

LAND AND WATER CONSERVATION FUND PROGRAM

Procedural Guide

February 2004
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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. A copy of the OPSP is available on the Department website or be obtained by calling OGALS at the number listed below.

(Physical Address)

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Office of Grants and Local Services
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Sacramento, CA 95814

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Click on "Grants & Bond Acts" and
follow the links to the Land and Water Conservation Fund Program

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LAND AND 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.” (Section 1(b) of the Land & Water Conservation Fund Act of 1965, as amended, 78 Stat. 897)

The congressional intent of the LWCF is for Applicants and the California Department of Parks and Recreation to cooperatively acquire, develop, and maintain outstanding properties in perpetuity for outdoor recreation purposes. It is important that quality recreation Facilities are developed for people at the local level and statewide.

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 statewide planning, 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.

How are LWCF funds distributed?

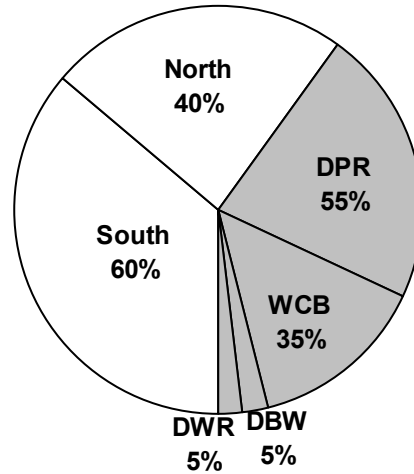
Of the funds available to California each year, the following is deducted:

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

The balance of the annual allotment is divided as follows:

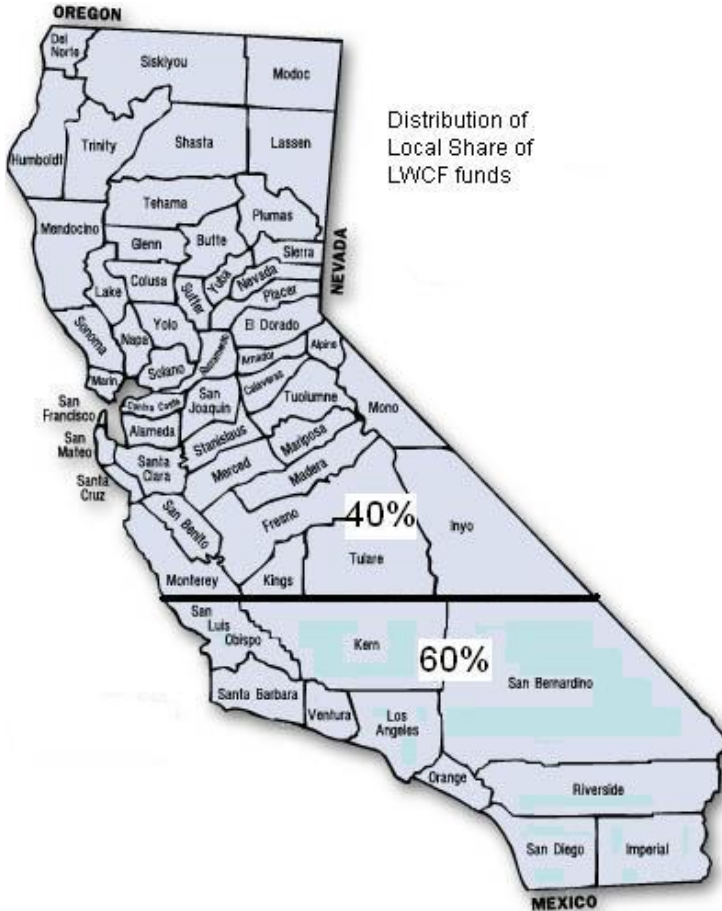
1. 60% to local agencies divided as follows:
 - A. 60% to Southern California
 - B. 40% to Northern California
2. 40% shared by State Agencies divided as follows:
 - A. 55% to Department of Parks & Recreation
 - B. 35% to Wildlife Conservation Board
 - C. 5% to Department of Boating and Waterways
 -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

60% to
Local
Agencies



40% to
State
Agencies

Distribution of
Local Share of
LWCF funds



For what may LWCF funds be used?

LWCF funds can be used for Acquisition or Development Projects. Acquisition Projects shall be for public outdoor recreation. Development Projects shall include the construction of new and/or renovation of existing Facilities for outdoor recreation. Associated support Facilities (e.g., restrooms, utilities) are eligible. Indoor Facilities which support outdoor recreation activities in the immediate vicinity are also eligible.

Projects that involve new construction or renovation of Facilities must provide access in accordance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., and all other laws relating to accessibility.

If awarded a grant, when will LWCF funds be available?

Funds are 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. Grantees shall not commence work on a Project even after notification of a successful Application, without a fully executed Contract.

For Acquisition Projects, the Applicant, at its own expense, is required to submit to the Department, an appraisal meeting federal appraisal standards, along with written certification from an independent review appraiser that the appraisal meets standards.

Applicants may not take title to Project lands, or begin construction, until Contracts are fully executed. Any such action, prior to Department and NPS approval of Acquisition documents, is at the participant's own risk.

Application due date: 1st work day in May.

Note: Authority cited: Section 5099.10 Public Resources Code. Reference: Sections 5099-5099.12, Public Resources Code.

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. If an Applicant proposes to acquire less than fee title, the Applicant shall demonstrate in the Application to the satisfaction of the Department that the proposed Project will provide public benefits and use that are commensurate with the type of the interest in real property to be acquired. 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 Completion Packet – the Project Certification Form, Grant Expenditure Form, the Force Labor Cost Summary Form, if applicable, and Payment Request Form which demonstrate that the work described in the Grant Scope is complete, and that the final payment is requested.

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. Required Match is subject to the same spending requirements as the Grant unless otherwise specified.

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.

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

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

Progress Status Report – a document issued by the Department that requires the Grantee to provide an update of Grant Scope expenditures incurred and activities undertaken during the Contract Performance Period.

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.

Service Area- the geographical area surrounding a park or recreation area from which a majority of the visitors will come.

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- the Director of the Department of Parks and Recreation 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.

Total Project Cost – the amount of the required Match combined with the Grant request amount that is designated for the completion of a Project.

UASFLA- Uniform Appraisal Standards for Federal Land Acquisitions.

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.

Applications

Applicants must submit a completed LWCF grant Application postmarked or hand delivered by the filing date to California Department of Parks and Recreation, Office of Grants and Local Services. Applicants are required to submit **two** unbound, original Application packages. An Applicant may submit more than one Application; however, each Application shall involve only one Project site.

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.

Eligible state agencies are designated by state law, and include the Department of Parks and Recreation, the Wildlife Conservation Board, the Department of Boating and Waterways and the Department of Water Resources.

Land Tenure Requirements

Property acquired or developed under the LWCF program must be retained in perpetuity for public outdoor recreation use. The area to be retained is identified on the Section 6(f)(3) boundary map submitted by the Applicant.

The Applicant must have adequate land tenure by the Application deadline (applies to Development Projects only). Adequate tenure consists of:

- Fee title without encumbrances that would have an adverse effect on the Project, *or*
- A fully executed, 25-year lease from the date of Application from a federal agency if its land is being developed, *or*
- A fully executed lease or agreement, that adequately safeguards the *perpetual use requirement* with another public agency contained in the LWCF program. 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.*

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

Eligibility Criteria

The LWCF program is limited to outdoor public recreation, and to indoor Facilities which support outdoor public recreation activities in the immediate vicinity. Before a Project can be considered, *all* of the following conditions must be satisfied

1. The Project for which funds are requested must meet the eligibility requirements of the LWCF program, the criteria established by NPS, and must be consistent with issues identified in the California Outdoor Recreation Plan.
2. An Application package must be submitted by the Application deadline.
3. The Application must have an assured source of eligible Matching funds to meet the non-federal share of the cost of the Project by the Application deadline.

4. The Applicant must have adequate land tenure for Development Projects.

Eligible Projects

LWCF funds can be used for Acquisition or Development Projects. The Grantee shall comply with all applicable current federal and state laws and regulations affecting Acquisition and Development Projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities.

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 documents, is at the participant's own cost and is not an allowable Grant expenditure.

Acquisition Projects

Acquisition Projects shall be for public outdoor recreation. These can be new areas, additions to existing areas, wildlife areas, beaches, open spaces, or similar properties. Acquisition can be of fee title that will accomplish the desired use and perpetuity.

All Acquisitions must comply with federal law; specifically, they must be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601 et seq. 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.

The Applicant, at its own expense, must do the following:

- Have an appraisal prepared conforming to Uniform Appraisal Standards for Federal Land Acquisitions (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/endr/land-ack>.

Development Projects

Development Projects shall include the construction of new and/or renovation of existing Facilities for outdoor recreation. Associated support Facilities such as lighting, parking, and restrooms are eligible. Indoor Facilities which support outdoor recreation activities in the Project area are also eligible, e.g. visitor information centers, buildings that interpret resources of the project area.

Ineligible Projects

Ineligible for funding are Projects such as:

1. Combination Acquisition *and* Development Projects
2. Multiple Project sites under one Application
3. Restoration or preservation of historic structures
4. Construction of employee residences
5. Interpretive Facilities which go beyond interpreting the Project site and its immediate surrounding area
6. Development of convention Facilities

7. Commemorative exhibits and monuments
8. Construction of Facilities marginally related to outdoor recreation
9. Indoor Facilities such as community centers and gymnasiums
10. Facilities used primarily for spectator sports

Note: Authority cited: Section 5099.10 Public Resources Code. Reference: Sections 5099-5099.12, Public Resources Code.

Section 6(f)(3) Boundary Map

When applying for an LWCF grant, the Applicant must submit a signed and dated Project boundary map which clearly delineates the area to be protected under Section 6(f)(3) of the LWCF program. The Project area must be readily accessible through a public corridor (i.e. parking lot, street, permanent public easement).

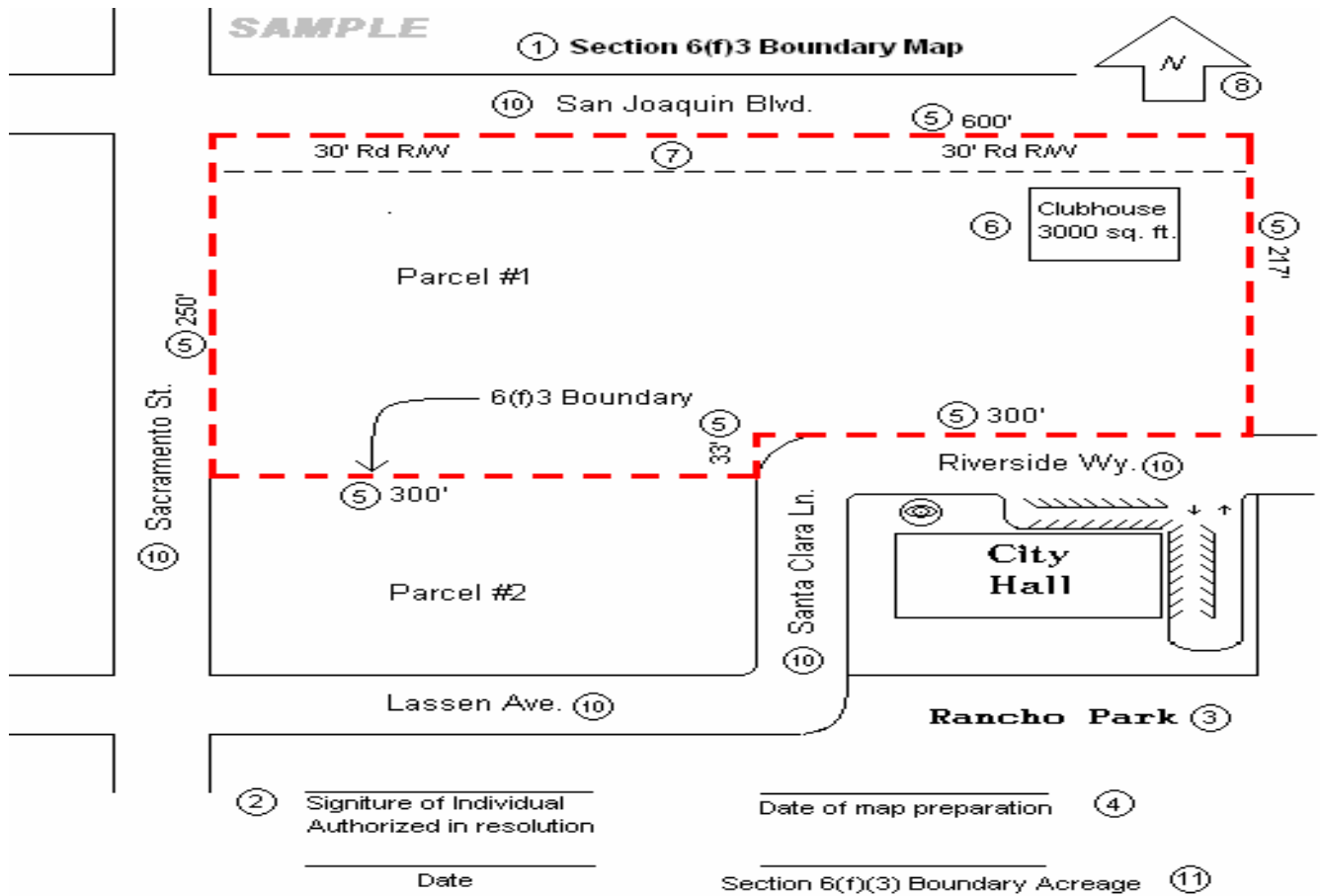
Land identified within the Section 6(f)(3) boundary must be retained in perpetuity for public outdoor recreation use.

At a minimum, this area must be a viable public outdoor recreation area which is capable of being self-sustaining without reliance upon adjoining or additional areas not identified in the scope of the project. Except in unusual cases where it can be shown that a lesser unit is clearly a self-sustaining outdoor recreation resource, this will be the area being developed or added to. Exceptions will be made only in the case of larger parks where logical management units exist. In no case will the areas covered by Section 6(f)(3) be less than that acquired with LWCF assistance.

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 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.

Applicant (Agency) Name _____



Note: Authority cited: Section 5099.10 Public Resources Code. Reference: Sections 5099-5099.12, Public Resources Code.

Match Requirement

The Match is one Applicant dollar to one federal dollar for all LWCF grants (50%/50%). This is a reimbursement program. The Grantee is expected to finance the entire Project. Fifty percent of the actual project expenditures up to the Grant amount will be refunded when the Project has been completed. The Grantee's original estimate of the Project costs will determine the support ceiling. Grantees should allow for cost increases.

The Applicant may include cash, in-kind services, Force Account funds, tax sources, state grant funds, federal Housing and Community Development Block grant funds. No other federal funds may be used to Match a LWCF grant. Donated real property used as all or part of the Matching share must meet federal appraisal standards and be acquired during the Contract Performance Period.

Rules regarding Match

MATCH can only be spent on *ELIGIBLE COSTS*. Indirect costs cannot be used as *MATCH*. The *GRANT* and the required *MATCH* amounts combined cannot pay for more than 25% of non-construction costs (See *ELIGIBLE COSTS* chart on page?) of the total *LWCF PROJECT*.

Key Amounts to Understand

GRANT Request Amount (Cannot exceed 50% of <i>TOTAL PROJECT COST</i>)	\$ _____
	+
Required MATCH Amount (Must be a minimum of 50% of <i>TOTAL PROJECT COST</i>)	\$ _____
	=
Total LWCF PROJECT Cost (<i>GRANT</i> + Required <i>MATCH</i> = <i>LWCF PROJECT</i>)	\$ _____

How to Calculate GRANT Amount and MATCH Amount Based on the cost of the total PROJECT.

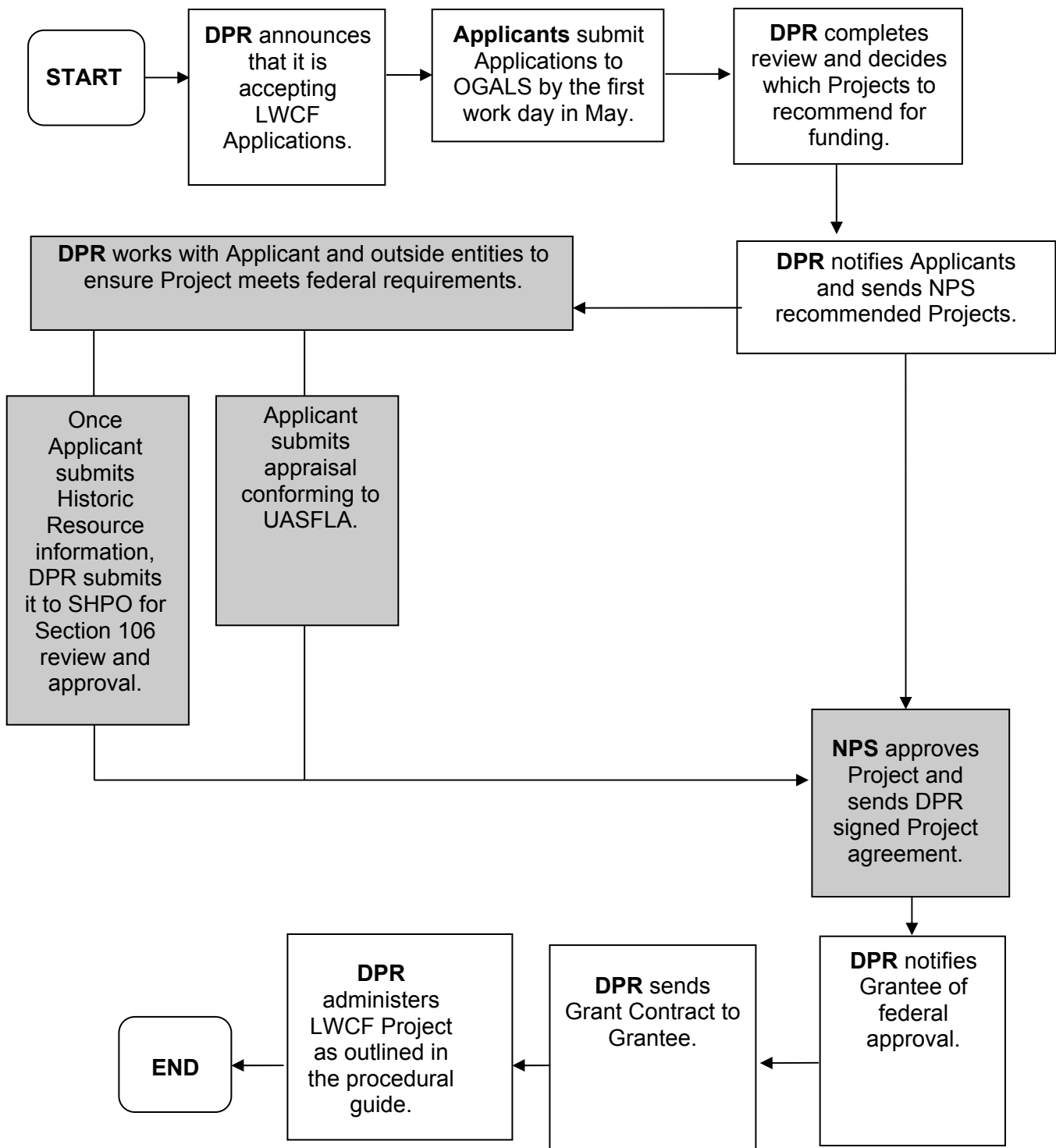
Multiply total cost of the *PROJECT* by .50 to obtain the maximum *GRANT* amount and the minimum *MATCH* amount.

Example:

Cost of the total *PROJECT* is \$120,000

Multiply by .5 = **\$60,000**. This is the maximum *GRANT* amount and the minimum *MATCH* amount.

The Land and Water Conservation Fund Program Process



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

Summary of the Competitive Grant Process

How to Apply for a Grant(s)

1. The Applicant submits Application(s) to identify how the Grant funds would be spent if recommended for funding. (See page 16, Application Checklist.) Note that Applicants must submit completed Applications by the first work day in May.
2. The Applicant may submit multiple Applications under the LWCF program. To do this, the Applicant must submit an individual Application for each Project site. (See page 19, Applications.)
3. The Department will review the Application materials. The Department will then send a letter to the Applicant acknowledging receipt of the Application. The letter will indicate whether the Application is complete or requires additional information or clarification concerning any Application documents except for responses to the Project proposal.

State Review and Recommendation

4. The Competitive Applications will be evaluated by the Department based on eligibility and the Project proposal criteria. All Applicants will receive a letter regarding the outcome of the State's review and recommendation. Department sends NPS a list of recommended Projects.

Federal Requirements

5. After the Department recommends a Project, it works with the Applicant to meet the additional federal requirements. (See page 57).

How to Obtain a Contract

6. After the Project receives federal approval, the Department will send a Contract to the Grantee's Authorized Representative for signature. (See page 59 for a sample Contract and to review the Contract provisions.)
7. The Grantee returns the signed Contract to the Department.
8. The Department returns a fully executed Contract to the Grantee.
9. A Contract must be fully executed within the time frame established by the associated federal appropriation and state budget.

How to Request Grant Payments

10. After the Contract is fully executed, the Grantee may request reimbursement payments for the Project (See page 71).
11. The Grantee completes the Grant Scope and submits the Grant Completion Packet to the Project Officer (See page 75).
12. The Department verifies that the Grant Scope was completed by conducting a final on-site Project inspection for Projects which involve Development. For Acquisition Projects, the Grantee must submit a copy of the supporting documents found on page 71.
13. The Department processes the final payment request.

During the Project

14. Commencing approximately six months after approval of the Contract, and continuing every six months during the course of the Grant until a Grant Completion Packet is received, DPR will send a Progress Status Report form to the Grantee. The Grantee must complete, sign and return these Progress Status Reports within 30 days of receiving them. Payment requests for Grant funds will not be processed if there are overdue Progress Status Reports. (See page 70 for an example of this form).

APPLICATION INFORMATION

Submitting Applications

Applicants are required to submit **two unbound**, original hard-copies of the Application packet. Each Application must include a Table of Contents with the remaining documents in the order listed on the Application Requirements Packet and Checklist. All pages shall be numbered (handwritten numbers are acceptable).

NOTE: *An Applicant may submit an Application for more than one Project.
Each Project must have its own Application.
Each location must be submitted as a separate Project.*

Letters of Support

Letters of support from the Legislature or other entities should be directed to the Applicant. Applicants may include these letters with the Project Application or submit them anytime prior to the State's announcement of recommendations for funding. Letters of support are not considered part of the scoring process.

Application Packet Requirements and Checklist

1. **Application Form.** The Application form must be completed and signed by the Applicant's Authorized Representative (See pages 16-19).

In the **Grant Scope** section of the application form, identify the items of work to be completed with LWCF funds and the required Match. *Do not include items of work that will not be funded by LWCF funds and the required Match amount. Do not include the merits of the Project. (Merits of the Project should be included in the Project Proposal.)*

The Grant Scope should be detailed enough to identify each Project element to be completed by the Grant and must be consistent with the cost estimate, and site plan. The Grant Scope statement should only include a description of the Project. The Project will be justified in the responses to the criteria.

NOTE: *The level of detail in the Grant Scope, CEQA document(s) and cost estimate and the Grant Expenditure Form (submitted for reimbursement payments) should be the same as it is in the site plan so that a reviewer of these documents will be able to identify the same items on all of the above documents.*

For example, if the site plan shows a trail, parking area, and restroom, then these items should appear in the Grant Scope, cost estimate (with an estimate for each), the Grant Expenditure Form and be clearly encompassed by the CEQA document(s). However, it is not necessary to include the linear feet of PVC pipe, for example, nor the number of parking stalls, but if there is a parking lot, it should be listed in all of the above documents.

2. **Resolution.** The Applicant submits the authorizing resolution from the Applicant's governing body, using the required language in the sample resolution (See page 32). *This requirement does not apply to state agencies.*

3. Project Summary. Provide a summary (one-page maximum) that explains the Project. Describe Project components in addition to enhancements to be made to the Project site. The summary will not be scored.
4. Project Proposal. Provide a written proposal which answers each question or responds to each statement in the Project Proposal portion of the Procedural Guide as it pertains to your Project (See page 20).
- 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.
5. Development Cost Estimate with source of funds. Provide a Development cost estimate (See page 35).
- For source of funds, list the funds that will be used to finance 100% of the Project, Grant and match only (as this is a reimbursement program, do not include LWCF grant). If more than one source is being used, itemize, and be specific as to the amount from each source. The only federal funding eligible to be used as required match is Housing and Community Development Act, U.S.C. § 5301 et. seq. (i.e. Community Development Block Grant Funds).
6. Acquisition Schedule with source of funds.
- See Sample Acquisition Schedule for level of information required (See page 36)
 - Include proposed recreation venue development
 - Source of funds
7. CEQA. The Applicant is required to comply with CEQA. The Applicant should check with its local city or county planning agency for more information on how to complete CEQA. Applicant must submit one of the following:
- a) A Notice of Exemption filed with, and stamped by, the county clerk, *or*
 - b) 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*
 - c) 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.
- State agencies shall file documents with the State Clearinghouse (Governor’s Office of Planning and Research).
8. NEPA. Complete the Project Description/Environmental Screening Form (See page 40). *NEPA Compliance*
- This federal assistance program requires compliance with NEPA. All LWCF Project proposals must be assessed for their environmental effect by NPS.
- NEPA Documentation to Submit with the Grant Application*
- To provide NPS with adequate environmental data, submit the Environmental Screening Form (See page 41) with the Application.

9. Land Tenure (Development Projects only). If property is not owned in fee simple, provide documentation (lease, agreements, etc.) verifying that land tenure requirements have been met (See page 7).
10. Leases or Agreements. Provide a list of all *other* leases, agreements, memoranda of understanding, etc., affecting Project lands or the operation and maintenance thereof, excluding those relevant to land tenure (if none, please respond with ***Not Applicable***).
11. Site Plan. For Projects involving Development, provide a drawing or depiction indicating what improvements the Applicant will make, where the improvements will be located on the property, and the approximate square footage of the improvements. Provide floor plans for any buildings.
12. Project Location Map. 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.
13. Section 6(f)(3) Boundary Map. This map defines the area being developed or acquired with LWCF grant funds. When possible, use an assessor's parcel map (See pages 10-11).
14. Compliance with National Historic Preservation Act, 16 U.S.C. § 470 et seq., Memorandum of Understanding.
15. Certification of Compliance. Relocation Act (PL 91-646).
16. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion.
17. Certification Regarding Lobbying. Department of Interior 1963.
18. Civil Rights Assurances. Department of Interior 1350.
19. Required Regulatory Permits. Provide a list of existing and additional required permits, the status of each, and indicate when permit approval would occur, (if none, please respond with ***Not Applicable***). Examples include:
 - a) State Lands Commission
 - b) San Francisco Bay Conservation and Development Commission
 - c) Regional Coastal Zone Protection Commission
 - d) Corps of Engineers
20. Photos of the Project Site.
21. Timeline.

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 \$ _____
TYPE OF PROJECT: <input type="checkbox"/> Acquisition <input type="checkbox"/> Development	Estimated Total Project Cost \$ _____

Grant Applicant (Agency, address, and zip code)	PROJECT ADDRESS (including zip code)		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 5px;">COUNTY</td> <td style="padding: 5px;">NEAREST CITY</td> </tr> </table>	COUNTY	NEAREST CITY
COUNTY	NEAREST CITY		

PROJECT LATITUDE AND LONGITUDE	Congress District No.	Senate District No.	Assembly District No.
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Grant Applicant's Representative Authorized in Resolution

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

Name (typed or printed) and Title	E-mail Address	Phone
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GRANT SCOPE: (Items of work to be completed with LWCF funds and the required Match amount. Do not include Project merits.)

<p>For Development Projects – Project land is: _____ acres</p> <p><input type="checkbox"/> Land is held in fee title by Grant Applicant</p> <p><input type="checkbox"/> Land held under a perpetual lease agreement</p> <p><input type="checkbox"/> Federal land is held under a minimum 25 year lease at the time of application</p>	<p>For Acquisition Projects – Project land will be _____ acres</p> <p><input type="checkbox"/> Land to be acquired in fee simple by Grant Applicant</p> <p><input type="checkbox"/> Land to be acquired in other than fee simple (explain)</p> <p>_____</p> <p>_____</p>
---	--

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 _____ Date _____

Grant Applicant's Authorized Representative as shown in Resolution

Project Proposal Instructions

- The Applicant must respond to the following criteria in the order in which they appear.
- Respond to each criterion separately.
- 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.
- Cite studies, reports, or other data that support the responses, where appropriate.
- The meanings of capitalized words and phrases used below can be found in the Definitions Section beginning on page 4.

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.

100 POINTS = OVERALL TOTAL

Compliance with 2002 California Outdoor Recreation Plan

1. *Priority Statewide Outdoor Recreation Needs*

Using the Priority Recreation Venue Chart (See pages 21-22), list the proposed outdoor recreation venues the Project provides or supports, and itemize the percent of total Project cost for each activity. These priorities were established for 10 recreation venues. Differentiate between those Facilities that provide opportunity (picnic areas, access to venues, tot lots, etc.) and those that provide support (restrooms, utilities, etc). The information base for these priorities was a public opinion survey published by the California Department of Parks and Recreation, under the title “Public Opinions and Attitudes on Outdoor Recreation in California – 2002.”

These categories are based on ratings for “Participation, Latent Demand for New Public Facilities and Public Support” in the survey referred to above. The categories and point values are shown on the following page.

Multi-Activity Facilities

When a grant request is to provide Facilities for more than one venue, a combined point value is based on each venue’s share of the total Project cost. The pro-rata value of each proposed venue is in proportion to the cost of developing Facilities to provide for each venue.

Other Facilities

Projects that include grant requests for a recreation venue not listed as a statewide outdoor recreation priority will be categorized as “other” and given a score of one point.

Support Facilities scored as Recreational Venues

If there are support Facilities necessary for a direct recreational opportunity (i.e., to insure safety or provide required access), the Facility may be considered as a recreational venue and should be categorized under the corresponding outdoor recreation priority. The Section 6(f)(3) boundary map must include the recreational venue and the necessary support Facility.

Support Facilities

Projects involving solely support Facilities (e.g., restrooms, utilities) needed to improve the quality of the recreation experience will be considered for funding. However, support Facilities are lower in priority than Facilities which provide direct opportunities for recreation use. Points will be deducted based on the ratio of support Facilities cost versus total Development cost.

- Three points will be subtracted from the total score if the cost of the support Facilities is 15% of the total cost or greater.
- Five points will be subtracted from the total score if the cost of support Facilities is 40% of the total Project or greater.

Acquisition Projects

An Acquisition proposal will be evaluated based on the Facilities to be developed later. The Applicant must provide a proposed development cost estimate on how the land to be acquired will be developed, and also indicate when the Development will take place. This aspect of scoring will be based on the priority rating of the venues to be offered.

To receive maximum points, the Project shall address the priority 1 venue with less than 15% of the total construction cost allocated to support Facilities.

PRIORITY RECREATION VENUE CHART		
Priority	Recreation Venues	Points
Priority 1	Trails	15
Priority 2	Campgrounds Picnic Areas	14
Priority 3	Natural areas and cultural areas with public access for recreational use Outdoor nature museums Zoos Arboretums Outdoor cultural sites	12
Priority 4	Open turf Sports fields and courts Event areas Festivals Fairs Concerts Outdoor theaters	11

Priority 5	Aquatic-based Facilities and access	10
Priority 6	Playground equipment Tot lots	8
Priority 7	Golf Facilities	6
Priority 8	Snow play areas	4
Priority 9	Skate park areas	2
Other		1

Note: Percentage of Total Project Costs is the amount of a particular venue divided by the sum of construction and non-construction costs.

Construction Costs

<u>Direct Opportunity(Recreation Venue)</u>	<u>Projected Cost</u>	<u>Priority Rating</u>	<u>Percentage of Total Project Costs</u>
_____	\$		
_____	\$		
_____	\$		
Support Facilities	\$		
	\$		
	\$		
Subtotal	\$ _____		

Non-Construction Costs

<u>Engineering and Administration</u>	
Engineering and Architectural Fees	\$
Administration	\$
Contingencies	\$
Subtotal	\$ _____
TOTAL PROJECT COST	\$ _____

2. Identification of CORP Priority Issues

Describe how the proposed Project is consistent with CORP priority issues and how the Project meets the community demands for outdoor recreation. The Applicant should identify those issues in CORP that are most relevant to the Project proposal and explain how the Project will help resolve the issues.

To receive maximum points, the Applicant must show how the Project addresses at least three of the following issues, by responding to one bulleted example within each issue.

Issue I: The status of parks and recreation

- Projects which create effective partnerships with community-based organizations and others, including stakeholders from the educational, health, and public safety communities.
- Projects, which, in addition to their recreation values, promote the economic, social, and cultural benefits to the community and which involve a high degree of community support.

Issue II: Financing parks and outdoor recreation

- Projects which serve to strengthen the agency's ability to secure local funding.
- Projects which demonstrate increased agency efficiencies by building alliances with other service providers and the private sector; by consolidating functions and reducing redundant activities; and by supplementing the delivery of services through the innovative use of volunteers, non-profit groups, land trusts, and the like.
- Projects which leverage LWCF grants with other non-local funds (beyond the local Matching requirement) to accomplish Projects of a larger scale than would be possible through each fund source independently.

Issue III: Access to public parks and recreation resources

- Projects, which respond to under-served populations and emerging needs with particular emphasis on economically disadvantaged populations.
- Projects involving the replacement or rehabilitation of outdated, overused, or worn-out Facilities.
- Projects, which demonstrate innovative approaches to relieving pressure on highly, used lands and Facilities.
- Projects that preserve open-space corridors, allow for connections to trail systems and encourage multiple use of trails.

Issue IV: Protecting and managing natural resources

- Projects which involve multi-agency actions to relieve pressure on existing natural resources through the Acquisition of additional lands or which reduce the overuse and misuse of park lands and Facilities.
- Project which test and develop new resource management skills; demonstrate an enhanced concept of stewardship; and promote a conservation ethic with regard to the protection and management of natural resources.

- Projects which involve and develop non-traditional sources of funding for resource protection.
- Projects which acquire, restore, or preserve sensitive or degraded Wetlands.
- Projects which provide greater opportunities for celebrating California’s cultural heritage and diversity among a wide range of ethnic groups.

Issue V: Statewide leadership in parks and outdoor recreation

- Projects which build alliances with other recreation providers, non-profits, and the private sector and which develop a coalition of interests towards a common vision.
- Projects which demonstrate a high degree of creativity and which result in the development of new skills for staff and managers.
- Projects which demonstrate an enhanced concept of stewardship; and promote a conservation ethic with regard to the provision of park and recreation lands, Facilities, and programs.

15 Points:

The Project resolves *three or more* of the issues in CORP.

10 Points:

The Project resolves *two* of the issues in CORP.

5 Points:

The Project resolves *one* of the issues in CORP.

0 Points:

The Project *does not* resolve *any* of the issues in CORP.

Need for the Project

3. Outdoor Recreational Opportunities

Explain how the Project meets the local needs. Identify other similar outdoor recreational opportunities in the area, if any, and demonstrate the differences between recreational supply and demand for the proposal Project. Define the Project Service Area consistent with the type of Project. The Project Service Area, once defined by the Applicant, must be the same for Project Selection Criteria numbers 4, 5, 6, and 8.

The maximum number of points will be given to an Applicant that substantiates a lack of similar outdoor recreational opportunities in the Project Service Area.

20 Points:

Applicant substantiates that no other similar outdoor recreational opportunities exist in the Project Service Area or Project is an essential phase in completion of a multi-phase Project, and/or there is a *high* demand for the proposed Project.

13 Points:

Applicant substantiates that some similar outdoor recreational opportunities exist in the Project Service Area or Project is a somewhat essential phase in completion of a multi-phase Project, and/or there is a *medium* demand for the proposed Project.

7 Points:

Applicant substantiates that other similar outdoor recreational opportunities in the Project Service Area or Project is a phase in completion of a multi-phase Project, and/or there is limited demand for the proposed Project.

0 Points:

No response, or not adequately addressed.

4. Public Involvement

Explain what methods were used to include the affected community residents in the Project Service Area defined in criterion 3 in the Project planning process.

The maximum number of points will be given to a Project that includes participation by the broadest representation of the affected community residents.

10 Points:

The Applicant has made a *concerted effort* to involve the broadest representation of the affected community residents in the Project planning process.

7 Points:

The Applicant has made a *moderate effort* to involve the broadest representation of the affected community residents in the Project planning process.

3 Points:

The Applicant has made *limited effort* to involve the broadest representation of the affected community residents in the Project planning process or does not respond to the criterion.

0 Points:

No response, or not adequately addressed.

5. Population and Population Density

Provide the population and population density for the Project Service Area defined in criterion 3. Projects that will serve high population and population density will be given priority over Projects serving lower population and density. Use the most recent U.S. Census or California Department of Finance census data.

If the project will score below 5 points and significant use from outside the Project Service Area either by residents or tourists is projected, and there are no comparable facilities, one extra point may be awarded. If applicable, please provide justification for this credit.

The maximum number of points will be given to a Project that serves a high population and/or population density. One additional point may be assigned when the project serves a large population beyond the Project Service Area, not to exceed a score of 4 points.

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.

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.

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.

Project-Specific Criteria

6. Cost-Use Benefit

Provide 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. 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.

The maximum number of points will be given to a Project that will result in a substantial increase in outdoor recreation compared to the cost of the Project.

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. Accessibility

Describe the accessibility of the Project by answering the following:

- 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?
- What obstacles or barriers (social and/or physical) within the Project Service Area may limit access to and from the Project site, and what are the solutions this Project will provide to those? Examples of barriers include, but are not limited to, flood channels, inadequate parking, and lack of public transportation.

The maximum number of points will be given to a Project with reasonable user fees, if any, long daily operating hours and open on weekends, and more than one clear solution to be provided to obstacles found within the Project Service Area.

5 Points:

The Project will have:

- Reasonable fees that will not deter use, or no user fees.
- Long daily operating hours, and is open on weekends.
- No obstacles exist, or there is more than one clear solution to obstacles found within the Project Service Area.

3 Points:

The Project will have:

- User fees that may deter use by some residents.
- Daily operating hours, and is open on weekends.
- No obstacles exist, or there is at least one clear solution to obstacles found within the Project Service Area.

1 Point:

The Project will have:

- User fees that will deter use by some residents.
- Minimal daily operating hours.
- No solutions to obstacles are provided.

0 Points:

No response, or not adequately addressed.

8. Priority Acquisitions (Acquisition Projects only)

Explain how the Acquisition is urgent and will help resolve the critical lack of park, recreation and open space areas or presence of Wetlands. Higher priority will be given to those Projects that include open space that can be readily used for park and recreation purposes. Urgency of Acquisition becomes a factor when immediate action is critical to save an outdoor recreation opportunity from being lost to the public.

The maximum number of points will be given to a Project that demonstrates the most urgent threat of loss of outdoor recreational opportunity and/or Acquisition that involves Wetlands.

5 Points:

Acquisition *is critical* to preserve park, recreation and open space lands or Wetlands that are at risk to other development.

3 Points:

Acquisition is *somewhat critical* to preserve park, recreation and open space lands or Wetlands that are somewhat at risk to other development.

0 Points:

No response, or the Acquisition *is not critical* to preserve park, recreation and open space or Wetlands that are at minimal or no risk to other development.

9. Suitability (Development Projects only)

Describe how the Project site is suitable for the proposed Development (e.g. minimizes negative impacts on the environment or surrounding neighborhood).

The maximum number of points will be given to a Project that demonstrates site suitability by minimizing negative impacts on the environment or surrounding neighborhood.

5 Points:

Applicant demonstrates the Development *is suitable* for the Project site.

3 Points:

Applicant demonstrates the Development *is somewhat suitable* for the Project site.

0 Points:

No response, or not adequately addressed.

Applicant-Specific Criteria

10. Readiness

Demonstrate that the Project will be Fully Usable within 4 years of the Application deadline and describe how the requested grant amount and Match will result in a completed Project.

- Provide a timeline that shows the key milestones of the proposed Project.
- Will the requested grant amount, Match and any additional funds meet all Project costs?

The maximum number of points will be given if the Match, combined with the requested grant amount, will result in a completed Project.

5 Points:

The Applicant provides *clear evidence* that grant and Match will meet all Project costs and will be completed in 4 years.

3 Points:

The Applicant provides *less clear evidence* that grant and Match will meet all Project costs and will be Fully Usable in 4 years.

1 Point:

The Applicant provides *little evidence* that grant and Match will meet all Project costs and will be Fully Usable in 4 years.

0 Points:

The Applicant provides *no evidence* that grant and Match will meet all Project costs and be Fully Usable in 4 years.

11. Performance

Provide information about the project manager or management team's ability to successfully complete the Project by answering the following:

- What individual or team will manage the Project from the time the grant is awarded until Project completion?
- What experience has this individual or team had that qualifies them to manage this Project?
- If a project manager or management team is not yet identified, what plan will be used to hire a qualified project manager or management team to successfully complete the Project?

The maximum number of points will be given to Projects with a project manager or management team with demonstrated ability or potential to successfully complete the

Project. If a project manager or management team is not yet identified, a clear plan will be used to hire a qualified project manager or management team to successfully complete the Project.

5 Points:

A project manager or management team is identified, and has *adequate* experience that qualifies them to manage this Project. If a project manager or management team is not yet identified, the Applicant provided a *clear plan* to hire a qualified project manager or management team to successfully complete the Project.

3 Points:

A project manager or management team is identified, and has *limited* experience that qualifies them to manage this Project. If a project manager or management team is not yet identified, the Applicant provided a *plan that lacks some clarity* to hire a qualified project manager or management team to successfully complete the Project.

1 Point:

A project manager or management team is identified, and has *no* experience that qualifies them to manage this Project. If a project manager or management team is not yet identified, the Applicant provided an *unclear* plan to hire a qualified project manager or management team to successfully complete the Project.

0 Points:

No response, or the Project will not have a project manager or management team, or has submitted no plan.

12. Operation and Maintenance

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 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 to these responsibilities?

The maximum number of points will be given to Applicants who provide a completely developed plan for the long-term maintenance and operation of the Project.

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.

13. Additional Program Requirements

Attach the following information; these requirements will not be scored and are not part of the 15 page limit.

a) *Toxins*

If applicable, include information about toxins on the property, including timing of clean up, type of toxins, and delays to project construction that might result from toxins on the site.

b) *Relocation of Persons and Businesses*

If applicable, provide a parcel-by-parcel analysis of the extent of the relocation assistance required by applicable state law and Public Law 91-646 (Uniform Relocation Assistance and Land Acquisition Policies). Include at a minimum:

- The number of persons/businesses displaced.
- The types displaced (families, small retail businesses, large wholesale or manufacturing enterprises, farms, churches, hospitals, and so on).
- The tenure (month-to-month rent, long-term lease, or fee title) of the displaced.
- Any special problems inherent in relocating the displaced (lack of adequate replacement housing, large inventory of merchandise to be moved, or unique quality of the enterprise difficult to duplicate at any other location).
- Cost estimate for fulfilling the requirements of Public Law 91-646.

c) *Overhead Utility Lines*

Explain the location and nature of any overhead electrical or telephone lines in the project area, and indicate what measures will be taken to mitigate the effect of the lines. If the Applicant determines that the overhead lines should not be removed, re-routed, or buried, the Applicant should explain the reasons.

d) *Flood Hazard Area*

Is the project located in a flood hazard area? If so, certain types of projects will require flood insurance. If applicable, discuss.

Note: Authority cited: Section 5099.10 Public Resources Code. Reference: Sections 5099-5099.12, Public Resources Code.

Resolution Instructions

1. You may reformat the resolution as long as the text is unchanged.
2. The Authorized Representative may be a particular person (or persons) or a position (or positions). The advantage of having a position named as the Authorized Representative is that a new resolution is not required should the person holding the position change.
3. 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.
4. Resolutions are not required for applications by State agencies.

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 Statewide Comprehensive Recreation Resources Plan *California Outdoor Recreation Plan - 2002*; 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. Certifies that said agency has Matching funds from the following source(s): _____ (list sources) _____ and can finance 100 percent of the Project, half of which will be reimbursed; and
3. Certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and
4. Appoints the _____ (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)

Cost Estimate Instructions

Requiring Grantees to provide a cost estimate ensures that:

1. Only Eligible Costs are incurred.
2. Items purchased and work completed is consistent with the Grant Scope.
(The cost estimate should include line items for each project element listed in the Grant Scope.)
3. No more than 25% of the Total Project Cost is spent on non-construction costs (for Grants involving Development) and costs other than land Acquisition (for Projects that involve Acquisition).
4. Grant funds are spent on eligible costs.
5. Determine how the various funding sources for the *PROJECT* interrelate.

The *GRANTEE* may only claim those costs directly related to the *GRANT*. Costs associated with the development of master plans are not *ELIGIBLE COSTS*, nor are costs for *CEQA*. Indirect costs, such as overhead charges billed as a percentage of costs, are not eligible expenses. *GRANT* or *MATCH* funds may not be used to purchase food.

The Cost Estimate Form below is intended to assist you in developing a cost estimate for the *PROJECT*. You may reformat and change the content as needed to accommodate the *GRANT SCOPE*.

For Projects the involve Acquisition, the Cost Estimate Form will need to be used in conjunction with the *ACQUISITION* Schedule. Costs other than land *ACQUISITION* cannot exceed 25% of the total *GRANT* Request and *MATCH* amount. Examples of these costs include preliminary title reports, appraisals, and escrow fees. See *ELIGIBLE COSTS* Charts beginning on page 37 for more information.

For Projects the involve Development, non-construction costs cannot exceed 25% of the total *GRANT* Request and *MATCH* amount. Examples of non-construction costs include *PROJECT* planning (excluding *GRANT* writing), negotiations, and personnel costs. See *ELIGIBLE COSTS* Charts beginning on page 37 for more information.

COST ESTIMATE FORM

Pre-Acquisition or Pre-Construction Costs			
Description of Work	DPR Grant(s)	Non-LWCF funding sources (Required Match*)	Total
	\$		
	\$		
	Subtotal: \$	\$	\$

Land Acquisition Costs or Construction Costs			
Description of Work	DPR Grant(s)	Non-LWCF funding sources (Required Match*)	Total
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		
	Subtotal: \$	\$	\$
	Total: \$	Total: \$	Total Project Cost: \$

*Applicant's Match Sources (by name)	
	\$
	\$
Total funding sources:	\$

Notes:

This form is intended as an estimate; changes to these figures may and are expected to occur during the course of construction. A new cost estimate must be submitted if costs funded by LWCF funding sources increase by more than 10%.

LWCF Grants may be combined with other Grants to fund a Project where the Grant Scope is the same.

*Match must be committed at the time of Application.

No costs are eligible until after the date of federal approval.

ACQUISITION SCHEDULE FORM

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

Subtotal \$

Administration of relocation program \$ _____

Grand Total \$

Acquisition projects will be evaluated based on the recreation venues to be developed later. Please complete the chart below indicating how land to be acquired will be developed and when the Development will take place.

PROPOSED RECREATION VENUE DEVELOPMENT

Refer to Priority Recreation Venue Chart beginning on page 21.

Recreation Venue	Cost Estimate	% of Proposed Development Costs	Estimated Development completion date

SOURCE OF APPLICANT'S FUNDS AND AMOUNTS

_____ \$

_____ \$

_____ \$

LWCF 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.

COSTS	EXPLANATION
Non-Construction Costs	<ul style="list-style-type: none"> • Costs including Project planning (excluding grant writing costs), up to 25% of the Total Project Cost.
Personnel or Employee Services	<ul style="list-style-type: none"> • Must be computed according to the Grantee's normal wage or salary scales, and on the actual time spent on Project. • Must not exceed Grantee's established rates for similar positions. • Time and attendance records must describe work performed, be identified to the Project, and be signed by the employee and his supervisor. • 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. • 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. • The cost of a supervisor may be included when he spends all or a measurable percentage of time on a Project. • 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.
Consultant Services	<ul style="list-style-type: none"> • Consultants must be paid by the customary method and rate of the participant, whether by per diem, salary, fee for services, or other method. • Consultants may be reimbursed for travel and other expenses. • Consultant fees may not be paid to employees unless specifically agreed to by the State and National Park Service (NPS).
Equipment	<ul style="list-style-type: none"> • The Grantee may only charge the cost of the actual use of the equipment during the time it is being used for Project purposes. • The Grantee may use the California Department of Transportation's equipment rental rates as a guide. • If equipment is purchased rather than rented, the Project shall be credited with the residual value (market value) to the equipment at Project completion. • The equipment use charges must be made in accordance with the Grantee's normal accounting practices. • 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). • 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.

Supplies and Materials	<ul style="list-style-type: none"> • 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. • The Grantee may only claim those costs directly related to the Project. • 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.
Travel	<ul style="list-style-type: none"> • Travel necessary to the execution of a Project, carried out within the policies and procedures of the participant • Travel record must be maintained.
Information/Communication Costs	<ul style="list-style-type: none"> • 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. • Communications costs such as telephone services, telegrams, postage, that are identified with and closely related to the execution of the Project.
Construction	<ul style="list-style-type: none"> • Allowable construction activities, from site preparation (including demolition, excavation, grading, and the like) to completion of a structure. • 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).
Acquisition Costs	<ul style="list-style-type: none"> • 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. • Tenure of such interest shall be for perpetuity, in order for the expenditures to be Matched.
Relocation Costs	<ul style="list-style-type: none"> • Costs resulting from displacement of a person/business. • The Grantee shall comply with state Relocation Act and federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. • Relocation must be listed as a separate item in the Project Scope and the Grant Contract. • Relocation costs must be incurred within the Project period.
Other Expenditures	<ul style="list-style-type: none"> • Premiums on hazard and liability insurance to cover personnel and property directly connected with the Project. • 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. • Transportation costs for moving equipment or personnel to the site of a Project are allowable if not otherwise covered.
Indirect Costs	<ul style="list-style-type: none"> • Costs incurred to meet administrative and other overhead expenses, if they are reasonable, are supported by adequate documentation, and are allocated equitably. • Indirect costs customarily charged to Projects by the participant, allocated in accordance with generally accepted accounting practices. • The indirect cost rate must be previously approved by an appropriate federal agency.

Environmental Compliance (CEQA/NEPA)

All LWCF Applications must comply with the provisions of CEQA and NEPA.

CEQA Compliance

Compliance with CEQA involves preparation and processing of appropriate environmental documentation and submission of the document(s) with the Application. For more information, refer to <http://ceres.ca.gov/ceqa/>.

CEQA Documentation to Submit with the Grant Application

Submit two copies of the appropriate document(s) listed below:

1. Notice of Exemption stamped by County Clerk; OR
2. An Initial Study, Negative Declaration, Notice of Determination stamped by County Clerk, and the State Clearinghouse Response (including any comments and necessary responses);
OR
3. An Initial Study, final Environmental Impact Report, Notice of Determination stamped by County Clerk, and the State Clearinghouse Response (including any comments and necessary responses)

State agencies shall file documents with the State Clearinghouse (Governor's Office of Planning and Research).

NEPA Compliance

This federal assistance program requires compliance with NEPA. All LWCF Project proposals must be assessed for their environmental effect by NPS.

NEPA Documentation to Submit with the Grant Application

To provide NPS with adequate environmental data, submit the LWCF Project Proposal and Environmental Screening Form (see next page) with your Application.

NEPA Project Proposal and Environmental Screening Form

The purpose of the form is to provide descriptive information about Land and Water Conservation Fund (LWCF) proposals for NPS review and decision. This form also serves as the administrative record that supports the pathway used to document the National Environmental Policy Act (NEPA) analysis for LWCF proposals.



LWCF Proposal Description and Environmental Screening Form

The purpose of this Proposal Description and Environmental Screening Form (PD/ESF) is to provide descriptive information about Land and Water Conservation Fund (LWCF) proposals for NPS review and decision. This form also serves as the administrative record that supports the pathway used to document the National Environmental Policy Act (NEPA) analysis for LWCF proposals. States and/or project sponsors should use this PD/ESF early in the planning process for any proposal that will be submitted for NPS review and decision. The ESF portion is a tool for use during project planning that will help to identify potential environmental impacts and issues that will ultimately inform the decision to use a categorical exclusion (CE), or to conduct an Environmental Assessment (EA) or Environmental Impact Statement (EIS) process. The ESF can also be used to document potential impacts and planned mitigation from previously conducted and still viable environmental reviews.

Except for the proposals listed below, the completed PD/ESF **must** be completed and signed by the State and accompany each new federal application for LWCF assistance (Standard Form 424), and amendments for scope changes that alter or add facilities and/or acres, including proposals for 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 Grants Manual (www.nps.gov/lwcf) for detailed guidance on additional information required for your type of proposal and for further guidance on how to comply with NEPA.

For the following types of proposals, only this cover page is required because these proposals are categorically excluded from further NEPA environmental analysis. NPS will complete the NEPA Categorical Exclusion Form for you. Simply check the applicable box below, and complete and submit this Cover Page to NPS along with the other items required for your type of proposal as explained in the LWCF Grants 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



Date:

Name of LWCF Project:

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

Local or State Sponsoring Agency:

Local or State Sponsor Contact:
Name/Title:

Office/Address:

Phone/Fax:

Email:

Cover Page

Use a separate sheet for narrative descriptions and explanations. Address each item and question in the order it is presented, keying it to the associated item, 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

_____ **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 who funds the work.** *Complete Steps 4C, and 5 through 7.*

Step 2. New Project Application

A. For an Acquisition Project

1. 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.)
2. Will this acquisition 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 #4) No ____ (go to #3)
3. a. What is the name of the pre-existing public area that this newly acquired 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 ____
4. What will be the name of this **new** public park/recreation area?
5. How will the site be made immediately open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?
6. Describe future development plans, if any, proposed for the site(s) within the next three (3) years.
7. SLO signs the State Appraisal Review certification in Step 7 certifying that the appraisals meet the "Uniform Appraisal Standards for Federal Land Acquisitions." State should retain copies of the appraisals and make them available if needed.
8. Address each item in "C" below.

B. For a Development Project

1. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including where and how the public will access the site, including parking, if any. Indicate access points on 6(f)

map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.

2. Will this proposed development create a **new** park for the first time on land that has not been previously designated as park and recreation land, such as public vacant or undeveloped land? (Do not count development on land previously dedicated for public park and recreation use.) Yes _____ No _____
3. When will the project be completed and the public allowed onto the improved site?
4. Address each item in "C" below.

C. Additional items to address for a new application and amendments

1. a. Who will hold title to the property benefiting from LWCF assistance?
 - b. What is the type of control/tenure? Check one:
 - Fee simple ownership
 - Less than fee simple. Explain:
 - Lease. Describe terms of lease including renewable clauses and number of years remaining on lease. Submit copy of lease with this PD/ESF. (See LWCF Manual for detailed guidance on leases. Only leases between public agencies are allowed.)
2. Explain who, other than public agency owner, will retain any rights/easements to the area to be placed under Section 6(f)? Also indicate on 6(f) map.
3. Who will manage and operate the site(s)?
4. As a result of this project, describe **new** types of outdoor recreation opportunities and capacities, and short and long term public benefits.
5. 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.
6. Describe the planning process that led to the development of this proposal. Your narrative should address the following:
 - 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? Include 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 the public to participate in the planning process and/or to provide comments.
 - b. What information was made available to the public for review and comment?
7. 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).
8. 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, donation, and in-kind contributions:

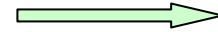
Source	Type of Match	Value
		\$
		\$
		\$

9. Is this LWCF project/proposal 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.

10. List all required permits from federal, state, and local agencies and explain their purpose and status of approval as it pertains to the proposal.

Proceed to Steps 5 through 7



Step 3. Project Amendment

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) Conversion Proposal

Prior to developing your Section 6(f) conversion proposal, you must consult the LWCF Manual and 36 CFR 59 for complete guidance on conversions. Local sponsors are encouraged to consult early with the State LWCF manager when a conversion is under consideration or has been discovered. States are also encouraged to 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. An important first step is for the State and NPS to agree on the size of the Section 6(f) parkland impacted by any non-recreation, non-public use, especially prior to any appraisal activity.

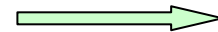
For NPS review and decision, the following elements are required to be included in the State's completed conversion proposal to be submitted to NPS:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe in detail 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. Provide a statement on how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP).
4. Complete the State Appraisal Review certification in Step 7 for both the converted and replacement parcels certifying that the appraisals meet the "Uniform Appraisal Standards for Federal Land Acquisitions." States should retain copies of the appraisals and make them available if needed.
5. For the parkland proposed for conversion:
 - a. Identify the specific location, 9-digit zip code, and name of park or recreation area proposed for conversion.
 - b. Describe 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 non-recreation development/activities but how the development/activities will impact the entire 6(f) park area. Describe 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) parkland must remain recreationally viable and not be impacted by the non-recreation activities that are triggering the conversion. If it is anticipated that the non-recreation activities overlap and impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted parkland.
 - c. Describe the community and population served by the park, including who uses the park and how?

- d. For partial conversions, where only a portion of the Section 6(f) area is proposed for conversion, produce 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 the proposed replacement site(s):
 - a. Produce a location map indicating specific location of site(s) and associated 9-digit zip code(s), clearly indicating major roadways and waterways. If site(s) will be added to an existing public park/outdoor recreation area, indicate on map. Show geographical relationship between replacement site(s) and Section 6(f) converted parkland.
 - b. Describe the site's physical characteristics and resource attributes by describing and quantifying the 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. Identify the replacement site (s) owner(s) and its recent history of use/function up to the present.
 - d. Explain in detail how the proposed replacement site(s) is of reasonably equivalent usefulness and location as the property being converted. Describe 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. Who will own and manage the new replacement park(s)?
 - f. What will be the name(s) of the new replacement park(s)? If replacement park(s) will be 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. Provide a timeframe for completing the new park area(s) and making it available for public outdoor recreation use.
 - h. Produce new Section 6(f) map(s) for the new replacement park(s).

Environmental analysis must be conducted for converted and replacement sites.

Proceed to Steps 5 through 7



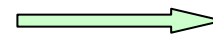
C. Proposal for a Public Facility in a Section 6(f) Area

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 facility within a Section 6(f) area. In certain cases NPS approval may be given to construct public facilities within a Section 6(f) area where it can be shown that there is a gain or increased benefit to public recreational opportunity. In most cases, development of non-recreation public facilities within a Section 6(f) area constitutes a conversion. Describe in detail the public facility proposed and include the following information, if appropriate:

1. A letter of transmittal from the SLO recommending the proposal.
2. Indicate the location of the proposed public facility on a Section 6(f) map.
3. Describe the design of the proposed public facility and explain how it will be compatible with outdoor recreation, how it supports the outdoor recreation resources of the site whether existing or planned, how it will increase outdoor recreation use, and how outdoor recreation use remains 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.)
4. Explain the location alternatives considered for the public facility and why they were not pursued.
5. When will the facility be open to the public and what will they be able to do there? Describe all functions of the facility including any offices, residential uses or lodging.
6. Explain any memberships or user fees that will be instituted, including the fee structure.

7. Consult the LWCF Manual for any additional requirements and guidelines prior to developing the proposal.

Proceed to Steps 5 through 7



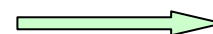
Step 4. Proposals for Temporary Non-Conforming Use, Significant Change in Use, and Sheltering Facilities

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 decide 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:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe in detail the proposed temporary non-conforming use, 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 parkland area affected by a temporary non-conforming use and the impacts to public use of the Section 6(f) area. The proposal should explain efforts to keep the size of the area impacted by the non-recreation use 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

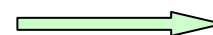


B. Proposal for Significant Change in Use

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. NPS approval is not required for each and every facility use change. For proposals that will **significantly** change the use of a LWCF-assisted site (e.g., from passive to active recreation), address the following points:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe proposed changes and how they significantly contravene the original plans or intent of LWCF agreements.
3. Explain the need for the 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

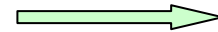


C. Proposal for Sheltering Facilities

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 with or without LWCF assistance. The proposal must demonstrate that there is a gain or increased benefit to public recreation opportunity. Describe the sheltering proposal in detail, including the following information:

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 use.
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

Describe any prior environmental review undertaken at any time for this proposal or related efforts that could be useful to understanding potential environmental impacts. Consider previous local, state, federal (e.g. HUD, EPA, USFWS, FHWA, DOT) and other environmental reviews. At a minimum, address the following:

1. Date of review.
2. Purpose for the review and for whom.
3. Project scope and proposed actions and alternatives.
4. Who was involved in identifying resource impact issues and developing the proposal, including the interested and affected public, government agencies, and Indian tribes.
5. Environmental resources analyzed and determination of impacts.
6. Any mitigation measures stipulated in the plan to be part of the proposed action.
7. Public comment periods (how long, when in the process, who was invited to comment) and agency response to public comments.
8. Any formal decision regarding degree of potential impacts to the human environment.
9. Was the LWCF federal action and/or any other federal actions analyzed/reviewed in previous environmental reviews? If so, how and what impacts were identified? Provide specific references.

Use resource impact information generated during previous environmental reviews and from recently conducted site inspections to complete the Environmental Screening Form (ESF) portion of this PD/ESF under Step 6. Your responses should indicate your proposal's potential for impacting each resource as identified in the previous environmental review, including a reference to where the analysis can be found in the document. If the previous environmental review proposed actions to mitigate impacts, summarize the mitigation for each resource as appropriate. The environmental review document(s) must be included with this PD/ESF in the proposal package submitted to NPS for federal review.

Proceed to Steps 6 through 7



Step 6. Environmental Screening Form (ESF)

This ESF portion of this PD/ESF is a working tool for planners and decision-makers to use to identify the degree of potential impacts to resources that may occur as a result of federal approval of the proposal. It also serves as the administrative record documenting the project sponsor's efforts to identify and consider impacts during proposal development. Your ESF responses may change as the planning process refines the proposal that will ultimately be submitted along with the final completed ESF for federal review and decision.

As early as possible in your planning process, consider how your proposal/project may have direct, indirect and cumulative impacts on the human environment. By early identification of possible environmental resource impacts, the information will be useful during proposal development, including ways to lessen impacts. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the National Environmental Policy Act.

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 invited to provide input as well. 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 should reflect the project sponsor's final determination of the extent to which the proposal will impact the list of resources on the form. The results of the completed ESF will inform the State's choice of which NEPA pathway to follow, i.e., categorical exclusion (CE), environmental assessment (EA), environmental impact statement (EIS). Also, the completed ESF will identify the resource topics and issues that should be presented and analyzed in an EA or an EIS if required.

The ESF contains two parts that must be completed:

A. Impacts to Environmental Resources

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 that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal. These impact levels should be used to estimate specific impact levels on each separate resource and must be accompanied with 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 it includes planned mitigation, explain this 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 A23) if not included in the list.

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 proceed to develop an EA or EIS regardless of your answers in Part Section A.

Use a separate sheet to explain all potential negative impacts (negligible, minor and those exceeding minor) as well as to indicate the type of data that still needs to be determined for each of the applicable resources listed below. Describe direct, indirect and cumulative impacts as well as explain any planned mitigation already addressed in previous environmental reviews. For the Mandatory Criteria, explain all "yes" and "maybe" answers.

A. ENVIRONMENTAL RESOURCES	No Impacts or Not Applicable	Negligible Impacts	Minor Impacts	Impacts Exceed Minor EA/EIS required	More Data Needed to Determine EA/EIS required
1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.					
2. Air quality					
3. Sound (noise impacts)					
4. Water quality/quantity					
5. Streamflow 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, including parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc.)					
16. Overall aesthetics, special characteristics/features					
17. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO determination.					
18. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure					
19. Minority and low-income populations					
20. Energy resources (geothermal, fossil fuels, etc.)					
21. Other agency or tribal land use plans or policies					
22. Land/structures with history of contamination/hazardous materials even if remediated					
23. Other important environmental resources that should be addressed					

B. MANDATORY CRITERIA 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 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 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.

- 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.

Step 7. NEPA Pathway Recommendation and Certifications

First consult the attached 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. If impacts remain at the greater than minor level, an EA must be prepared for your 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.

Local LWCF Environmental Recommendations and Appraisal Certification

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 available upon request.

On the basis of the environmental impact information for this LWCF proposal as presented in this LWCF PD/ESF with which I am familiar, I recommend the following 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 in accordance with the LWCF Grants Manual.
- This proposal may require an Environmental Impact Statement (EIS). NPS guidance is requested per the LWCF Grants Manual.

Local Appraisal Review (Acquisition Only) *-if applicable, complete this certification for each appraisal.*

I certify that the Applicant has reviewed the appraisal and appraisal certification and it has been determined that it was prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

Property Address: _____ **Date of appraisal transmittal letter:** _____

Fair market value: \$ _____ **Effective Date of Value:** _____

Authorized Representative Original Signature: _____ **Date:** _____
Typed Name, Title, Agency: _____

State Review Approval

I concur with the above certification by the Local Agency.

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

Categorical Exclusions

Applicable to the Land and Water Conservation Fund Grant Program

A. Land Acquisition and Conversions

- _____ 1. Grant for Acquisition of areas that will continue in the same use or lower density use with no additional disturbance to the natural setting or type of use (3.4.F(2))
- _____ 2. Land Acquisition within established boundaries, if future anticipated uses would have no potential for environmental impact. (3.4.C(1))
- _____ 3. Land exchanges that will not lead to anticipated changes in the use of land and no potential for environmental impact. (3.4.C(3))

B. Park Renovation, Rehabilitation, or Replacement of Existing Facilities

- _____ 1. Grants for replacement or renovation of Facilities at their same location without altering the kind and amount of recreation, historical, or cultural resources of the area or the integrity of the existing setting. (3.4.F(3))
- _____ 2. Grants for the restoration, rehabilitation, stabilization, preservation, and reconstruction (or 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:
 - i. Will not alter the integrity of the property or its setting.
 - ii. Will not increase public use of the area to the extent of compromising the nature and character of the property.
 - iii. Will not cause a nuisance to adjacent property owners or occupants. (3.4.C(6))
- _____ 3. Routine maintenance and repairs to non-historic structures, Facilities, utilities, grounds, and trails. (3.4.C(3))
- _____ 4. Repair, resurfacing, striping, installation or traffic control devices and repair and replacement of guardrails, culverts, signs, and other minor existing features on existing roads when no potential of environmental impact exists. (3.4.C(9))
- _____ 5. 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. (3.4.C(8))
- _____ 6. Minor trail relocation or development of compatible trail networks on logging roads or other established routes. (3.4.C(12))
- _____ 7. Minor landscaping in areas showing clear evidence of recent human disturbance. (3.4.C(17)).

C. Development of New Park and Recreation Facilities

- _____ 1. Grants for the construction of new 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. (3.4.F(4))
- _____ 2. Grants for the construction of new Facilities with an existing park or recreation area, provided that the Facilities will not:
 - i. Conflict with adjacent ownership or land use, or cause a nuisance to adjacent owners or occupants, such as would happen if use were extended beyond daylight hours.
 - ii. Introduce motorized recreation vehicles, including off-road vehicles, personal water craft, and snowmobiles.
 - iii. Introduce active recreation pursuits into a passive recreation area.
 - iv. Increase public use or introduce non-compatible uses to the extent of compromising the nature and character or the property or causing physical damage to it.
 - v. Add or alter access to the park from the surrounding area. (3.4.F(5))
- _____ 3. Installation of signs, displays, and kiosks. (3.4.C(5))

- _____ 4. Installations of wells, comfort stations, and pit or vault toilets in areas of existing use and in developed areas. (3.4.C(11)).
- _____ 5. Minor trail relocation or Development of compatible trail networks on logging roads or other established routes. (3.4.C(12))
- _____ 6. Installation of underground utilities in areas showing clear evidence of recent human disturbance or areas within an existing road prism or with an existing overhead utility right-of-way. (3.4.C(16))
- _____ 7. Minor landscaping in areas showing clear evidence of recent human disturbance. (3.4.C(17)).
- _____ 8. Installation of fencing enclosures, enclosures, or boundary fencing posing no effect on wildlife migrations. (3.4.C(18))

STATE HISTORIC PRESERVATION ACT MOU FORM

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.
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 following institutions are under agreement with the Office of Historic Preservation to:

1. Integrate information on new Resources and known Resources into the California Historical Resources Information System.
2. Supply information on resources and surveys to government, institutions, and individuals who have a need to know.
3. Supply a list of consultants qualified to do historic preservation fieldwork within their area.

Information Centers	Counties	Information Centers	Counties
Ms. Leigh Jordan, Coordinator Northwest Information Center Sonoma State University 1303 Maurice Avenue Rohnert Park, CA 94928 (707) 664-0880 Fax (707) 664-0890 nwic@sonoma.edu	Alameda, Colusa, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Yolo	Dr. Michael Glassow, Coordinator Central Coast Information Center Department of Anthropology University of California, Santa Barbara Santa Barbara, CA 93106 ATTN: Bonnie Yoshida (805) 893-2474 Fax (805) 893-8707 byoshida@umail.ucsb.edu	San Luis Obispo, Santa Barbara
Dr. Frank Bayham, Interim Coordinator Northeast Information Center Department of Anthropology-Langdon 303 California State University, Chico Chico, CA 95929-0377 ATTN: Amy Huberland, Asst Coordinator (916) 898-6256 Fax (916) 898-4413, please call first neinfocntr@csuchico.edu	Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity	Dr. Seth Malios, Coordinator South Coastal Information Center San Diego State University 4283 El Cajon Blvd., Suite 250 San Diego, CA 92105 (619) 594-5682 Fax (619) 594-4483 http://ssrl.sdsu.edu/scic/scic.html	San Diego
Dr. Lee Simpson North Central Information Center California State University, Sacramento 6000 J Street, Foley Hall #213 Sacramento, CA 95819-6106 ATTN: Mr. David McCullough (916) 278-6217 Fax (916) 278-5162 ncic@csus.edu	Amador, El Dorado, Nevada, Placer, Sacramento, Yuba	Ms. Robin Laska, Acting Coordinator San Bernardino Archeological Information Center San Bernardino County Museum 2024 Orange Tree Lane Redlands, CA 92374 (909) 307-2669 ext. 255 Fax (909) 307-0689 rlaska@sbcm.co.san-bernardino.ca.us	San Bernardino
Ms. Elizabeth A. Greathouse, Coordinator Central California Information Center Department of Anthropology California State University, Stanislaus 801 West Monte Vista Avenue Turlock, CA 95380 (209) 667-3307 Fax (209) 667-3324 EGreathouse@csustan.edu	Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne	DR. MC Hall, Coordinator Eastern Information Center Department of Anthropology University of California, Riverside Riverside, CA 92521-0418 ATTN: Kay White (909) 787-5745 Fax (909) 787-5409 eickw@ucr1.ucr.edu	Inyo, Mono, Riverside
Dr. Robert Yohe, Coordinator Southern San Joaquin Valley Information Center California State University, Bakersfield 9001 Stockdale Highway Bakersfield, CA 93311-1099 ATTN: Adele Baldwin (805) 664-2289 Fax (805) 664-2415 abaldwin@csubak.edu	Fresno, Kern, Kings, Madera, Tulare	Mr. Jay von Werlhof, Coordinator Southeast Information Center Imperial Valley College Desert Museum P.O. Box 430 Ocotillo, CA 92259 ATTN: Karen Collins (760) 358-7016 Fax (760) 358-7827 ivcdm@imperial.edu	Imperial
Dr. Thomas Gates, Coordinator North Coastal Information Center Yurok Tribe 15900 Highway 101 N Klamath, CA 95548 (707) 482-1882 Fax (707) 482-1722 ythpo@yahoo.com	Del Norte, Humboldt	Ms. Margaret Lopez, Coordinator South Central Coastal Information Center California State University, Fullerton Department of Anthropology 800 North State College Blvd. P.O. Box 6846 Fullerton, CA 92834-6846 (714) 278-5395 Fax (714) 278-5542 scic@fullerton.edu	Los Angeles, Orange, Ventura

State Recommendation for Funding

Once the Department concludes the Application review process, it will notify Applicants by letter if their Project(s) are recommended for funding. Applicants whose Projects are recommended for funding will need to complete the federal application requirements (See page 57).

Applicants whose Projects are not recommended for funding are encouraged to consider submitting the same Project proposal or a different Project proposal for the next Application cycle the following year. Applicants are encouraged to contact their Project Officer to discuss any questions they may have about their Projects and/or the Application package.

FEDERAL APPLICATION REQUIREMENTS

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

The National Historic Preservation Act of 1966

All Applicants must contact the Historic Resource Information Center closest to them to conduct a Historic Resource records search. (For a list of Information Centers, see page 55). Once the records search is completed Applicants shall send the Information Center's records search report, along with a letter on the Applicant's letterhead stating whether the Applicant concurs with the Information Center's findings to their Project Officer for submission to the SHPO for review and approval of Section 106 requirements.

Uniform Appraisal Standards for Federal Land Acquisitions

For Acquisition Projects, the Applicant, at its own expense, will be required to have an appraisal prepared conforming to Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA). The appraisal must be reviewed by an independent appraiser who must certify that the appraisal meets UASFLA standards. Both the appraisal and the review of the appraisal must be submitted to DPR prior to federal funding approval. These standards may be found at <http://www.usdoj.gov/enrd/land-ack/>. *Applicants may not take title to lands being used as Match until after federal approval and are subject to evaluation through the appraisal process.*

Federal approval of LWCF Projects

After the Applicant receives its state recommendation for funding letter (see previous page), DPR recommends that Applicants work closely with their Project Officer to meet the above mentioned federal application requirements. *Only costs incurred after the date of federal approval will be considered eligible for reimbursement with LWCF funds or as Match.*

CONTRACT OVERVIEW

Contract Provisions Overview

The following list is provided to highlight particular Contract provisions and is not intended as a substitute for the Contract itself:

Legal Requirements

The Grantee shall comply with all applicable current state and federal laws and regulations, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, relocation and real property acquisition, and laws and codes pertaining to individuals with disabilities.

Public Access

The Grantee shall provide for public access to the Project lands, facilities, and Programs in accordance with the intent and provisions of the Land and Water Conservation Fund Program.

Site Inspection

The Grantee shall permit site inspections by the Department, including a final inspection of the Project facilities or other deliverables developed using State funds, to determine if the work performed is in accordance with the approved Grant Scope. The Grantee shall make any Program or plans developed or administered with State funds available for observation. Projects which involve only Acquisition will normally not receive a final site inspection.

Contract Withdrawals

The Grantee may unilaterally rescind the Contract at any time prior to the commencement of a Project. After Project commencement, the Contract may be rescinded, modified or amended only by mutual agreement in writing between the Grantee and the State.

Loss of Funding

The following actions may result in a Grantee's loss of funding:

- A Grantee fails to obtain a Contract.
- A Grantee withdraws from the Contract.
- A Grantee fails to complete the Project(s) described in the Grant Scope, and/or fails to submit an approved Grant Completion Packet within the Contract Performance Period.

Funds Reverting

Any Grant funds that are not encumbered and expended on Eligible Costs within the time frame specified in the Contract shall revert to the source fund.

State of California - The Resources Agency
Department of Parks and Recreation

SAMPLE GRANT CONTRACT
Land and Water Conservation Fund

GRANTEE _____

PROJECT TITLE _____ PROJECT NUMBER _____

PROJECT PERFORMANCE PERIOD is from _____

Under the terms and conditions of this agreement, the Applicant agrees to complete the Project as described in the Project description, and the State of California, acting through its Liaison Officer pursuant to the program named above, agrees to fund the Project up to the total grant amount indicated.

PROJECT DESCRIPTION:

Total State Grant not to exceed _____ (or 50% of the total Project, whichever is less. The federally approved surcharge will be deducted at the time of billing.)

 Grantee

The General Provisions attached are made a part of and incorporated into the Contract.

By _____
 Typed or printed name of Authorized Representative

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

 Signature of Authorized Representative

Title _____

By _____

Date _____

Date _____

CERTIFICATION OF FUNDING

AMOUNT OF ESTIMATE		CONTRACT NUMBER		PROJECT NO.		FUND	
ADJ. INCREASING ENCUMBRANCE		APPROPRIATION				Land and Water Conservation Fund	
ADJ. DECREASING ENCUMBRANCE		CALSTARS VENDOR NO.					
UNENCUMBERED BALANCE		LINE ITEM ALLOTMENT		CHAPTER	STATUTE	FISCAL YEAR	
T.B.A. NO.	B.R. NO.	INDEX	OBJ. EXPEND	PCA	PROJECT/WORK PHASE		
I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.							
SIGNATURE OF ACCOUNTING OFFICER						DATE	

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LAND AND WATER CONSERVATION FUND
GRANT CONTRACT PROVISIONS

SPECIAL PROVISIONS

Development Projects: compliance with 36 CFR 800, Executive Order 11593, and §106 of the National Historic Preservation Act of 1966, as amended.

Acquisition Projects: agencies, at their own expense, are required to have an appraisal prepared, which conforms to the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA). Also, the appraisal, at the agencies expense, must be reviewed by an independent appraiser who must certify that the appraisal meets UASFLA standards.

Furthermore, if future development will occur, agency's must also comply with 36 CFR 800, Executive Order 11593, and §106 of the National Historic Preservation Act of 1966, as amended.

I. DEFINITIONS

- A. The term "Director" as used herein means the Director of the National Park Service, or any representative lawfully delegated the authority to act for such Director.
- B. The term "Fund" as used herein means the Land and Water Conservation Fund.
- C. The term "Grantee" as used herein means the recipient of the federal funds to be disbursed in accordance with the terms of this Contract.
- D. The term "Leased Land" or "Lease" as used herein means land leased from the federal Government.
- E. The term "Liaison Officer" as used herein means the California Director of Parks and Recreation, or other State officer as designated by the Governor.
- F. The term "Manual" as used herein means the National Park Service Grants-In-Aid Manual (NPS-34).
- G. The term "NPS" as used herein means the National Park Service, United States Department of the Interior.
- H. The term "Project" as used herein means the Project or Project segment which is the subject of this Contract as identified in the Project Scope.
- I. The term "Project Proposal" as used herein means the form and all supplemental attachments used to describe and estimate the cost of planning, Acquisition, or Development Project filed with the Liaison Officer in support of an Application for federal financial assistance.
- J. The term "Secretary" as used herein means the Secretary of the Interior, or any representative lawfully delegated the authority to act for such Secretary.
- K. The term "State" as used herein means the State of California, and/or its official representative, the Department of Parks and Recreation.
- L. The term "State Funds" as used herein means those moneys made available by the State or a Grantee as Matching money for Projects under the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

II. CONTINUING ASSURANCES

The parties to the Project Contract specifically recognized that the Land and Water Conservation Fund assistance Project creates an obligation to maintain the property described in the Project Contract consistent with the Land and Water Conservation Fund Act and the following requirements.

Further, it is acknowledged intent of the parties hereto that recipients of assistance will use moneys granted hereunder for the purposes of this program, and that assistance granted from the Fund will result in a net increase, commensurate at least with the State cost-share, in a Grantee's outdoor recreation. It is intended by

both parties hereto that assistance from the Fund will be added to, rather than replace or be substituted for, State and local outdoor recreation funds.

- A. The Grantee agrees, as recipient of this assistance, that it will meet the following specific requirements and the terms of the Project Contract.
- B. The Grantee agrees that the property described in the Project Contract and the dated Project boundary map made part of that Contract is being acquired or developed with Land and Water Conservation Fund assistance or is integral to such Acquisition or Development, and that, without the approval of the Liaison Officer, the Director, and/or the Secretary of the Interior, it shall not be converted to other than public outdoor recreation use but shall be maintained in public outdoor recreation in perpetuity or for the term of the lease in the case of leased property. The Secretary shall approve such conversion only if he/she finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location. This replacement land becomes subject to Section 6(f)(3) protection. The approval of conversion shall be at the sole discretion of the Secretary, or his designee. Prior to the completion of this Project, the Grantee, the Liaison Officer, and the Director may mutually alter the area described in the Project Contract and the dated Project boundary map to provide the most satisfactory public outdoor recreation unit, except that acquired parcels are afforded Section 6(f)(3) protection as Fund reimbursement is provided.
- C. In the event the National Park Service provides Land and Water Conservation Fund assistance for the Acquisition and/or Development of property subject to reversionary interests with full knowledge of those reversionary interests, conversion of said property to other than public outdoor recreation uses as a result of such reversionary interest being exercised is approved. In receipt of this approval, the Grantee agrees to notify the State of the conversion as soon as possible and to seek approval of replacement property in accord with the conditions set forth in these provisions. The Grantee further agrees to effectuate such replacement within a reasonable period of time, acceptable to the State, after the conversion of property takes place. The provisions of this paragraph are also applicable to: leased properties acquired and/or developed known and agreed to by the State; and properties subject to other outstanding rights and interests that may result in a conversion when known and agreed to by the State.
- D. The Grantee agrees that the benefit to be derived by the State from the full compliance by the Grantee with the terms of this agreement is the preservation, protection, and the net increase in the quality of public outdoor recreation Facilities and resources which are available to the people of the State and of the United States, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State by way of assistance under the terms of this agreement. The Grantee agrees that payment by the Grantee to the State of an amount equal to the amount of assistance extended under this Contract by the State would be inadequate compensation to the State for any breach by the Grantee of this Contract. The Grantee further agrees, that the appropriate remedy in the event of a breach by the Grantee of this Contract shall be the specific performance of this Contract.
- E. The Grantee agrees to comply with the policies and procedures set forth in the National Park Service Grants-In-Aid Manual. Provisions of said manual are incorporated into and made a part of the Project Contract.
- F. The Grantee agrees that the property and Facilities described in the Project Contract shall be operated and maintained as prescribed by Manual requirements.
- G. The Grantee agrees that 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 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 Liaison Officer, the Director, and/or the Secretary of the Interior.
- H. Nondiscrimination
 - 1. The Grantee shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, religion, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of any property or facility acquired or developed pursuant to the Project agreement. The Grantee shall immediately take any measures necessary to effectuate this provision. This assurance shall be binding on the Grantee or any political subdivision or other appropriate public

agency to which Fund assistance or property acquired or developed with Fund assistance has been transferred for public recreation purposes.

2. The Grantee shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (a) the primary purpose of a grant is to provide employment or (b) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
3. The Grantee shall comply with the regulations and guidelines promulgated pursuant to the Civil Rights Act of 1964 by the Secretary of the Interior and the National Park Service.
4. The provisions of the first three paragraphs apply to any part of the recreation system within which the assisted facility or property exists.
5. The Grantee shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence as set forth in the Manual.

III. PROJECT ASSURANCES

A. Applicable Federal Circulars

1. The Grantee shall comply with applicable regulations, policies, guidelines and requirements including 43 CFR Part 12.41 - 12.92, Administrative Requirements and Cost Principles for Assistance Programs, Office of Management and Budget Circulars No. A-102 (uniform administrative requirements for grants-in-aid to State and local governments), A-87 (cost principles for State and local governments), and A-128 (audits of State and local government) as they relate to the Application, acceptance and use of federal funds for this federally assisted Project.

B. Project Proposal

1. The Project proposal for federal assistance bearing the same Project number as the Contract and associated documents is by this reference made a part of this Contract.
2. The Grantee possesses legal authority to apply for the grant, and to finance and construct the proposed Facilities. A resolution, motion or similar action has been duly adopted or passed authorizing the filing of the Project proposal, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the Grantee to act in connection with the Project proposal and to provide such additional information as may be required.
3. The Grantee has the ability and intention to finance the non-federal share of the costs for the Project. Sufficient funds will be available to assure effective operation and maintenance of the Facilities acquired or developed by the Project.

C. Project Execution

1. It is understood by the parties hereto that this Contract shall not obligate State of California funds for the Project costs described herein. The Grantee hereby promises, in consideration of the promises made by the Liaison Officer herein, to execute the Project stage described herein, in accordance with the terms of this Contract. Any disbursement hereunder shall not be made unless and until funds therefore are received by the Liaison Officer from the National Park Service. This item shall not apply when the Grantee is an agency of the State of California.
2. The Liaison Officer hereby promises, in consideration of the promises made by the Grantee herein, to accept appropriated federal funds for the purposes of the Project and disburse the same to reimburse the Grantee up to 50 percent of the eligible Project cost not to exceed 50 percent of the direct Project cost shown in this Contract except for a surcharge for administrative costs to be applied to twice the federal share of direct eligible Project costs. The surcharge is to be deducted from the reimbursements received from the federal Government applicable to this Project and will be computed at the federally approved surcharge rate in effect at the time the billing is submitted to the federal government.
3. The Project period shall begin with the date of approval of the Project Contract or the effective date of a waiver of retroactivity and shall terminate at the end of the stated or amended Project period unless the Project is completed or terminated sooner in which event the Project period shall end on the date of completion or termination. For Project elements added to a consolidated Project, the Project period will begin on the date the Project element is approved.

4. The Grantee will cause work on the Project to be commenced within a reasonable time after receipt of notification that funds have been approved and assure that the Project will be prosecuted to completion with reasonable diligence.
5. The State will require the facility to be designed to comply with the Architectural Barriers Act of 1968 (Public Law 90-480), and DOI Section 504 Regulations (43 CFR Part 17). The Grantee will be responsible for conducting all inspections.
6. The Grantee shall secure completion of the work in accordance with approved construction plans and specifications, and shall secure compliance with all applicable federal, State, local laws and regulations.
7. In the event the Project covered by the Project Contract including future stages of the Project, cannot be completed in accordance with the plans and specifications for the Project; the Grantee shall bring the Project to a point of recreational usefulness agreed upon by the Grantee and, the Director or his designee, and the Liaison Officer.
8. The Grantee will provide for and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms to the approved plans and specifications; that it will furnish progress reports and such other information as the NPS may require.
9. The Grantee will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (1970), and the applicable regulations and procedures implementing such Act for all real property Acquisitions and where applicable shall assure that the Act has been complied with for property to be developed with assistance under the Project Contract.
10. The Grantee will comply with the provisions of: Executive Order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution, and Executive Order 11920, relating to the protection of Wetlands.
11. The Grantee will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or Acquisition purposes for use in any area that has been identified as an area having special flood hazards by the Flood Insurance Administration of the Federal Emergency Management Agency. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance.
12. The Grantee will insure that the Facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the Project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities, pursuant to 40 CFR, Part 15.20 and that it will notify the State and NPS of the receipt of any Communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the Project is under consideration for listing by the EPA. The Grantee agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. The Grantee further agrees to insert this clause into any Contract or subcontract in excess of \$100,000.
13. The Grantee will assist the State and NPS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470) Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to effects (see CFR Part 800.8) by the activity, and notifying the federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the federal grantor agency to avoid or mitigate adverse effects upon such properties.
14. The Grantee will comply with Executive Order 12432, "Minority Business Enterprise Development" as follows:
 - a. Place minority business firms on bidder's mailing lists.

- b. Solicit these firms whenever they are potential sources of supplies, equipment, construction, or services.
 - c. Where feasible, divide total requirements into smaller needs, and set delivery schedules that will encourage participation by these firms.
 - d. For any Project involving \$500,000 or more in grant assistance (except for Projects involving Acquisition only) the Grantee shall submit, prior to the commencement of construction and every fiscal year quarter thereafter until Project completion, reports documenting the efforts to hire minority business firms. These reports, SF 334, will be submitted one month following the end of each fiscal quarter (i.e., January 31, April 30, July 31, and October 31) to the National Park Service, Western Regional Office.
- D. Construction Contract Requirements
- 1. Contracts for construction shall comply with the provisions of 43 CFR Part 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs, Department of the Interior).
 - 2. No grant or Contract may be awarded by any Grantee, subgrantee or contractor of any Grantee or subgrantee to any party which has been debarred or suspended under Executive Order 12549. By signing the Land and Water Conservation Fund Contract, the Grantee certifies that it will comply with debarment and suspension provisions appearing at Part III-L herein.
 - 3. In accordance with the "Stevens Amendment" (to Section 623 of the Treasury, Postal Service and General Government Appropriations Act), for procurement of goods and services (including construction services) having an aggregate value of \$500,000 or more, the amount and percentage (of total costs) of federal funds involved must be specified in any announcement of the awarding of a Contract.
- E. Project Costs
- 1. Project costs eligible for assistance shall be determined upon the basis of the criteria set forth in the Manual and OMB Circular A-87.
 - 2. The Contract may include the use of the indirect cost rate currently approved, in accordance with A-87, for the Grantee that is a party to this Contract.
- F. Project Administration
- 1. The Grantee shall promptly submit such reports and documentation as the Director or Liaison Officer may request.
 - 2. Any moneys advanced to the Grantee are "public moneys" and shall be deposited in a bank with FDIC insurance coverage and the balances exceeding the FDIC coverage shall be collaterally secured as provided for in 12 U.S.C. 265.
 - 3. The Grantee shall use any funds received by way of advance payment from the State under the terms of this Contract solely for the Project or Project stage described in the Contract.
 - 4. Properties and Facilities acquired or developed with Fund assistance shall be available for inspection by the State or the NPS at such intervals as the Liaison Officer or the Director shall require.
- G. Audit, Retention and Custodial Requirements for Records
- 1. Financial records, supporting documents, statistical records, and all other records pertinent to this Contract shall be retained for a period of three years in accordance with 43 CFR Part 12.41-1292; except the records shall be retained beyond the three-year period if audit findings have not been resolved.
 - 2. The retention period starts from the date of the final expenditure report for the Project or the consolidated Project element.
 - 3. State and local governments are authorized to substitute microfilm copies in lieu of original records.
 - 4. The Liaison Officer, Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee and its subgrantees which are pertinent to a specific Project for the purpose of making audit, examination, excerpts and transcripts.

5. The Grantee will comply with the provisions of OMB Circular A-28 (as provided under the Single Audit Act of 1984) establishing audit requirements for State and local governments that receive federal assistance.

H. Project Termination

1. The Liaison Officer or the Director may temporarily suspend State assistance under the Project pending corrective action by the Grantee or pending a decision to terminate the Contract by the NPS or the State.
2. The Grantee may unilaterally terminate the Project or consolidated Project element at any time prior to the first payment on the Project or consolidated Project element. After the initial payment, the Project may be terminated, modified, or amended by the Grantee only by mutual agreement.
3. The Liaison Officer or the Director may terminate the Project in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the Contract. The Liaison Officer or Director will promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to the Grantee or recoveries by the State under Projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.
4. The Director, State, or Grantee may terminate Contracts in whole, or in part at any time before the date of completion, when both parties agree that the continuation of the Project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The NPS may allow full credit to the Grantee for the federal share of the noncancelable obligations, properly incurred by the Grantee prior to termination.
5. Termination either for cause or for convenience requires that the Project in question be brought to a state of recreational usefulness agreed upon by the Grantee, the Liaison Officer, and the Director, or that all funds provided by the National Park Service be returned.

I. Lobbying with Appropriated Funds

The Grantee must certify, for the award of Contracts exceeding \$100,000 in federal assistance, that no federally appropriated funds have been paid or will be paid, by or on behalf of the Grantee, 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 the awarding, extension, continuation, renewal, amendment, or modification of this Contract. In compliance with Section 1352, title 31, U.S. Code, the Grantee certifies, as follows:

The Grantee certifies, to the best of its knowledge and belief, that:

- (1) *No federal appropriated funds have been paid or will be paid, by or on behalf of the Grantee to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an 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 Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.*
- (3) *The Grantee 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.

J. Provision of a Drug-Free Workplace

In compliance with the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D), the Grantee certifies as follows:

The Grantee certifies, that it will or continue to provide a drug-free workplace by:

- (1) 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;*
- (2) Establishing an ongoing drug-free awareness program to inform employees about:*
 - (a) The dangers of drug abuse in the workplace;*
 - (b) The Grantee's policy of maintaining a drug-free workplace;*
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and*
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;*
- (3) Making it a requirement that each employee to be engaged in the performance of a contract be given a copy of the statement required by paragraph (1);*
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the contract the employee will:*
 - (a) Abide by the terms of the statement; and*
 - (b) 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;*
- (5) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every contract officer on whose contract 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 contract;*
- (6) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4)(b), with respect to any employee who is so convicted:*
 - (a) 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*
 - (b) 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;*
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).*

The Grantee must include with its Application for assistance a specification of the site(s) for the performance of work to be done in connection with the Contract.

K. Civil Rights Assurance

The Grantee certifies that, as a condition to receiving any federal 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. 200d-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 a 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 Grantee. THE

GRANTEE HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this Contract.

THIS ASSURANCE shall apply to all aspects of the Grantee'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 Grantee by the Department of the Interior, this assurance shall obligate the Grantee, or in the case of any transfer of such property, any transferee, for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Grantee for the period during which the federal financial assistance is extended to it by the Department of the Interior.

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 Grantee by the Department of the Interior, including installment payments after such date on account of Applications for federal financial assistance which were approved before such date.

The Grantee 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 Grantee, its successors, transferees, assignees, and subrecipients and the person whose signature appears on the Contract and who is authorized to sign on behalf of the Grantee.

L. Debarment and Suspension

Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions

- (1) *The prospective primary Grantee 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 from covered transactions by any federal department or agency;*
 - (b) *Have not within a three-year period preceding this Contract 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 or embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, 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 Contract had one or more public transactions (federal, State or local) terminated for cause or default.*
- (2) *Where the prospective primary Grantee is unable to certify to any of the statements in this certification, such Grantee shall attach an explanation to this proposal.*

The Grantee further agrees that it will include the clause "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier covered Transactions" appearing below in any Contract entered into with lower tier Grantees in the implementation of this Contract. Department of Interior Form 1954 (DI-1954) may be used for this purpose.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

- (3) *The prospective lower tier Grantee certifies, by submission of this Application that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.*
- (4) *Where the prospective lower tier Grantee is unable to certify to any of the statements in this certification, such prospective Grantee shall attach an explanation to this Contract.*

M. Fund Acknowledgment

The Grantee will permanently display in a conspicuous place a sign which acknowledges Land and Water Conservation Fund assistance. The sign will be provided by the State Department of Parks and Recreation and its installation by the Grantee will be required upon Project Development or Acquisition of the property.

N. Hold Harmless

The Grantee shall indemnify the State of California and its officers, agents and employees against and hold the same free and harmless from any and all claims, demands, damages, losses, costs, and/or expenses of liability due to, or arising out of, either in whole or in part, whether directly or indirectly, the organization, Development, construction, operation, or maintenance of the Project.

GRANT PAYMENTS

Grant Fund Availability Overview

- The Grantee must have a fully executed Contract with the Department.
- Grant funds are available for expenditure during the Contract Performance Period specified in the Contract. Only expenses incurred within the Contract Performance Period are eligible for reimbursement.
- Commencing approximately six months after Contract approval, and continuing every six months during the course of the Grant until a Grant Completion Packet is received, the Grantee will be sent a Progress Status Report (See page 70). The Grantee must complete, sign and return these Progress Status Reports within 30 days of receiving them. Payment requests for Grant funds will not be processed if there are overdue Progress Status Reports.
- The Grantee must complete all funded Grant Scopes within the Contract Performance Period. Completion includes submittal of the Grant Completion Packet to the Department three months before the end of the Contract Performance Period.
- The final payment must be processed by the state to the Grantee before the end of the Contract Performance Period. The Grantee should complete the Grant Scope and submit the Grant Completion Packet. This will provide adequate time for the Department to review the Grant Completion Packet, receive revisions to the Grant Completion Packet if necessary, conduct the final site inspection (for Grants involving Development) or perform other verification that the Grant Scope was completed, and process the final payment through the State Controller's Office.

REIMBURSEMENT PAYMENTS

Payment is made on a reimbursement basis. Up to 80% of the grant may be reimbursed for eligible expenditures prior to Project completion. Payments may be submitted at any time for a completed phase of construction, but not more frequently than monthly.

A payment request is made by preparing and submitting one copy of the Payment Request Form DPR 423 (See page 73). This form will be used for both Acquisition and Development Projects. In addition, the appropriate support documents must be submitted with the payment request.

For Acquisition Projects, any relocation payments must be supported by appropriate forms as required under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

Supporting Documents

In addition to submitting one copy of the Payment Request Form DPR 423, the following supporting documents required.

Reimbursement Payments	<ul style="list-style-type: none"> • Summary of costs identifying the Project expenditures to date. Use the Project Cost Summary form. • A brief status report outlining the percentage and description of work completed, and a timetable for a completion of remaining work. Include reasons for delays, if any, etc.
Final Payment – Development Projects	<ul style="list-style-type: none"> • Project Completion Packet. Identify the actual expenditures for the park and recreation Facilities that were constructed. • A copy of a site plan that clearly indicates the Facilities actually constructed with grant funds and the location of the LWCF sign.
Final Payment – Acquisition Projects	<ul style="list-style-type: none"> • Project Completion Packet, including the Acquisition summary form, Copy of the recorded deed with parcel numbers and acreage, copy of the title policy. • If applicable, relocation exhibits as needed under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.

1. The Department will reimburse the final 20% of the Grant amount after completion of the Grant Scope and final site visit. Upon completion of the Grant Scope, the Grantee submits the Grant Completion Packet.
 - The Grantee will certify under penalty of perjury that the Grant Scope has been completed by submitting the Grant Completion Packet.
2. The Department will schedule a final site inspection after receiving the Grant Completion Packet.
3. The Department will process the final payment request after recording the site inspection. Please allow approximately six weeks for the payment to be received by the Grantee. All

payments must be processed by the end of the Contract Performance Period as specified in the Contract.

4. Final paperwork must be submitted by March 31st of the year the Contract expires to ensure final payment can be made prior to the expiration of the Contract.

PAYMENT REQUEST FORM
Land and Water Conservation Fund

See Instructions on reverse.

1. PROJECT NUMBER	2. CONTRACT NUMBER	3. EMPLOYEE IDENTIFICATION NO.
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4. GRANTEE

5. PROJECT TITLE	6. TYPE OF PAYMENT <input type="checkbox"/> Reimbursement <input type="checkbox"/> Final
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7. PAYMENT INFORMATION (round to nearest dollar)

Expenditures since last billing \$ _____

8. SEND WARRANT TO:

GRANTEE NAME _____

STREET ADDRESS _____

CITY, STATE, ZIP CODE _____

ATTENTION _____

CERTIFICATION

I certify that the billing is correct and just and is based upon actual payment(s) of record by the participant or political subdivisions; that payment from the Federal Government has not been received; that the work and services are in accordance with the State of California Land and Water Conservation Fund grant Contract including amendments thereto; and, that the progress of the work and services under the grant Contract is satisfactory and is consistent with the amount paid.

I further certify that the participant, political subdivision or public agency is not involved in any court litigation or law suits wherein it is alleged by private parties of the United States that persons were, on the grounds of race, color, or national origin, excluded from participation in, denied benefits of, or otherwise subject to discrimination in the outdoor recreation program or Facilities of the political subdivision or public agency.

9. SIGNATURE OF PERSON AUTHORIZED IN RESOLUTION	TITLE	DATE
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FOR DEPARTMENT OF PARKS AND RECREATION USE ONLY

ITEM	THIS BILLING	CUMULATIVE
1. Total Eligible		
2. Surcharge _____ %		
3. Total		
4. Less Federal Share		
5. Less Surcharge		
6. Total Due Participant		

DPR PAYMENT APPROVAL SIGNATURE	DATE
--------------------------------	------

PAYMENT REQUEST FORM INSTRUCTIONS

1. Project Number - The number assigned by the state to this Project
2. Contract Number - As shown in Certification of Funding section of the Grant Contract
3. Employee Identification No. – Federal Identification Number assigned by Internal Revenue Service
4. Grantee - GRANTEE name as shown on the Grant Contract
5. Project Title - Title of Project for which payment is requested
6. Type of Payment - Check appropriate box:
 - Reimbursement** –The Grantee has periodically spent funds to implement the Project, and is requesting reimbursement. Up to 80% of the grant amount may be reimbursed prior to Project completion; or
 - Final** – When the Grantee has completed the Project, and is requesting the final payment.
7. Payment Information – Project funds expended to date, rounded off to the nearest whole dollar.
8. Send Warrant To - Grantee name, address and contact person
9. Signature of person authorized in resolution.

Grant Completion Packet

The Grantee must submit the following forms after the Grant Scope is complete and the final payment is requested. Any questions should be directed to the Project Officer.

- Payment Request Form (page 73).
 - Project Certification Form (page 76).
 - Grant Expenditure Form (page 77).
 - Force Labor Costs Summary Form (if applicable. See page 78).
 - Equipment Cost Summary Form (if applicable. See page 79).
1. The forms have been designed for convenience. The Grantee may elect to use another format, provided that all requested information in the forms is presented in a clear and concise manner.
 2. The Grantee is required to keep source documents for all expenditures related to each Grant for at least three years following Grant Scope completion and at least one year following an audit. A Grant Scope is considered complete upon receipt of final Grant payment from the State.

PROJECT CERTIFICATION FORM

Grantee: _____ **Project Number:** _____

Grantee contact for audit purposes

Name: _____

Address: _____

Phone: (____) _____ **Email:** _____

Project description – list facilities developed and/or property acquired (use additional pages, as required):

List other funds used on Project (sources and amounts) (use additional pages, as required):

Interest earned on advance Grant funds: \$ _____

Has a notice of completion been filed? Yes _____ **No** _____

If no, please explain:

Certification:

I hereby certify that all Grant funds were expended on the above named Project and that the Project is complete and we have made final payment for all work done.

I have read California Penal Code § 118 and understand that every person who testifies, declares, deposes, or certifies under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury, which is a felony punishable by imprisonment in state prison for two, three, or four years.

Furthermore, I have read California Penal Code § 72 and understand that every person who, with the intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or District board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is guilty of a felony-misdemeanor punishable either by imprisonment in county jail for a period of not more than one year, by a fine not exceeding one thousand dollars, or both, or by imprisonment in state prison, by a fine not exceeding ten thousand dollars, or both.

I represent and warrant that I have full authority to execute this Project Certification of Project completion on behalf of the Grantee. I declare under penalty of perjury that the foregoing certification of Project completion for the above-mentioned Grant is true and correct.

Grantee's Authorized Representative
(Printed or Typed name)

Title

Grantee's Authorized Representative (Signature)

Date

FORCE LABOR COSTS SUMMARY FORM

Project Number _____

Work Authorization #	Unit Performing Work	Dates/ Pay Period	Grant Scope Item	Amount
---------------------------------	---------------------------------	--------------------------	-----------------------------	---------------

Subtotal \$ _____

(Carry Total forward to Grant Expenditure Form) **Grand Total \$** _____

EQUIPMENT COSTS SUMMARY FORM

Project Number _____

Type of Equipment	Dates Work Performed	Amount
--------------------------	-----------------------------	---------------

Subtotal \$ _____

(Carry Total forward to Grant Expenditure Form)

Grand Total \$ _____

ADMINISTRATIVE PROCEDURES

Changes to Grant Scope

All proposals for changes to the Grant Scope must be submitted in writing, be signed by the Authorized Representative, and include a revised cost estimate, a revised Application, documentation that the Project complies with CEQA, and evidence that the Grant Scope is consistent with the law that established the Grant.

Changes to the Grant Scope must be eligible under the enabling legislation and approved by the Department prior to Project continuation.

The Department requires a letter explaining the need for the change, and how the change will be consistent with the general intent of the Competitive Application. Grant Scope change requests will only be considered where there are circumstances beyond the Grantee's control which would otherwise result in the Project not being completed as originally proposed. The revised Grant Scope must meet the exact need cited in the original Application and shall be in compliance with the intent of the LWCF program.

Depending on the extent and nature of the changes, additional CEQA, NEPA, Section 106 and/or National Park Service review may also be necessary.

LWCF Signage

NPS requires suitable permanent signage acknowledging LWCF assistance at all Project sites. Such signage shall acknowledge the federal-state-local partnership role in creating high-quality outdoor recreation areas and Facilities. The sign requirements may be accessed on the Department website at: http://www.parks.ca.gov/default.asp?page_id=21360. The Grantee shall permanently install the sign near the entrance to the Project site prior to final inspection.

For Development Projects in excess of \$500,000, temporary signage is required during construction.

Surcharge

The state's cost of administering LWCF program is paid by a surcharge. The range of the surcharge varies annually, and is generally between 2%-6%; however, it may vary beyond that range. The surcharge is paid by the Grantee, and will be deducted from each reimbursement at the time of payment.

This surcharge rate is calculated based on the total eligible expenditures and will be deducted from the federal reimbursement of Project costs before the funds are released to the Grantee. The payment will reflect 50 percent of the eligible expenditures identified in the Contract less the applicable surcharge.

For example, using a surcharge rate of 2.5%, the surcharge charge amount for \$400,000 in total eligible expenditures is \$10,000. The surcharge is then deducted from the federal share of the grant. That is, since the program has a 50/50 match component, the surcharge is deducted from the federal share of \$200,000. Therefore, the total payment due to the grantee would be \$200,000 minus the \$10,000 surcharge for a total payment of \$190,000.

Project Costs

Fund assistance is provided for Project costs incurred in performing the work approved in the grant Contract. Project costs are all necessary charges incurred by a Grantee in accomplishing the scope of a Project during the Contract Performance Period.

Expenditure Guidelines

The following summarizes the expenditure guidelines that shall be applied in determining Project costs:

1. Expenditures must be incurred for work approved in the “Grant Scope” of the Contract, and listed in the cost estimate included with the Project Application.
2. Expenditures must be incurred within the Contract Performance Period.
3. Grantees must keep accurate accounting records of all LWCF Project expenditures.

Accounting Requirements

Recipients of federal fund assistance are responsible for maintaining fiscal controls and fund accounting procedures that will show the following:

1. The disposition of the proceeds of fund assistance.
2. The total costs of the Project or undertaking in connection with which such fund assistance is given or used.
3. The amount and nature of that portion of the Project cost supplied by other sources.
4. Any other records and controls that will facilitate an effective audit.

The fiscal controls and accounting procedures used to record Project costs and fund receipts should be based on generally accepted accounting standards and principles.

Record Retention

1. Financial records, supporting documents, statistical records, and other records pertinent to a grant program shall be retained for a period of three years after final payment by the federal government, with the following qualifications:
 - a. The records shall be retained beyond the three-year period if audit findings have not been resolved.
 - b. Records for nonexpendable property that was acquired with federal grant funds shall be retained for three years after its final disposition.
2. The Secretary of the Interior and Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments and their sub grantees that are pertinent to a specific Project for the purpose of conducting audits and examinations or making excerpts and transcripts.

Compliance Inspections

In order to assure that properties acquired or developed with LWCF assistance are retained and used for public outdoor recreation in accordance with the Grant Contract and program requirements, the Department shall perform a compliance inspection within five years after Project completion and at least once every five years thereafter.

Program Income

Program income represents earnings by the Grantee realized from the grant-supported activities. Such earnings exclude interest income, and may include, but will not be limited to, income from service fees, sale of commodities, usage or gross rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights. Program income can be reported on a cash or accrued income basis.

All program income earned during the Project period shall be retained by the Grantee, and shall be:

1. Added to funds committed to Project, and used to further eligible program objectives, or
2. Deducted from the total Project costs for the purpose of determining the net costs on which the federal share of costs will be based.

Audit

The LWCF program is subject to the provision of the Single Audit Act (Public Law. 98-502 and October 19, 1984, 98 stat. 2327, 31 USC §7501 et seq). This act focuses on the Grantee's jurisdiction as a grant recipient, rather than on individual Projects.

The Single Audit Act requires:

1. Local governments that receive more than \$100,000 of federal financial assistance a year shall have an audit conducted in accordance with Office of Management and Budget Circular No. A-128.
2. Local governments that receive between \$25,000 and \$100,000 of federal assistance a year shall have an audit conducted in accordance with Office of Management and Budget Circular A-128, or in accordance with federal laws and regulations governing the programs in which they participate.
3. Local governments that receive less than \$25,000 of federal financial assistance a year shall be exempt from compliance with the Single Audit Act, and other federal audit requirements.

Federal financial assistance includes funds received from all federal sources and not limited to the LWCF program.

The audit shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits. It shall be made annually unless a jurisdiction has, by January 1, 1987, a constitutional or statutory requirement for less frequent audits, in which case biennial audits, covering both years, are permitted.

The Single Act provides for cognizant agencies to oversee implementation of Circular No. A-128. In most cases the cognizant agency for a jurisdiction will be the federal agency that provides them with the most funds, whether directly or indirectly. The cognizant agency has a number of responsibilities, including providing technical advice and liaison to local governments and independent auditors.

Although the Department will not be performing Project-by-Project audits on LWCF Projects, copies of single audits should be sent to the Chief, Office of Grants and Local Services, each year that a jurisdiction has an active Project.

Note: Authority cited: Section 5099.10 Public Resources Code. Reference: Sections 5099-5099.12, Public Resources Code.

FEDERAL FORM REQUIREMENTS

1. The Authorized Representative must sign and date all of the following federal forms.

CERTIFICATION OF COMPLIANCE

WITH PL 91-646 (for Development Projects Only)

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

U.S. DEPARTMENT OF THE INTERIOR

LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (Pages 19160 19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington, D.C. 20240.

(BEFORE COMPLETING CERTIFICATION, PLEASE READ INSTRUCTIONS ON FOLLOWING PAGE)

- (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.

Name and Title of Authorized Representative

Signature

Date

DEBARMENT AND SUSPENSION INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal" and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage Sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause, titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certificate of a prospective participant in a lower tier covered transaction that he/she is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless he/she knows that the certification is erroneous. A participant may decide the method and frequency by which he/she determines the eligibility of its principals. Each participant may, but is not required to, check the Non procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

CERTIFICATION REGARDING LOBBYING

This certification is required by Section 1352, title 31, U.S. Code, entitled "Limitation on use of appropriated funds to influence certain federal contracting and financial transactions."

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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 any 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 civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature _____ Date _____

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INSTRUCTIONS FOR CERTIFICATION

1. This certification and a disclosure form should be filed by each person as required, with each submission that initiates agency consideration of such person, for: (1) award of a federal contract, grant, or cooperative agreement exceeding \$100,000 or (2) an award of a federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding \$150,000.
2. This certification and a disclosure form should be filed by each person as required, upon receipt by such person of (1) a federal contract, grant, or cooperative agreement exceeding \$100,000; or (2) a federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding \$150,000, unless such person previously filed a certification, and a disclosure form, if required, at the time agency consideration was initiated.
3. Any person who requests or receives from a person referred to in paragraphs (1) and (2) above: (1) a subcontract exceeding \$100,000 at any tier under a federal contract; (2) a subgrant, contract, or subcontract exceeding \$100,000 at any tier under a federal Grant; (3) a contract or subcontract exceeding \$100,000 at any tier under a federal loan exceeding \$150,000; or, (4) a contract or subcontract exceeding \$100,000 at any tier under a federal cooperative agreement, shall file a certification, and a disclosure form, as required, to the next tier above.
4. All disclosure forms, but not certifications, shall be forwarded from tier to tier until received by the person referred to in paragraphs (1) or (2) above. That person shall forward all disclosure forms to the appropriate bureau/office within the Department of the Interior.
5. Any certification or disclosure form filed under paragraph (4) above shall be treated as a material representation of fact upon which all receiving tiers shall rely. All liability arising from an erroneous representation shall be borne solely by the tier filing that representation, and shall not be shared by any tier to which the erroneous representation is forwarded. Submitting an erroneous certification or disclosure constitutes a failure to file the required certification or disclosure, respectively. If a person fails to file a required certification or disclosure, the United States may pursue all available remedies, including those authorized by Section 1352, title 31, U.S. Code.

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.
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 hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.