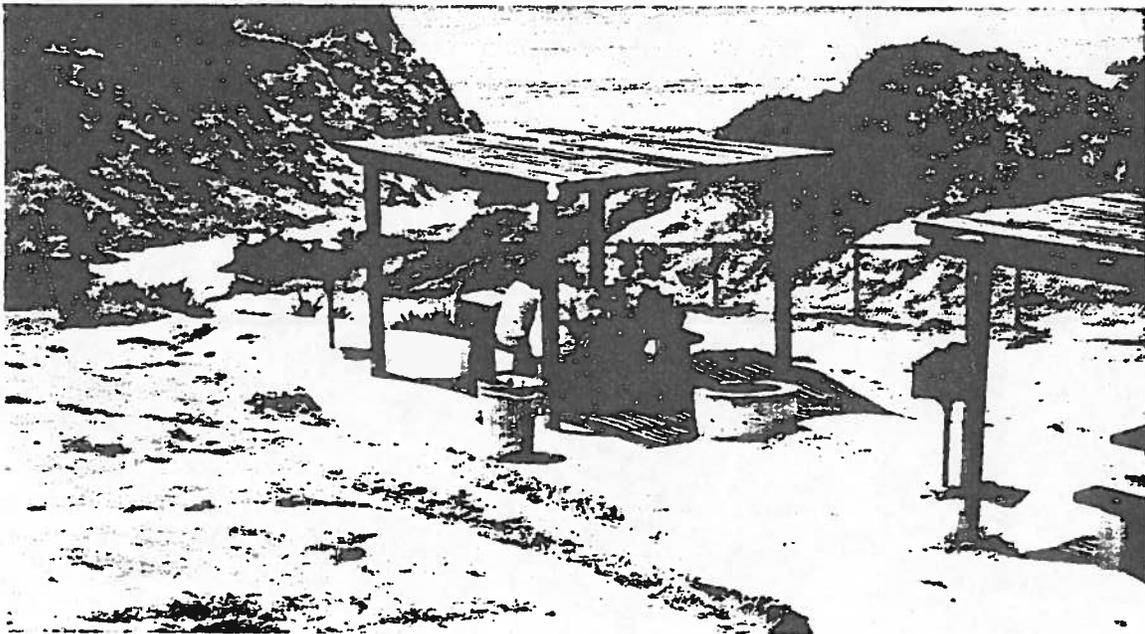




STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

LAND AND WATER CONSERVATION FUND PROGRAM



PROCEDURAL GUIDE
PART I

REVISED SEPTEMBER 1991



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FORWARD

This booklet is the first part of a two-part procedural guide designed to assist both State and local agencies in applying for federal funds available under the Land and Water Conservation Fund Program.

Part I summarizes the Land and Water Conservation Fund Program, presents the rules and regulations governing disbursement of federal funds, discusses the local project selection criteria and describes the required elements of an acceptable application.

This guide supersedes all previous guides dealing with application procedures. It is intended to be used by both State and local agencies. Therefore, unless otherwise indicated, instructions given pertain to both State and local applicants. The procedures described in the guide may be amended from time to time, as needed.

Part II of the manual, Procedural Guide, Fiscal Procedures, describes in detail allowable costs, accounting, records and other reporting requirements. This booklet will be furnished to those applicants whose projects have been approved for funding.

Other booklets available for funded projects include:

Instructions for Undertaking an Acquisition Project Under the LWCF

Instructions for Undertaking a Development Project Under the LWCF

Questions concerning the procedural guide or any aspect of the federal Land and Water Conservation Fund Program should be directed to:

Project Officer (Name)
State Department of Parks and Recreation
Local Assistance Section
1416 Ninth Street, Room 1449-1
P. O. Box 942896
Sacramento, CA 94296-0001

Telephone: (916) 653-7423
FAX Number: (916) 653-4510

OVERVIEW OF THE LAND AND WATER CONSERVATION FUND PROGRAM

The Land and Water Conservation Fund Program provides funds to federal agencies, and to the 50 states and 6 territories. The money allocated to the states may be used for statewide planning and acquiring and developing outdoor recreation areas and facilities.

The program, which is administered nationally by the National Park Service (NPS), became effective in January 1965, was initially authorized for a 25-year period, and has been extended for another 25 years, to January 2015. Under the provisions of the California Outdoor Recreation Resources Plan Act of 1967, the expenditure of funds allocated to California is administered by the State Liaison Officer (SLO), who is the director of the State Department of Parks and Recreation.

Funds for the program are derived from federal recreation fees, sales of federal surplus real property, the federal motorboat fuels tax and the Outer Continental Shelf mineral receipts.

DISTRIBUTION OF FUNDS

Not less than 40 percent of the funds available each year are retained by the federal government to be used by federal agencies in acquiring lands for outdoor recreation purposes. Generally, the remaining amount is allocated to the 50 states and 6 territories, on a formula basis that takes into consideration population and other factors

The costs of preparing the Statewide Comprehensive Recreation Resources Plan and the State Liaison Officer's Contingency Fund are deducted from California's annual apportionment. The balance of the annual allotment is divided, 60 percent to local agencies and 40 percent to State agencies.

State agencies sharing in the funds are the Department of Parks and Recreation (55%), Wildlife Conservation Board (35%), Department of Boating and Waterways (5%) and Department of Water Resources (5%).

The local agencies' share of the funds is divided on the basis of population between northern California (40%) and southern California (60%) (see Appendix C, Page 60).

ELIGIBLE AGENCIES

Local agencies eligible to share in the fund 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 law, and identified in the above section on State Distribution of Funds.

ELIGIBLE PROJECTS

The LWCF is limited to outdoor recreation purposes, and to indoor facilities which support outdoor recreation activities.

The types of projects most often funded by local agencies are acquisition or development of neighborhood, community and regional parks that include top priority recreation projects or acquisitions of wetlands. (Combination acquisition and development projects are not eligible.)

Examples of competitive eligible items include natural areas, picnic facilities, camping facilities, swimming facilities and hiking and bicycling trails. Other (less competitive) projects include: sports facilities, tennis courts, tot lots, playgrounds and support facilities (entrance roads, fences, utility and sanitation systems, internal roadways, parking areas, restrooms, landscaping, etc.). These are typically not very competitive.

Ineligible for funding are project such as restoration or preservation of historic structures, construction of employee residences, interpretive facilities which go beyond interpreting the project site and its immediate surrounding area, development of convention facilities, commemorative exhibits, construction of facilities marginally related to outdoor recreation, indoor facilities such as community centers and gymnasiums and facilities used primarily for spectator sports.

Projects funded by State agencies include additions to State parks and recreation areas, wildlife areas, boating facilities and wetlands projects.

IMPORTANT POINTS

1. For development projects, plans and specifications must be approved by the State before advertising for bids. Plans and specifications will be due for State review within six months after the agreement is signed. You should allow at least one month for review, with final approval taking longer if the original bid package is incomplete.
2. Property acquired or developed under the program must be retained in perpetuity for public outdoor recreation use. The area to be retained is identified on the 6(f)(3) Boundary Map submitted by the applicant.
3. The State's cost of administering the LWCF Program is paid by a surcharge from each grant. One-half of the State's surcharge is paid by the grant recipient, and will be deducted from the reimbursement.
4. This is a reimbursement program. You are expected to finance the entire project. Fifty percent of the actual expenditures up to the support ceiling of the grant will be refunded

when the project has been completed. Your original estimate of the project costs will determine the support ceiling. Allow for cost increases.

5. Conformance with all rules and regulations under the LWCF program is of primary concern. Your project proposal will also be judged on its firmness, its completeness, its accuracy, and above all, its ability to meet the recreational needs of your constituency.
6. The project must demonstrate evidence of compliance with the National Environmental Policy Act of 1969 (NEPA), and CEQA requirements must be verified before your project proposal can be considered eligible for funding.
7. If your project is selected by the State, you will be supplied with instructions on how to undertake and complete the acquisition or development. Appraisals or plans and specifications must be submitted within six months after the agreement is signed for review and approval by the State.

SURCHARGE

The costs to the State for administering the LWCF program are recovered from participating agencies such as yours and the federal government. Your agencies original estimate of the project costs at the time of application will determine the support ceiling for federal reimbursement. A surcharge will be deducted from the federal reimbursement of project costs before the funds are passed through to your agency.

The surcharge has often caused confusion for those who are unfamiliar with the terms of the State/local agreement. The provisions of the agreement clearly allow for a varying surcharge. The first page of the agreement says that payments are subject to adjustment; and the Project Assurances section III.C.2. of the agreement explains that:

"...a surcharge for administrative costs will 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 at the time the billing is submitted to the Federal Government."

The check amount returned to the participant will reflect 50 percent of the eligible project costs identified in the agreement less the applicable surcharge in effect at the time of billing.

LOCAL PROJECT SELECTION CRITERIA

Projects are ranked using the priority rating system found in the Open Project Selection Process (OPSP), and funded starting with the highest ranked projects, until the available funds are exhausted (see section of Local Project Selection Criteria).

After applying all ranking criteria to all eligible projects, the final decision to fund a project will be made by the SLO.

Selected projects must be reviewed and approved by NPS. You may not take title to project lands, or begin construction, until agreements have been signed and you have received notification of acquisition or development document approval. Any such action, prior to State review and approval of acquisition/development documents, is at the participant's own risk.

Projects submitted by local agencies will be evaluated by the following Screening and Ranking Criteria.

SCREENING CRITERIA

The first phase of the local project selection process involves application of screening criteria to determine whether the project is eligible for further consideration. Before a project can be ranked, all of the following conditions must be satisfied:

1. The project for which funds are requested must meet the eligibility requirements of the Land and Water Conservation Fund Act and the criteria established by the National Park Service, and be consistent with priorities identified in the California Outdoor Recreation Plan (CORP).
2. A substantially complete application must be submitted by the annual date identified for submission of project proposals. This is commonly referred to as the application deadline. A technically complete application, as defined by the Department, will receive bonus points.

A technically complete application is defined as containing all the documentation, correctly completed, that is found in the "What to Submit" section of this guide. If the application is not technically complete in all aspects as of the date the State Liaison Officer selects projects, the application will not be considered eligible for funding.

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 tenure to the land to be developed by the deadline (applies to development projects only). Adequate tenure will consist of either fee title without encumbrances that would have an adverse effect on the project, or a fully executed, 25-year lease from the federal agency if its land is being developed. Proposed development projects on land to be leased from a non-federal agency are not eligible unless the lease includes provisions that adequately safeguard the perpetual use requirement contained in the Land and Water Conservation Fund Act. 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.

RANKING CRITERIA

After a local project has been screened, it is subjected to ranking criteria for the purpose of assigning it a numerical rating. This score consists of the following five components.

1. Priority statewide outdoor recreation needs
2. Local need for project
3. Project-specific criteria
4. Bonus points
5. Tie breakers

1. **PRIORITY STATEWIDE OUTDOOR RECREATION NEEDS**

This portion of a project's score will be based on the statewide priority of outdoor recreation activities proposed in the grant request. These priorities were established for 38 recreation activities. 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 - 1987".

The 38 activities were separated into nine priority categories, as shown on the following table:

Recreation Activities by Priority Categories

Priority 1	Camping in Developed Campsites Visiting Zoos Walking Picnicking in Developed Areas Attending Cultural Events Beach Activities Bicycling Bird Watching and Nature Study
Priority 2	Camping and Backpacking Open Turf for Casual Activity
Priority 3	Fishing in Freshwater Areas

- Priority 4 Swimming in Lakes and Rivers
Trail Hiking
Swimming in Pools
Driving for Pleasure

- Priority 5 No Recreation Activities in This Category

- Priority 6 No Recreation Activities in This Category

- Priority 7 Play Equipment and Tot Lots

- Priority 8 Attending Sports Events
Horseback Riding

- Priority 9 Jogging and Running
Hunting
Off-Road Bikes and ATVs
Golfing
Fishing in Saltwater
Target Shooting
Off-Road - 4WD
Playing Basketball
Playing Softball and Baseball
Power Boating
Other Winter Sports
Playing Soccer
Playing Tennis
Kayaking and Row-boating
Downhill Skiing
Water Skiing
Cross Country Skiing
Sail-boating and Wind Surfing
Playing Football
Surfing

Multi-Activity Facilities

When a grant request would provide facilities for more than one activity, a combined point value is assigned based on each activity's share of the total project cost. The pro-rated point value for each activity is arrived at by multiplying the percentage share of the activity in the total request by the activity priority points. These pro-rated points are added to provide the total points assigned to the request.

Other Facilities

Projects that include grant requests for a recreation activity not listed as a statewide outdoor recreation priority will be categorized under "other" activities, and given a minimum score.

Support Facilities

In addition to grant requests for single and multi-activity projects, projects involving solely support facilities (i.e., restrooms, parking areas, entrance stations, maintenance areas) which are needed to improve the quality of the recreation experience will be considered for funding. Since the need for such facilities statewide is deemed to be considerably lower in priority than facilities which provide opportunities for recreation use, they will be given 50 percent of the priority statewide rating of the activity they support or partially support. Support facilities essential for public access to natural resources areas will, however, receive full credit.

Acquisition Projects

The Department's public opinion survey, a survey of local park and recreation agencies, and the findings of the CORP Advisory Committee all indicate that land acquisition is of lower priority than either rehabilitation or development of recreation facilities. As a result, except for priority wetlands, the local project evaluation system has been designed to give an acquisition proposal a lower score than a development proposal. Thus, only priority wetlands defined and identified in the Wetlands Element of CORP, and other exceptionally good acquisition proposals, will be truly competitive.

In practice, an acquisition proposal will be evaluated as if it were a development proposal. The applicant must provide sufficient information on how the land to be acquired will be developed, including a statement of intent from the governing body indicating when development will take place. This aspect of the score will be based on the priority rating of the activities to be offered, but will be reduced by 10% since development is promised rather than actually delivered by this grant application. Acquisition of wetlands will not be subject to the 10% reduction.

2. LOCAL NEED FOR PROJECT

The score based on the local need for a project will depend on how many of the following factors pertain to the project for which funds are requested:

- * The project is consistent with the priorities identified in the applicant's current, approved, systemwide master plan of park and recreation areas.
- * The specific project appears on the above master plan.
- * The applicant has a current, approved, site-specific master plan for the project site and the areas and/or activities covered in the grant request are shown on the plan.

- * The need for the project is documented by a local, broad-based public opinion survey or needs analysis.

3. PROJECT-SPECIFIC CRITERIA

Projects will be compared relative to each other to obtain a score under criteria using the subjective judgment of the project officer, guided by the descriptions below:

a. Service Area Factors

- (1) Population Size and Density - Projects located in service areas with the highest population and population density will be given priority over project located in service areas with lower population and density.
- (2) Accessibility - Priority will be given to projects that are readily and safely accessible to intended users. This will be judged by proximity to users, accessibility by non-motorized or public transportation and the lack of physical barriers that may restrict access.
- (3) Availability to Special Population Groups - Priority will be given if the project provides or improves recreational opportunities, either through design or location, for special population groups such as the disabled, ethnic minorities, elderly and the poor.
- (4) Lack of Similar Opportunities - Priority will be given to projects that provide needed recreation opportunities in areas identified as having relatively large differences between the supply and demand for the opportunities.

b. Project Factors

- (1) Urgency - Involves cases when immediate action is critical to save an outdoor recreation opportunity from being lost to the public. Those projects will be given higher priority than those where no immediate action is necessary (acquisition projects only).
- (2) Site Suitability - Means sites that can be made available and accessible to the public with the least alteration of the site. These will be given priority over sites that require greater alteration. A local grant request will receive a maximum score in this category if it increases or improves public access to, preserves or protects an area with outstanding scenic or natural values.
- (3) Type of Project - Higher priority will be given to projects that will improve or expand capacity by redeveloping worn-out, obsolete or unsafe recreation facilities. Points will not be given when such redevelopment is due to negligence or poor maintenance. Projects that are additions to existing areas or recreation facilities or that involve development of

undeveloped areas, will be given a lower priority. Rehabilitation or new development of support facilities only will be given lowest priority (development projects only).

- (4) Cost-Benefit Comparison - Higher priority will be given to projects with the most favorable cost-benefit comparisons. Projects whose acquisition or development costs are low in comparison to the increase in recreation use generated by the project will be ranked higher than projects with less increased recreation use and greater costs.

c. Applicant Factors

- (1) Use of Previous Grant Funds - Applicants that have a very good record of initiating and completing grant projects will be given priority over applicants that have a history of project delays, amendments and time extensions.
- (2) Ability to Operate and Maintain Projects - In evaluating an applicant's operational ability, higher priority will be given if there is a designated department or organizational unit responsible full-time for programming, operation and maintenance of park and recreation areas and facilities and there is evidence of a commitment to a sound maintenance program.
- (3) Public Involvement - Applicants demonstrating that they have actively sought and used public involvement in planning, funding and implementation of the project will be given priority over applicants that have less public involvement. Acceptable forms of public input include, but are not limited to, public hearings, citizen advisory committee action, park and recreation commission action, planning commission action, budget hearings, city council or county supervisors' action, planning surveys and recent adoption of a park and recreation plan for the area served by the project.

4. BONUS POINTS

Points are awarded for a technically complete application received as of the annual deadline.

5. TIE BREAKERS

The following tie breakers will be used when grant requests remain tied after the four elements of the ranking criteria have been applied:

- Applicant with a per capita amount of LWCF money below the State average.
- Project that achieves a greater geographical distribution of funds.

- Applicant with the least recent LWCF grant.
- Project's overall merit.

APPLICATION PROCEDURES

The success of your project will depend to a large extent on the information presented in your application. The following instructions describe the contents of a complete application. Particular attention should be paid to all documentation required. Application for funds for more than one project must be made on separate forms.

The competition has been keen in the past, and can be expected to intensify in future years, due to limited local and State funding sources. For this reason, each applicant should strive to submit applications that are technically complete by the deadline. This will qualify your applications for "bonus points", under our system of incentives designed to speed up the grant process. These points can mean the difference between success and failure in grant awards.

Applications submitted by the deadline that are only substantially complete will be considered, but must be made technically complete before selections are made.

Applications received after the applications deadline will not be evaluated or considered for funding. Applications that are not technically complete at the time of final selection will also be excluded from consideration. A technically complete application will include all required documents; a substantially complete application will include most required documents.

The principal reason for incomplete applications is failure to comply with the California Environmental Quality Act (CEQA) by the annual grants deadline. After reading the instructions, call the Local Assistance Section if you have questions. Your chances of having a technically complete application are greatly enhanced if you begin the time-consuming CEQA review process at least 90 days before the grants deadline.

A combination acquisition/development project will not be considered for funding.

Applications must be submitted for each project site. A "master" application containing several projects at more than one site is not acceptable.

WHEN AND WHERE TO APPLY

Submit a complete application to the Local Assistance Section, State Department of Parks and Recreation, P. O. Box 942896, Sacramento, CA 94296-0001. Applications received by mail must be postmarked on or before the deadline. Hand-delivered applications will be accepted no later than the end of the deadline workday (local government projects only).

Instructions for preparing an application are presented in the following section.

WHAT TO SUBMIT

1. **LWCF APPLICATION FORM**

Complete the LWCF Application Form and use the Checklist on the back of the form as a guide for compiling your application packet. Explanations for each item are found on the following pages of the Procedural Guide.

LAND AND WATER CONSERVATION FUND PROGRAM
APPLICATION

This Form and Required Attachments Must Be Submitted for Each Project Site

TYPE OF PROJECT (check one below)

- Acquisition
 Development

PROJECT NAME	AMOUNT OF GRANT REQUESTED		
	\$		
GRANT APPLICANT (Agency and address-incl. zip code)	ESTIMATED TOTAL PROJECT COST		
			\$
	COUNTY	NEAREST CITY	
	PROJECT ADDRESS		
	NEAREST CROSS STREET		
	CONGRESSIONAL DIST. NO.	SENATE DIST. NO.	ASSEMBLY DIST. NO.

Grant Applicant's Representative Authorized in Resolution

_____ Name (type) _____ Title _____ Phone _____

Person with day-to-day responsibility for project (if different from authorized representative)

_____ Name (type) _____ Title _____ Phone _____

Brief description of project

For Dev. projects Land Tenure – Project is: _____ acres:

_____ Acres owned in fee simple by Grant Applicant

_____ Acres available under a _____ year lease

_____ Acres other interest (explain) _____

For Acquisition projects Projects land will be _____ acres

_____ Acquired in fee simple by Grant Applicant

_____ Acquired in other than fee simple (explain) _____

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

Signed _____ Grant Applicant's Authorized Representative as shown in Resolution _____ Date _____

CHECKLIST OF APPLICATION MATERIALS

	Page
1. LWCF Application Form (2 copies)	13
2. Resolution (1 copy)	15
3. Program Narrative (Part IV) (2 copies)	17
4. Development Cost Estimate or Acquisition Schedule (3 copies)	21
5. Applicant's Source of Funds (1 copy)	23
6. Location Map (2 copies)	23
7. 6(f)(3) Boundary Map (2 copies)	23
8. Site Plan or Acquisition Plan Map (2 copies)	24
9. Floor Plans of Buildings (2 copies)	25
10. Part II, Section A (OMB Form 80-R0184) (1 copy)	25
11. Part II, Section B (OMB Form 80-R0184) (1 copy)	25
12. Summary of Environmental Compliance with CEQA and NEPA Requirements	29
CEQA Compliance	
NEPA Compliance	
13. Assurance of Compliance (Title VI) and Section 504, Federal Rehabilitation Act of 1973 (1 copy)	38
14. Certification of Compliance - Relocation Act (PL 91-646) (1 copy)	40
15. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion (1 copy)	42
16. SHPO Memorandum of Understanding (2 copies)	45
17. Approved Lease or Operating Agreement (1 copy)	48
18. Corps of Engineers Permit (1 copy)	48
19. Other Required Permits	48
20. Photographs of Site	48

2. RESOLUTION

Each applying agency must pass a resolution making application for Land and Water Conservation Fund money. The standard sample resolution is shown below. It is followed by a sample resolution for joint projects.

RESOLUTION

Resolution No. _____

RESOLUTION OF THE CITY COUNCIL

CITY OF _____ (Name) _____

**APPROVING THE APPLICATION FOR LAND AND WATER
CONSERVATION FUNDS _____ (Name)**

_____ 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 State Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing application 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 local 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 - 1988; 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 City Council 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): _____ 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 city to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements and so on which may be necessary for the completion of the aforementioned project.

3. PROGRAM NARRATIVE (PART IV)

Prepare the program narrative statement for each project in accordance with the following instructions. Keep in mind, and refer to the ranking criteria described on Pages 5-9 of this guide. The narrative contains ten sections, each of which must be labeled exactly as shown below.

a. Objectives and Need for this Assistance

I. Describe how the project is in accord with the key issues identified in the Statewide Comprehensive Recreation Resources Plan, entitled California Outdoor Recreation Plan - 1988.

1. Increased Competition for Park and Recreation Funding
2. Maintaining Existing Park and Recreation Resources
3. Dwindling Per Capita Open Space in Urban Areas
4. Population Change
5. Keeping Parks Secure and Comfortable for Public Use
6. The Need for Strong Statewide Leadership for Parks and Recreation in California
7. Overcrowding of Parks and Recreation Areas
8. Public Understanding of Values of Park and Recreation Services
9. Increase Cost of Liability Insurance
10. Wetlands Preservation

The narrative should address the major issues and actions that pertain to the project being submitted.

This plan is available by writing the State Department of Parks and Recreation, P. O. Box 942896, Sacramento, CA 94296-0001, Attn: Publications. The cost is \$5.00.

II. List the proposed outdoor recreation activities it provides or supports (refer to the recreation activity by priority categories on Page 5). Itemize the percent of total project cost for each activity, differentiating between those facilities that provide opportunity (picnic areas, tot lots, etc.) and

those that provide support (restrooms, parking lots, etc.) (see sample on Page 21).

III. To document local need, answer the following four questions: 1) Describe how the project conforms with your approved systemwide park and recreation master plan. 2) Is there an approved master plan for the project site? 3) Are the proposed facilities on it? 4) Has the need for the project been substantiated by a local, broad-based public opinion survey or needs analysis? If so, describe.

b. Results or Benefits Expected

Provide demographic data for the service area, including population, population density and special population groups such as the poor, ethnic minorities, the elderly or the disabled whom the project will serve. Explain how the majority of project users will gain access to the site. Include access by public transportation and hiking or bicycle trails. Describe how the facility will be used. Mention any anticipated income from non-destructive mineral extraction from the project area.

c. Approach

Development Projects - The description must be consistent with the information in the Development Cost Estimate. Use the following sample format:

This project proposes initial development of 12 acres in a 36-acre park. Development is to include a parking lot, a road, picnic tables and benches, barbecue stoves, a walkway, a bicycle trail, a bicycle rack, a restroom, a lighting system, a water system, an electrical system, a storm drain and trash receptacles.

Acquisition Projects - Describe the project briefly. You will be bound by this description on the contract if the grant is approved. Use the following sample format:

This project proposes the purchase of four parcels of land totalling 71 acres for a regional park to be located five miles north of Williamsville. The park, when developed, will provide opportunities for camping, picnicking and equestrian games and a large playfield suitable for a variety

of family and group activities. The 71 acres are an addition to the existing 30-acre site.

Please note that the project description must be consistent with the information in the Acquisition Schedule.

If the project involves acquisition of land that will not be developed until a later date, provide the following information:

Why is immediate acquisition necessary?

What type of development will take place?

When will development be initiated?

What interim use of the land will be made?

Please note that any interim non-recreation use of the land must be approved by the service and phased out within three years from the date of acquisition.

d. Geographic Location

Give the precise location of the proposed project, and describe the area to be served by the project. Maps or other graphic aids may be attached. USGS Quadrangles, aerial photographs, snapshots of the project area and snapshots of facilities similar to those being proposed are encouraged.

e. Relationship Between Project and Other Federally Funded Work

Describe the relationship between this project and other work planned, anticipated, underway or completed under the federal assistance list under Part II, Section A, No. 10.

f. Agreements

Name the organization and unit that will operate and maintain the project. Indicate if there is an on-going program with established standards for park maintenance. Include two copies of any current agreements with other agencies, individuals or organizations participating in this project, including its later operation and maintenance. (This includes agreements for future non-destructive mineral extraction.) If there are no agreements, indicate this fact.

g. Use the following format to list the legislative districts of the project site:

State Senatorial District _____

State Assembly District _____

U.S. Congressional District _____

h. Relocation of Persons and Businesses

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:

- (1) Number of persons/businesses displaced
- (2) Types displaced (families, small retail businesses, large wholesale or manufacturing enterprises, farms, churches, hospitals and so on)
- (3) The tenure (month-to-month rent, long-term lease or fee title) of the displaced
- (4) 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)
- (5) Cost estimate for fulfilling the requirements of Public Law 91-646

i. 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 participant feels that the overhead lines should not be removed, re-routed or buried, the participant should explain the reasons.

4. DEVELOPMENT COST ESTIMATE OR ACQUISITION SCHEDULE

SAMPLE

DEVELOPMENT COST ESTIMATE WITH PERCENTAGES BY TYPE OF ACTIVITY

<u>Direct Opportunity</u>	<u>Projected Cost</u>	<u>%</u>
Picnic Area	\$ 22,000	8
Ocean View Points	\$ 12,000	5
Children Play Areas	\$ 25,000	9
Open Turf	\$ 35,000	13
Paved Paths 40,000 sq. ft.	\$ 46,000	17
<u>Support Facilities</u>		
Restroom	\$ 45,000	17
Parking Area 30 Sites	\$ 30,000	11
Fencing	\$ 10,000	4
Subtotal	\$225,000	
<u>Engineering and Administration</u>		
Engineering and Architectural Fees	\$ 25,000	
Inspections	\$ 10,000	
Administration	\$ 6,500	
Subtotal	\$ 41,500	16
<u>Total</u>	<u>\$266,500</u>	<u>100</u>

LWCF grant amount requested \$100,000 (cannot exceed 50 percent of total estimated cost)

SAMPLE

ACQUISITION SCHEDULE

<u>Parcel No.</u>	<u>Code*</u>	<u>Acreage</u>	<u>Estimated Date of Acquisition</u>	<u>Estimated Value of Land to be Acquired</u>	<u>Estimated Cost of Relocation</u>	<u>Estimated Value of Improvements to be Acquired</u>	<u>Total Estimated Cost</u>	
1	1	25.20	12-85	102,000	4,500	10,000**	\$ 116,500	
2	2	2.97	12-85	19,000	--	---	19,000	
3	1	6.00	2-86	21,000	--	---	21,000	
4	1	37.13	3-86	76,500	--	---	76,500	
				Administration of relocation program			1,000	
				Relocation			7,000	
Total acreage		71.30						
						TOTAL	\$ 241,000	

* Code 1: Negotiated purchase
2: Condemnation

** Explain proposed use or disposition of improvements.

L&WCF GRANT AMOUNT REQUESTED \$ _____
(Cannot exceed 50 percent of total
estimated cost)

5. SOURCE(S) OF APPLICANT'S FUNDING

List on a separate sheet of paper the source or sources of the applicant's local funds that will be used to finance 100% of the project (DO NOT INCLUDE LWCF GRANT.) If more than one source is being used, itemize and be specific as to the amount from each source. In the event State funds are used as a portion of the non-federal share, indicate the number assigned to the project by the State. This information should be coordinated with the information represented in the resolution authorizing the application (see Page 15). State agencies are not required to comply with the resolution requirements; however, they must identify the non-Land and Water Conservation Fund money that will be used in completing the project. The only federal money eligible as a match for this program is revenue sharing funds and HUD block grants.

This is a reimbursement program. You are expected to finance the entire project. Fifty percent of the actual expenditures up to the support ceiling of the grant less the administrative surcharge will be refunded when the project has been completed. Your original estimate of the project costs will determine the support ceiling. Allow for cost increases.

Projects involving use of donated real property, as all or part of the matching share, must be appraised to federal standards. The applicant, at its own expense, will be required to submit an appraisal to the State for review and approval.

6. LOCATION MAP

Submit a location map for the project showing freeway access to the site and adjacent street names.

7. 6(f)(3) BOUNDARY MAP

Each application for Land and Water Conservation Fund grant funds shall contain two copies of a dated project 6(f)(3) boundary map.

The purpose of the 6(f)(3) boundary map is to delineate the area being developed or acquired with federal Land and Water Conservation Fund (LWCF) grant money. This area will be afforded the protection of Section 6(f)(3) of the LWCF Act, which states that property acquired or developed with LWCF money shall not be converted to other than public outdoor recreation uses. At a minimum, the area must include a logical management unit within the park to include parking and public access.

If these properties are converted to other than public outdoor recreation purposes, the participant must substitute other recreation properties of at least equal fair market value, and reasonably equivalent usefulness and location. Any conversion of property acquired or developed with LWCF money requires the approval of the service.

The 6(f)(3) map also ensures that the area delineated by the boundary line is a self-sustaining recreation unit.

Normally, this will be the total area of the unit receiving LWCF assistance. In no case will it be less than the area to be developed or acquired under this LWCF application.

The 6(f)(3) boundary map should contain the following:

1. Project title.
2. Date of map preparation.
3. Signature and date on map by the individual authorized in the resolution.
4. Area(s) under lease and term remaining on the lease(s).
5. Known outstanding rights and interest in the area held by others. Known easements are to be sketched in, and deed/lease restrictions, reversionary interest, etc., are to be listed. Those outstanding rights and interests which, in the opinion of the local agency, would not adversely affect the utility of the recreation area if exercised, and those not intended to be included under the conversion provisions of Section 6(f)(3) of the act, should be noted.
6. The project area identified in sufficient detail so as to adequately show the lands afforded Section 6(f)(3) protection. The following methods of identification are acceptable.
 - a. Deed references
 - b. Adjoining ownerships
 - c. Adjoining easements of record
 - d. Adjoining water bodies or other natural landmarks
 - e. Where one or more of the above methods are not readily suited for area identification, measurements from permanent locators may be used. A formal survey is not required, however.

The State will review and determine, with the applicant, the area to be covered under Section 6(f)(3), as well as any land or rights in land excluded from the project area prior to grant approval. An example of what this map should look like appears as Appendix A on Page 51.

8. SITE PLAN OR ACQUISITION PLAN MAP

For development projects, include two copies of a site plan showing facilities to be developed and exterior boundaries of the project site. (Refer to No. 18 of Part II, Section B on Page 28).

For acquisition projects, include two copies of an acquisition plan map delineating and labeling individual parcels to be acquired. (Refer to No. 18 of Part II, Section B on Page 28).

9. FLOOR PLAN

Submit two copies of a sample floor plan for all buildings to be constructed under the grant.

10. PROJECT APPROVAL INFORMATION FORM (PART II - SECTION A)

INSTRUCTIONS FOR COMPLETING
PROJECT APPROVAL INFORMATION
PART II - SECTION A

Answer questions 7, 9, 10, 11 and go on to Section B.

7. If yes, the applicant must submit a copy of the executed lease with the federal agency owning the land, and the lease must have 25 years remaining on the lease at the time of application.
9. If yes, the requirements of Public Law 91-646 (Uniform Relocation Assistance and Real Property Acquisition Act of 1970) and the State's Braithwaite Act, Chapter 1574, Statutes of 1971, must be met (see Part IV, Program Narrative).
10. If any other federal assistance has been given or promised for any work within the boundaries of the park or recreational site affected by this request, check "yes," and give the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the amount, and its relationship to this request.
11. Refer to the Flood Hazard Boundary Maps issued by the Federal Flood Insurance Administration (HUD) to determine if your project is located in a designated flood hazard area.

11. INSTRUCTIONS FOR COMPLETING PART II - SECTION B

Answer questions 11, 12, 13, 14 and 21 and include with application packet.

11. Development projects should mark "Attached as exhibits."
- 12 & 13. If title is or will be vested in other than the applicant, please explain.
14. If the land to be developed is leased from the federal government, enter the number of years remaining on the federal lease.

PART II

PROJECT APPROVAL INFORMATION
SECTION A

OMB Approval No. 80-R0184

Item 1.
Does this assistance request require State, local, regional, or other priority rating? _____ Yes _____ No

Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances? _____ Yes _____ No

Name of Agency or Board _____
(Attach Documentation)

Item 3.
Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? _____ Yes _____ X _____ No

(Attach Comments)

Item 4.
Does this assistance request require State, local, regional or other planning approval? _____ Yes _____ No

Name of Approving Agency _____
Date _____

Item 5.
Is the proposed project covered by an approved comprehensive plan? _____ X _____ Yes _____ No

Check one: State
Local
Regional STATE

Location of plan _____

Item 6.
Will the assistance requested serve a Federal installation? _____ Yes _____ No

Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 7.
Will the assistance requested be on Federal land or installation? _____ Yes _____ No

Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 8.
Will the assistance requested have an impact or effect on the environment? _____ X _____ Yes _____ No

See instruction for additional information to be provided.

Item 9.
Will the assistance requested cause the displacement of individuals families, businesses, or farms? _____ Yes _____ No

Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 10.
Is there other related Federal assistance on this project previous, pending, or anticipated? _____ Yes _____ No

See instructions for additional information to be provided.

Item 11.
Is the project in a designated flood hazard area? _____ Yes _____ No

See Manual Parts 640.5 and 660.4.

SAMPLE

OMB NO. 80-40184

PART II - SECTION B

11. SITES AND IMPROVEMENTS: _____ Not required, _____ Attached as exhibits Applicant intends to acquire the site through _____ Eminent domain, _____ Negotiated purchase, _____ Other means (specify)
12. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN: _____ Applicant, _____ Agency or institution operating the facility, _____ Other (specify)
13. INDICATE WHETHER APPLICANT/OPERATOR HAS: _____ Fee simple title, _____ Leasehold interest, _____ Other (specify)
14. IF APPLICANT/OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION: a. Length of lease or other estate interest _____, and number of years to run _____ b. Is lease renewable? _____ Yes _____ No c. Current appraised value of land \$ _____ d. Annual rental rate \$ _____
15. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.
16. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.
17. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.
18. ATTACH PLOT PLAN, INCLUDED WITH APPLICATION
19. CONSTRUCTION SCHEDULE ESTIMATES: _____ Not required, _____ Being prepared, _____ Attached as exhibits. Percentage of completion of drawings and specifications at application date: Schematics _____ % Preliminary _____ % Final _____ %
20. TARGET DATES FOR: Bid Advertisement _____ Contract Award _____ Construction Completion _____ Occupancy _____
21. DESCRIPTION OF FACILITY: _____ Not required, _____ Attached as exhibits Drawings - Attach any drawings which will assist in describing the project. Specifications - Attach copies of completed outline specifications. (If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)

NOTE: ITEMS ON THIS SHEET ARE SELF-EXPLANATORY; THEREFORE, NO INSTRUCTIONS ARE PROVIDED.

21. Complete only for development projects when construction will include any buildings. Two copies of a floor plan, drawn to scale, must be submitted for each building.

12. **SUMMARY OF ENVIRONMENTAL COMPLIANCE WITH CEQA AND NEPA REQUIREMENTS**

Please submit:

- (1) CEQA - Notice of Exemption stamped by the county clerk, and
NEPA - Environmental Certification;
- or (2) CEQA - Negative Declaration and initial study or Notice of Determination stamped by county clerk with State Clearinghouse response, and
NEPA - Environmental Assessment;
- or (3) CEQA - Final EIR with initial study, or Notice of Determination with State Clearinghouse response, and
NEPA - Final EIR.

CEQA Compliance

All applications for Land and Water Conservation Funds must contain evidence of compliance with the provisions of the California Environmental Quality Act (CEQA)* and the National Environmental Policy Act (NEPA).

For the purposes of this grant program, compliance with CEQA involves preparation of appropriate environmental documentation and submission of the document(s) to the Department of Parks and Recreation with your application. A written response from the State Clearinghouse may also be required.

* The requirements for complying with CEQA are contained in Title 14, Division 6, Chapter 3 of the California Administrative Code. You should consult with your local CEQA authority (i.e., attorney, planning department) to assure compliance.

The three steps involved in this compliance procedure are as follows:

A. Preparation of Environmental Documents

The local agency** applying for the LWCF grant prepares one of the following environmental documents:

- A Notice of Exemption (Categorical Exemption)
- or
- A Negative Declaration with Initial Study
- or
- A Draft EIR

B. State Clearinghouse Review and Response

The State Clearinghouse is responsible for distribution of environmental documentation on projects for which a Negative Declaration or Draft EIR must be prepared. The documents are distributed to affected State agencies for review and possible response. (Notices of Exemption should not be sent to the State Clearinghouse.)

On Completion of the appropriate document, the lead agency should submit ten copies of:

- A Negative Declaration with Initial Study
(including project location map)
- or
- A Draft EIR

to the State Clearinghouse. Review time may take up to 45 days. Applicants should, therefore, allow sufficient lead time to receive State Clearinghouse response prior to the grant application deadline. Submission of the environmental documents to the State Clearinghouse 60-90 days prior to the deadline is suggested.

Send environmental documents to the Governor's Office of Planning and Research, State Clearinghouse, 1400 Tenth Street, Room 121, Sacramento, CA 95814.

** The local government agency applying for Land and Water Conservation Funds is the lead agency for the purposes defined in the California Environmental Quality Act (CEQA), and must assume all responsibilities assigned to the lead agency.

On completion of review by State agencies, the State Clearinghouse will send the applicant a cover letter stating that there were no comments and certifying compliance with CEQA requirements, or a letter transmitting comments from one or more State agencies which may require a response from your agency.

C. CEQA Documentation to be Submitted with the Grant Application

The lead agency shall submit to the Department of Parks and Recreation one copy of the appropriate document(s) listed below:

Notice of Exemption stamped by County Clerk

or

An Initial Study, Negative Declaration, or
Notice of Determination stamped by County Clerk*,
and the State Clearinghouse Response
(including any comments and necessary responses)

or

An Initial Study, Final EIR, or Notice of
Determination stamped by County Clerk*,
and the State Clearinghouse Response
(including any comments and necessary responses)

NEPA Compliance

To carry out the National Environmental Policy Act of 1969 (Public Law 91-190), all Land and Water Conservation Fund project proposals must be assessed for their environmental effect by the National Park Service.

Submit two copies of additional environmental information to meet this requirement in the form of one of the following: Environmental Assessment, Environmental Certification, or Final EIR as prepared under CEQA requirements.

* A Notice of Determination shall also be filed with the State of California, Office of Planning and Research because the project requires discretionary approval from a State agency.

Descriptions of the federal environmental documents follow:

A. INSTRUCTIONS FOR PREPARING THE ENVIRONMENTAL ASSESSMENT (NEPA Compliance)

In preparing the environmental assessment, the applicant should keep in mind the cumulative impact of the action proposed, and of further related actions which are contemplated. This is particularly important for phased projects. For instance, a given project may be for a small portion of trail or a stream corridor, total acquisition of which will be obtained eventually through a number of individual projects. The submitted information should describe the eventual goal and the relationship of the action proposed in the project being submitted. The effects of decisions regarding a number of apparently minor projects may be cumulatively substantial. It is possible that a decision at an early stage to prepare an environmental assessment on an overall concept could mean that a number of individual projects could be submitted to accomplish that goal without the delay of a separate assessment for each project. The environmental information must be accompanied by maps sufficient to judge the impact of the project, as well as the project's relationship to surrounding land uses.

Pertinent information must be provided so the service can accurately assess the impact of the project, and determine whether it needs to prepare an environmental impact statement. Whenever possible, impact should be quantified (i.e., number of acres of trees to be removed, cubic yards of fill to be required, etc.). For projects with property rights outstanding, the standard environmental information must be expanded to specifically explain how the outstanding rights are to be dealt with, and how the participant plans to assure that the environment will not be affected significantly. Prior to the preparation of an environmental Assessment will cover the following four points at a minimum:

- (1) **The Proposed Action.** Include a description of the proposed action, a statement regarding the need for it, a description of what the action is designed to accomplish, the location of the project, its scope, the level of impact-causing activities associated with the project, when the action is to take place, and, if applicable, its relation to other federal, state, or local projects and proposals. Cite other federal actions (i.e., 404 permit, etc.). Include a map.
- (2) **Alternatives to the Proposed Action.** The section will include a brief description of alternatives as required by NEPA Section 102(2)(E), which states:

Study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

The environmental impacts of the proposal and the alternatives should be presented in comparative form, and should define the issues, pros and cons of a reasonable range of alternatives, and provide a clear basis for choice between them by NPS and the public.

(3) **Environmental Impacts of Proposed Action.** Succinctly describe those environmental elements which would be affected. Discuss anticipated impacts on the following elements, and any means to mitigate adverse environmental impacts:

- land use (project site and surrounding area)
- fish and wildlife
- vegetation
- geology and soils
- mineral resources
- air and water quality
- water resources/hydrology
- historic/archeological resources
- transportation/access
- consumption of energy resources
- socio-economic effects

"Impacts" are defined as causing direct or indirect changes in the existing environment, whether beneficial or adverse, which are anticipated as a result of the proposed action or related future actions. To the extent appropriate, the document will discuss impacts of the action, including environmental damage which could be caused by users, on the physical damage which could be caused by users, on the physical and biological environment, as well as on cultural, aesthetic, and socio-economic conditions. Elements of impacts which are unknown or only partially understood should be indicated. Any off-site impacts, such as increased traffic on neighborhood roads or increased noise levels in surrounding areas, should be described.

(4) A Listing of Agencies and Persons Consulted

A Few Suggestions to Keep in Mind:

- (a) Keep the environmental information free of project justification and personal bias. The project is presumably fully justified elsewhere in the documentation.
- (b) Do not rely on generalities. The specific facts are essential. General statements and all allegations should always be supported and quantified where possible.
- (c) Liberal use of maps, sketches and related graphics to help explain the project are of great value. Pictures (particularly aerial photographs) reduce lengthy narrative materials.
- (d) Writing style should be kept clear and concise. Adverse impacts should be addressed with the same emphasis as beneficial impacts.

B. PROCEDURES AND RESTRICTIONS FOR USING THE ENVIRONMENTAL CERTIFICATION

For the purposes of complying with NEPA, the following four categories of LWCF grant projects generally do not constitute major actions significantly affecting the quality of the human environment and do not require preparation of an environmental assessment to determine the need for an environmental impact statement:

- (1) Grants for acquisition of areas which will continue in the same or lower density use with no additional disturbance to the natural setting.
- (2) Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical, or cultural resources of the area, or the integrity of the existing setting.
- (3) Grants for construction of facilities on lands acquired under a previous NPS or other federal grant provided that the development is in accord with plans submitted with the acquisition grant.
- (4) Grants for construction of new facilities in an existing park or recreation area, provided that the facilities will not:
 - (a) conflict with adjacent ownership or land use or cause a nuisance to adjacent owners or occupants (e.g., extend use beyond daylight hours);

- (b) introduce motorized recreation vehicles;
- (c) introduce active recreation pursuits into a passive recreation area;
- (d) increase public use or introduce non-compatible uses to the extent of compromising the nature and character of the property or causing physical damage to it; or,
- (e) add or alter access to the park from the surrounding area.

EXCEPTIONS

The following exceptions apply to individual actions within categorical exclusions. Environmental assessments must be prepared for actions which may:

- (1) Have significant adverse effects on public health or safety.
- (2) Adversely affect such unique geographic characteristics as historic or cultural resources, park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks.
- (3) Have highly controversial environmental effects.
- (4) Have highly uncertain environmental effects or involve unique or unknown environmental risks.
- (5) Establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.
- (6) Be related to other actions with individually insignificant but cumulatively significant environmental effects.
- (7) Adversely affect properties listed or eligible for listing in the National Register of Historic Places.
- (8) Affect a species listed or proposed to be listed on the List of Endangered or Threatened Species.
- (9) Threaten to violate a federal, state, local or tribal law or requirements imposed for protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.

A sample Environmental Certification form is on the following page.

C. FINAL EIR

- (1) Two copies of the final EIR, with State Clearinghouse letter and accompanying comments.
- (2) Notice of Determination.

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF PARKS AND RECREATION

LAND AND WATER CONSERVATION FUND PROJECT
Environmental Certification

To be Completed by the Applicant:

On the basis of my review of the (Name of Project) in relation to the type of project outlined in the California Department of Parks and Recreation Procedural Guide for Land and Water Conservation Fund Program, Part I, p. 30, Category _____, I conclude that there is no need to submit the environmental assessment described on Pages 29-36 of the L&WCF Procedural Guide.

Authorized Representative's Signature

Date

Title

To be Completed by the State:

Based on a preview of the application, proposal narrative, and supporting documentation contained in the application, it has been determined that the proposed action, proposed L&WCF Project _____, meets the criteria for categorical exclusion under 516 DM 6, Appendix 7, Item _____.

State Liaison Officer's Signature

Date

Title

To be Completed by the Service:

I Concur:

Regional Director
National Park Service

Region

Date

13. ASSURANCE OF COMPLIANCE

SAMPLE

U.S. DEPARTMENT OF THE INTERIOR
ASSURANCE OF COMPLIANCE
(TITLE VI, CIVIL RIGHTS ACT OF 1964)

_____ (hereinafter called "Applicant-Recipient")
(Name of Applicant-Recipient)

HEREBY AGREES THAT IT will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and all requirements imposed by or pursuant to that title, to the end that, in accordance with Title VI of that act and the regulation, 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-Recipient receives financial assistance from the National Park Service, and hereby gives assurance that it will immediately take any measures to effectuate this agreement.

ALSO AGREES to comply with the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975 and all requirements imposed by or pursuant to the Department of the Interior Regulations (43 CFR 17) issued pursuant to these titles, to the end that no person in the United States shall, on the grounds of age or handicap, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity for which the Applicant-Recipient receives financial assistance from the National Park Service, and hereby gives assurance that it will immediately take any measures to effectuate this agreement.

THE UNDERSIGNED ALSO ACKNOWLEDGES AWARENESS OF AND THE RESPONSIBILITY TO COMPLY WITH THE FOLLOWING:

Title V, Section 504 of the Rehabilitation Act of 1973 and federal department regulations on its implementation. It is understood that recipients of federal funds are required to comply with Title V, Section 504 of the Federal Rehabilitation Act of 1973, and those regulations of federal department and agencies on its implementation. Section 504 and federal department regulations mandate that qualified people with disabilities will not be excluded from, denied benefits of, or discriminate against solely on the basis of their disabilities, under any program or activity that receives federal financial assistance.

This assurance is effective as of the date of federal approval of funds and throughout the period during which federal funding is extended or for the period during which real or personal property is used. It is further agreed that compliance with Section 504 shall be commenced within one year of the date of federal approval of grant funds.

If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the Applicant-Recipient by the National Park Service, this assurance obligates the Applicant-Recipient, or in the case of any transfer of such property, any transferee

for the period which the real property or structure is used for a purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance obligates the Applicant-Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant-Recipient for the period during which the federal financial assistance is extended to it by the National Park Service.

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-Recipient by the bureau of office, including installment payments after such date on account of arrangements for federal financial assistance which were approved before such date. The Applicant-Recipient 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 reserve the right to seek judicial enforcement of this assurance.

This assurance is binding on the Applicant-Recipient, its successors, transferees and assignees and the person or persons whose signature(s) appear below authorized to sign this assurance on behalf of the Applicant-Recipient.

Date

APPLICANT-RECIPIENT

By _____
President, Chairman of Board or
Comparable Authorized Official

APPLICANT-RECIPIENT'S MAILING ADDRESS

14. CERTIFICATION OF COMPLIANCE

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 circle the applicable category, and sign in the space provided. If not, please proceed to Section B.

Exemption Categories

1. If the acquisition occurred prior to January 2, 1971, no certification is required.
2. If the acquisition was done WITH FEDERAL FUNDING ASSISTANCE, NO CERTIFICATION IS REQUIRED.
3. If 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, no certification is required.
4. The acquisition was exempt from PL 91-646 because:

Authorized Representative

Date

- B. Certifications. Please 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 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
---------------------------	------

15. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY,
AND VOLUNTARY EXCLUSION

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, READ INSTRUCTIONS ON REVERSE)

- (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 which 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 it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Non-procurement List (Tel. #).

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.

16. SHPO MEMORANDUM OF UNDERSTANDING

The applicant, along with the State of California, must give assurance to the service of compliance with the National Historic Preservation Act, as amended, Executive Order 11593 and the Archeological and Historic Preservation Act of 1974, as amended.

The following Memorandum of Understanding contains this assurance.

The applicant should carefully read the Memorandum of Understanding to determine its responsibility under these laws.

On review of the memorandum, the applicant should fill in the agency name, the name of the project and have the authorized representative sign and date on the space provided.

**COMPLIANCE WITH HISTORIC PRESERVATION ACT
MEMORANDUM OF UNDERSTANDING - NPS/LWCF GRANT**

APPLICANT: _____

PROJECT(S): _____

I have determined that the applicant's LWCF acquisition and/or development project(s) 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 that 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.
 - c. 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 of 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 _____

Authorized Representative

Date

To Be Completed by State:

By

STATE HISTORIC PRESERVATION OFFICER

Date

17. LEASES AND OPERATING AGREEMENTS

If development is to occur on leased land, include a copy of the approved lease with your LWCF application.

On March 25, 1986, the NPS revised its long-standing policy on funding development projects on leased land. Heretofore, such projects were eligible if the length of the lease was commensurate with the expenditure of funds. On federal land, the original lease must have been for at least 25 years, although some of that time may have elapsed.

Under the new policy, projects for development of facilities on leased land are hereinafter ineligible for fund assistance except as follows:

- a. Projects proposed for development on land leased from a federal agency are eligible only if the remaining term of the lease is at least 25 years at the time the project is submitted to the State.
- b. Leases from one public agency to another that include provisions which adequately safeguard the perpetual use requirement contained in the statute may be eligible for fund assistance. Such safeguards may 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 landowner must agree to take over the project if the lessee is no longer involved, and that the landowner will not use the land for any other purpose than that for which the grant was made.

18. ARMY CORPS OF ENGINEERS PERMIT

Attach a copy of the U.S. Army Corps of Engineers' permit (development projects) when a LWCF Program Grant Project involves dredging, filling, dumping, construction of structures and other actions on, across or near waters or wetlands under the jurisdiction of the Corps of Engineers. To determine whether your project will require a Corps permit, you should contact the appropriate Corps of Engineers District Officer (San Francisco, Sacramento, Los Angeles).

19. OTHER PERMITS

Attach any other permits that may be required for the project.

20. PHOTOGRAPHS

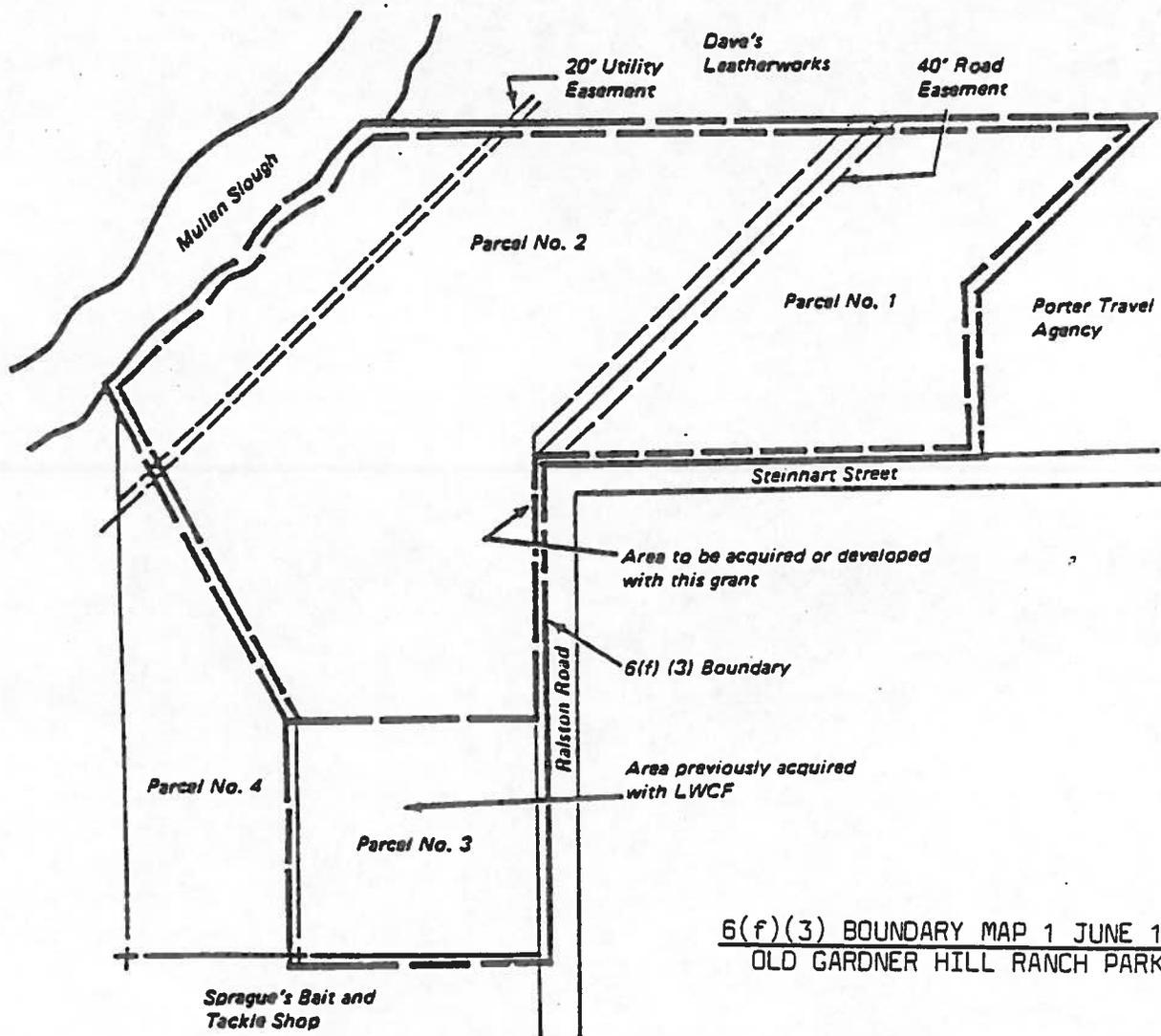
Include several photos of the site to be acquired or developed.

APPENDIX A

SAMPLE 6(f) (3) BOUNDARY MAP

NOTE: The map should show the following information:

1. Project title and date of preparation.
2. Project definition (detailed enough to be legally sufficient).
 - a) Deed references, parcel numbers. (Acquisition only)
 - b) Adjoining ownerships, roads, water bodies, or other natural landmarks
 - c) Adjoining easements of record
 - d) Known outstanding rights and reservations held by others in this area (attach typed list and/or title report)
 - e) Boundary must encompass at least that area which is being acquired or developed with LWCF, and must be a logical management unit within the park, or it may encompass the entire park
 - f) Areas under lease and term remaining. (Development only)



6(f)(3) BOUNDARY MAP 1 JUNE 1988
OLD GARDNER HILL RANCH PARK

Note: Parcel No. 4, which is a part of the park, may or may not be included within the 6(f) (3) Boundary

Signature of Individual
 Authorized in Resolution

Date

APPENDIX B

APPENDIX B

When an applicant's authorized representative signs the State/local agreement to receive LWCF funds, the applicant is agreeing to the following set of assurances.

PART V 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 obtain approval by the State of California of the final working drawings and specifications 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 and approved plans and specifications; 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 construction grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to ensure that the completed work conforms with the approved plans and specifications; 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.

APPENDIX C

