

Addendum

Land and Water Conservation Fund (LWCF)

The following information is added to provide explanation for the information found in The Land and Water Conservation Fund Program Procedural Guide Revised 2007.

Land and Water Conservation Fund Program Description

Purpose and Funding

The Department developed this section to summarize the intent of the Land & Water Conservation Fund Program, cite the original federal and State law, which is the origination of the program, and provide general information about program funding mechanisms. All of the information in this section is based on federal and State law. (Title 16, United States Code, Chapter 1, Subchapter LXIX, Part B.] (California Public Resources Code 5099 et seq.)

The Department added this summary for applicants because the Federal Manual is cumbersome and the State provisions were needed. The Department wanted to relay the program information in one uniform manner to potential applicants.

How are the LWCF funds distributed?

This section clarifies the distribution of LWCF funds at the State Level.

The funds are distributed in accordance with State law, (California Public Resources Code 5099 et seq).

Summary of the Competitive Grant Process

This section summarizes the entire grant process, from application to administration and completion, based on State and federal law.

This section provides preliminary guidance on the entire grant process for submitting an application to request LWCF grant funding for a project. State and federal law for the LWCF requires all applicants to submit an application to the Department. The summary is included to provide a concise explanation of the process to potential applicants and includes references where more information can be found within the Procedural Guide.

LWCF Program Process Flowchart

This section illustrates the LWCF program process, highlighting responsible parties, based on federal and State law. The Department included this information in the Procedural Guide because it provides a visual illustration summarizing the LWCF competitive process steps in flow-chart fashion to clarify how the process is linked to State and federal procedures.

General Timeline

This section provides an estimated timeline for state and local agencies applying for LWCF funds, based on federal and State law.

The Department established this timeline in order to receive applications in a planned manner for work flow and to provide all applicants with a planned preparation time.

Eligible Applicants

This section clarifies what types of entities are eligible to request LWCF grant funding, and under what conditions, based on State and federal law.

Eligibility Criteria

This section lists the requirements for a project to be considered, based on State and federal law.

Eligible Projects

This section clarifies the types of projects eligible for LWCF funding, based on State guidance and federal Law. This provides the applicant information on what is deemed an allowable project. Based on the Department's administrative experience, this definition helps the applicant make an informed decision on whether to propose a project for funding.

Ineligible Projects

This section clarifies the types of projects that are not eligible for LWCF funding, based on State guidance and federal law. This provides the applicant clarification on what is should not be proposed.

Land Tenure Requirements

This section explains the requirement that the applicant/grantee must have ownership or adequate interest in the project property. The purpose of the land tenure requirements is to ensure that the applicant/grantee has the authority to construct and operate the project for public use as mandated by federal law.

Match Requirement

This section provides guidance on meeting the required match for LWCF grants, as mandated by federal law. Federal law specifies that the applicant must provide a minimum of 50% of the total project costs in the form of eligible match. This element helps the applicant to propose the grant request along with their contribution; clarifying the total project costs.

Application Requirements

This section clarifies requirements for the submittal of an application packet. State law for the LWCF requires all applicants to submit an application to the Department.

Submitting Applications

This section provides preliminary instructions for preparing an application packet. The guidance in this section was created in response to frequently asked questions from focus groups, public hearings, and technical assistance workshops. The explanation outlining the application deadline, number of copies to submit and specific format ensures that applicants have an understanding of how to submit information for consideration of funding. The Department established this application order to provide consistency and normalization for the information requested by all applicants.

Application Packet Requirement and Checklist

The following discusses the need and origination of each item required in the Application packet:

Application Form

This form is required because it allows the Department to identify who the applicant is (eligibility), what the proposed project consists of, where the proposed project is located, and how much funding is requested. Federal law requires applicants to demonstrate ownership of property; the application form enables the Department to verify this requirement.

Authorizing Resolution

The authorizing resolution (or letter from a federal and state agency applicant) enables the applicant's governing body to certify that it has approved the submittal of an application for the project, and establishes an authorized representative to act on behalf of the applicant during the grant process. The provisions contained in the resolution originate from federal and State law.

Project Summary

The Department developed the project summary as a result of potential applicant feedback expressed during the focus group process. Applicants requested a means in which to explain the overall vision for the project and the project's merits. While not scored, the Department requires a project summary in order to conduct a more thorough comparative analysis of all project application packages submitted.

Project Proposal

The explanation outlining the limit of the combined criteria responses to 15 pages, 8 ½" x 11" paper, single-sided, double-spaced, with 12-point font ensures that applicants have a consistent understanding of how much information they can provide when responding. The Department established this page limit in order to equalize the volume of content provided by all applicants.

Development Cost Estimate with Source of Funds

The cost estimate enables the Department to evaluate how the grant funds and match are proposed to be spent and if the proposed costs are eligible. In addition, the cost estimate enables the Department to determine if the match sources are eligible and sufficient funds are available to complete the project. The National Park Service requires cost estimates for each project that is recommended by the State for funding consideration.

Acquisition Schedule/Acquisition Map with Source of Funds

The acquisition schedule and map enables the Department to evaluate the proposed acquisitions and determine if the map identifies the property location correctly, provides information when the grantee expects to purchase the property and the purchase price, and match sources are eligible and sufficient funds are available to complete the project

California Environmental Quality Act (CEQA)

This section explains what the applicant must provide in order to demonstrate that the project complies with CEQA. CEQA is a project requirement based on State law.

Project Description/Environmental Screening Form - NEPA

This section explains what the applicant must provide in order to demonstrate that the project complies with NEPA. NEPA is a project requirement based on federal law.

Land Tenure

This requirement enables the Department to determine if the applicant has ownership of property to be improved or developed and provide assurance that the applicant/grantee has the authority to construct and operate the project for public use in perpetuity for public outdoor recreation use. This requirement is based on federal law.

Leases or Agreements

This requirement is needed because it enables the application reviewer(s) to determine if there are any other types of agreements that may affect the project.

Site Plan

The site plan is needed because it provides a visual depiction of the proposed project for evaluation purposes and public access to the project site.

Project Location Map

This requirement provides visual information about the surrounding project site area for evaluation purposes, and enables the Department to locate the property for the purpose of site inspections.

Section 6(f)(3) Boundary Map

This requirement provides a visual, legal description of the property which must be retained in perpetuity for public outdoor recreation use. This requirement is based on federal law.

Compliance with National Historic Preservation Act

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

Certification of Compliance

Each application for development projects must include evidence of exemption or a certification of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (PL 910646) This document is included in the procedural guide because it is required for the LWCF program based on federal law.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

Each application must include a certification that none of the principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in the grant transaction by any federal department or agency. This document is included in the procedural guide because it is required for the LWCF program based on federal law.

Certification Regarding Lobbying

Each application must include a certification that no federal appropriated funds have been paid or will be paid, by or on behalf of the applicant to any person for influencing or attempting to influence an officer or employee of any agency in connection with the awarding of any federal contract, grant or entering into any cooperative agreement. This document is included in the procedural guide because it is a prerequisite for making or entering into the grant transaction and required for the LWCF program based on federal law.

Civil Rights Assurances

Each application must include certification that the applicant will comply with all federal laws relating to nondiscrimination. This document is included in the procedural guide because it is required for the LWCF program based on federal law.

Required Regulatory Permits.

This requirement ensures that the applicant has considered special permits, which could impact or delay the project, and also enables the application reviewer(s) to identify potential issues. The National Park Service requires this information as part of its project review and funding authorization process.

Photos of the Project site.

This requirement provides visuals of the project site to give the application reviewer(s) a photographic means in which to become familiar with the proposed project.

Timeline

This requirement allows the Department to determine if the project can be completed as proposed by the applicant and within the Contract Performance Period as defined by federal law.

Project Proposal Criteria

The project proposal scoring serves as an assessment tool. This tool enables the Department to assess the project's adherence to the grant requirements in addition to the project's merits as explained through the applicant's responses to the criteria. These assessments with scores assigned to the criteria enable the Department to rank projects and determine recommendations for funding.

The Department developed the LWCF scoring system based on the Open Project Selection Process, which requires public input and review of project selection as outlined in the U.S. Department of the Interior, National Park Service LWCF Grants Manual.

The Department introduced the LWCF scoring system through an extensive public input process where focus group and public hearing participant feedback helped establish the scoring system for each criterion and provided the proper balance to the criteria system. Additional input was provided by the National Park Service. Focus group feedback confirmed the Department's understanding that a total of 100 points (for all of the criteria collectively) is a common and suitable standard for competitive grant program scoring totals.

The breakdown in the 100 point scoring system reflects the emphasis provided by input from the National Park Service, local recreation providers, the public input process and federal program requirements and developed by the Department. Criteria that contain greater point values reflect the higher priorities based on the National Park Service, local recreation providers, the public input process and federal program requirements. Criteria that contain fewer point values reflect the lower priorities based on the National Park Service, local recreation providers, the public input process and federal program requirements. The point breakdown reflects the emphasis provided by input from the National Park Service, local recreation providers, and federal program requirements.

Criteria #1 – Priority Statewide Outdoor Recreation Needs

Criteria #2 – Identification of California Outdoor Recreation Plan (CORP) Priority Issues

Criteria #3 – Outdoor Recreational Opportunities

These criterion were developed in accordance with federal guidelines and conform directly to priority needs identified by the State Comprehensive Outdoor Recreation Plan (SCORP) process; the core element being how outdoor recreation needs will be met by a project. As required by the federal guidelines, these criterion have the highest value. The wording of the criteria and the specific point value of each of these criteria was based on input gathered through the Open Project Selection Process and public input

Criterion #3 is a core element of the program, to explain how outdoor recreational needs will be met by the project. It is weighted 20 points based on the Department's years of expertise and focus group input, and enables the Department to evaluate the applicant's need for the project.

Criterion #1 and #2 are weighted 15 points each because they are considered the second highest priorities by the federal LWCF program.

Criterion #1 acquisition project proposals are evaluated on the facilities to be developed. The priority for the facilities/recreation venues are developed and ranked in an order based on a public participation survey rating conducted by the Department of Parks and Recreation. This criterion enables the Department to evaluate the applicant's solutions to addressing the described outdoor recreation need and proposal for providing new opportunities

Criterion # 2 requires the applicant to describe how the project is consistent with California Outdoor Recreation Plan priorities. This criterion enables the Department to evaluate how the proposed project is consistent with the most relevant issues outlined in the CORP.

Criteria #4 – Public Involvement

Public involvement is a priority from project design through implementation. This criterion transfers the public involvement requirements to the applicant. This criterion is weighted 10 points as a secondary core element that contributes to the merits of the proposed project because it enables the Department to evaluate the Applicant's inclusion of the public in aspects of the project. The point value was based on input gathered through the Open Project Selection Process.

Criteria #5 – Population and Population Density

This criterion enables the applicant to demonstrate the value to the public and potential volume of population to be served by the proposed project. This criterion is weighted with 5 points as a non core element that contributes to the merits of the proposed project because it enables the Department to evaluate the population, population density and projected number of users in relation to other applicants' proposals.

Criteria #6 – Cost-Use Benefit

This criterion is weighted 5 points as a non core element desired for the proposed project because it addresses benefits to cost ratio and enables the Department to evaluate the Applicant's expected annual visitation and benefits to the public compared to costs to develop the project after its completion.

Criteria #7 – Accessibility

This criterion enables the applicant to demonstrate the value to the public of the project by encouraging projects which are reasonably and easily accessible to all users including low entrance fees, easy parking, long hours of operation, access to public transportation, bicycle lanes, parking, etc. This criterion is weighted 5 points as a non core element of the proposal because it enables the Department to evaluate the level of access to all users and reasonableness of fees and free of obstacles for access to the project service area.

Criteria #8 – Priority Acquisitions

This criterion enables the applicant to explain the urgency for acquisition projects and how the acquisition will resolve the critical lack of park, recreation and open space areas. This criterion is weighted 5 points as a non core element of the proposal because it enables the Department to evaluate the most urgent threat of loss of outdoor recreational opportunity and or Acquisition that involves Wetlands.

Criteria #9 – Suitability

This criterion enables the applicant to explain for development projects, the project site's minimal and negative impact on the environment or surrounding neighborhood. This criteria is weighted 5 points as a non core element of the proposal because it enables the Department to evaluate whether the project site is suitable

Criteria #10 – Readiness

This criterion enables grant reviewers to assess the degree to which the applicant is capable of funding and completing the project. This criterion is weighted 5 points as a non core element for the proposed project because it enables the Department to evaluate whether the Applicant has adequate funding and the project will be operational within 4 years of the application deadline.

Criteria #11 – Performance

This criterion enables grant reviewers to assess the degree to which the applicant has project management experience and is capable of managing and completing the project. This criterion is weighted 5 points as a non core element for the proposed project. It enables the Department to evaluate the Applicant's project management skills and team.

Criteria #12 – Operation and Maintenance

This criterion enables grant reviewers to assess the degree to which the applicant is capable of maintaining and operating the project. This criterion is weighted 5 points as a non core element for the proposed project. It enables the Department to evaluate the Applicant's project management plan, including maintaining and operating the project after its completion.

These criteria (#5-#12) are suggested by the National Park Service to be used in selecting projects for funding. They have been weighted equally at 5 points each, and the weighting and wording of each criterion was done through the public Open Project Selection Process.

Criteria # 13 – Additional Program Requirements

This criterion is not scored; however, federal law requires responses to these requirements for an application to be considered for funding.

Cost Estimate Form

The cost estimate form provides a means for the applicant to identify the total project costs and the percentage of costs dedicated to construction and non construction costs. The form is a uniform tool used by all applicants that enables the Department to evaluate how the grant funds are proposed to be spent, applicant's source of funds and which Priority Recreation Venue (Criterion 1) is supported by the proposed project. The Priority Recreation Venue is a high federal LWCF program requirement for funding consideration.

Acquisition Schedule Form

Applicants must demonstrate 100% ability to fund the project because LWCF is a reimbursement only program. The Department developed the Acquisition Schedule, Acquisition Map with Source of funds to enable the applicant to identify the acquisition location on a map, provide verbal description of the acquisition, explanation of their funds and provide the Department with a consistent format to verify the acquisition, eligibility and project funding from all applicants.

LWCF Eligible Costs Chart

This section provides clarity and guidance about how the grant funds and the required match may be spent. The rules regarding the start date when costs can be incurred is based on the date when a grantee receives federal approval to proceed with the project. The remaining block of information found in the text is consistent with eligible costs requirements for the funding of capital outlay projects. Through years of experience with project administration and extensive public input, the Department has determined that the non-construction costs capped at 25% of the grant amount provides an appropriate balance between the public's interest in gaining benefit from capital projects and the grantee's ability to complete capital projects which encompass non-construction costs. This cap reflects the Department's desire to ensure that the grantee incorporates the majority of the grant funds into the capital portion of the project. At the same time, the Department understands that pre-construction costs are an integral part of capital projects.

Post Selection Federal Requirements

This section explains additional federal requirements that need to be met if a project is funded through the LWCF program. These requirements are based on federal law.

Project Administration

The Project Administration section provides an overview of the grant contract provisions, a sample grant contract, and the grant contract provisions. These items provide clarity about the terms and conditions that will be enforced through the contract. These terms and conditions are based on State and federal law.

Grant Payments

The Grant Payment Section is needed in the procedural guide because it clarifies requirements and provides forms for each type of grant payment for the grantee. The items on the form are required by State Control Agencies to process grant awards. The 10% retention requirement enables the Department to uphold its fiduciary duty and the grantee's contractual agreement to ensure that the project is completed and open to the public prior to the release of all grant funds. The Department's grant administration expertise has shown that 10% retention amount provides sufficient protection of the contractual agreement to complete the project while providing protection of public funds until the project is complete.

Grant Progress Status Report

The Department established the Grant Progress Status Report in order to equalize requests for payment with periodic reporting on the fiscal activity related to the grant. The form consolidates required information on construction/non construction costs, and funds spent, and enables Department staff to analyze project progress and payment requests.

Reimbursement Payments

The reimbursement section is needed because it provides clarity to the grantee regarding procedures and requirements to request a reimbursement payment for costs that have been paid for by the grantee.

Payment Request

The payment request form is needed because it provides a uniform vehicle for the Department to collect the information required from State Control Agencies to process payments. The details are necessary to process a grantee's payment request through the Department's Accounting Office and the State Controller's Office. The Department established project number and contract number for its database because these numbers are unique identifiers and are used throughout all of Department grant program forms to identify the specific projects and programs. The payment information on the form provides a consistent way for the Department and Accounting Office to identify the type and specific request for funds, and where to mail the warrant. The signature blocks provide assurance that there has been an authorized person requesting funds and that the Department has conformed with generally accepted auditing practices by having internal checks for the payment requests. The form was established to streamline and consolidate required payment information provided by all grantees.

Sample Performance Report

The performance report form is required by the National Park Service to detail the fiscal activities of the project and requests for reimbursement. It also serves as a federal reporting tool on State program performance. This sample is provided to aid grantees in consistent appropriate completion of the form.

Performance Report

The performance report form is required by the National Park Service to detail the fiscal activities of the project progress and requests for reimbursement. It also serves as a federal reporting tool on State program performance.

Grant Completion Packet

The grant completion section is needed because it provides clarity to the grantee regarding procedures, requirements, and forms to request a final payment for costs that have been paid for by the grantee, and after the project is complete.

Project Certification Form

The Project Certification Form serves as a document certifying that the project is complete, and certifying other funding sources used for the project. This enables Department staff to proceed with the final inspection and final payment process. The information on the form is also used by Department auditors.

Grant Expenditure Form

The Grant Expenditure Form serves as a document recording project costs incurred using the grant, or that will be reimbursed by the grant. This enables Department staff to analyze if the costs are eligible and incurred during the

contract performance period. The items noted on the form were established in order to delineate the costs expended on a particular project and to ensure that the fiscal activity matches the project scope as eligible costs. The information on the form is also used as a source document for auditors.

Force Labor Costs Summary Form

The Force Account Labor Costs Summary Form is needed because it serves as a document recording project costs claimed against the grant where the grantee's own employees were used to conduct the work. This enables Department staff to determine if the costs are eligible and incurred during the contract performance period. The information on the form serves as a reference for auditors.

Equipment Costs Summary Form

The Equipment Costs Summary Form is needed because it serves as document recording equipment charges claimed against the grant. This enables Department staff to determine if the costs are eligible and incurred during the contract performance period. The information on the form serves as a reference for auditors.

Memorandum of Unrecorded Grant Agreement

This is a state requirement based on federal Section 6 (f) (3) requirements that property continue as public outdoor recreation use. Based on the federal requirement that projects should be kept in perpetuity, the memorandum of unrecorded grant agreement places an encumbrance on the property title. It also provides the Department with notification if a funded project has a potential change of ownership.

Administrative Procedures

This section provides a summary of various administrative processes based on federal guidance. The procedures that were selected for summary were those items that have frequently needed to be addressed during the years the Department has been responsible for administering the LWCF program.

Changes to Grant Scope

This section clarifies the process that is required if a grantee desires to request approval for a scope change. The process is based on federal guidance.

Changes to Project Liquidation Date

This section clarifies the process that is required if a grantee desires to request a one-year extension to the Contract Performance Period. The information in this section enables the grantee to provide the Department with a uniform format for making requests. The process is based on federal guidance.

LWCF Signage

The National Park Service requires permanent signage acknowledging the funds utilized on LWCF projects sites. This section clarifies the signage requirements of the LWCF program, and is based on federal law.

Surcharge

A surcharge is negotiated and established based on federal guidance and the Department's accounting office for the determination of a fee for administrative costs associated with the grants. The surcharge is reviewed annually; based on the amount of administrative time expended on grants, payments processed, post completion inspections and conversion issues addressed. The information is needed in order for the grantee to have an understanding of administrative costs associated with payment request submission.

Project Costs

Project costs, defines for the grantee what constitutes projects costs and emphasizes provisions in the contract agreement between the grantee, National Park Service and the State. Based on our years of experience, this item is added because it is a frequently asked question by applicants.

Expenditure Guidelines

Expenditure Guidelines expands on information for project costs and emphasizes provisions in the contract agreement between the grantee, National Park Service and the State. Based on our years of experience, this item is added because it is a frequently asked question by applicants.

Accounting Requirements

Accounting Requirements explains accounting requirements for grant recipients and expands on provisions in the contract agreement between the grantee and the State. Based on our years of experience, this item is added because it is a frequently asked question by applicants.

Record Retention

Record Retention explains auditing needs by the Department and expands on provisions in the contract agreement between the grantee and the State. Based on our years of experience, this item is added because it is a frequently asked question by applicants.

Compliance Inspections

This section provides the applicant with information about post project inspections to ensure the acquired or developed property has continued public outdoor recreation use. The process is based on federal requirements and provides the department with assurances regarding the use of the project by continuing post implementation monitoring and gives the grantee a method for reporting on their continued commitment to the project use.

Conversions

A conversion is a process based on federal requirements, and is used when it is found that a project has been changed from open public outdoor use. The conversion process is set up to comply with the National Park Service requirement to approve any change in use. It enables the grantee to communicate the reason for any change in the project use and provides the

Department and the National Park Service with a format to consider approval and remedy to any change in public outdoor recreation use.

Program Income

This section explains the grantee's responsibility to report on what constitutes earnings realized from the grant –supported activities and how the earnings shall be used by the grantee. This is based on federal requirements.

Audit Requirement

This information provides information to the grantee regarding their responsibilities to comply with generally accepted accounting practices in accordance with state and federal requirements.

Definitions

The definition section provides the meanings of capitalized words and terms found in the Procedural Guide. These meanings are necessary to ensure consistent understanding of the Land and Water Conservation Fund program and grant administration terms. The words and definitions found in this section originate from federal or State laws.