

## Appendix D: Open Project Selection Process

### Introduction

Since the passage of the Federal Land and Water Conservation Fund Act of 1965, the State's annual Land and Water Conservation Fund (LWCF) apportionments have been allocated among state agencies and shared with local units of government. Distribution of funds has been on the basis of the formula contained in Section 5099.12 of the Public Resources Code. Selection of LWCF assisted projects is made in accordance with the criteria developed based on the priorities and needs identified in the California Outdoor Recreation Plan. The criteria are adopted subsequent to public hearings and approval by the California Office of Administrative Law.

Guidelines for determining priority statewide outdoor recreation needs through the Open Project Selection Process (OPSP) are derived from the current California Outdoor Recreation Plan (CORP) and Public Opinions and Attitudes Survey on Outdoor Recreation. The first of these planning documents identifies a variety of issues and priorities through various research and information gathering methods and offers actions and solutions. In the second document, outdoor recreation needs are identified through a statewide, statistically valid random sample survey of Californians. Both documents use public participation processes to gather important data sets to gain a better understanding of actual outdoor recreation needs. The CORP lays the foundation by addressing issues and identifying actions that may be implemented using LWCF assistance. The process of developing the CORP is detailed in Appendix D: California Outdoor Recreation Plan Public Outreach of the current CORP document. Individual project applications for Land and Water Conservation Fund grants are evaluated based on how effectively the proposed projects will address these issues, priorities and outdoor recreation needs identified in the CORP.

The criteria and the scoring system used to select projects are clearly detailed in the procedural guide for the LWCF program, available online at <http://www.parks.ca.gov/grants>. The scoring criteria in the LWCF Procedure Guide are part of the OPSP. The LWCF Procedure Guide is submitted to the Office of Administrative Law (OAL). OAL ensures that regulations in the procedure guide are clear, necessary, legally valid, and available to the public. OAL reviews the Procedure Guide to ensure compliance with the standards set forth in California's Administrative Procedure Act.

The current OPSP consists of the following six components required by the National Park Service (NPS). These components are identified and explained in the following sections:

- Priority Rating Systems
- Project Selection Process

- Recurring Funding Cycle and Public Notification
- Program Technical Assistance for State and Local Projects
- Advisory Boards
- Public Participation

Because of state agency allocations required by California legislation, the priority rating system and project selection process is handled differently for local and state projects.

## **Priority Rating Systems**

### Local Projects

A priority rating system is established through analysis of the SCORP and supporting documents. Additionally, discussions with NPS, the California State Parks Planning Office, and other key stakeholders are held to ensure that the selection from among competing projects is fair and equitable, that projects are funded on their relative merits, and that the projects selected are those that most closely meet priority needs for parkland acquisition and outdoor recreation development as identified in the CORP.

The priority rating system is published in the procedural guide for the LWCF program. The rating system, which relies on a series of criteria, was developed by the Office of Grants and Local Services with extensive input from key stakeholders. The entire procedure guide including the criteria goes through an extensive public input process including focus groups and public hearings. Public input and comment is encouraged through the internet, in writing and in person. Finally, the criteria are adopted by the State Liaison Officer (SLO), who is the Director of the State Department of Parks and Recreation, or their designee.

The priorities and project criteria in the rating system reflect the extent to which project proposals conform to eligibility criteria outlined in the NPS Grants Manual, the need for the project, the recreation issues identified by the CORP Advisory Committee and a survey of local park and recreation officials, and findings of the public opinion survey which determines latent demand.

### State Projects

Each eligible state agency selects projects to receive its share of LWCF money, responding to the same criteria and as local agencies. The criteria are designed to be responsive to the major issues identified in the current CORP. In this way, the State is able to implement a consistent policy for expenditure of these funds. At the same time, fund managers can be assured that there is a clear-cut connection between the criteria used to select LWCF projects and the issues identified in CORP.

## **Project Selection Process**

### Local Projects

This process, used by the State Department of Parks and Recreation to rank local project applications, establishes a priority for proposals to be funded under the LWCF program.

The selection process for local projects begins with receipt of an application, which is acknowledged by a letter from the Office of Grants and Local Services. The application is assigned to a project officer, who determines basic eligibility by checking the proposal against the screening criteria. If ineligible, the applicant is notified by a letter, and the project is not considered.

Applications are reviewed, and the applicant is informed of any incomplete items in the application. If necessary, an on-site inspection is arranged. Following the on-site inspection, the application is evaluated by the project officer, who assigns a numerical score using the priorities and criteria in the Priority Rating System.

All eligible projects are scored by individual project officers, reviewed by small teams and as a large team. Projects are listed in priority order and presented to the LWCF Program Supervisor, Manager, and the Chief of the Office of Grants and Local Services. These managers check to assure that the criteria and rating factors have been applied fairly, consistently, and objectively.

The final step in project selection is a detailed briefing to the SLO or designee, who makes the final recommendation of projects to NPS. The SLO or designee sends a letter to both the successful and unsuccessful applicants, informing them of the outcome.

Projects recommended by the State are forwarded to the Western Regional Office of NPS for its approval and subsequent obligation of funds. NPS notifies members of Congress when projects are approved for LWCF assistance.

If the project is selected for funding, there are additional requirements, including a grant contract and compliance with federal and state laws. These requirements are outlined in the LWCF procedure guide.

### State Projects

State agency projects are selected by participating agencies and submitted to the SLO for their share of allocated funds. The Office of Grants and Local Services reviews each project to assure that it conforms to the eligibility criteria and priorities in CORP.

Each of four agencies receives a legislatively determined portion of the state share of the LWCF funds. These agencies have distinct mandates and programs set forth by the State Legislature. As a result, these agencies have a

responsibility to select projects that meet their mandates. Such projects must meet priority needs for parkland acquisition and outdoor recreation development as identified in the CORP. The mandates of each of the four state agencies are as follows:

1. The Department of Parks and Recreation is the largest state agency recipient of LWCF money. A small amount, typically five percent, is allocated for statewide planning, with the bulk being spent on the State Park System. The criteria used to select projects for the State Park System are designed to facilitate acquisition projects for new park units near urban centers, critical additions to existing parks, or in-holdings in established parks. These criteria also encourage rehabilitation of deteriorating and outmoded facilities and development of campsites, picnic sites, and other popular facilities in areas where demand is demonstrably high.
2. The Wildlife Conservation Board (WCB) focuses its criteria on acquiring wildlife habitat--lands suitable for recreation and developing public access. Specifically, WCB stresses projects where local operations and maintenance funds are available or involve rehabilitation of existing structures, development near urban areas, and design for users with disabilities.
3. The Department of Boating and Waterways (DBW) uses economics as a dominant factor in consideration of its LWCF projects. A high benefit-to-cost ratio is a prominent criterion—buttressed by low-maintenance design and an expectation of high use. DBW focuses on developing facilities that are vandal proof, offer new or retrofitted access for individuals with disabilities, and provide better security for all users.
4. The Department of Water Resources uses its LWCF money for recreation components of the State Water Project. Generally, these facilities are extremely popular water-orientated attractions, and some are units of the State Park System. In general, LWCF money is used to provide better access and to protect existing areas and facilities.

Eligible projects are recommended and forwarded by the SLO or designee to NPS for approval.

### **Recurring Funding Cycle And Public Notification Process**

California's local LWCF Grants Program is administered on an annual cycle subject to federal fund availability. It begins with notification on the Office of Grants and Local Services website and letters that are sent to all eligible applicants announcing the application deadline. The Secretary of the Interior issues the apportionment letter notifying the State of the amount of LWCF assistance available to California.

### Local Projects

Letters are sent to eligible applicants announcing the deadline for receipt of LWCF project applications in anticipation of the State receiving the annual apportionment for NPS. The schedule for the local program is:

- October - A public notice is sent to over 800 local jurisdictions in California, informing them that applications for the current fiscal year will be accepted until the deadline – the following March.
- March - Deadline for applications for that fiscal year.
- March/July - Applications are reviewed, analyzed, inspected, evaluated, and ranked by staff.
- July - After briefing by staff, the SLO or designee selects a list of successful projects for the available funds. All applicants are notified of these decisions.
- August/Sept. - Selected projects are forwarded to the Western Regional Office of NPS for approval and fund obligation.

This schedule gives local applicants at least six months, October to March, to prepare a complete application. This extended period is necessary to allow enough time to go through the public review process of the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA) and to comply with the National Historical Preservation Act.

Also, the schedule allows the State to submit its selected projects to NPS in time for federal approval and obligation of funds prior to the end of the federal fiscal year, September 30.

### State Projects

The SLO or designee notifies eligible state agencies of their share of the annual allocation of the LWCF monies as soon as the apportionment letter to the governor is received. Applications are then accepted by the Department for review and transmittal to NPS.

### State and Local Projects

Each year since the start of the LWCF Program in 1965, California has notified potential applicants of the program, and has encouraged applications to be submitted for available funds.

More than 800 letters are mailed annually to all potentially eligible state agencies, cities, counties, and park and recreation districts that have the authority and responsibility for acquiring and developing park and recreation areas and facilities. These letters announce the application deadline, and any changes in

the grant program. The Office of Grants and Local Services also sends out periodic reminders of the program and continually has information on the program posted on the Department website.

### **Program Technical Assistance For State And Local Projects**

The following program assistance is available to all potential applicants as needed, both before and after submission of applications:

- Project officers from the Office of Grants and Local Services will answer questions, provide instructions, and offer guidance for obtaining LWCF assistance.
- Technical Assistance Workshops are offered throughout the state as needed to assist grant seekers in filing applications and interpreting program requirements.
- The Department publishes a procedural guide for the LWCF Program that provide potential applicants with all the procedures and forms required to successfully submit, administer, and complete LWCF assisted project proposals.
- Since 1965, California has developed over 40 state-funded park and recreation grant programs of its own. The grants from these programs are disseminated to virtually every city, county, and recreation district in the State and to many non profit organizations. Project officers are in frequent contact with every eligible applicant in California, and frequently identify the program as a potential matching source for state and local projects throughout California.
- The Department's comprehensive mailing list of all eligible applicants is used to distribute brochures, procedural guides, application information, notices of criteria hearings, and other items of interest. Lists are also maintained of special interest groups, professional and community organizations, and others who have expressed an interest in the Department's grant programs. These individuals and groups are contacted and invited to participate in the review of any changes in the LWCF Program. The staff of the Office of Grants and Local Services is active in the annual California Park and Recreation Conference as well as other prominent Federal and State association forums.

### **Advisory Boards**

While use of advisory boards to assist the State on LWCF proposal selection is not required, it is encouraged by NPS. During preparation of the current CORP update, a 23-member advisory committee was composed of representatives from city, county, state, and federal government agencies; the California Park and

Recreation Society, educators, private consultants, and recreation user groups played an important role.

## **Public Participation**

The process for developing the 2007 California Outdoor Recreation Plan started with establishment of an Advisory Committee. Along the way input was received through a number of public workshops and presentations. Feedback on the Issues and Actions was solicited from the California Park and Recreation Society Conference and the California Roundtable on Recreation, Parks, and Tourism. A more detailed description of the public participation process for the CORP elements is included within the Appendix B: California Outdoor Recreation Plan Public Outreach.

### Local Projects

Federal guidelines require that the State's OPSP be subject to public review and comment prior to implementation. This is to assure that preparation and revision of the project selection processes and priority rating systems are equitable and based on citizen involvement and public participation. In California, public involvement in preparation of the CORP and formulation of criteria used in evaluating grant projects is achieved through several methods. California law requires the State Department of Parks and Recreation to hold public hearings when adopting or revising project selection criteria. The Department conducted focus group meetings throughout the state, while developing the draft procedural guide. Focus group meetings were attended by potential applicants and interested parties. After the focus groups meetings, the draft guidelines were revised and posted on the Department's website and notice was given by mail of the 30 day public comment period and of public hearings in the north and south state. These hearings are open to the public, and are generally attended by officials of cities, counties, and districts who represent the public.

Public involvement in selection of local projects is also attained at the local level. As a minimum, the State requires each application for funds to be accompanied by a resolution from the governing body sponsoring the project. The resolutions are adopted at public meetings where the opportunity for involvement is offered. A project application will receive higher priority for a greater degree of substantiated public participation in development and approval of the proposal.

Additionally, local projects must conform to distribution and filing of public notices required under the California Environmental Quality Act (CEQA). Filing of these notices triggers a public review period, which must occur before the application can be processed.

### State Projects

The Department of Parks and Recreation submits projects for the State Park System. The projects must comply with the general plan for the park unit. These

plans are developed with extensive public involvement, including hearings, survey questionnaires, and public workshops. In addition, each general plan must be approved by the State Park and Recreation Commission, which holds public meetings that must conform to the State's "Open Meeting Act." All notices of commission meetings are announced in advance through news media, and are sent to those on a mailing list that includes anyone interested in commission activities. Commission meetings agendas and minutes are also distributed to those on the list.

Any Department acquisitions exceeding \$5,000,000 require a public hearing. The Department must report the findings of the hearings to the State Legislature, and must receive approval from the Public Works Board.

Projects of the Department of Water Resources and Department of Boating and Waterways must be approved by the State Legislature and the Public Works Board, which review and approve projects at open meetings. In addition, Water Resources projects are reviewed and discussed at State Water Commission meetings, which are also open to the public. Boating and Waterways projects developed in units of the State Park System are subject to review by the State Park and Recreation Commission.

The legislature gives the Wildlife Conservation Board (WCB) more autonomy than other Departments in the Resources Agency. WCB does not need to seek legislative or Public Works Board approval for its projects. The Board consists of three members -- the Chairman of the State Fish and Game Commission (a private citizen) and two State Departmental directors (Fish and Game and Finance) -- who decide on approval of projects. In addition, three members of each house of the State Legislature meet with the Wildlife Conservation Board to ensure legislative awareness and input.

Finally, as with local projects, all state projects must conform to the public notice distribution and filing requirements of the CEQA and National Environmental Protection Act (NEPA).

#### Performance Measures

The Department uses the LWCF Procedural Guide with its eligibility and ranking criteria to assure that projects selected meet the requirements of the Land and Water Conservation program and the goals of the CORP. The Department also assures through frequent contact with applicant agencies that the projects are completed on a timely basis and remain open to the public upon completion.