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 comprehensive 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."
3. Certifies that said agency has Matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
4. Certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and
5. Appoints the \_\_\_\_\_ (Authorized Representative Title) \_\_\_\_\_ as agent of the APPLICANT to conduct all negotiations and execute and submit all documents, including, but not limited to, Applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project.

Approved and Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by \_\_\_\_\_ following a roll call vote:

(APPLICANT's Governing Body)

Ayes  
Noes  
Absent

\_\_\_\_\_  
(Clerk)



### ***Certification Letter***

In lieu of a resolution, California State Agencies need to submit a Certification Letter as shown on the next page.

### Certification Letter Template – State Agencies Only

Date:

To: California Department of Parks and Recreation  
Office of Grants and Local Services  
Land and Water Conservation Fund Program

From: Director  
Name of State Agency  
Address

Re: Certification Letter  
Name of Project

This letter confirms that the Director has reviewed the (name of PROJECT) APPLICATION packet and certifies the following:

- Approves the filing of an APPLICATION for Land and Water Conservation Fund assistance; and
- Agrees to abide by SECTION 6(F)(3) of Public Law 88-578 which states “No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, 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 comprehensive 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.”
- Certifies that said agency has Matching funds from eligible source(s) and can finance 100 percent of the PROJECT, which up to half may be reimbursed; and
- Certifies that the PROJECT is compatible with the land use plans of those jurisdiction immediately surrounding the PROJECT; and
- Appoints the \_\_\_\_\_ (AUTHORIZED REPRESENTATIVE Title) \_\_\_\_\_ as agent of the Applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, Applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned PROJECT.

Signed by: \_\_\_\_\_  
DIRECTOR

Date: \_\_\_\_\_

### 3. Section 6(F)(3) *Boundary Map*

The LWCF Act contains a clear and common sense provision to protect grant-assisted areas from conversions:

SEC. 6(F)(3) No property acquired or developed with 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 comprehensive 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.

This “anti-conversion” requirement applies to all parks and other sites that have been the subject of Land and Water grants of any type, whether for acquisition of parkland, development or rehabilitation of FACILITIES . In many cases, even a relatively small LWCF GRANT (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres provides anti-conversion protection to the entire park site. With each application, the applicant submits a dated project boundary map showing the park area to be covered by SECTION 6(F)(3) anti-conversion protections. The entire park encompassing the area being developed or added to must be within the SECTION 6(F)(3) boundary. This map need not be a formal survey document, but it must contain enough site-specific information to serve several purposes:

- it ensures that both the GRANTEE and OGALS agree on the proper boundaries of the covered site at the time of PROJECT approval;
- it provides location, size indicators and a picture of key FACILITIES and landmarks to help later PROJECT inspectors better identify and evaluate the site.

If recommended for LWCF funding, a permanent record shall be kept in the GRANTEE's public property records and available for public inspection to the effect that the property described in the Scope of the PROJECT CONTRACT and the dated PROJECT boundary map

#### Understanding Conversion Protection

The LWCF conversion protection language is firm. It does recognize, however, that changes in land use or in the public’s recreation preferences may render the recreational value of some LWCF-assisted parks obsolete, especially in urban areas experiencing rapid change. At the same time, it carefully 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. Conversion protection is also comprehensive – even a relatively small grant (e.g., for development of a picnic shelter) can confer coverage to the larger park.

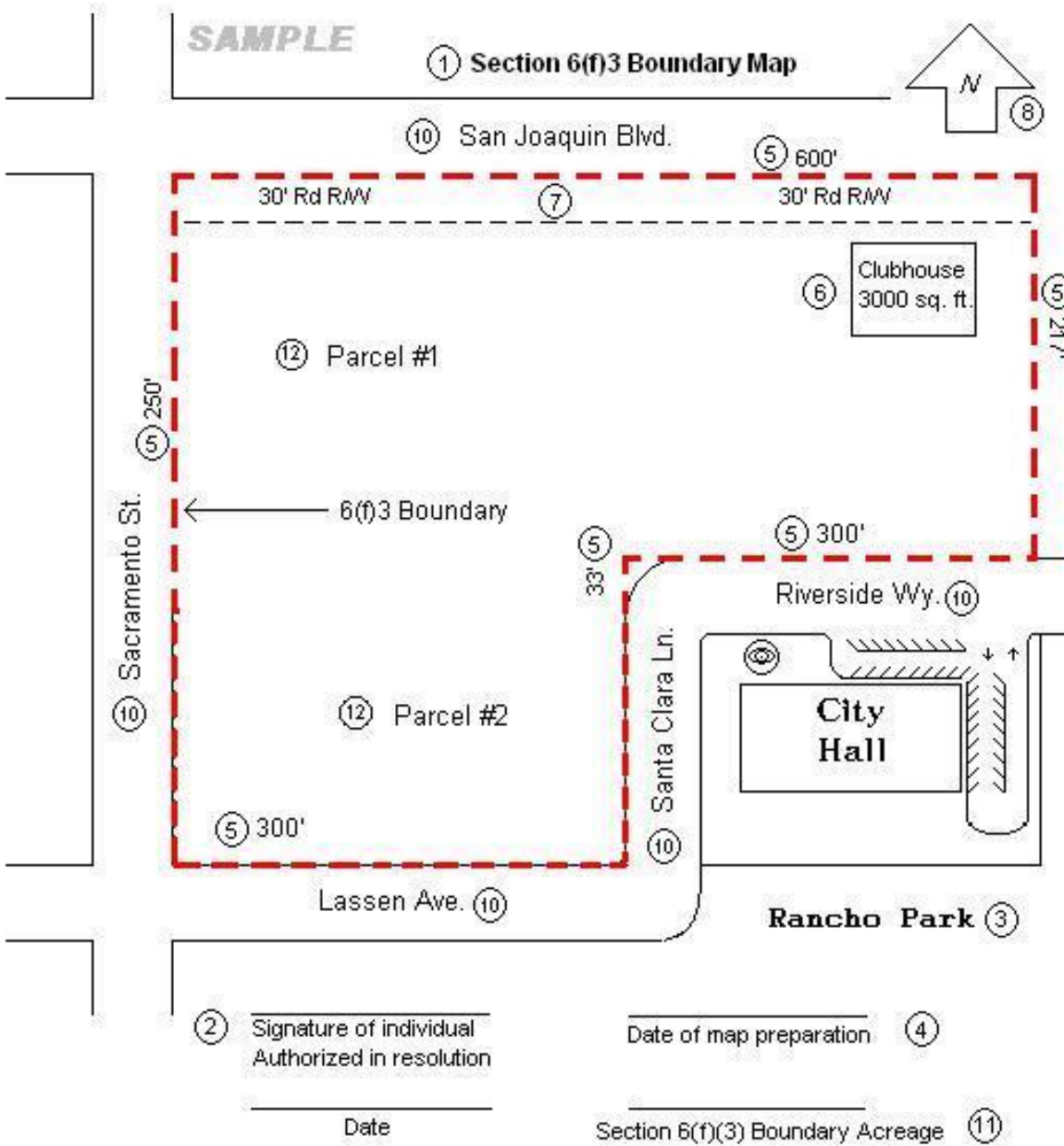
Within the context of the entire program, conversions to non-recreation uses are relatively rare. The National Park Service estimates that less than 3% of all projects assisted by the Fund have been submitted for conversion.

In many cases where state or local governments consider a possible conversion, the requirement to replace a site with property of “at least equal fair market value and of reasonably equivalent usefulness and location”, combined with the required environmental review, serves as a simple and effective deterrent.

made part of that CONTRACT has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the SLO, the DIRECTOR, and/or the Secretary of the Interior.

Provide the following information on the SECTION 6(F)(3) boundary map:

1.  Identify map as "SECTION 6(F)(3) Boundary Map"
2.  Signature and date on map by the individual authorized in the resolution.
3.  Project Title
4.  Date of map preparation
5.  Clearly indicate the border of the PROJECT area with measurements or scale to effectively illustrate the lands afforded SECTION 6(F)(3) protection. Border needs to incorporate access point(s).
6.  If applicable, identify any pre-existing indoor structures that do not support outdoor recreation and provide the square footage of structure footprint.
7.  If applicable, indicate any outstanding rights and interest in the area: easements, deed/lease restrictions, reversionary interest, right of way, etc.
8.  North arrow
9.  If applicable, indicate any area(s) under federal lease(s) with term of at least 25 years remaining on the lease(s)
10.  Indicate adjoining street names
11.  Indicate total acreage within the SECTION 6(F)(3) Boundary Map. The acreage identified on the boundary map must be consistent with the total park acreage identified on the application form
12.  Indicate Assessor parcel number(s)



Note: Authority cited: Section 5099.10 Public Resources Code. Reference: Sections 5099-5099.12, Public Resources Code, Public Law 88-578, 16 U.S.C. 4601 – 6(f)(3).

#### **4. Land Tenure (Development Projects only)**

If an APPLICANT cannot fulfill the following terms and conditions of land tenure, then an Application should not be submitted.

APPLICANT must have adequate land tenure by the APPLICATION deadline. Adequate tenure consists of:

- A. Fee title without encumbrances that would have an adverse effect on the PROJECT,  
*or*
- B. A fully executed, 25-year lease from the date of Application from a federal agency if its land is being developed, *or*
- C. A fully executed lease or agreement with another public agency eligible under the LWCF program which adequately safeguards the *perpetual use requirement*. Such safeguards must include joint sponsorship of the proposed PROJECT, whereby the lessor would assume compliance responsibility for the fund-assisted area in the event of default by the lessee, or on expiration of the lease. This means the lessor must agree to take over the PROJECT if the lessee is no longer involved, and that *the lessor will not use the land for any other purpose than that for which the grant was made.*

#### **Land Tenure Form Completion**

If the property is owned in less than fee title, the APPLICANT must provide documentation (lease, agreements, etc.) verifying that land tenure requirements have been met. **Only Leases or Agreements which meet the strict conditions noted under B. and C. above can be considered.**

To enable review of the lease or agreement, the APPLICANT must:

- Complete the Land Tenure Form
- Attach a copy of the land tenure agreement.
- Highlight the sections of the agreement that meet the requirements listed below.
- Indicate the page numbers showing where the information can be found

OGALS will provide technical assistance prior to the application deadline by reviewing any leases or agreements to ensure they meet requirements of the LWCF program.

Note: Authority cited: Section 5099. 10 Public Resources Code. Reference: Sections 5099-5099.12, Public Resources Code.

**Land Tenure Form (only for less than fee title)**

- Type of Agreement** \_\_\_\_\_
  - Identify the type of agreement, e. g., lease, joint powers agreement, easement, memorandum of understanding, etc.
  
- Parties to the Signed Agreement**.....Page \_\_\_\_\_
  - Identify the sections which identify the parties to the agreement.
  - The agreement must be signed by all parties.
  
- Term of the Agreement**.....Page \_\_\_\_\_
  - 25-year lease from the date of Application from a federal agency, **or**
  - Lease or agreement which adequately safeguards the *perpetual use requirement*.
  
- Termination (Revocability)** .....Page \_\_\_\_\_
  - No termination clause - the agreement is non-revocable.
  
- Site Control Roles and Responsibilities** .....Page \_\_\_\_\_
  - The APPLICANT must have the authority to construct, operate, and maintain the PROJECT in accordance with the CONTRACT provisions.
  
- Roles and Responsibilities**.....Page \_\_\_\_\_
  - The agreement must authorize the APPLICANT to proceed with the construction PROJECT. The APPLICANT may delegate construction to other entities.
  - The agreement gives APPLICANT permission to operate the PROJECT site. The APPLICANT may delegate operational roles to other entities.
  - The agreement identifies which entity is responsible for maintenance of the PROJECT site. Entities other than the APPLICANT may have this role.

## **5. Cost Estimate**

Provide a Development cost estimate (see page 25) The cost estimate enables the Department to evaluate how the GRANT funds and MATCH (TOTAL PROJECT COSTS) are proposed to be spent and if the proposed costs are eligible. This form is intended as an estimate; changes to these figures may occur during the course of construction. No costs, except PRE-AWARD COSTS identified in the APPLICATION, are eligible for reimbursement until after the date of federal approval. PRE-AWARD COSTS are reimbursed only if the GRANT is awarded.

***The information provided in this cost estimate will be used to determine scoring in PROJECT Proposal Criterion #2.***

The completed cost estimate provides assurance that:

1. Only ELIGIBLE COSTS will be incurred. The GRANTEE may only claim those costs directly related to the GRANT. (See Eligible Cost Chart on page 73)
2. Proposed items for purchase and work completed are consistent with the GRANT SCOPE.  
(The cost estimate should include line items for each PROJECT element listed in the GRANT SCOPE/ Regional Priority Recreation Facility Charts beginning on page 57).
3. No more than 25% of the GRANT amount will be spent on NON-CONSTRUCTION COSTS.
4. TOTAL PROJECT COSTS are consistent with funding available. APPLICANT must have sufficient funds to complete 100% of the PROJECT, not including LWCF.



The sample Cost Estimate Form on page 24 is intended to assist you in developing a cost estimate for the PROJECT.

### **Cost Estimate Form**

Use the Cost Estimate Form to list the proposed outdoor recreation activities the PROJECT provides or supports. This information will be used in scoring Criterion #2 of the PROJECT Proposal.

List the projected cost of the facility and itemize the percent of TOTAL PROJECT COST for each activity. *Percentage of total costs is the amount of a particular facility divided by the sum of construction and NON-CONSTRUCTION COSTS.* Find the priority rating for your County on the Regional Priority Recreation Facility Charts beginning on page 57.

### **Multi-Activity Facilities**

When a grant request is to provide FACILITIES for more than one outdoor recreation activity at a single site, a combined point value is based on each activity's share of the TOTAL PROJECT COST. The value of each proposed activity is proportional to the cost of developing FACILITIES for each activity.

### **Other Facilities**

PROJECTS that include GRANT requests for recreation FACILITIES not listed on the Regional Priority Outdoor Recreation Needs chart will be categorized as "other."

### **Support Facilities**

PROJECTS involving SUPPORT FACILITIES *to improve the quality* of the outdoor recreation experience will be considered for funding, e.g., restrooms, drinking fountains, landscaping, utilities. However, these FACILITIES are lower in priority than FACILITIES which provide direct opportunities for outdoor recreation use. SUPPORT FACILITIES will not receive a priority rating.

However, any SUPPORT FACILITIES *necessary to insure safety or provide required access* for an outdoor recreation opportunity should be categorized under the corresponding outdoor recreation priority.

### Sample Cost Estimate Form

Using the Regional Priority Recreation Facility Chart beginning on page 57, list the proposed outdoor recreation FACILITIES the PROJECT provides or supports. List the projected cost of the facility, the priority rating, and itemize the percent of TOTAL PROJECT COST for each activity.

**Percentage of Total Costs is the amount of a particular facility divided by the sum of construction and NON-CONSTRUCTION COSTS.**

<b>Construction Costs</b>			
<b>Direct Opportunity (Recreation Facility for – refer to the charts beginning on page 57)</b>	<b>Projected Cost</b>	<b>Priority Rating</b>	<b>Percentage of Total Costs</b>
Trail	\$50,000	1	21%
Picnic Area	\$50,000	2	21%
Open Turf (soccer field)	\$75,000	4	31%
Skate Park	\$30,000	4	12%
<b>SUPPORT FACILITIES</b>			
Restroom	\$30,000		12%
<b>Subtotal A (Construction contingencies are included in these costs)</b>	\$235,000		97%
<b>NON-CONSTRUCTION COSTS</b>			
<b>Engineering/Administration</b>			
Engineering/Architectural Fees	\$3,000		
Administration	\$1,500		
Pre-Award Project Planning Costs	\$1,500		
<b>Subtotal B</b>	\$6,000		
<b>TOTAL PROJECT COST</b> (Subtotal A+B)	<b>\$241,000</b>		
NOTE: The Total Project Cost must be consistent with the Total Project Cost on Application and Source of Funds Certification form.			

**Cost Estimate Form**

<b>Construction Costs</b>			
<b>Direct Opportunity (Recreation Facility for— refer to the charts beginning on page 57)</b>	<b>Projected Cost</b>	<b>Priority Rating</b>	<b>Percentage of Total Costs</b>
	\$		
	\$		
	\$		
	\$		
SUPPORT FACILITIES			
	\$		
<b>Subtotal A (Construction contingencies are included in these costs)</b>	\$		
<b>NON-CONSTRUCTION COSTS</b>			
<b>Engineering/Administration</b>			
Engineering/Architectural Fees	\$		
Administration	\$		
Non-Construction Contingencies	\$		
Pre-Award Project Planning	\$		
<b>Subtotal B</b>	\$		
<b>TOTAL PROJECT COST</b>	<b>\$</b>		
(Subtotal A+B)			
NOTE: The Total Project Cost must be consistent with the TOTAL PROJECT COST on page Application and Source of Funds Certification form.			

### **Acquisition Schedule and Map**

The acquisition schedule and map enable the DEPARTMENT to accurately identify the proposed ACQUISITIONS. ACQUISITIONS must be for entire parcel(s).

In addition, the LWCF requires that development of recreation FACILITIES take place within three years of the date of ACQUISITION. Therefore ACQUISITION projects will be evaluated based on the priority recreation FACILITIES to be developed on the property in the next three years.

### **Delayed Development/Interim Use**

In some instances LWCF GRANTS are approved for the ACQUISITION of land on which non-LWCF assisted the development of outdoor recreation FACILITIES is planned at a future date. In the interim, between acquisition and development, the property should be open for those public recreation purposes that the land is capable of supporting or which can be achieved with minimum public investment.

### **Acquisition Schedule**

The schedule provides information regarding when the GRANTEE expects to purchase the property and the purchase price. The DEPARTMENT will determine if the parcel map identifies the property location correctly,

- See Acquisition Schedule on page 26 for level of information required.
- Include proposed recreation facility DEVELOPMENT

### **Acquisition Map**

Provide parcel map(s) which correspond to the parcels listed in the acquisition schedule, and clearly show the related parcel numbers and acreage of each parcel.

### **Proposed Recreation Facility Development Cost Estimate**

ACQUISITION projects will be evaluated based on the recreation FACILITIES to be developed on the property. These recreation FACILITIES must be developed within three years of the date of ACQUISITION.

Costs for title reports, appraisals, and escrow fees are NOT eligible for LWCF reimbursement.

Complete the **Proposed Recreation Facility** Development Cost Estimate

- List the recreation FACILITIES that will be developed on the property.
- Provide the estimated cost of each facility
- Note the priority rating based on the Regional Priority Recreation Facility Chart for your region beginning on page 57 .
- Calculate the percentage of total costs for each facility.
- Provide the expected development completion date for each facility.

**Acquisition Schedule Form**

<b>Acquisition Schedule Form</b>							
Is the property to be acquired a parcel in its entirety or multiple parcels in their entirety?						Yes	No
Does the APPLICANT hold an option on the property?						Yes	No
Are the required appraisals and independent review confirming the appraisal conforms to the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) completed?						Yes	No
Assessors Parcel #	Acreage	Estimated Date of Acquisition	Estimated value of Land to be Acquired	Estimated Cost of Relocation	Estimated value of Improvements to be Acquired	Total Estimated Cost	

Total Acreage	<input type="text"/>	<b>Subtotal</b>	\$
		Administration of relocation program	\$
		<b>Grand Total</b>	\$

<b>Proposed Recreation Facility Cost Estimate</b>				
Direct Opportunity (Recreation Facility for— refer to the charts beginning on page 57)	Projected Cost	Priority Rating	Percentage of Total Costs	Estimated Completion Date (within 3 yrs of acquisition)
	\$			
	\$			
	\$			
	\$			
SUPPORT FACILITIES	\$			
<b>Subtotal</b>	\$			

<b>NON-CONSTRUCTION COSTS</b>	\$	
	\$	
	\$	
<b>TOTAL PROPOSED DEVELOPMENT COST</b>	\$	

### 6. Match Requirement

Funds used for MATCH must be committed; up to fifty percent of the actual PROJECT expenditures, not to exceed the Grant amount, will be refunded when the PROJECT has been completed. **Any funds necessary to complete the PROJECT over and above the required MATCH will reduce the RATE OF REIMBURSEMENT below the 50% maximum allowed.**

#### Rate of Reimbursement

The maximum RATE OF REIMBURSEMENT is 50%. The RATE OF REIMBURSEMENT can not be changed once the GRANT is awarded. If a PROJECT is completed for less than indicated on the GRANT APPLICATION, costs will be reimbursed at the RATE OF REIMBURSEMENT up to the GRANT amount. Calculate the RATE OF REIMBURSEMENT as follows:

<b>Grant amount requested</b>	\$	
<b>Divided by</b>	÷	
<b>Total Project Cost</b>	\$	
<b>Equals</b>	=	
<b>Rate of Reimbursement</b>	\$	

Example:

Cost of the total PROJECT is \$241,000, GRANT amount requested is \$100,000. \$100,000 divided by \$241,000 = 41%. In this example, payment requests submitted for reimbursement will be paid at a rate of 41%.

#### Eligible Match

Federal funds are not eligible for MATCH, except in those instances where the statutory provisions of a subsequent federal grant-in-aid program explicitly allow recipients as in Community Development Block Grants (CDBG) to use such assistance to match LWCF funds.

MATCH is subject to the same eligible cost requirements as the GRANT. For ACQUISITION PROJECTS, donated real property used as all or part of the Matching share must meet UASFLA requirements and must be acquired during the CONTRACT PERFORMANCE PERIOD. IN-KIND funds and/or donations used as MATCH may include, but are not limited to the following:

- Funds from state local assistance programs
- Local or private funds
- Gifts of real property, equipment, and consumable supplies
- Volunteer services directly related to project completion furnished by professional and technical personnel, consultants, and other skilled and unskilled labor
- Free or reduced-cost use of land, Facilities, or equipment
- Bequests and income from wills, estates, and trusts.

### **Source of Funds Certification**

Use the Source of Funds Certification form to identify each funding source necessary to complete the PROJECT. This is a reimbursement program. The GRANTEE is expected to finance the entire PROJECT up front. If the sources or amounts change during the course of the PROJECT, a revised form is not required, as long as adequate funding to complete the PROJECT is available.

To complete the Source of Funds Certification Form:

1. List each funding source that will be used to finance 100% of the PROJECT (as this is a reimbursement program, do not include LWCF GRANT).
2. Note if the source is state, local city or county, special DISTRICT, federal or private. LWCF GRANTS may be combined with other non-federal GRANTS to fund a PROJECT where the GRANT SCOPE is the same.
3. MATCH must be committed at the time of APPLICATION. Be as specific as possible in providing a date for each funding source showing when it was committed to the PROJECT. These funds must be either:
  - In the APPLICANT'S possession, **or**
  - Obligated to the PROJECT by a binding agreement between the APPLICANT and another entity.
4. List the amount committed by each funding source
5. The total funding sources listed at the bottom of this form must equal the estimated total PROJECT cost listed on both the APPLICATION form and on the Cost Estimate Form

**Source of Funds Certification Form**

SOURCE	DATE COMMITTED	AMOUNT
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
<b>TOTAL FUNDING SOURCES</b> Must Equal Estimated TOTAL PROJECT COST.		\$

The APPLICANT certifies that they have Matching funds from eligible source(s) and can finance 100 percent of the Project, which will be reimbursed at your rate of reimbursement. The APPLICANT understands the PROJECT cannot be funded unless there are sufficient funds to complete the PROJECT at the time of application. The PROJECT must be completed and open to the public before final GRANT payment is processed.

Signature \_\_\_\_\_  
APPLICANT'S AUTHORIZED REPRESENTATIVE

Date \_\_\_\_\_



## **7. Environmental Compliance Overview**

All LWCF Applications must comply with both State and Federal environmental review requirements. At the State level, compliance is determined through the California Environmental Quality Act (CEQA) process. CEQA *must be complete at the time of APPLICATION*. At the Federal level, compliance is determined through the National Environmental Policy Act (NEPA) process.

### **CEQA Compliance**

The APPLICANT is required to comply with CEQA. CEQA is a law establishing policies and procedures that require entities to identify, disclose to decision makers and the public, and attempt to lessen, significant impacts to environmental and historical resources that may occur as a result of the entities' proposed PROJECT. Compliance with CEQA involves preparation and processing of appropriate environmental documentation and submission of the document(s) with the APPLICATION. For more detailed information on CEQA requirements go to the California Resources Agency website: <http://ceres.ca.gov/ceqa> The APPLICANT should check with its local city or county planning agency for more information on how to complete CEQA. All agencies shall file CEQA documents with the State Clearinghouse (Governor's Office of Planning and Research). The APPLICANT must submit two copies of the appropriate document(s) listed below in their application package to OGALS:

1. A Notice of Exemption filed with, and stamped by, the county clerk and with the response from the State Clearinghouse (Governor's Office of Planning and Research), **or**
2. An Initial Study with a Negative Declaration, with the response from the State Clearinghouse (Governor's Office of Planning and Research), and a copy of the Notice of Determination filed with, and stamped by the county clerk, **or**
3. An Initial Study and an Environmental Impact Report, with the response from the State Clearinghouse (Governor's Office of Planning and Research), and a copy of the Notice of Determination filed with, and stamped by the county clerk.

## **8. Proposal Description/Environmental Screening Form (PD/ESF)**

The purpose of the PD/ESF is twofold:

- First, the PD portion of the form identifies and provides descriptive information about the proposal/PROJECT.
- Second, the ESF portion helps State Agencies and local sponsors to identify potential environmental impacts as early as possible. The ESF portion of the PD/ESF will administratively document:
  - A Categorical Exclusion recommendation or
  - Further environmental review through an Environmental Assessment (EA) or Environmental Impact Statement (EIS) as necessary. In the latter case, the EA (or EIS), as prepared by the local State Agency, must accompany the State's LWCF proposal submission to the NPS.

The ESF can also be used to document previously conducted yet still valid environmental analysis.

All LWCF PROJECT proposals considered for funding must be assessed for their environmental effect by NPS. The PD/ESF will document and support the NEPA analysis pathway option chosen for the PROJECT.

For additional information on the completion of an EA and an EIS, refer to Chapter 4 of Federal LWCF Manual, found at <http://www.nps.gov/ncrc/programs/lwcf/manual/lwcf.pdf>.

### **PD/ESF Form Completion**

The PD/ESF form is generally self explanatory. For additional guidance on completing this form, refer to the NPS LWCF State Assistance Manual ([www.nps.gov/lwcf](http://www.nps.gov/lwcf)). For an on-line version of this form, visit [http://www.nps.gov/ncrc/programs/lwcf/forms/PD\\_ESF.doc](http://www.nps.gov/ncrc/programs/lwcf/forms/PD_ESF.doc). If the questions in the PD/ESF have been answered within the application package, indicate the page number and description of the answer's location to allow the reviewer to find it. For example:

Question: Step 2, B8: "List the source(s) and amounts of financial MATCH to the LWCF federal share of the PROJECT. The value of the MATCH can consist of cash, donations, and IN-KIND contributions. "

Answer: See Page # under Sources of Funds Certification Form.

For a new application, complete the following sections of the form. If a section does not apply, indicate with N/A:

Proposal Description:

- Cover page
- Step 1
- Step 2

Additional directions for specific questions:

- A.2. Describe how the property will be accessible to the public prior to completion of proposed DEVELOPMENT. Once acquired, the property should be open for public recreation purposes that the

land is capable of supporting or that can be achieved with minimum public investment.

- A.4. The APPLICANT completes State Appraisal/Waiver Valuation Review section in Step 7, however the DEPARTMENT (SLO) signs the PD/ESF.
- D.12. The SF-424 is a Federal Form completed by the DEPARTMENT. Information on this form is pulled from the PROJECT APPLICATION.

Environmental Screening Form:

- Step 5
  - Complete step 5 only if there are previously conducted yet still valid environmental reviews for the PROJECT site
- Step 6
  - Part A: Environmental Resources
    - Choose an impact level describing the degree of potential negative impact for each applicable resource
    - If an environmental review has been conducted, choose an impact level as mitigated and explain any planned mitigation for applicable resource.
    - If the resource does not apply, mark NA in the first column
    - Add any relevant resources (see A.24 on the ESF) if not included in the list
    - Briefly clarify any adverse impacts and/or planned mitigation on a separate sheet
  - Part B: Mandatory Criteria
    - If you answer “yes” or “maybe” for any of the mandatory criteria, you *must* develop an EA or EIS
    - Explain all “yes” and “maybe” answers on a separate sheet
- Step 7
  - If Categorical Exclusion box is checked, no additional NEPA documents are needed
  - If EA box is checked, submit copy of EA
  - If EIS box is checked, submit copy of EIS



National Park Service  
U.S. Department of the Interior



**LWCF Proposal Description and Environmental Screening Form**

The purpose of this Proposal Description and Environmental Screening Form (PD/ESF) is to provide descriptive and environmental information about a variety of Land and Water Conservation Fund (LWCF) state assistance proposals submitted for National Park Service (NPS) review and decision. The completed PD/ESF becomes part of the “federal administrative record” in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. The PD portion of the form captures administrative and descriptive details enabling the NPS to understand the proposal. The ESF portion is designed for States and/or project sponsors to use while the LWCF proposal is under development. Upon completion, the ESF will indicate the resources that could be impacted by the proposal enabling States and/or project sponsors to more accurately follow an appropriate pathway for NEPA analysis: 1) a recommendation for a Categorical Exclusion (CE), 2) production of an Environmental Assessment (EA), or 3) production of an Environmental Impact Statement (EIS). The ESF should also be used to document any previously conducted yet still viable environmental analysis if used for this federal proposal. The completed PD/ESF must be submitted as part of the State’s LWCF proposal to NPS.

**Except for the proposals listed below**, the PD/ESF **must** be completed, including the appropriate NEPA document, signed by the State, and submitted with each new federal application for LWCF assistance and amendments for: scope changes that alter or add facilities and/or acres; conversions; public facility exceptions; sheltering outdoor facilities; and changing the original intended use of an area from that which was approved in an earlier LWCF agreement. Consult the LWCF Program Manual ([www.nps.gov/lwcf](http://www.nps.gov/lwcf)) for detailed guidance for your type of proposal and on how to comply with NEPA.

**For the following types of proposals only this Cover Page is required** because these types of proposals are administrative in nature and are categorically excluded from further NEPA environmental analysis. NPS will complete the NEPA CE Form. Simply check the applicable box below, and complete and submit only this **Cover Page** to NPS along with the other items required for your type of proposal as instructed in the LWCF Program Manual.

- SCORP planning proposal
- Time extension with no change in project scope or with a reduction in project scope
- To delete work **and** no other work is added back into the project scope
- To change project cost with no change in project scope or with a reduction in project scope
- To make an administrative change that does not change project scope



**Name of LWCF Proposal:**

**Date Submitted to NPS:**

**Prior LWCF Project Number(s)** *List all prior LWCF project numbers and all park names associated with assisted site(s):*

**Local or State Project Sponsoring Agency** *(recipient or sub-recipient in case of pass-through grants):*

**Local or State Sponsor Contact:**

**Name/Title:**

**Office/Address:**

**Phone/Fax:**

**Email:**

Part II

Using a separate sheet for narrative descriptions and explanations, address each item and question in the order it is presented, and identify each response with its item number such as Step 1-A1, A2; Step 3-B1; Step 6-A1, A29; etc.

**Step 1. Type of LWCF Proposal**

\_\_\_\_\_ **New Project Application**  
 **Acquisition** *Go to Step 2A*     **Development** *Go to Step 2B*     **Combination (Acquisition & Development)** *(Not applicable in California)*

\_\_\_\_\_ **Project Amendment**  
 **Increase in scope or change in scope from original agreement.** *Complete Steps 3A, and 5 through 7.*  
 **6(f) conversion proposal.** *Complete Steps 3B, and 5 through 7.*  
 **Request for public facility in a Section 6(f) area.** *Complete Steps 3C, and 5 through 7.*

\_\_\_\_\_ **Request for temporary non-conforming use in a Section 6(f) area.**  
*Complete Steps 4A, and 5 through 7.*

\_\_\_\_\_ **Request for significant change in use/intent of original LWCF application.**  
*Complete Steps 4B, and 5 through 7.*

\_\_\_\_\_ **Request to shelter existing/new facility within a Section 6(f) area regardless of funding source.** *Complete Steps 4C, and 5 through 7.*

**Step 2. New Project Application** (See NPS LWCF State Assistance Manual for guidance.)

**A. For an Acquisition Project**

1. Provide a brief narrative about the proposal that provides the reasons for the acquisition, the number of acres to be acquired with LWCF assistance, and a description of the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres WETLAND, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/ contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc. ).
2. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?
3. Describe development plans for the proposal for the site(s) for public outdoor recreation use within the next three (3) years.
4. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24. 102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.
5. Address each item in "D" below.

**B. For a Development Project**

1. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.
2. When will the project be completed and open for public outdoor recreation use?
3. Address each item in "D" below.

**C. For a Combination Project (NOT APPLICABLE IN CALIFORNIA)**

1. For the acquisition part of the proposal:
  - a. Provide a brief narrative about the proposal that provides the reasons for the acquisition, number of acres to be acquired with LWCF assistance, and describes the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres WETLAND, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/ contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc. )
  - b. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc. )?
  - c. Describe development plans for the proposed for the site(s) for public outdoor recreation use within the next three (3) years.
  - d. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24. 102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.
2. For the development part of the proposal:
  - a. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.
  - b. When will the project be completed and open for public outdoor recreation use?
3. Address each item in "D" below.

**D. Additional items to address for a new application and amendments**

1. Will this proposal create a **new** public park/recreation area **where none previously existed** and is not an addition to an existing public park/recreation area? Yes \_\_\_\_ (go to #3) No \_\_\_\_ (go to #2)
2. a. What is the name of the pre-existing public area that this new site will be added to?  
b. Is the pre-existing public park/recreation area already protected under Section 6(f)? Yes \_\_\_\_ No \_\_\_\_  
If no, will it now be included in the 6(f) boundary? Yes \_\_\_\_ No \_\_\_\_
3. What will be the name of this **new** public park/recreation area?
4. a. Who will hold title to the property assisted by LWCF? Who will manage and operate the site(s)?  
b. What is the sponsor's type of ownership and control of the property?  
\_\_\_\_ Fee simple ownership  
\_\_\_\_ Less than fee simple. Explain:  
\_\_\_\_ Lease. Describe lease terms including renewable clauses, # of years remaining on lease, etc.  
Who will lease area? Submit copy of lease with this PD/ESF. (See LWCF Manual for **program restrictions** for leases and further guidance. )
5. Describe the nature of any rights-of-way, easements, reversionary interests, etc. to the Section 6(f) park area? Indicate the location on 6(f) map. 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, leased area?
6. Are overhead utility lines present, and if so, explain how they will be treated per LWCF Manual.
7. As a result of this project, describe **new** types of outdoor recreation opportunities and capacities, and short and long term public benefits.
8. Explain any existing non-recreation and non-public uses that will continue on the site(s) and/or proposed for the future within the 6(f) boundary.
9. Describe the planning process that led to the development of this proposal. Your narrative should address:

Part II

- a. How was the interested and affected public notified and provided opportunity to be involved in planning for and developing your LWCF proposal? Who was involved and how were they able to review the **completed** proposal, including any state, local, federal agency professionals, subject matter experts, members of the public and Indian Tribes. Describe any public meetings held and/or formal public comment periods, including dates and length of time provided for the public to participate in the planning process and/or to provide comments on the completed proposal.
  - b. What information was made available to the public for review and comment? Did the sponsor provide written responses addressing the comments? If so, include responses with this PD/ESF submission.
10. How does this proposal implement statewide outdoor recreation goals as presented in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) (include references), and explain why this proposal was selected using the State’s Open Project Selection Process (OPSP).
11. List all source(s) and amounts of financial match to the LWCF federal share of the project. The value of the match can consist of cash, donation, and IN-KIND contributions. The federal LWCF share and financial matches must result in a viable outdoor recreation area and not rely on other funding not mentioned here. Other federal resources may be used as a match if specifically authorized by law.

Source	Type of Match	Value
		\$
		\$
		\$

12. Is this LWCF project scope part of a larger effort not reflected on the SF-424 (*Application for Federal Assistance*) and grant agreement? If so, briefly describe the larger effort, funding amount(s) and source(s). This will capture information about partnerships and how LWCF plays a role in leveraging funding for projects beyond the scope of this federal grant.
13. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.

**Proceed to Steps 5 through 7** 

**Step 3. Project Amendment** (See LWCF Manual for guidance.)

**A. Increase/Change in Project Scope**

- 1. **For Acquisition Projects:** To acquire additional property that was not described in the original project proposal and NEPA documentation, follow Step 2A-Acquisition Project and 2D.
- 2. **For Development Projects:** To change the project scope for a development project that alters work from the original project scope by adding elements or enlarging facilities, follow Step 2B-Development Project and 2D.
- 3. **For Combination Projects:** Follow Step 2C as appropriate.

**B. SECTION 6(F)(3) Conversion Proposal**

Prior to developing your SECTION 6(F)(3) conversion proposal, you must consult the LWCF Manual and 36 CFR 59.3 for complete guidance on conversions. Local sponsors must consult early with the State LWCF manager when a conversion is under consideration or has been discovered. States must consult with their NPS -LWCF manager as early as possible in the conversion process for guidance and to sort out and discuss details of the conversion proposal to avoid mid-course corrections and unnecessary delays. **A critical first step is for the State and NPS to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity.** Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary.

The SECTION 6(F)(3) conversion proposal including the required NEPA environmental review documents (CE recommendation or an EA document) must focus on the loss of public outdoor recreation park land and recreational usefulness, and its replacement per 36 CFR 59, and **not** the activities precipitating the conversion or benefits

## Part II

thereof, such as the impacts of constructing a new school to relieve overcrowding or constructing a hotel/restaurant facility to stimulate the local economy. Rather, the environmental review must 1) focus on “resource impacts” as indicated on the ESF (Step 6), including the loss of public park land and recreation opportunities (ESF A-15), and 2) the impacts of creating new replacement park land and replacement recreation opportunities. A separate ESF must be generated for the converted park area and each replacement site. SECTION 6(F)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA, except for “small” conversions as defined in the LWCF Manual Chapter 8.

For NPS review and decision, the following elements are required to be included in the State’s completed conversion proposal to be submitted to NPS:

1. A letter of transmittal from the SLO recommending the proposal.
2. A detailed explanation of the sponsor’s need to convert the Section 6(f) parkland including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not pursued.
3. An explanation of how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP).
4. Completed “State Appraisal/Waiver Valuation Review form in Step 7 for each of the converted and replacement parcels certifying that the appraisals meet the “Uniform Appraisal Standards for Federal Land Acquisitions.” States must retain copies of the appraisals/waiver valuations and make them available for review upon request.
5. For the park land proposed for conversion, a detailed description including the following:
  - a. Specific geographic location on a map, 9-digit zip code, and name of park or recreation area proposed for conversion.
  - b. Description of the area proposed for the conversion including the acreage to be converted and any acreage remaining. For determining the size of the conversion, consider not only the physical footprint of the activity precipitating the conversion, but how the precipitating activity will impact the entire 6(f) park area. In many cases the size of the converted area is larger than the physical footprint. Include a description of the recreation resources, facilities, and recreation opportunities that will be impacted, displaced or lost by the proposed conversion. For proposals to partially convert a Section 6(f) park area, the remaining 6(f) park land must remain recreationally viable and not be impacted by the activities that are precipitating the conversion. If it is anticipated that the precipitating activities impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted park land.
  - c. Description of the community and population served by the park, including users of the park and uses.
  - d. For partial conversions, a revised 6(f) map clearly indicating both the portion that is being converted and the portion remaining intact under Section 6(f).
6. For each proposed replacement site:
  - a. Specific geographic location on a map, 9-digit zip code, and geographical relationship of converted and replacement sites. If site will be added to an existing public park/outdoor recreation area, indicate on map.
  - b. Description of the site’s physical characteristics and resource attributes with number and types of resources and features on the site, for example, 15 acres WETLAND, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground utilities including overhead wires, towers, etc.
  - c. Identification of the owner of the replacement site and its recent history of use/function up to the present.
  - d. Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.
  - e. Identification of owner and manager of the new replacement park?



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- f. Name of the new replacement park. If the replacement park is added to an existing public park area, will the existing area be included within the 6(f) boundary? What is the name of the existing public park area?
  - g. Timeframe for completing the new outdoor recreation area(s) to replace the recreation opportunity lost per the terms of conversion approval and the date replacement park(s) will be open to the public.
  - h. New Section 6(f) map for the new replacement park.
7. NEPA environmental review, including NHPA Section 106 review, for both the converted and replacement sites in the same document to analyze how the converted park land and recreational usefulness will be replaced. Except for “small” conversions (see LWCF Manual Chapter 8), conversions usually require an EA.

***Proceed to Steps 5 through 7***

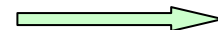


**C. Proposal for a Public Facility in a Section 6(f) Area**

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. In summary, NPS must review and decide on requests to construct a public indoor and/or non-recreation facility within a Section 6(f) area. In certain cases NPS may approve the construction of public facilities within a Section 6(f) area where it can be shown that there will be a net gain in outdoor recreation benefits and enhancements for the entire park. In most cases, development of a non-recreation public facility within a Section 6(f) area constitutes a conversion. For NPS review, the State/sponsor must submit a proposal to NPS under a letter of transmittal from the SLO that:

- 1. Describes the purpose and all proposed uses of the public facility such as types of programming, recreation activities, and special events including intended users of the new facility and any agency, organization, or other party to occupy the facility. Describe the interior and exterior of the facility, such as office space, meeting rooms, food/beverage area, residential/lodging area, classrooms, gyms, etc. Explain how the facility will be compatible with the outdoor recreation area. Explain how the facility and associated uses will significantly support and enhance existing and planned outdoor recreation resources and uses of the site, and how outdoor recreation use will remain the primary function of the site. (The public’s outdoor recreation use must continue to be greater than that expected for any indoor use, unless the site is a single facility, such as a swimming pool, which virtually occupies the entire site. )
- 2. Indicates the exact location of the proposed public facility and associated activities on the site’s Section 6(f) map. Explain the design and location alternatives considered for the public facility and why they were not pursued.
- 3. Explains who will own and/or operate and maintain the facility? Attach any 3<sup>rd</sup> party leases and operation and management agreements. When will the facility be open to the public? Will the facility ever be used for private functions and closed to the public? Explain any user or other fees that will be instituted, including the fee structure.
- 4. Includes required documents as a result of a completed NEPA process (Steps 5 – 7).

***Proceed to Steps 5 through 7***



**Step 4. Proposals for Temporary Non-Conforming Use, Significant Change in Use, and Sheltering Facilities (See LWCF Manual for guidance.)**

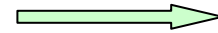
**A. Proposal for Temporary Non-Conforming Use**

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decided on requests for temporary uses that do not meet the requirements of allowable activities within a Section 6(f) area. A temporary non-conforming use is limited to a period of six months (180 days) or less. Continued use beyond six-months will not be considered temporary, and may result in a SECTION 6(F)(3) conversion of use requiring the replacement of converted parkland. For NPS review, describe the temporary non-conforming use (activities other than public outdoor recreation) in detail including the following information:

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1. A letter of transmittal from the SLO recommending the proposal.
2. Describe in detail the proposed temporary non-conforming use and all associated activities, why it is needed, and alternative locations that were considered and why they were not pursued.
3. Explain length of time needed for the temporary non-conforming use and why.
4. Describe the size of the Section 6(f) area affected by the temporary non-conforming use activities and expected impacts to public outdoor recreation areas, facilities and opportunities. Explain efforts to keep the size of the area impacted to a minimum. Indicate the location of the non-conforming use on the site's 6(f) map.
5. Describe any anticipated temporary/permanent impacts to the Section 6(f) area and how the sponsor will mitigate them during and after the non-conforming use ceases.
6. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

***Proceed to Steps 5 through 7***

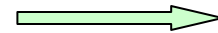


### **B. Proposal for Significant Change in Use**

Prior to developing the proposal, you must consult the LWCF Manual for complete guidance. 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 outlined in the original LWCF application for federal assistance. Consult with NPS for early determination on the need for a formal review. NPS approval is only required for proposals that will **significantly** change the use of a LWCF-assisted site (e. g. , from passive to active recreation). The proposal must include and address the following items:

1. A letter of transmittal from the SLO recommending the proposal.
2. Description of the proposed changes and how they significantly contravene the original plans or intent of LWCF agreements.
3. Explanation of the need for change in use and how the change is consistent with local plans and the SCORP.
4. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

***Proceed to Steps 5 through 7***



### **C. Proposal for Sheltering Facilities**

**Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decide on all proposals to shelter an existing outdoor recreation facility or construct a new sheltered recreation facility within a Section 6(f) area regardless of funding source. The proposal must demonstrate that there is an increased benefit to public recreation opportunity. Describe the sheltering proposal in detail, including the following:**

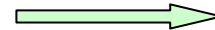
1. A letter of transmittal from the SLO recommending the proposal.
2. Describe the proposed sheltered facility, how it would operate, how the sheltered facility will include recreation uses that could typically occur outdoors, and how the primary purpose of the sheltered facility is recreation.
3. Explain how the sheltered facility would not substantially diminish the outdoor recreation values of the site including how the sheltered facility will be compatible and significantly supportive of the outdoor recreation resources present and/or planned.
4. Explain how the sheltered facility will benefit the total park's outdoor recreation use.
5. Describe efforts provided to the public to review the proposal to shelter the facility and has local support.
6. Document that the sheltered facility will be under the control and tenure of the public agency which sponsors and administers the original park area.
7. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

**Proceed to Steps 5 through 7**
**Step 5. Summary of Previous Environmental Review** (including E.O. 12372 - Intergovernmental Review)

To avoid duplication of effort and unnecessary delays, describe any prior environmental review undertaken at any time and still viable for this proposal or related efforts that could be useful for understanding potential environmental impacts. Consider previous local, state, federal (e. g. HUD, EPA, USFWS, FHWA, DOT) and any other environmental reviews. At a minimum, address the following:

1. Date of environmental review(s), purpose for the environmental review(s) and for whom they were conducted.
2. Description of the proposed action and alternatives.
3. Who was involved in identifying resource impact issues and developing the proposal including the interested and affected public, government agencies, and Indian tribes.
4. Environmental resources analyzed and determination of impacts for proposed actions and alternatives.
5. Any mitigation measures to be part of the proposed action.
6. Intergovernmental Review Process (Executive Order 12372): Does the State have an Intergovernmental Review Process? Yes \_\_\_\_ No \_\_\_\_\_. If yes, has the LWCF Program been selected for review under the State Intergovernmental Review Process? Yes \_\_\_\_ No \_\_\_\_\_. If yes, was this proposal reviewed by the appropriate State, metropolitan, regional and local agencies, and if so, attach any information and comments received about this proposal. If proposal was not reviewed, explain why not.
7. Public comment periods (how long, when in the process, who was invited to comment) and agency response.
8. Any formal decision and supporting reasons regarding degree of potential impacts to the human environment.
9. Was this proposed LWCF federal action and/or any other federal actions analyzed/reviewed in any of the previous environmental reviews? If so, what was analyzed and what impacts were identified? Provide specific environmental review document references.

Use resource impact information generated during previous environmental reviews described above and from recently conducted site inspections to complete the Environmental Screening Form (ESF) portion of this PD/ESF under Step 6. Your ESF responses should indicate your proposal's potential for impacting each resource as determined in the previous environmental review(s), and include a reference to where the analysis can be found in an earlier environmental review document. If the previous environmental review documents contain proposed actions to mitigate impacts, briefly summarize the mitigation for each resource as appropriate. The appropriate references for previous environmental review document(s) must be documented on the ESF, and the actual document(s) along with this PD/ESF must be included in the submission for NPS review.

**Proceed to Steps 6 through 7**
**Step 6. Environmental Screening Form (ESF)**

This portion of the PD/ESF is a working tool used to identify the level of environmental documentation which must accompany the proposal submission to the NPS. By completing the ESF, the project sponsor is providing support for its recommendation in Step 7 that the proposal either:

1. meets criteria to be categorically excluded (CE) from further NEPA review and no additional environmental documentation is necessary; or
2. requires further analysis through an environmental assessment (EA) or an environmental impact statement (EIS).

An ESF alone does not constitute adequate environmental documentation unless a CE is recommended. If an EA is required, the EA process and resulting documents must be included in the proposal submission to the NPS. If an EIS may be required, the State must request NPS guidance on how to proceed.

The scope of the required environmental analysis will vary according to the type of LWCF proposal. For example, the scope for a new LWCF project will differ from the scope for a conversion. Consult the LWCF Manual for

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guidance on defining the scope or extent of environmental analysis needed for your LWCF proposal. As early as possible in your planning process, consider how your proposal/project may have direct, indirect and cumulative impacts on the human environment for your type of LWCF action so planners have an opportunity to design alternatives to lessen impacts on resources, if appropriate. When used as a planning tool in this way, the ESF responses may change as the proposal is revised until it is ready for submission for federal review. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the NEPA.

The ESF should be completed with input from resource experts and in consultation with relevant local, state, tribal and federal governments, as applicable. The interested and affected public should be notified of the proposal and be invited to participate in scoping out the proposal (see LWCF Manual Chapter 4). At a minimum, a site inspection of the affected area must be conducted by individuals who are familiar with the type of affected resources, possess the ability to identify potential resource impacts, and to know when to seek additional data when needed.

At the time of proposal submission to NPS for federal review, the completed ESF must justify the NEPA pathway that was followed: CE recommendation, production of an EA, or production of an EIS. The resource topics and issues identified on the ESF for this proposal must be presented and analyzed in an attached EA/EIS. Consult the LWCF Manual for further guidance on LWCF and NEPA.

The ESF contains two parts that must be completed:

### Part A. Environmental Resources

### Part B. Mandatory Criteria

**Part A:** For each environmental resource topic, choose an impact estimate level (none, negligible, minor, exceeds minor) that describes the degree of potential negative impact for each listed resource that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal. For each impacted resource provide a brief explanation of how the resource might be affected, how the impact level was determined, and why the chosen impact level is appropriate. If an environmental review has already been conducted on your proposal and is still viable, include the citation including any planned mitigation for each applicable resource, and choose an impact level as mitigated. If the resource does not apply to your proposal, mark NA in the first column. Add any relevant resources (see A. 24 on the ESF) if not included in the list.

**Use a separate sheet to briefly clarify how each resource could be adversely impacted; any direct, indirect, and cumulative impacts that may occur;** and any additional data that still needs to be determined. Also explain any planned mitigation already addressed in previous environmental reviews.

**Part B:** This is a list of mandatory impact criteria that preclude the use of categorical exclusions. If you answer “yes” or “maybe” for any of the mandatory criteria, you must develop an EA or EIS regardless of your answers in Part A. Explain all “yes” and “maybe” answers on a separate sheet.

**For conversions, complete one ESF for each of the converted and replacement sites.**

<b>A. ENVIRONMENTAL RESOURCES</b> Indicate potential for adverse impacts. Use a separate sheet to clarify responses per instructions for Part A on page 9.	<b>Not Applicable-</b> Resource does not exist	<b>No/Negligible Impacts-</b> Exists but no or negligible impacts	<b>Minor Impacts</b>	<b>Impacts Exceed Minor</b> EA/EIS required	<b>More Data Needed to Determine Degree of Impact</b> EA/EIS required
1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.					
2. Air quality					
3. Sound (noise impacts)					
4. Water quality/quantity					
5. Stream flow characteristics					
6. Marine/estuarine					
7. Floodplains/wetlands					
8. Land use/ownership patterns; property values; community livability					
9. Circulation, transportation					
10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing					
11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.					
12. Unique or important wildlife/ wildlife habitat					
13. Unique or important fish/habitat					
14. Introduce or promote invasive species (plant or animal)					
15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. <i>Most conversions exceed minor impacts. See Step 3. B</i>					
16. Accessibility for populations with disabilities					
17. Overall aesthetics, special characteristics/features					
18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.					
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure					
20. Minority and low-income populations					
21. Energy resources (geothermal, fossil fuels, etc. )					
22. Other agency or tribal land use plans or policies					
23. Land/structures with history of contamination/hazardous materials even if remediated					
24. Other important environmental resources to address.					

<b>B. MANDATORY CRITERIA</b> If your LWCF proposal is approved, would it...	Yes	No	To be determined
1. Have significant impacts on public health or safety?			
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands, wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E. O. 11990); floodplains (E. O 11988); and other ecologically significant or critical areas.			
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?			
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?			
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?			
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?			
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office. (Attach SHPO/THPO Comments)			
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.			
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?			
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?			
11. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?			
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?			

**Environmental Reviewers**

The following individual(s) provided input in the completion of the environmental screening form. List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in state compliance file for any future program review and/or audit. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.

- 1.
- 2.
- 3.

The following individuals conducted a site inspection to verify field conditions.

List name of inspector(s), title, agency, and date(s) of inspection.

- 1.
- 2.
- 3.

State may require signature of LWCF sub-recipient APPLICANT here:

Date \_\_\_\_\_

**Step 7. Recommended NEPA Pathway and State Appraisal/Waiver Valuation**

First, consult the following list of “Categorical Exclusions (CEs) for Which a Record is Needed.” If you find your action in the CE list **and** you have determined in Step 6A that impacts will be minor or less for each applicable environmental resource on the ESF **and** you answered “no” to all of the “Mandatory Criteria” questions in Step 6B, the proposal qualifies for a CE. Complete the following “State LWCF Environmental Recommendations” box indicating the CE recommendation.

If you find your action in the CE list **and** you have determined in Step 6A that impacts will be greater than minor or that more data is needed for any of the resources **and** you answered “no” to all of the “Mandatory Criteria” questions, your environmental review team may choose to do additional analysis to determine the context, duration, and intensity of the impacts of your project or may wish to revise the proposal to minimize impacts to meet the CE criteria. If impacts remain at the greater than minor level, the State/sponsor must prepare an EA for the proposal. Complete the following “State Environmental Recommendations” box indicating the need for an EA.

If you do not find your action in the CE list, regardless of your answers in Step 6, you must prepare an EA or EIS. Complete the following “State Environmental Recommendations” box indicating the need for an EA or EIS.

**State NEPA Pathway Recommendation**

I certify that a site inspection was conducted for each site involved in this proposal and to the best of my knowledge, the information provided in this LWCF Proposal Description and Environmental Screening Form (PD/ESF) is accurate based on available resource data. All resulting notes, reports and inspector signatures are stored in the state’s NEPA file for this proposal and are available upon request. On the basis of the environmental impact information for this LWCF proposal as documented in this LWCF PD/ESF with which I am familiar, I recommend the following LWCF NEPA pathway:

- This proposal qualifies for a Categorical Exclusion (CE).
  - CE Item #:
  - Explanation:
- This proposal requires an Environmental Assessment (EA) which is attached and has been produced by the State/sponsor in accordance with the LWCF Program Manual.
- This proposal may require an Environmental Impact Statement (EIS). NPS guidance is requested per the LWCF Program Manual.

*Reproduce this certificate as necessary. Complete for each LWCF appraisal or waiver valuation.*

**State Appraisal/Waiver Valuation Review**

**Property address:** \_\_\_\_\_ **Date of appraisal transmittal letter/waiver:** \_\_\_\_\_

**Real property value: \$** \_\_\_\_\_ **Effective date of value:** \_\_\_\_\_

I certify that:  a State-certified Review Appraiser has reviewed the appraisal and has determined that it was prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

OR

the State has reviewed and approved a waiver valuation for this property per 49 CFR 24.102(c)(2)(ii).

**SLO/ASLO Original Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Typed** **Name,** **Title,** **Agency:**

**National Environmental Policy Act  
National Park Service-Land and Water Conservation Fund State Assistance  
Program**

**Categorical Exclusions for Which a Record is Needed**

*Note: The following are the NEPA Categorical Exclusions approved for use with all NPS programs. Shaded categories do not apply to LWCF proposals. Before selecting a categorical exclusion (CE), complete the PD/ESF for the LWCF proposal to support the CE selection.*

**A. Actions related to general administration**

(1) Changes or amendments to an approved action when such changes would cause no environmental impact. LWCF actions that are covered include amendments for:

- time extensions with no change in project scope or with a reduction in project scope;
- deleting work and no other work is added back into the project scope;
- changing project cost with no change in project scope or with a reduction in project scope;
- making administrative changes that do not affect project scope.

(2) Minor boundary changes that are accomplished through existing statutory authorities and that result in no change in land use.

(3) Re-issuance/renewal of permits, rights-of-way, or easements not involving new environmental impacts provided that the impacts of the original actions were evaluated in an environmental document.

(4) Conversion of existing permits to rights-of-way, when such conversions neither continue nor potentially initiate adverse environmental conditions, provided that the impacts of the original actions were evaluated in an environmental document.

(5) Issuances, extensions, renewals, re-issuances, or minor modifications of concession contracts or permits that do not entail new construction or any potential for new environmental impact as a result of concession operations.

(6) Incidental business permits (formerly called commercial use licenses) involving no construction or potential for new environmental impact.

(7) Leasing of historic properties in accordance with 36 CFR 18 and NPS -38.

(8) Modifications or revisions to existing regulations, or the promulgation of new regulations for NPS -administered areas, provided the modifications, revisions, or new regulations do not:

- (a) increase public use to the extent of compromising the nature and character of the area or cause physical damage to it.



- (b) introduce non-compatible uses that might compromise the nature and characteristics of the area or cause physical damage to it.
- (c) conflict with adjacent ownerships or land uses.
- (d) cause a nuisance to adjacent owners or occupants
- (9) At the direction of the NPS responsible official, actions where NPS has concurrence or co-approval with another bureau and the action is a CE for that bureau, and where NPS agrees that there is no potential for environmental impact.
- (10) Routine transfers of jurisdiction between the NPS and the District of Columbia accomplished through existing statutory authority, where no change of use in the land is anticipated upon transfer.

## **B. Plans, studies, and reports**

- (1) Changes or amendments to an approved plan, when such changes have no potential for environmental impact.
  - (2) Cultural resources maintenance guides, collection management plans, and historic furnishings reports.
  - (3) Interpretive plans (interpretive prospectuses, audio-visual plans, museum exhibit plans, wayside exhibit plans).
  - (4) Plans, including priorities, justifications, and strategies, for non-manipulative research, monitoring, inventorying, and information-gathering.
  - (5) Agreements between NPS offices for plans and studies.
- (6) Authorization, funding, or approval for the preparation of statewide comprehensive outdoor recreation plans (SCORPs).
- (7) Adoption or approval of academic or research surveys, studies, reports, and similar documents that do not contain and will not result in NPS recommendations.
  - (8) Land protection plans that propose changes to existing land or visitor use when the changes have no potential for environmental impact.

## **C. Actions related to development**

- (1) Land acquisition within established park boundaries, if future anticipated uses would have no potential for environmental impact.
- (2) Land exchanges that will not lead to anticipated changes in the use of land and that have no potential for environmental impact. *For LWCF, some small conversions may meet this criterion. See the LWCF Manual Chapter 8 for further guidance.*

(3) Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds, and trails.

(4) Routine maintenance and repairs to cultural resource sites, structures, utilities, and grounds if the action falls under an approved Historic Structures Preservation Guide or Cyclic Maintenance Guide or if the action would not adversely affect the cultural resource.

(5) Installation of LWCF *eligible* signs, displays, and kiosks.

(6) Installation of navigation aids.

(7) Experimental testing of short duration (no more than one season) of mass transit systems, and changes in operation of existing systems, that have no potential for environmental impact.

(8) Replacement in kind of minor structures and FACILITIES with little or no change in location, capacity, or appearance--for example, comfort stations, pit toilets, fences, kiosks, signs and campfire circles.

(9) Repair, resurfacing, striping, installation of traffic control devices, and repair/replacement of guardrails, culverts, signs, and other minor existing features on existing roads when no potential for environmental impact exists.

(10) Changes in sanitary FACILITIES operation resulting in no new environmental effects.

(11) Installation of wells, comfort stations, and pit or vault toilets in areas of existing use and in developed areas.

(12) Minor trail relocation or development of compatible trail networks on logging roads or other established routes.

(13) Upgrading or adding new overhead utility FACILITIES on existing poles, or on replacement poles that do not change existing pole line configurations.

(14) Issuance of rights-of-way for overhead utility lines to an individual building or well from an existing line where installation will not result in visual intrusion and will involve no clearance of vegetation other than for placement of poles.

(15) Issuance of rights-of-way for minor overhead utility lines not involving placement of poles or towers and not involving vegetation management or visual intrusion in an area administered by NPS.

(16) Installation of underground utilities in areas showing clear evidence of recent human disturbance or areas within an existing road prism or within an existing overhead utility right-of-way.

(17) Minor landscaping in areas showing clear evidence of recent human disturbance.

(18) Installation of fencing enclosures, exclosures, or boundary fencing posing no effect on wildlife migrations.

**D. Actions related to visitor use**

- (1) Minor changes in amounts or types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations.
- (2) Minor changes in programs and regulations pertaining to visitor activities.
- (3) Issuance of permits for demonstrations, gatherings, ceremonies, concerts, arts and crafts shows, and so forth, entailing only short-term or readily remediable environmental disturbance.
- (4) Designation of trailside camping zones with minimal or no improvements.

**E. Actions related to resource management and protection**

- (1) Archeological surveys and permits involving only surface collection or small-scale test excavations.
- (2) Restoration of non-controversial (based on internal scoping requirements in section 2.6) native species into suitable habitats within their historic range.
- (3) Removal of individual members of a non-threatened/endangered species or populations of pests and exotic plants that pose an imminent danger to visitors or an immediate threat to park resources.
- (4) Removal of non-historic materials and structures in order to restore natural conditions when the removal has no potential for environmental impacts, including impacts to cultural landscapes or archeological resources.
- (5) Development of standards for, and identification, nomination, certification, and determination of, eligibility of properties for listing in the National Register of Historic Places, the National Historic Landmark and National Natural Landmark Programs, and biosphere reserves.
- (6) Non-destructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities (this is also a Departmental CE).
- (7) Designation of environmental study areas and research natural areas, including those closed temporarily or permanently to the public, unless the potential for environmental (including socioeconomic) impact exists.

**F. Actions related to grant programs**

- (1) Proposed actions essentially the same as those listed in paragraphs A-E above *not shaded in gray*.
- (2) Grants for acquisition to areas that will continue in the same use or lower density use with no additional disturbance to the natural setting or type of use.
- (3) Grants for replacement or renovation of FACILITIES at their same location without altering the kind and amount of recreational, historical, or cultural resources of the area or the integrity of the existing setting.
- (4) Grants for construction of FACILITIES on lands acquired under a previous NPS or other federal grant, provided that the development is in accord with plans submitted with the

acquisition grant, and that environmental documents have been completed on the impacts of the proposal funded by the original grant.

(5) Grants for the construction of new FACILITIES within an existing park or recreation area, provided that the FACILITIES will not:

- (a) conflict with adjacent ownerships or land use, or cause a nuisance to adjacent owners or occupants, such as would happen if use were extended beyond daylight hours.
- (b) introduce motorized recreation vehicles, including off-road vehicles, personal water craft, and snowmobiles.
- (c) introduce active recreation pursuits into a passive recreation area.
- (d) increase public use or introduce non-compatible uses to the extent of compromising the nature and character of the property or causing physical damage to it.
- (e) add or alter access to the park from the surrounding area.

(6) Grants for the restoration, rehabilitation, stabilization, preservation, and reconstruction (or the authorization thereof) of properties listed on or eligible for listing on the National Register of Historic Places, at their same location, and provided that such actions:

- (a) will not alter the integrity of the property or its setting
- (b) will not increase public use of the area to the extent of compromising the nature and character of the property.

### **9. Concept Level Site Plan**

Provide a drawing which clearly shows where the FACILITIES listed on the application and Cost Estimate forms will be located at the PROJECT site.

- Include where and how the public will access the site, parking, etc.
- Illustrate to what extent the PROJECT involves new development, rehabilitation, and/or replacement of existing FACILITIES.
- Note if any building(s) are present or planned on the site. Include the approximate total square footage.

### **10. Project Location Map/Directions**

Provide a map (city or county) with enough detail to allow a person unfamiliar with the area to locate the PROJECT. The map should indicate access points to the site, and include nearby recreation FACILITIES and parks.

### **11. Photos of the Project site**

Provide up to four pages (8½ x 11) of photographs of the PROJECT site and its surrounding area.

### **12. Project Service Area**

Using the “California State Parks LWCF Community FactFinder,” provide a report showing the geographical area surrounding a park or recreation area from which a majority of the visitors will come. The PROJECT SERVICE AREA should be consistent with the type of PROJECT. That is, a large ACQUISITION OR DEVELOPMENT PROJECT would likely draw visitors from a larger area than a smaller PROJECT in a neighborhood park. The “California State Parks LWCF Community FactFinder” will allow a range of PROJECT SERVICE AREA sizes. Use the “California State Parks LWCF Community FactFinder” to create the report.

1. Go to <http://www.parkinfo.org/lwcf/lwcf.html>. This tool will generate a report showing the PROJECT SERVICE AREA which must be used when preparing responses to PROJECT Selection Criteria numbers 3, 4, 5, 7, and 8.
2. Enter the PROJECT address or manually zoom to the PROJECT location.
3. From the drop down box, select the radius that best meets the type of project. Locate the origin of the radius at any point within the PROJECT location.
4. Select “Run Report” to create a “California State Parks LWCF Community FactFinder” report

**The PROJECT SERVICE AREA, once defined by the APPLICANT and identified on the “California State Parks LWCF Community FactFinder” report must be the same for Project Selection Criteria numbers 3, 4, 5, 7, and 8.**

### **13. Project Proposal**

#### **INTRODUCTION**

The information provided in the PROJECT proposal will allow the DEPARTMENT to evaluate the competing Grant Applications. In addition to objectivity and uniformity in evaluating proposals, the DEPARTMENT will provide an equitable geographic spread of Funds provided that sufficient well qualified proposals exist.

#### **INSTRUCTIONS**

Structure and complete your responses to the Project Selection Criteria as follows:

- Provide a written response to each question or statement as it pertains to the PROJECT
- If a particular question or statement does not apply to the PROJECT, please indicate with “NA” (not applicable) and a brief explanation as to why.
- Limit the PROJECT Proposal to no more than 15 pages, 8 ½” x 11” paper: single-sided, double-spaced, with 12-point font.
- Attachments do not count as part of the 15 pages.
- Use the same numbered and lettered order of each criterion.
- Respond to each criterion separately.
- Cite studies, reports, or other data that support the responses, where appropriate.

#### **DEADLINE**

APPLICATIONS must be postmarked by **the deadline specified for the selected year.**

**Scoring Breakdown**

<b>Criterion No.</b>	<b>Criteria Heading</b>	<b>Value</b>
1.	Statewide Outdoor Recreation Needs Implementation of CORP Actions	18
2.	Regional Priority Outdoor Recreation Needs	15
3.	Local Recreation Need	15
4.	Public Involvement	12
5.	Population and Population Density	5
6.	Population Served	5
7.	Public Access to Recreation	5
8.	Cost Use Benefit	5
9.	Readiness	10
10.	Performance	5
11.	Operation & Maintenance	5
	Total	100

## ***Project Proposal Criteria***

### **1. *Statewide Outdoor Recreation Needs –Implementation of CORP Actions and Priority Acquisitions***

Describe how the proposed PROJECT will implement CORP Actions to solve outdoor recreation issues of statewide importance. The APPLICANT should identify CORP Actions that are most relevant to the PROJECT proposal and explain how the PROJECT will help implement those actions. It is not necessary to address every CORP issue. Selected CORP actions have been included in Criterion 1. Actions which are not eligible for LWCF assistance or actions addressed in other criteria are not included. Some included actions may be addressed by the PROJECT, but would need to be funded by means other than LWCF assistance. For example, costs for educational programs, master planning, public transportation, publicizing parks and partnership establishment costs are not eligible for LWCF assistance.

Additionally, if applicable, there are 4 actions specifically for describing and justifying any priority acquisition projects. (See CORP Identified Actions for Priority Acquisition on page 61)

#### **CORP Issue I: Provide or improve access to public parks and outdoor recreation resources.**

- Action 1.1: Pursue acquisition opportunities for open space and public access to water features such as the ocean, lakes, rivers, streams and creeks.
- Action 1.1: Pursue urban acquisition and development opportunities close to where people live and work and where current recreation opportunities are inadequate.
- Action 1.3: Increase the number of group picnic areas and camping opportunities to respond to California's changing demographics and recreation preferences.
- Action 1.4: Increase the number of available campsites in popular and emerging camping areas and provide cabins, tent cabins, yurts, or other affordable lodging for park visitors who prefer these camping alternatives.
- Action 1.5: Provide alternative park elements, such as interactive water features, climbing walls, rope features and exercise features.
- Action 1.6: Provide opportunities for outdoor adventure and extreme sports experiences.
- Action 1.7: Acquire and develop trails providing safe routes to parks from places where people live or work, or trails linking parks and other outdoor recreation areas, such as regional trail corridors identified in the California Recreational Trails Plan.
- Action 1.8: Provide new kinds of outdoor recreation areas in neighborhoods with high-density housing and worksites to create outdoor recreational opportunities in emerging urban centers.



- Action 1.9: Establish and fund inclusive camping programs to attract urban or non-traditional park users.
- Action 1.10: Improve public transit access to parks and outdoor recreation areas and trail connections.

**CORP Issue II: Provide linkages and seamless delivery of outdoor recreation opportunities.**

- Action 2.1: Increase public trail access and connectivity to recreation features in urban areas.
- Action 2.2: Complete the missing components of existing regional trails through partnerships with the trail-owning agencies or organizations.
- Action 2.3 Explore and create partnerships for developing regional parks and greenways.
- Action 2.4: Provide areas where children can connect with the outdoors and engage in active outdoor activities, such as climbing trees, digging, exploring and unstructured play.
- Action 2.5: Provide outdoor recreation play equipment that integrates physical activity and stimulates children’s imagination.

**CORP Issue III: Protect and manage natural resources**

- Action 3.1: Incorporate sustainability, energy efficiency, and environmental awareness into development projects with recycled, energy efficient and sustainable materials and design.
- Action 3.2: Continue to work with local school districts to educate youth on the importance of preserving and protecting natural resources.
- Action 3.3: Continue to pursue the goal of giving K-12 students the experience of visiting a resource-based park during their time in school.
- Action 3.4: Continue efforts to increase environmental awareness among youth through supporting programs like Tread Lightly, Leave no Trace and providing field trips to natural parks.
- Action 3.5: Foster a stronger public connection between clean air, clean water and the impacts of and remedies for global warming, and parks, recreation and open space.
- Action 3.6: Provide more interpretive displays (in prominent locations such as in visitor centers, use areas and trailheads) and programs that communicate natural resource efforts.

**CORP Issue IV: Preserve and protect California’s cultural heritage.**

- Action 4.1: Increase the number of significant publicly owned historic resources that are protected and preserved throughout the state.
- Action 4.2: Incorporate and promote cultural heritage themes in park and recreation areas and FACILITIES.

### **CORP Identified Actions for Priority Acquisitions**

Clearly justify the ACQUISITION is critical and urgent, and will help:

- Support the acquisition and preservation priorities being pursued by the state's WETLAND preservation organizations
- Resolve critical lack of park, recreation and open space areas.
- Provide open space that can be readily used for park and recreation purposes.
- Prevent an outdoor recreation opportunity at immediate risk from being lost to the public

**18 Points:**

The response clearly justifies that the PROJECT implements *eight or more* of the bulleted actions from the CORP.

**15 Points:**

The response clearly justifies that the PROJECT implements *at least six* of the bulleted actions from the CORP.

**12 Points:**

The response clearly justifies that the PROJECT implements *at least five* of the bulleted actions from the CORP.

**9 Points:**

The response clearly justifies that the PROJECT implements *at least four* of the bulleted actions from the CORP.

**6 Points:**

The response clearly justifies that the PROJECT implements *at least three* of the bulleted actions from the CORP.

**0 Points:**

The response clearly justifies that the PROJECT implements *less than three* of the bulleted actions from the CORP, or no response was given.

**2. Regional Priority Outdoor Recreation Needs (15 Points)**

The scoring for this criterion is based on the on the information provided on the Cost Estimate Form (page 25) which use the Regional Priority Recreation Facility Charts found below. These priorities were identified in the 2007 Survey on Public Opinions and Attitudes on Outdoor Recreation in California (SPO&A), a component of the CORP. Data was gathered on LATENT DEMAND for adult Californians in seven regions. Select the county in which the project is located. The regions and their counties are listed as follows:

**Sierra Region** includes these counties:

Alpine	Amador	Calaveras
El Dorado	Inyo	Mariposa
Mono	Nevada	Placer
Tuolumne		

**Central Valley Region** includes these counties:

Butte	Colusa	Fresno
Kern	Kings	Madera
Merced	Sacramento	San Joaquin
Sutter	Tulare	Yolo
Yuba		

**Los Angeles Region** includes these counties:

Los Angeles	Ventura
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**San Francisco Bay Region** includes these counties:

Alameda	Contra Costa	Marin
Napa	San Francisco	San Mateo
Santa Clara	Solano	Sonoma

**Northern California Region** includes these counties:

Del Norte	Glenn	Humboldt
Lake	Lassen	Mendocino
Modoc	Plumas	Shasta
Sierra	Siskiyou	Tehama
Trinity		

**Central Coast Region** includes these counties:

Monterey	San Benito	San Luis Obispo
Santa Barbara	Santa Cruz	

**Southern California Region** includes these counties:

Imperial	Orange	Riverside
San Bernardino	San Diego	

*What is the difference between day hiking and walking for fitness or pleasure?*

Hiking refers to cross-country walking of a longer duration than a simple walk and usually over terrain where hiking boots are required. A day hike refers to a hike that can be completed in a single day, often applied to mountain hikes to a lake or summit, but not requiring an overnight camp.

*Would a splash pad or spray park be considered a swimming pool?*

No, it would be considered an aquatic playground/tot lot.

*What if my facility doesn't serve any of the priority recreation needs?*

It would be considered "other," which is priority 4.

<b>Central Valley Region Priority Recreation Facility Chart</b>		
Priority	Facility for	Points
1	Walking for fitness or pleasure Bicycling on paved surfaces Camping in developed sites Day hiking on trails	15
2	Picnicking in picnic areas Beach activities Visiting outdoor nature museums, zoos, Gardens or arboretums Swimming in a pool	12
3	Swimming in freshwater lakes, rivers and/or streams Attending outdoor cultural events Wildlife viewing, bird watching, viewing natural scenery  Freshwater Fishing	9
4	Other	6

<b>Los Angeles Region Priority Recreation Facility Chart</b>		
Priority	Facility for	Points
1	Walking for fitness or pleasure/jogging and running for exercise Visiting outdoor nature museums, zoos, Gardens or arboretums Attending outdoor cultural events Beach activities	15
2	Picnicking in picnic areas Bicycling on paved surfaces Day hiking on trails Camping in developed sites Swimming in a pool	12
3	Wildlife viewing, bird watching, viewing natural scenery/Outdoor Photography Swimming in freshwater lakes, rivers and/or streams	9
4	Other	6

<b>Northern California Region Priority Recreation Facility Chart</b>		
Priority	Facility for	Points
1	Walking for fitness or pleasure Day hiking on trails Picnicking in picnic areas Attending outdoor cultural events	15
2	Bicycling on paved surfaces Visiting outdoor nature museums, zoos, Gardens or arboretums Camping in developed sites Swimming in freshwater lakes, rivers and/or streams Wildlife viewing, bird watching, viewing natural scenery/Outdoor Photography	12
3	Paddle Sports Swimming in a pool Backpacking (overnight hiking)	9
4	Other	6

<b>Sierra Region Priority Recreation Facility Chart</b>		
Priority	Facility for	Points
1	Walking for fitness or pleasure Beach activities Swimming in freshwater lakes, rivers and/or streams	15
2	Camping in developed sites Day hiking on trails Attending outdoor cultural events Freshwater Fishing	12
3	Picnicking in picnic areas Visiting outdoor nature museums, zoos, Gardens or arboretums Swimming in a pool	9
4	Other	6

<b>Central Coast Region Priority Recreation Facility Chart</b>		
Priority	Facility for	Points
1	Camping in developed sites Day hiking on trails Walking for fitness or pleasure Beach activities	15
2	Picnicking in picnic areas Swimming in a pool Visiting outdoor nature museums, zoos, Gardens or arboretums Attending outdoor cultural events	12
3	Bicycling on paved surfaces Swimming in freshwater lakes, rivers and/or streams	9
4	Other	6

<b>San Francisco Bay Region Priority Recreation Facility Chart</b>		
Priority	Facility for	Points
1	Bicycling on paved surfaces Camping in developed sites Day hiking on trails Walking for fitness or pleasure	15
2	Picnicking in picnic areas Visiting outdoor nature museums, zoos, Gardens or arboretums Beach activities	12
3	Attending outdoor cultural events Swimming in a pool Wildlife viewing, bird watching, viewing natural scenery	9
4	Other	6

<b>Southern California Region Priority Recreation Facility Chart</b>		
<b>Priority</b>	<b>Facility for</b>	<b>Points</b>
1	Biking on paved surfaces Day hiking on trails Camping in developed sites Beach activities	15
2	Walking for fitness or pleasure/Jogging and running for exercise Picnicking in picnic areas Visiting outdoor nature museums, zoos, Gardens or arboretums Swimming in a pool	12
3	Attending outdoor cultural events Wildlife viewing, bird watching, viewing natural scenery/outdoor photography Freshwater fishing	9
4	Other	6

### 3. Local Outdoor Recreation Need (15 Points)

Respond to all of the bullets below; Use the PROJECT SERVICE AREA identified on the “California State Parks LWCF Community FactFinder”

(<http://www.parkinfo.org/lwcf/lwcf.html>) as the boundary. These responses are NOT provided by the Community FactFinder report. The same is used for criteria #3, #6 and #8.

- Identify outdoor recreational FACILITIES within the PROJECT SERVICE AREA similar to those proposed with the PROJECT.
- If the PROJECT is part of a multi-phase PROJECT, describe the phase the PROJECT will complete and its relationship to the other phase(s) of the PROJECT.
- Provide evidence of the local demand for the outdoor recreational opportunities within the PROJECT SERVICE AREA that will be provided by the PROJECT. Evidence would include, but is not limited to: Surveys, demographic analysis, statistics, use of FACILITIES, etc.

**15 Points:**

APPLICANT substantiates that a serious lack of similar outdoor recreational opportunities exist in the PROJECT SERVICE AREA *and/or* PROJECT is an essential phase in completion of a multi-phase PROJECT, **and** the evidence provided indicates a *high* demand for the proposed PROJECT.

**10 Points:**

APPLICANT substantiates that some lack of similar outdoor recreational opportunities exist in the PROJECT SERVICE AREA *and/or* the PROJECT is a somewhat essential phase in completion of a multi-phase PROJECT, **and** the evidence provided indicates *some* demand for the proposed PROJECT.

**5 Points:**

APPLICANT substantiates other similar outdoor recreational opportunities in the PROJECT SERVICE AREA or the PROJECT is not a phase in completion of a multi-phase PROJECT, **and** the evidence provided indicates there is *limited* demand for the proposed PROJECT.

**0 Points:**

No response, not adequately addressed, or did not provide sufficient evidence.



#### 4. Public Involvement

Describe the planning process that led to the development of this proposal. Answer A through F.

- A. Describe the methods used to notify a broad range of the interested and affected public within the PROJECT SERVICE AREA identified on the “California State Parks LWCF Community FactFinder” report: A broad representation would extend beyond local agency professionals and advocacy groups and may include, but is not limited to the following: seniors, youth, families, UNDERSERVED POPULATIONS. The methods described should be tailored to reach and attract the groups described.

Points	Criteria Response
2	A wide variety of methods was used to notify a broad range of the interested and affected public within the PROJECT SERVICE AREA.
1	A variety of methods was used to notify a broad range of the interested and affected public within the PROJECT SERVICE AREA.
0	Limited methods were used to notify the public, or insufficient response given.

- B. Describe the opportunities provided for the public to be involved in planning for and developing your LWCF proposal.  
Describe any public meetings held and/or formal public comment periods, including dates and length of time. The meeting times were varied and locations conveniently located to meet the needs of a broad range of the public within the PROJECT SERVICE AREA identified on the “California State Parks LWCF Community FactFinder” report.

Points	Criteria Response
2	The public was given numerous opportunities at convenient times and locations to be involved in planning and developing the proposal.
1	The public was given some opportunities to be involved in planning and developing the proposal.
0	Limited opportunities were provided, or insufficient response given.

- C. Describe the process used at these meetings and/or formal public comment periods to encourage public participation in the planning process.

Points	Criteria Response
2	The process described allowed and encouraged extensive public participation in the planning process.
1	The process described allowed and encouraged some public participation in the planning process.
0	Limited opportunities were provided, or insufficient response given.

D. Describe the information made available to the public for review and comment on the completed proposal. The information made available should clearly describe and delineate the completed proposal and include plans and drawings that can be easily understood by the public.

<b>Points</b>	<b>Criteria Response</b>
2	The information provided to the public was clearly described and delineated the completed proposal.
1	The information provided to the public less clearly described and delineated the completed proposal.
0	The proposal was not presented to the public, or insufficient response given.

E. Describe how the agency responded to public comments.

<b>Points</b>	<b>Criteria Response</b>
2	The response addressed public comments thoughtfully with appropriate modifications
1	The response was minimal and only as required
0	The proposal was not presented to the public, or insufficient response given.

F. Describe the timeliness of the public planning process for this project proposal.

<b>Points</b>	<b>Criteria Response</b>
2	The public comment process for this project proposal was completed within the past 12 months.
1	The public comment process for this project proposal was completed 12 – 48 months ago.
0	The public comment process for this project proposal was completed more than 48 months ago.

**5. Population and Population Density (5 Points)**

Use “California State Parks LWCF Community FactFinder”

(<http://www.parkinfo.org/lwcf/lwcf.html>) report to provide the population and population density for the defined PROJECT SERVICE AREA. PROJECTS that will serve high population and population density will be given priority over PROJECTS serving lower population and density.

If applicable, substantiate significant use by visitors from outside the PROJECT SERVICE AREA.

**5 Points:** Population of PROJECT SERVICE AREA is *greater than 100,000* or the population density is greater than *1,000* people per square mile.

**4 Points:**

Population of PROJECT SERVICE AREA is *between 50,000 and 100,000* or the population density is between *500 and 1,000* people per square mile **and** the response substantiates that the Project will have significant use by visitors from outside the PROJECT SERVICE AREA.

**3 Points:**

Population of PROJECT SERVICE AREA is *between 50,000 and 100,000* or the population density is between *500 and 1,000* people per square mile.

**2 Points:**

Population of PROJECT SERVICE AREA is *less than 50,000* or the population density is less than *500* people per square mile **and** the response substantiates that the Project will have significant use by visitors from outside the PROJECT SERVICE AREA.

**1 Point:**

Population of PROJECT SERVICE AREA is *less than 50,000* or the population density is less than *500* people per square mile.

**0 Points:**

No response, or not adequately addressed.

**6. Cost-Use Benefit (5 Points)**

Clearly substantiate the expected annual visitation upon completion of the proposed PROJECT, and describe the projected increase in outdoor recreation use compared to the cost of the proposed PROJECT GRANT AMOUNT. PROJECTS whose DEVELOPMENT costs are low in comparison to the increase in recreation use generated by the PROJECT will be ranked higher than more costly PROJECTS with less increased recreation use. For ACQUISITION PROJECTS, describe how the projected DEVELOPMENT will increase outdoor recreational use immediately or upon DEVELOPMENT.

**5 Points:**

APPLICANT substantiates a *high* projected increase in outdoor recreation use compared to the cost of the PROJECT.

**3 Points:**

APPLICANT substantiates a *moderate* projected increase in outdoor recreation use compared to the cost of the PROJECT.

**1 Point:**

APPLICANT substantiates a *minimal* projected increase in outdoor recreation use compared to the cost of the PROJECT.

**0 Points:**

No response, or not adequately addressed.

### 7. Public Access to Recreation (5 Points)

Describe the availability and ease of access by the general public to the PROJECT by answering the following:

- Is participation limited by a facility's single purpose, short season, cost of equipment, fee for participation, or its limited accessibility to the general public?
- Will the PROJECT'S intended users be charged entrance, parking, membership, or activity fees? If so, describe each fee and explain why the fee is reasonable.
- What will be the daily hours of operation the FACILITY will be open to the general public?
- Will the PROJECT provide close-to-home recreation and/or will it be accessible by public transportation?
- List obstacles or barriers within the PROJECT SERVICE AREA identified on the LWCF Community Fact Finder which may *limit access to and from the PROJECT site* and describe a corresponding solution. Examples include, but are not limited to, inadequate parking, inadequate pedestrian/bicycle routes, railroad tracks and flood channels.

All LWCF projects must meet the all laws and codes pertaining to individuals with disabilities, including, but not limited to, the Americans with Disabilities Act of 1990.

**Up to 5 points will be given for PROJECTS that resolve barriers to recreation:**

**1 Point:**

The PROJECT does not limit participation by a facility's single purpose, short season, and cost of equipment

**1 Point:**

The PROJECT'S intended users will be charged reasonable fees that will not deter use, or no user fees.

**1 Point:**

The PROJECT will offer long daily operating hours, and is open on weekends.

**1 Point:**

The PROJECT will provide close-to-home recreation and/or it will be accessible by public transportation.

**1 Point:**

There are no barriers to access to and from the project site, or there is a clear solution to each obstacle or barrier listed.

**8. Population Served (5 Points)**

Describe how the PROJECT will directly benefit all segments of the public within the PROJECT SERVICE AREA identified on the “California State Parks LWCF Community FactFinder” report, The response should specifically address how the PROJECT, or access to the PROJECT is specifically tailored to respond to the needs of minority populations, the elderly, individuals with disabilities, and other UNDERSERVED POPULATIONS.

The LWCF program requires that distribution of LWCF assistance is accomplished in a non-discriminatory manner, especially with regard to minority, elderly, disabled, and other UNDERSERVED POPULATIONS. In addition, the LWCF program recognizes the need for accessibility of proposed PROJECTS, to the greatest extent practicable, to all segments of the public including the groups described.

**5 Points:**

The response substantiates that the PROJECT will provide multiple direct benefits to UNDERSERVED POPULATIONS.

**3 Points:**

The response substantiates that the PROJECT will provide some benefit to UNDERSERVED POPULATIONS.

**0 Points**

No benefits to UNDERSERVED POPULATIONS are substantiated or insufficient response given.

### **9. Readiness (10 Points)**

Demonstrate that the PROJECT will be FULLY USABLE within 3 years of the CONTRACT award date. PROJECTS will not be considered for funding if:

- The timeline indicates that the PROJECT is not likely to be completed within the CONTRACT PERFORMANCE PERIOD and/or
  - The applicant does not demonstrate that they, or their project manager(s), are capable of completing the PROJECT within the CONTRACT PERFORMANCE PERIOD.

#### **Development Projects**

Provide a detailed timeline showing your ability to complete the PROJECT within the GRANT PERFORMANCE PERIOD. The timeline should include DEVELOPMENT milestones including PROJECT start and completion dates. Milestones may include, but are not limited to the following:

- Describe the degree to which any preliminary work, such as permits, engineering, design plans, equipment and labor force necessary for the PROJECT are complete. When the bid process will begin and complete.
- When work on the PROJECT will begin
- Schedule for completion of key PROJECT elements
- When the PROJECT will be open for public use

#### **Acquisition Projects**

For ACQUISITION PROJECTS, provide a detailed timeline showing your ability to complete the acquisition and have public access to the site within the PROJECT performance period.

- What FACILITIES will be developed and when such development will occur.
- Does the APPLICANT hold an option on the property?
- Are the required appraisals and independent review confirming the appraisal conforms to the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) completed? See page 92.

If planned development for public outdoor recreation will be delayed for up to three years from the date of acquisition, respond to the following:

- Why immediate acquisition of the property is necessary.
- What, if any, non-recreation uses will continue on the property and when such non-recreation uses will be terminated.
- Assurance that the site will be available for public outdoor recreation use and any non-recreation activity will be terminated within 3 years from the date of acquisition.
- The type of public outdoor recreation access that will be provided during the interim period.
- Assurance that any income received by the project sponsor for the non-recreation activities will be used in accordance with the provisions of Chapter 7.A.7 of the Federal LWCF Manual.

**10 Points:**

The APPLICANT provides *clear evidence* that the PROJECT will be FULLY USABLE in 3 years of CONTRACT award, no barriers to completion exist and the PROJECT is ready to move forward immediately upon federal approval.

**5 Points:**

The APPLICANT provides *less clear evidence* that the PROJECT will be FULLY USABLE in 3 years of the CONTRACT award because minimal barriers to completion exist and the completion dates for the barriers are included on the timeline.

**0 Points:**

The APPLICANT provides *little evidence* that the PROJECT will be FULLY USABLE in 3 years of the application deadline because significant barriers to completion exist and/or the completion dates for the barriers are not included on the timeline.



### 10. Performance (5 Points)

The DEPARTMENT will consider the information provided in this response, along with the APPLICANTS performance history to determine scoring for this section. This includes a review of the applicant's ability to:

- Complete previous GRANT funded projects within the performance period
- Meet all post award requirements including timely submission of PROJECT status reports and payment requests.
- Operate and maintain GRANT funded sites

Provide information about the APPLICANT's ability to successfully complete the PROJECT by answering the following:

What experience has the APPLICANT had:

- Describe your experience in completing or carrying out previous federally-assisted PROJECTS. Include the program, the PROJECT type and the cost of the PROJECT.
- Describe your experience in protecting existing recreation resources. Describe the resource(s).
- Describe your experience in guiding new developments and preserving lands for open space and outdoor recreation purposes through the use of zoning, use permits, and/or other rules, regulations and authorities.

**5 Points:**

The APPLICANT has *significant* experience that qualifies them to manage this PROJECT.

**3 Points:**

The APPLICANT has *adequate* experience that qualifies them to manage this PROJECT.

**1 Point:**

The APPLICANT has *limited* experience that qualifies them to manage this PROJECT.

**0 Points:**

No response, or the APPLICANT has no experience that qualifies them to manage this PROJECT.

### 11. Operation and Maintenance (5 Points)

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

1. The property shall be maintained so as to appear attractive and inviting to the public.
2. Sanitation and sanitary FACILITIES shall be maintained in accordance with applicable health standards.
3. Properties shall be kept reasonably open, accessible, and safe for public use. Fire prevention, lifeguard, and similar activities shall be maintained for proper public safety.
4. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
5. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

6. A posted LWCF acknowledgement sign shall remain displayed at the PROJECT site. Describe the plan for long-term maintenance and operation of the PROJECT by answering the following:

- What funding sources or other resources will be used to maintain and operate the PROJECT?
- What position or positions will be responsible at this park for the PROJECT's maintenance and operation, and ensuring that the PROJECT has on-going availability for the public? Is a sufficient amount of time dedicated at this park to these responsibilities?

**5 Points:**

The APPLICANT provides a *completely developed* plan for resources to maintain and operate the PROJECT, which includes the position or positions that will be responsible for the PROJECT maintenance and operation, and ensuring that the PROJECT has on-going availability for the public, including a sufficient amount of their time dedicated to these responsibilities.

**3 Points:**

The APPLICANT provides a *partially developed* plan for resources to maintain and operate the PROJECT, which includes some reference to the position or positions that will be responsible for the PROJECT maintenance and operation, and ensuring that the PROJECT has on-going availability for the public, including a sufficient amount of their time dedicated to these responsibilities.

**1 Point:**

The APPLICANT provided a *vaguely developed* plan for resources to maintain and operate the PROJECT site, which includes no reference to the position or positions that will be responsible for the PROJECT site's maintenance and operation, and ensuring that the PROJECT has on-going availability for the public, including a sufficient amount of their time dedicated to these responsibilities.

**0 Points:**

No response, or not adequately addressed.

Note: Authority cited: Section 5099. 10 Public Resources Code. Reference: Sections 5099-5099. 12, Public Resources Code.

## **PART III: PROJECT COSTS**

### **Eligible Costs Chart**

Notes about Eligible Costs:

*Only costs incurred after the date of federal approval will be considered eligible for reimbursement with LWCF funds or as MATCH.*

*Applicants may not take title to lands being used as MATCH until after federal approval and are subject to evaluation through the appraisal process.*

*Rule regarding ELIGIBLE COSTS: The GRANTEE may only claim those costs directly related to the GRANT. **INDIRECT COSTS or charges made as a percentage of costs are not eligible expenses.***

<b>COSTS</b>	<b>EXPLANATION</b>
NON-CONSTRUCTION COSTS	<ul style="list-style-type: none"> <li>• Costs including PROJECT planning (excluding grant writing costs), up to 25% of the GRANT amount.</li> <li>• Section 106</li> </ul>
Personnel or Employee Services	<ul style="list-style-type: none"> <li>• Must be computed according to the GRANTEE'S normal wage or salary scales, and on the actual time spent on PROJECT.</li> <li>• Must not exceed GRANTEE'S established rates for similar positions.</li> <li>• Time and attendance records must describe work performed, be identified to the PROJECT, and be signed by the employee and his supervisor.</li> <li>• Fringe benefit costs (i.e. vacations, holidays, sick leave, insurance, retirement plans, and social security contributions) that are regularly provided to employees by the participant shall be computed in proportion to the time spent on a PROJECT.</li> <li>• Overtime in excess of normal work periods may be charged when the participant has an established overtime policy, and the basic work period was devoted to the same PROJECT.</li> <li>• The cost of a supervisor may be included when he spends all or a measurable percentage of time on a PROJECT.</li> <li>• When one department or agency performs work for another organization in the same State or public agency, the costs may be shared by the fund.</li> </ul>
Consultant Services	<ul style="list-style-type: none"> <li>• Consultants must be paid by the customary method and rate of the participant, whether by per diem, salary, fee for services, or other method.</li> <li>• Consultants may be reimbursed for travel and other expenses.</li> <li>• Consultant fees may not be paid to employees unless specifically agreed to by the State and NPS.</li> </ul>
Equipment	<ul style="list-style-type: none"> <li>• The GRANTEE may only charge the cost of the actual use of the equipment during the time it is being used for PROJECT purposes.</li> <li>• The GRANTEE may use the California Department of Transportation's equipment rental rates as a guide.</li> <li>• If equipment is purchased rather than rented, the PROJECT shall be credited with the residual value (market value) to the equipment at PROJECT completion.</li> <li>• The equipment use charges must be made in accordance with the GRANTEE'S normal accounting practices.</li> </ul>

*Eligible Cost Chart, Continued*

COSTS	EXPLANATION
Equipment	<ul style="list-style-type: none"> <li>• Equipment use reports or other source documents must describe the work performed, be identified to the PROJECT, and be signed by the operator and supervisor (in case of use reports).</li> <li>• Maintenance and repair costs necessary for upkeep of equipment during PROJECT use are allowable, as long as they are not covered by user fees or similar fee arrangements.</li> </ul>
Supplies and Materials	<ul style="list-style-type: none"> <li>• May be purchased for specific PROJECT, or may be drawn from central stock if claimed costs are no higher than those the GRANTEE would pay.</li> <li>• The GRANTEE may only claim those costs directly related to the PROJECT.</li> <li>• Supplies and materials purchased with the intent of constructing a piece of equipment, a structure, or elements of a structure may be charged either as supplies and materials or capitalized, according to the participant's normal policy.</li> </ul>
Travel	<ul style="list-style-type: none"> <li>• Travel necessary to the execution of a PROJECT, carried out within the policies and procedures of the participant</li> <li>• Travel record must be maintained.</li> </ul>
Information/Communication Costs	<ul style="list-style-type: none"> <li>• Information activities related to a PROJECT, including information and direction signs at the entrances of recreation areas, and at other necessary sites throughout the area.</li> <li>• Communications costs such as telephone services, telegrams, postage, that are identified with and closely related to the execution of the PROJECT.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• Allowable construction activities, from site preparation (including demolition, excavation, grading, and the like) to completion of a structure.</li> <li>• Construction may be accomplished either through a CONTRACT with a private firm or by use of the participant's own personnel and equipment (FORCE ACCOUNT LABOR).</li> </ul>
Acquisition Costs	<ul style="list-style-type: none"> <li>• Capital expenditures for ACQUISITION of real property, easements, and other rights and interest in real property when the cost is incurred within the approved PROJECT period. <b>Note: Title reports, appraisals, and escrow fees are not eligible costs.</b></li> <li>• Tenure of such interest shall be for perpetuity, in order for the expenditures to be matched.</li> </ul>
Relocation Costs	<ul style="list-style-type: none"> <li>• Costs resulting from displacement of a person/business.</li> <li>• The GRANTEE shall comply with state Relocation Act and federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</li> <li>• Relocation must be listed as a separate item in the Project Scope and the Grant Contract.</li> <li>• Relocation costs must be incurred within the PROJECT period.</li> </ul>
Other Expenditures	<ul style="list-style-type: none"> <li>• Premiums on hazard and liability insurance to cover personnel and property directly connected with the PROJECT.</li> <li>• Lease or rental charges on equipment or space for the PROJECT are allowable when the GRANTEE determines that such an arrangement is the most efficient and economical.</li> <li>• Transportation costs for moving equipment or personnel to the site of a PROJECT are allowable if not otherwise covered.</li> </ul>

## ***Ineligible Costs***

### ***Ineligible Costs that CANNOT be charged to the grant include, but are not limited to:***

- Outside the grant performance period, i.e., costs incurred before or after the CONTRACT PERFORMANCE PERIOD.
- Outside park/PROJECT site boundaries, i.e., streets, traffic lights, or other infrastructure not located within the park/PROJECT site.
- Outside PROJECT scope as defined in the CONTRACT
- INDIRECT COSTS, i.e., overhead business expenses of the grantee's fixed or ordinary operating costs including rent, mortgage payments, property taxes, utilities
- Materials including brochures, audio programs, videos, films
- Costs for developing or staffing programs
- Title reports, appraisals, and escrow fees
- Food
- Fundraising
- GRANT Writing
- Ceremonial or entertainment expenses.
- Expenses for publicity.
- Bonus payments of any kind.
- Charges for contingency reserves or other similar reserves.
- Charges in excess of the lowest responsive bid, when competitive bidding is required by the NPS or the sponsor, unless the NPS agrees in advance to the higher cost.
- Charges for deficits or overdrafts.
- Taxes for which the organization involved would not have been liable to pay.
- Interest expenses, except those awarded by the court as part of just compensation for ACQUISITION in eminent domain situations.
- Charges incurred contrary to the policies and practices of the organization involved.
- Consequential damage judgments arising out of ACQUISITION, construction, or equipping of a facility, whether determined by judicial decision, arbitration, or otherwise. Consequential damages are damages, to adjoining property owned by other persons, which are caused by noise, lights, vibration etc.
- Incidental costs relating to ACQUISITION of real property and of interests in real property, unless allowable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, P.L. 91-646.
- Operation and maintenance costs of outdoor recreation areas and FACILITIES.
- The value of, or expenditures for, lands acquired from the United States at less than fair market value.
- Equipment to be used for the maintenance of outdoor recreation areas and FACILITIES, including, but not limited to, automotive equipment, tractors, mowers, other machinery, and tools.
- Cost of discounts not taken.
- Employee FACILITIES, including residences, appliances, office equipment, furniture, and utensils.
- Donations or contributions made by the sponsor, such as to a charitable organization.
- Salaries and expenses of the Office of the Governor, or of the chief executive of a political subdivision, or of the State legislature, or of other similar local governmental bodies.

***Ineligible Costs that CANNOT be charged to the grant include, but are not limited to:***

- Fines and penalties.
- Any excess of cost over the federal contribution under one GRANT agreement is unallowable under other GRANT agreements.
- Any losses arising from uncollectible accounts and other claims, and related costs.
- Legal and professional fees paid in connection with raising funds.
- Payments for lobbying in connection with the awarding, extension, continuation, renewal, amendment, or modification of an individual LWCF GRANT or the program.

## ***PART IV: ADDITIONAL FEDERAL REQUIREMENTS***

### ***Additional Federal Requirements***

If the DEPARTMENT recommends the PROJECT to NPS for funding, the following additional documents will be required:

- A.  Compliance with National Historic Preservation Act, Memorandum of Understanding, 36 CFR Part 800
- B.  Certification of Compliance - Relocation Act (PL 91-646) (DEVELOPMENT only)
- C.  Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-free Workplace Requirements and Lobbying (DI-2010 June 1995)
- D.  Civil Rights Assurances, Department of Interior 1350

### ***Post-Selection Federal Requirements***

If NPS awards the PROJECT LWCF assistance, the following items are required:

- E.  Section 106 Compliance
- F.  Memorandum of Unrecorded Grant Agreement
- G.  UASFLA Appraisal with independent review (ACQUISITION only)
- H.  Evidence of land tenure, such as copy of the Deed (DEVELOPMENT only)

***A. Compliance with National Historic Preservation Act, 16 U. S. C. § 470 et seq., Memorandum of Understanding***

National Historic Preservation Act requires the APPLICANT to investigate and identify any cultural resources that may be affected by the proposed PROJECT. This document is required for the LWCF program based on federal law and provides the APPLICANT with the information that a cultural resource investigation review and identification is required in all PROJECT plans.

NPS must be assured that LWCF assisted PROJECTS are carried out in a manner consistent with national goals relative to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural or archeological significance. NPS must determine whether LWCF assisted projects affect properties listed in or eligible for listing in the National Register of Historic Places, and prior to PROJECT approval, where there is an effect, to allow the Advisory Council on Historic Preservation, an opportunity to comment on the proposed undertaking. NPS must also assure that if a property listed in or eligible for listing in the National Register is to be affected as a result of a fund-assisted PROJECT.

All projects that disturb the ground must be evaluated in terms of effect on possible archeological sites. Assistance in determining the probability of such sites is available through the California Historical Resources Information Center for the county where the PROJECT site is located. See information on the California Historical Information Resources System on page 81.

**STATE HISTORIC PRESERVATION ACT MOU FORM COMPLETION**

Complete the following sections of the form:

- Name of APPLICANT
- Name of PROJECT
- Signed and dated by AUTHORIZED REPRESENTATIVE

If the PROJECT is recommended for funding, the successful APPLICANT is responsible for ensuring the PROJECT complies with 36 CFR800, Executive Order 11593 and Section 106 of the National Historic Preservation Act of 1966, as amended.



**Compliance with Historic Preservation Act  
Memorandum of Understanding – LWCF Grant**

APPLICANT: \_\_\_\_\_

PROJECT(S): \_\_\_\_\_

I have determined that the APPLICANT's Acquisition and/or Development Project will not adversely affect cultural properties included in or eligible for inclusion in the National Register of Historic Places. This determination is contingent upon the APPLICANT's concurrence that any plans for Development, not to exclude minor improvements involving ground disturbance, will be submitted to the State Historic Preservation Officer for review and comment at the earliest opportunity. In the event that development plans will not be formulated and/or implemented by the APPLICANT, but by another agency or group, the APPLICANT will assume the responsibility for ensuring that all provisions and stipulations contained herein are executed, as needed, jointly with that agency or group or independently by the agency or group. This determination is further contingent upon the APPLICANT's commitment to implement in good faith the following program of compliance with 36 CFR 800, Executive Order 11593 and Section 106 of the National Historic Preservation Act of 1966, as amended.

1. The APPLICANT accepts the premise that proper cultural resources identification, evaluation, and management will be an integral part of the planning process for the Project(s).
2. Accordingly, prior to the commencement of any physical development activity, the APPLICANT or his designee will arrange to have appropriately qualified professionals perform such investigations as may be necessary to:
  - a. Identify, evaluate, and manage any cultural values located within the Project(s)'s potential area of environmental impact that are included in or may be eligible for inclusion in the National Register of Historic Places.
    - (1) If, after consultation with the State Historic Preservation Officer, any values not already included in the National Register are determined to be eligible for inclusion in the National Register, the APPLICANT or his designee will nominate them to the Register according to established procedures. Nominations shall be submitted to the State Historic Preservation Officer no later than six months after the adoption of a final development plan.
  - b. Determine, in consultation with the State Historic Preservation Officer, if and to what extent, these values may be adversely affected by planning, Development, operation and maintenance activity.
    - (1) Develop and implement prudent and feasible measures, acceptable to the APPLICANT or his designee and the State Historic Preservation Officer, capable of either effectively mitigating or avoiding adverse effects on National Register and National Register values. Avoidance and protection will be preferred objectives. However, should discussions indicate that only something less is achievable, that course action which is likely to cause the least unnecessary damage to these values will proceed. Documentation of compliance with each of these stipulations, as needed, will be submitted to the State Historic Preservation Officer for review and comment in a timely fashion.

The APPLICANT or his designee will unilaterally determine the time most suitable for the commencement of cultural resource investigations acknowledging, however, that:

1. They will constitute a part of the planning process providing data for sound, advance-planning decisions.

Part IV

2. They will be completed before a final development plan is adopted and any physical activity begins.

Failure to comply with any of the provisions and stipulations therein contained shall constitute ground for revocation of a no adverse effect determination and shall require full application compliance with the Advisory Council procedures.

By:

\_\_\_\_\_  
*APPLICANT'S AUTHORIZED REPRESENTATIVE*

Date:

\_\_\_\_\_

***To be completed by the State after the PROJECT is recommended for funding.***

By:

\_\_\_\_\_  
*STATE HISTORIC PRESERVATION OFFICER*

Date:

\_\_\_\_\_

## ***The California Historical Resources Information System***

The California Historical Resources Information System (CHRIS) includes the statewide Historical Resources Inventory (HRI) database maintained by OHP and the records maintained and managed, under CONTRACT, by eleven independent regional Information Centers (ICs).

Individuals and government agencies seeking information on cultural and historical resources should begin their research by contacting the regional Information Center which services the county in which the resource is located. The IC Roster identifies the locations, contact information, and counties served by each regional IC.

The CHRIS Historical Resources Consultants List is online at <http://www.chrisinfo.org/>. It is being maintained by the Eastern Information Center on behalf of all eleven ICs. The List is searchable, and may be used to locate consultants by the desired county and discipline, or by consultant name.

***B. Certification of Compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (PL 91-646)***

This Act provides for the uniform and equitable treatment of persons displaced from their homes, businesses or farms, and establishes uniform and equitable land ACQUISITION policies for federal and federally assisted programs. If any portion of the property within the PROJECT boundary was acquired within two years prior to the filing of an application for funding, all of the provisions of P. L. 91-646 must be followed by the acquiring agency. This holds true regardless of whether federal (LWCF) funds were used for the ACQUISITION. If the acquisition or displacement occurred within the two years proceeding the time the State submits the application for federal assistance, the APPLICANT must provide documented evidence that at the time of the ACQUISITION and last displacement, planning activity to obtain federal assistance had not been initiated. The APPLICANT will be required to supply the required documents before the PROJECT is approved for funding.

When the ACQUISITION or displacement occurred more than two years, but less than five years before the State submits an application for federal assistance, written certification from the PROJECT sponsor must be provided as part of the PROJECT application. The Certification will indicate, under penalty for willful misstatement (18 U. S. C. 1001), that at the time of the ACQUISITION and last known displacement, project sponsor had not yet initiated planning activity to obtain federal assistance. If the ACQUISITION and last displacement occurred more than five years before the State applies for federal assistance the State need not provide documented evidence.

The ACQUISITION of land from another public agency need not follow these requirements.

**Certification of Compliance Form Completion (for Development Projects Only)**

Complete the form as outlined on the Certification of Compliance. Signature of AUTHORIZED REPRESENTATIVE and/or legal counsel required as indicated.

### **Certification of Compliance**

In order to assure compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646), each Application for a Development Project shall include evidence of exemption or a certification of compliance with PL 91-646.

**A. Exemptions to Certification**

If your Project falls into one of the following exemptions to the Certification of Compliance with PL 91-646, please check the applicable category, and sign in the space provided. **If not, proceed to Section B.**

Exemption Categories:

- 1. The Acquisition occurred prior to January 2, 1971.
- 2. The Acquisition was done with federal funding assistance.
- 3. The Acquisition and/or last displacement of occupants (without federal assistance) occurred more than five (5) years ago and no planning activity has been initiated (at the time of Acquisition or displacement) to obtain the federal grant being applied for.
- 4. The Acquisition was exempt from PL 91-646 because:

\_\_\_\_\_

Authorized Representative \_\_\_\_\_  
Date

**B. Certifications**

Complete the applicable certification for your Development Project.

1. If the land to be developed was acquired (without federal assistance) **within the preceding two years** of this Application, the Application must include two copies of a certification by the APPLICANT's legal counsel that Public Law 91-646 was complied with.

*A sample certification follows:*

The APPLICANT (Agency Name) \_\_\_\_\_ hereby assures and certifies that the provisions of PL 91-646 were complied with in the Acquisition of property identified in the Land and Water Conservation Fund Application for the (Project Name) \_\_\_\_\_ :

And further certifies that:

- A) The property was appraised prior to negotiations.
- B) The property owner or his representative had been invited by the appraiser to accompany him on his inspection of the property.
- C) The property owner or his representative was presented with a summary of just compensation.
- D) The property owner or his representative was offered the appraised value, (or) was aware of his right to receive the appraised value.
- E) All eligible occupants were offered relocation assistance or the property was vacant at the time of Acquisition.

\_\_\_\_\_

Legal Counsel of APPLICANT \_\_\_\_\_  
Title Date

2. If the Acquisition (without federal assistance) occurred **more than two (2) years but less than five (5) years before this Application**, the APPLICANT must provide either the above certification or three copies of a written certification by the authorized representative of the State or local government agency sponsoring the Project that no planning at that time had been initiated to obtain federal financial assistance.

*A sample certification follows:*

I, \_\_\_\_\_  
(Name) Authorized Representative \_\_\_\_\_  
(Title-Agency)  
hereby certify, under penalty for willful misstatement (18 U. S. C. 1001), that at the time of the Acquisition and last known displacement on the Project lands for which this federal financial assistance is being sought, no planning had been initiated by this agency to obtain this financial assistance.

\_\_\_\_\_

Authorized Representative \_\_\_\_\_  
Date

***C. Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying (di2010)***

Signature on the di2010 form provides for compliance with certification requirements under 43 Code of Federal Regulations Parts 12 and 18, as required for grants awarded by the Department of the Interior (NPS).

A printable version of this form is available at the following website by clicking “U.S. Department of the Interior”:

<http://search.usa.gov/search?affiliate=nps&v%3Aproject=firstgov&query=di2010+pdf>

**Form Completion**

If recommended for funding, the following form must be completed, signed and dated by the AUTHORIZED REPRESENTATIVE.

U.S. Department of the Interior

**Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used or use this form certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)**

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters- Primary Covered Transactions**

*CHECK \_\_\_ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.*

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions**

*CHECK \_\_\_ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.*

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**PART C: Certification Regarding Drug-Free Workplace Requirements**

CHECK \_\_\_ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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Check \_\_\_ if there are workplaces on files that are not identified here.

**PART D: Certification Regarding Drug-Free Workplace Requirements**

CHECK \_\_\_ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

DI-2010  
June 1995  
(This form replaces DI-1953, DI-1954,  
DI-1955, DI-1956 and DI-1963)



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**PART E: Certification Regarding Lobbying  
Certification for Contracts, Grants, Loans, and Cooperative Agreements**

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*CHECK \_\_\_ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.*

*CHECK \_\_\_ IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.*

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

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SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

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TYPED NAME AND TITLE

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DATE

DI-2010  
June 1995  
(This form replaces DI-1953, DI-1954,  
DI-1955, DI-1956 and DI-1963)

***D. Civil Rights Assurances, Department of Interior 1350***

If recommended for funding, each application must include certification that the APPLICANT will comply with all federal laws relating to nondiscrimination.

**Complete the following sections of the form:**

- AUTHORIZED REPRESENTATIVE signs and dates form
- Indicate name and address of APPLICANT
- “Bureau Office Extending Assistance” – Leave blank

U. S. Department Of Interior

**Civil Rights Assurance**

As the authorized representative of the APPLICANT, I certify that the APPLICANT agrees that, as a condition to receiving any federal financial assistance from the Department of the Interior, it will comply with all federal laws relating to nondiscrimination. These laws include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (42 U. S. C. 2999d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U. S. C. 6101 et seq. ), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the APPLICANT. THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement

THIS ASSURANCE shall apply to all aspects of the APPLICANT's operations, including those parts that have not received or benefited from federal financial assistance.

If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the APPLICANT by the department, this assurance shall obligate the APPLICANT, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the APPLICANT for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the APPLICANT for the period during which the federal financial assistance is extended to it by the department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, Contracts, property, discounts, or other federal financial assistance extended after the date hereof to the APPLICANT by the department, including installment payments after such date on account of APPLICANTS for federal financial assistance which were approved before such date.

The APPLICANT recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the APPLICANT, its successors, transferees, assignees, and sub-recipients, and that the person whose signature appears below is authorized to sign on behalf of the APPLICANT.

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
APPLICANT/ORGANIZATION

\_\_\_\_\_  
DATE SUBMITTED

\_\_\_\_\_  
APPLICANT/ORGANIZATION MAILING ADDRESS

\_\_\_\_\_  
BUREAU OFFICE EXTENDING ASSISTANCE

When an APPLICANT'S AUTHORIZED REPRESENTATIVE signs the state/local CONTRACT to receive LWCF funds, the APPLICANT is agreeing to the following set of assurances.

### ASSURANCES

The APPLICANT hereby assures and certifies that he/she will comply with the regulations, policies, guidelines and requirements, including Office of Management and Budget Circulars Nos. A-87, A-95 and A-102, as they relate to the APPLICATION acceptance and use of federal funds for this federally assisted PROJECT. Also, the APPLICANT gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed FACILITIES; that a resolution, motion or similar action has been duly adopted or passes as an official act of the APPLICANT'S governing body, authorizing the filing of the APPLICATION, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the APPLICANT to act in connection with the APPLICATION and to provide such additional information as may be required.
2. It will comply with the provisions of Executive Order 11296, relating to evaluation of flood hazards and Executive Order 11288, relating to prevention, control and abatement of water pollution.
3. It will have sufficient funds available to meet the non-federal share of the cost for construction PROJECTS. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the FACILITY for the purposes constructed.
4. It will comply with all applicable current federal and state laws and regulations affecting DEVELOPMENT PROJECTS before the PROJECT is advertised or placed on the market for bidding; that it will construct the PROJECT or cause it to be constructed to final completion in accordance with the APPLICATION; that it will submit to the appropriate federal agency for prior approval changes that alter the costs of the PROJECT, use of space or functional layout; that it will not enter into a construction CONTRACT(s) for the PROJECT or undertake other activities until the conditions of the GRANT program have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site; that it will furnish progress reports and such other information as the federal grantor agency may require.
6. It will operate and maintain the FACILITY in accordance with the minimum standards as may be required or prescribed by the applicable federal, state and local agencies for the maintenance and operation of such FACILITIES.
7. It will give the grantor agency and the Comptroller General, through any authorized representatives access to and the right to examine all records, books, papers or documents related to the GRANT.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Useable by, the Physically Handicapped", Number A117. 1-1961, as modified (41 CFR 101-17. 703). The APPLICANT will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.

Part IV

9. It will cause work on the PROJECT to be commenced within a reasonable time after receipt of notification from the approving federal agency that funds have been approved, and that the PROJECT will be pursued to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and FACILITIES during the period of federal interest or while the government holds bonds, whichever is the longer.
11. It will comply with Title VI of the Civil Rights Act of 1964 (P. L. 88-352). In accordance with that act, no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the APPLICANT receives federal financial assistance. It will immediately take any measures necessary to effectuate this agreement. If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the APPLICANT, this assurance shall obligate the APPLICANT, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended, or for another purpose involving provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P. L. 91-646), which provides for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.
14. It will comply with all requirements imposed by the federal grantor agency concerning special requirements of law, program requirements and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.
15. It will comply with the provisions of the Hatch Act, which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

Submit both the appraisal and the review appraisal certification to the DEPARTMENT for review and approval by NPS.

These standards may be found at: <http://www.usdoj.gov/enrd/land-ack>.

## ***Post-Selection Requirements***

Once DPR recommends approval of the PROJECT, GRANTEES are required to meet each of the following requirements. Your PROJECT OFFICER is available to assist in meeting these requirements. **However, DPR recommends that GRANTEES wait until they receive their notification of federal approval before commencing with activities associated with meeting these requirements.**

### ***E. The National Historic Preservation Act of 1966***

All GRANTEES must contact the Historic Resource Information Center closest to them to conduct a Historic Resource records search. (For information on the Historic Resource Information System, see page 81). Once the records search is completed GRANTEES shall send the Information Center's records search report, along with a letter on the GRANTEES letterhead stating whether the GRANTEE concurs with the Information Center's findings to their PROJECT OFFICER for submission to the SHPO for review and approval of Section 106 requirements. **Section 106 is an eligible cost provided costs incurred are after the date of federal approval (see Eligible Cost Chart on page 73).**

### ***F. Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA)***

For ACQUISITION PROJECTS, the GRANTEE, **at their own expense**, must do the following:

- Have an appraisal prepared conforming to UASFLA.
- Have an independent review appraiser certify that the appraisal meets UASFLA. Both the appraisal and the review appraisal certification must be submitted to the DEPARTMENT for review and approval by NPS. These standards may be found at: <http://www.usdoj.gov/enrd/land-ack>.

*GRANTEES may not take title to lands being used as MATCH until after federal approval and are subject to evaluation through the appraisal process.*

### ***G. Memorandum of Unrecorded Grant Agreement (MOUGA)***

As required by the LWCF program, the MOUGA will be used to record notice on PROJECT property to show that the property has restrictions based on the LWCF CONTRACT agreement with the DEPARTMENT. The MOUGA ensures compliance with grant CONTRACT provisions regarding use of the grant funded property and/or FACILITIES. These provisions require you to seek State approval before any change of use, sale or other disposition of grant funded properties and FACILITIES.

### ***H. Deed, or other evidence of Land Tenure***

For DEVELOPMENT projects, the GRANTEE, at its own expense must provide a copy of the Deed, or other evidence of land tenure, for the property within the SECTION 6(F)(3) boundary as proof of ownership.

## ***PART V: DEFINITIONS***

Capitalized words and terms, other than the first word of each sentence, appear in these guidelines. Unless otherwise stated, the terms used in this Procedural Guide shall have the following meanings:

**ACQUISITION** – to acquire fee title, leasehold, or other interest in real property. All acquisitions shall be in perpetuity.

**APPLICANT** – eligible cities, counties, recreation and park DISTRICTS, and certain special DISTRICTS whose authority permits acquisition, DEVELOPMENT, operation, and maintenance of public parks and recreation areas. The only state agencies eligible for LWCF money are the California Department of Parks and Recreation, the Wildlife Conservation Board, the Department of Water Resources, and the Department of Boating and Waterways, on an apportionment basis.

**APPLICATION** – the individual application form and its required attachments for grants pursuant to the enabling legislation and/or PROGRAM.

**AUTHORIZED REPRESENTATIVE** – the designated position identified in the resolution as the agent to sign all required GRANT documents including, but not limited to, the grant CONTRACT, the application form, payment requests, and GRANT COMPLETION PACKET forms.

**CALIFORNIA OUTDOOR RECREATION PLAN (CORP)** – a tool for statewide outdoor recreation leadership and action, which includes the state’s assessment and policy plan required by the LWCF Act.

**CEQA** – the California Environmental Quality Act as stated in the *Public Resources Code* Section 21000 et seq. ; Title 14 California Code of Regulations Section 15000 et seq. CEQA is a law establishing policies and procedures that require agencies to identify, disclose to decision makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of the agency’s proposed PROJECT. For more information, refer to <http://ceres.ca.gov/ceqa/>.

**COMPETITIVE** – a process whereby PROJECTS are ranked and selected based upon program-specific criteria.

**CONTRACT** – an agreement between the DEPARTMENT and the GRANTEE specifying the payment of funds by the DEPARTMENT for the performance of the GRANT SCOPE within the CONTRACT PERFORMANCE PERIOD by the GRANTEE.

**CONTRACT PERFORMANCE PERIOD** – the period of time that GRANT SCOPE ELIGIBLE COSTS may be incurred, and the work described in the GRANT SCOPE must be completed, billed and paid by the state. The Contract Performance Period begins when the CONTRACT is approved by the National Park Service and ends on the date specified in the CONTRACT.

**DEPARTMENT** – the California Department of Parks and Recreation also known as DPR.

**DEVELOPMENT** – including, but not limited to, improvement, rehabilitation, restoration, preservation, and protection of outdoor FACILITIES, and, indoor FACILITIES if they support or interpret outdoor recreation in the immediate vicinity.

**DISTRICT** – any regional park District, regional park and open-space District, or regional open-space District formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of the *Public Resources Code*, or a recreation and park District formed pursuant to Chapter 4 (commencing with Section 5780) of the *Public Resources Code*, or special Districts with the authority to acquire, develop, and operate and maintain public park and recreation areas.

**ELIGIBLE COSTS** – expenses incurred by the GRANTEE during the CONTRACT PERFORMANCE PERIOD of an approved CONTRACT, which may be reimbursed by the DEPARTMENT.

**FACILITIES** – includes, but is not limited to, places for organized team sports, outdoor recreation, and informal turf play; non-motorized recreational trails; permanent play structures; landscaping; places for passive recreation, enjoyment of scenic open space, nature appreciation and study, and outdoor education; and infrastructure and other improvements that support these Facilities.

**FORCE ACCOUNT LABOR** – PROJECT work performed by a grantee's own work force, volunteer services, or individuals paid on a time and material basis. force account expenses may be eligible costs for reimbursement or MATCH.

**FULLY USABLE** – after expenditure of GRANT funds and matching funds, the PROJECT will be open and available to the public for the full range of use as stated in the GRANT SCOPE section of the PROJECT APPLICATION form.

**GRANT** – funds made available to a GRANTEE for ELIGIBLE COSTS during a CONTRACT PERFORMANCE PERIOD.

**GRANT SCOPE** – the description of the expected results from this GRANT.

**GRANTEE** – an eligible entity that has a CONTRACT for grant funds.

**INDIRECT COSTS** – charges billed as a percentage of PROJECT costs. These costs are **not** eligible as MATCH or for reimbursement.

**IN-KIND** – those funds and/or donations that are utilized on the PROJECT, and which may include local or private funds, as well as materials and services. These funds and/or donations shall be eligible only as MATCH.



**LATENT DEMAND** – a measurement for those recreation activities that people would have probably done more often, or would like to have tried, if adequate FACILITIES or opportunities had been readily available.

**LWCF** – Land and Water Conservation Fund Act passed and signed into law on September 3, 1964, as Public Law 88-578; 78 Stat. 897; 16 USC 460 I -4 et seq. The LWCF program established a funding source for federal ACQUISITION of park and recreation lands and matching grants to state and local governments for recreation planning, ACQUISITION and DEVELOPMENT.

**MATCH** – committed contributions to the PROJECT, in addition to GRANT funds, which may include funds from state local assistance programs; gifts of real property, equipment, and consumable supplies; services; free or reduced-cost use of land, FACILITIES, or equipment; and bequests and income from wills, estates, and trusts. IN-KIND funds and/or donations used as Match must be from a non-federal source, and may include local or private funds, as well as materials and services. *The only federal money eligible for a Match is funding from the Housing and Community Development Act, U. S. C. § 5301 et. seq. ; i.e. Community Development Block Grants.* MATCH is subject to the same spending requirements as the GRANT unless otherwise specified. Donated real property used as all or part of the matching share must meet UASFLA requirements and be acquired during the CONTRACT PERFORMANCE PERIOD.

**NEPA** – the National Environmental Policy Act of 1969 with amendments, as stated in 42 United States Code § 4321 et seq.]. NEPA is a law establishing policies and procedures that require agencies to identify, disclose to decision makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of the agency's proposed PROJECT using federal funding sources.

**NON-CONSTRUCTION COSTS** – costs including Project planning (excluding grant writing costs), up to 25% of the Grant amount.

**NPS** – the National Park Service, United States Department of the Interior.

**OGALS** – the Department's Office of Grants and Local Services.

**PD/ESF** – The Proposal Description/Environmental Screening Form, which provides information about the project and helps identify potential environmental impacts.

**PRE-AWARD COSTS** – costs that must be incurred before a project application can be submitted. PRE-AWARD COSTS must be described in the project application and PD/ESF narrative. For DEVELOPMENT projects, the costs of site investigation and selection, site planning, feasibility studies, preliminary design, environmental review, preparation of cost estimates, construction drawings and specifications, and similar items necessary for project preparation may be eligible for assistance, although incurred prior to project approval. Similar costs may be allowable for ACQUISITION proposals except those relating to appraisals, surveys, and other incidental costs to the purchaser that are precluded by the LWCF Act.

**PROJECT** – the ACQUISITION or DEVELOPMENT of real property for new, or rehabilitation of existing outdoor recreational areas and FACILITIES to be accomplished with GRANT funds and MATCH.

**PROJECT OFFICER** – an employee of the DEPARTMENT who acts as a liaison with the Applicants or Grantees, administers grant funds, and ensures compliance with guidelines and grant contracts.

**PROJECT SERVICE AREA** – the geographical area surrounding a park or recreation area from which a majority of the visitors will come.

**RATE OF REIMBURSEMENT** – based on the ratio of the GRANT amount to the TOTAL PROJECT COST, this is the percentage at which costs submitted will be reimbursed, up to the GRANT amount.

**SECTION 6(F)(3)** – no property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, 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 comprehensive 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.

**SHPO** – State Historic Preservation Office. The entity responsible for reviewing and approving an APPLICANT's Project to ensure compliance with the Historic Preservation Act requirement (also known as Section 106).

**STATE LIAISON OFFICER (SLO)** – the Director of the DEPARTMENT or their designee, designated by the Governor to administer the Land and Water Conservation Fund program for the State of California, and given authority by the State Legislature to serve as the State Liaison Officer, also known as SLO.

**SUPPORT FACILITIES** – includes facilities such as concession stands, comfort stations, park access roads, parking areas, utilities, and site preparation necessary to make a recreation activity area usable

**TOTAL PROJECT COST** – the amount of the GRANT request combined with the sources of additional funds that is designated for the completion of a PROJECT.

**UASFLA** – Uniform Appraisal Standards for Federal Land Acquisitions.

**UNDERSERVED POPULATION** – Populations that may have been impacted by insufficient social and economic resources in their lives and, as a result, have barriers that impede delivery of services. Age, race/ethnicity, culture, socioeconomic status and place of residence (urban/rural) often define those who may be underserved.

**WETLAND** – The U. S. Army Corps of Engineers (Federal Register, Section 328. 3(b), 1991) and the Environmental Protection Agency (Federal Register, Section 230. 4(t), 1991) jointly define Wetlands as: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Note: Authority cited: Section 5099. 10 Public Resources Code. Reference: Sections 5099-5099. 12, Public Resources Code.

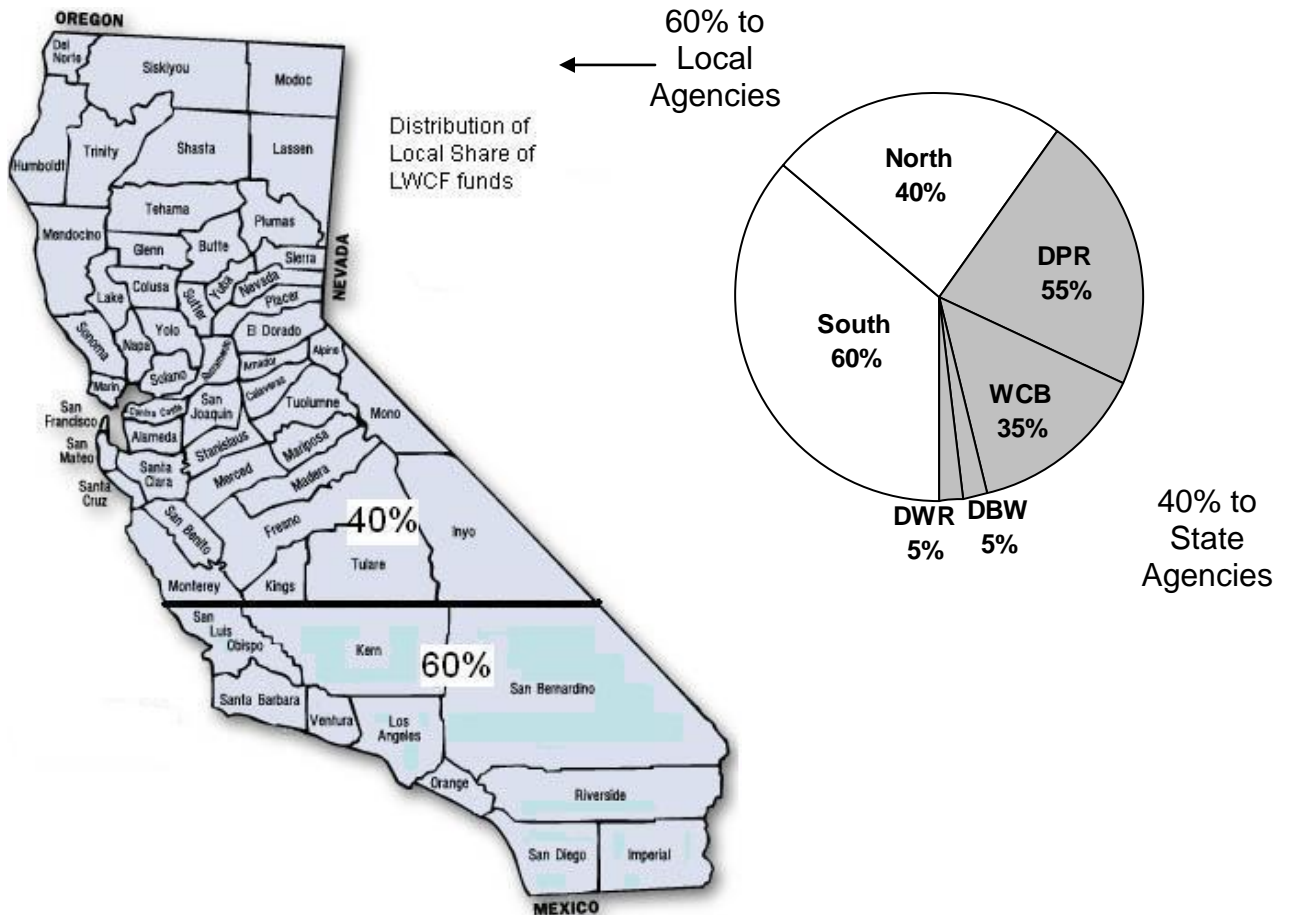
**APPENDIX A: LWCF Fund Distribution**

Of the funds available to California each year, the following is deducted:

- The cost of preparing the California Outdoor Recreation Plan
- The SLO’s Contingency Fund (6%)

The balance of the annual apportionment is divided between local and state agencies:

1. 60% to local agencies divided as follows:
  - A. 60% to Southern California
  - B. 40% to Northern California
2. 40% shared by State Agencies divided as follows:
  - A. 55% to Department of Parks & Recreation (DPR)
  - B. 35% to Wildlife Conservation Board (WCB)
  - C. 5% to Department of Boating and Waterways (DBW)
  - D. 5% to Department of Water Resources (DWR)



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