

APPLICATION BOOKLET
for the
**LAND AND WATER
CONSERVATION FUND**

United States Department of Interior
National Park Service



STATE OF WEST VIRGINIA

West Virginia Development Office

Community Development Division
Capitol Complex
Building 6, Room 553
Charleston, West Virginia 25305-0311

Telephone/TDD: (304) 558-2234

Fax: (304) 558-3248

Web Page: www.wvdo.org

West Virginia
USA

FOREWORD

This booklet will provide the Land and Water Conservation Fund (LWCF) applicant with the forms and instructions necessary to prepare a complete application. If questions should arise in the preparation of your application, please contact the Community Development Division at 304-558-4010. The Project Administration Handbook should be referred to for an understanding of the requirements pertaining to the proper management of your grant if your application should be approved.

The Land and Water Conservation Fund Act was originally passed by Congress in 1964. The Act was intended to provide federal financial assistance for the acquisition and/or development of public outdoor recreational lands and facilities. Financial assistance is granted on a 50 percent reimbursable basis. The project sponsor is to pay the total cost, after which one-half of the cost will be reimbursed to the sponsor from federal funds.

The Act is administered at the federal level by the Department of the Interior, National Park Service.

Return the original and one copy of your application and address any questions to:

Community Development Division
Building 6, Room B-553
State Capitol Complex
Charleston, West Virginia 25305
Attention: Land and Water Conservation Fund
Phone: 304-558-2234

One copy of this application should be submitted to your Regional Council for review.

WHO IS ELIGIBLE FOR ASSISTANCE

The Land and Water Conservation Fund Act provides grants through the state to local political subdivisions. State agencies as well as counties, cities and towns are eligible to sponsor projects under this program. Private individuals and organizations are not eligible for assistance under this program even if they are nonprofit or charitable organizations.

Areas acquired or developed with Land and Water Conservation Fund assistance are dedicated to the exclusive use of public outdoor recreation. This dedication is referred to as "6(f) protection."

The project sponsor must agree to develop, operate, and maintain at their own expense, the proposed facility according to acceptable standards for public outdoor recreation in perpetuity. Under this program there are no funds available for maintenance or recreational activities such as salaries for instructors, sports equipment, etc.

PROJECTS ELIGIBLE FOR ASSISTANCE

Only costs for acquisition or development of outdoor recreation areas are eligible. Nonrecreation uses, such as water conservation or other natural resource uses may be carried out within the area if they are clearly described in the project application and are compatible and secondary to recreation use. As previously mentioned, there are no federal funds available under this program for operation and maintenance of facilities.

Costs must be incurred after the project has received National Park Service approval and the sponsor has been notified that the monies have been obligated. Expenses for planning and engineering which are necessary to prepare the project for submission can be included in the eligible project costs. This is the only exception to the ban on funding retroactive costs. If any other work is performed or in the case of land acquisition, title to the land is accepted prior to federal approval of the project, the expenses incurred are ineligible for reimbursement.

REQUIREMENT TO MAINTAIN AND OPERATE PROJECT

Statutory requirements demand that the LWCF assisted properties remain open to the public for outdoor recreation use. Section 6(f)(3) of the LWCF Act prohibits the conversion of assisted properties to other than public outdoor recreation use. In the equivalent, usefulness must be provided.

PUBLIC PARTICIPATION REQUIREMENT

In designing a LWCF project, an assessment of outdoor recreation needs, including the needs of special populations, and the activities to be undertaken to meet those needs is required. In doing so, it is necessary to hold one or more public meetings and take other actions deemed appropriate to obtain the views of citizens on recreation needs. The applicant shall make available to the public for review and comment any proposed project prior to submission to the state for review. Applications shall contain a description of this process and the records and minutes of any public meeting or comments.

PROJECT SCOPE

A development project may consist of one improvement or a group of related improvements designed to provide basic facilities for outdoor recreation. In all cases, the project must be a logical unit of work to be accomplished in a specific time frame. Ineligible facilities to be funded through sources other than the LWCF program may be included in the development concept plan of a project. The development of such ineligible facilities on lands acquired and/or developed with LWCF assistance will be allowed only if they do not constitute a conversion under Section 6(f)(3) of the Act.

Funding of development project proposals may cover construction, renovation, site planning, demolition, site preparation, architectural services, and similar activities essential for the proper completion of the project.

DESIGN CRITERIA

Plans for the development of land and/or facilities should be based on the needs of the public, the expected use, and the type and character of the project area. Facilities should be attractive for public use and generally be consistent with the environment. Plans and specifications for the improvements /facilities should be in accord with established engineering and architectural practices. Emphasis should be given to the health and safety of users, accessibility to the general public, and the protection of the recreational and natural values of the area.

DEVELOPMENT PROJECT SELECTION

In selecting development projects for submission to the state, applicants must undertake a public participation process to allow the public the opportunity to identify community outdoor recreation needs and to comment upon the plans of the applicant agency. A special effort should be made to eliminate questionable, elaborate or border-line projects which raise serious questions concerning the project's cost, use, priority, competition with the private sector, or inclusion of ineligible facility types.

ELIGIBLE RECREATION FACILITIES

Development projects may include but are not limited to the following facility types:

- a. Sports and Playfields. LWCF assistance may be available for fields, courts and other outdoor spaces used in competitive and individual sports.
- b. Picnic Facilities. LWCF assistance may be available for tables, fireplaces, shelters, and other facilities related to family or group picnic sites.
- c. Trails. LWCF assistance may be available for the development and marking of trailheads, overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, motorized vehicles, and other trail activities.
- d. Swimming Facilities. LWCF assistance may be available for swimming beaches, outdoor pools, wave making pools, wading pools, spray pools, water slides, bathhouses, and other similar facilities.
- e. Boating Facilities. LWCF assistance may be available for most facilities related to boating. These facilities include, but are not limited to, docks, berths, floating berths secured by buoys or similar services, launching ramps, mechanical launching devices, boat lifts, boat storage, sewage pump-out facilities, fuel depots, water and sewer hookups, restrooms, showers, electricity, and parking areas. Assistance will not be provided for operational equipment such as buoys, ropes, life jackets, or boats. Marinas are eligible for assistance and are subject to special provisions regardless of when LWCF assistance was provided. If the applicant is considering a marina project, contact the state immediately for your requirements to be met.
- f. Fishing/Hunting Facilities. LWCF assistance may be available for facilities necessary for public fishing or hunting.

- g. Winter Sports Facilities. LWCF assistance may be available for facilities such as ski trails, jumps, lifts, slopes and snowmaking equipment used in downhill skiing, cross country skiing, tobogganing, sledding, snow mobiling, and other winter sports. Outdoor ice skating and ice hockey rinks are also eligible.
- h. Camping Facilities. LWCF assistance may be available for tables, fireplaces, restrooms, information stations, snackbars, utility outlets, and other facilities needed for camping by tent, trailer or camper. Cabins or group camps of simple austere design and accessible to the general public in an equitable manner are eligible. Group camps designated for specific groups or for which specific groups will be given priority access are not eligible. Lodges, motels, and luxury cabins are not eligible.
- i. Exhibit Facilities. LWCF assistance may be available for outdoor exhibit or interpretive facilities that provide opportunities for the observation or interpretation of natural resources located on the recreation site or in its immediate surrounding areas.
- j. Spectator Facilities. LWCF assistance may be available for amphitheaters, bandstands, and modest seating areas related to playfields and other eligible facilities, provided the facility is not designed primarily for professional or semiprofessional arts or athletics, nor intercollegiate or interscholastic sports. Some bleachers or other modest seating areas are encouraged to be incorporated where needed into eligible recreation facilities to serve the physically challenged, elderly, and other non-participants in the facility's major recreation activity. Seating shall not be expanded solely to provide capacity for a limited number of special events.
- k. Renovated Facilities. LWCF assistance may be available for extensive renovation or redevelopment to bring a facility up to standards of quality and attractiveness suitable for public use, if the facility or area has deteriorated to the point where its upgraded to meet public health and safety laws or requirements. However, such renovation is not eligible if the facility's deterioration is due to inadequate maintenance during the reasonable life of the facility.
- l. Handicapped Facilities. LWCF assistance may be available for the adaptation of new or existing outdoor recreation facilities and support facilities for use by the handicapped. However, outdoor recreation facilities to be used exclusively by the handicapped are not eligible unless such facilities are available to the general public or are part of an outdoor recreation area that serves the general public.
- m. Zoo Facilities. Outdoor display facilities at zoological parks are eligible to receive LWCF assistance provided they portray a natural environmental setting that services the animal's physical, social, psychological and environmental needs, and that is compatible with the activities of the recreation.

ELIGIBLE SUPPORT FACILITIES

- A. Public Use Facilities. LWCF assistance may be available for support facilities needed by the public for outdoor recreation use of an area, such as roads, parking areas, utilities, sanitation systems, restrooms buildings, shelters, interpretive centers, bathhouses, permanent spectator seating, walkways, pavilions, snack bar stands, and equipment rental spaces.
- B. Operation and Maintenance Facilities. Facilities that support the operation and maintenance of the recreation resource on which they are located are eligible, such as maintenance building, storage areas, administrative offices, dams, erosion control works, fences, sprinkler systems, and directional signs.
- C. Beautification. This includes landscaping, the clearing or restoration of areas that have been damaged by natural disasters and the screening, removal, relocation, or burial of overhead powerlines.
- D. Roads. Roads constructed outside the boundaries of the recreation area or park are not eligible, unless:
- (1) They are, in fact, access roads to a designated park and recreation area and not part of a state, county, or local road system extending beyond or through the boundaries of the area.
 - (2) The access corridor must be owned or adequately controlled by the agency sponsoring or administering the park or recreation area.
 - (3) The principal objective is to serve the park and visitors. Any use of service to private parties must clearly be incidental to the primary use of the access road for recreation purposes in which case assistance may be granted on a prorata basis.
- G. Equipment. Equipment required to make a recreation facility initially operational and certain supplies and materials specifically required under State Health Department regulations may be eligible for assistance.
- H. Relation to Project Proposal. Development projects in new or previously undeveloped recreation areas may not consist solely of support facilities.
- I. Energy Conservation Elements. The energy conservation elements of an eligible outdoor recreation facility and its support facilities are eligible for LWCF assistance.
- J. Prorata Basis. Support facilities that exclusively serve ineligible facilities are not eligible. However, if support facilities will serve both eligible and ineligible facilities, assistance may be provided on a prorata basis.

FACILITY LOCATION

Development project must be located on lands and waters owned by or leased to the project sponsor. In certain situations, however, the following conditions also apply:

- A. Tourist Areas. Outdoor recreation and support facilities may be located in primary or potential tourist market areas, provided their primary purpose is for public outdoor recreation as opposed to entertainment or economic development, and provided they do not create unfair competition with the private sector.
- B. Historic Sites. Outdoor recreation and support facilities may be located on historic sites or in conjunction with historic structures.

PROJECTS NOT ELIGIBLE FOR ASSISTANCE

- A. Restoration or preservation of historic structures.
- B. Areas and facilities to be used primarily for semiprofessional and professional arts and athletics.
- C. Amusement facilities (such as ferris wheels, children's railroads, exhibit type development, etc.) convention facilities, commemorative exhibits, or professional type outdoor theaters.
- D. Employee residences.
- E. The acquisition of areas and facilities to be used solely for game refuges or fish production purposes.
- F. Areas and facilities designed primarily for semi-professional or professional arts or athletics.
- G. Mobile recreation units including playmobiles, skatemobiles, swimmobiles, show wagons, puppet wagons, and porta-bleachers.
- H. Assistance will not be provided for support facilities, or portions of support facilities which contribute primarily to public indoor activities, such as meeting rooms, auditoriums, libraries, study areas, restaurants, lodges, motels, luxury cabins, food preparation equipment, kitchens, and equipment sales areas.

APPROVAL TIME AND PROCEDURES

Applications are to be returned to the state within the time frame established by the state. Applications will be reviewed using the Open Project Selection Process and projects will be selected for submission to the National Park Service by the Governor.

APPLICATION REQUIREMENTS

The following information is required as part of your application.

1. Local government resolution authorizing submission of the application.
Original Signatures Required
2. LWCF Project Description and Environmental Screening Form: This form will be partially completed by the local sponsor and partially completed by the WV Development Office. Be sure to complete everything possible per the instructions with the form. Any unanswered questions that could be answered on the local level may delay or negate the application.
3. Environmental Review:
 - a. Certification of Flood Insurance. Original Signature Required
 - i) Include a Flood Insurance Rate Map from FEMA and indicate the project location on the map.
 - b. Environmental Certification. Original Signature Required
 - i) If an Environmental Assessment is need, include:
 - (1) Environmental Assessment
 - (2) NEPA Environmental Checklist
 - ii) Additional information may be required once the initial information is reviewed.
4. Documentation of the 50 percent minimum local share being available and commitment for continued operation and maintenance. Include information about the different types of money that your agency is using as a match to the LWCF grant money. Describe the origins and availability of the match money. Original Signature Required
5. Property Information:
 - a. Vicinity Map. One copy of a location map of the property which indicates where property may be found by driving.
 - b. Survey (preferred) or Tax Map – Must include:
 - i) Acreage
 - ii) Scale
 - iii) North Arrow
 - iv) Easements
 - v) Public Road Access
 - vi) Natural Landmarks
 - vii) Dimensions of Property Lines (metes and bounds are preferred)
 - c. Copy of deed(s). Show the area that you propose to be protected by the Section 6(f)(3) boundary. The National Park Service will determine if your proposed boundary will meet their qualifications. **If the application is approved, the property must have a restriction recorded with the county courthouse as noted in the Section 6(f)(3) guidelines.**
 - d. Certificate of Title. Original Signature Required

6. Development Plans.
 - a. Two copies of a site development plan showing all existing improvements, including utilities and the location of the proposed facilities and any outstanding property interests.
 - b. Two copies of the floor plans and elevations to scale of any building for which assistance is sought to include conformance with Uniform Federal Accessibility Standards.
 - c. Include tax parcel maps.
7. Detailed Cost Estimate: Include a cost estimate for each element of the project. Some projects may require an estimate to be completed by a design professional. This estimate shall include a detailed list of materials to be used in the project.
8. Standard Form 424: Original Signature Required.
9. Form 424C: Budget Information.
10. Form 424D: Assurances – Construction Programs. Original Signature Required.
11. Form DI 1350: Civil Rights Assurance. Original Signature Required
12. Form DI 2010: Certification Regarding Lobbying, Certification Regarding Drug-Free Workplace, Certification Regarding Debarment. Original Signature Required
13. General Provisions. Original Signature Required
14. Intergovernmental Review. E.O. 12372 comments
 - a. Send request to:

Intergovernmental Review Officer
West Virginia Development Office
Capitol Complex, Building 6 Room 553
Charleston, West Virginia 25305
 - b. Include with request letter:
 - i) Standard Form 424
 - ii) Standard Form 424C
 - iii) Project Narrative
 - c. Regional Clearinghouse Review. Obtain comments from your Regional Council Representative.
15. State Historic Preservation Office review comments: Visit their web site to obtain the instructions for their review procedure - <http://www.wvculture.org/shpo/review.html>
16. Other Clearance Letters: Other clearance letters may be required pending the outcome of the PD&ESF. If you are unsure if clearance from other agencies will be required, it will greatly improve the chances of getting your project approved if the application is submitted early. The WV Development Office and the Intergovernmental Review process can assist in the determination if other clearance letters are needed.
17. Handicap Accessibility: Section 504 Transition Plan and ADA Checklist can be found at - <http://www.wvdo.org/community/appforms.html>.
18. Land Acquisitions: If you plan on acquiring property for park development, you should call the WV Development Office to discuss the additional requirements.

Sponsor: _____

Project Name/Description: _____

LWCF APPLICATION CHECKLIST

- Resolution:** Local authorizing resolution to submit grant application. The resolution must include authorization and commitment of required 50 percent matching share.
- PD&ESF:** LWCF Project Description & Environmental Screening Form
- NFIP:** Certificate of Flood Insurance; signed in the appropriate location by the authorized certifying official. Include a FEMA Flood Map showing the project location.
- Environmental Certification:** Signed and dated by the authorized certifying official.
- Source of Match:** Documentation for source(s) of local matching share.
- Vicinity Map:** Vicinity map or tax map showing driving directions and location of project site.
- Tax Map or Survey:** To be used to create the Section 6(f)(3) Map.
- Deed:** Copy of the recorded property deed.
- Property Title:** Certificate of Title and Draft 6(f) restrictive covenant.
- Plans:** Drawings to scale for any structural improvements sufficient to determine any code-related issues.
- Cost Estimate:** Show the detailed cost estimate and calculations for expense totals for each major project element. Some projects may require a design professional to supply a qualified cost estimate. Be sure to include the costs needed to fulfill the LWCF sign requirements.
- Materials:** List of project materials and quantities and/or specifications for built improvements.
- Standard Form 424:** Completed and signed by the chief elected official.
- Standard Form 424C:** Generalized budget form to accompany the cost estimate in the pre-application.
- Standard Form 424D:** Assurances; signed and dated by the authorized certifying official.
- DI 1350:** Civil Rights Assurances; signed and dated by the authorized certifying official.
- DI 2010:** Certifications; signed and dated by the authorized certifying official.
- LWCF General Provisions:** Signed and dated by the authorized certifying official.
- Executive Order 12372:** Intergovernmental Review A-95 clearance letter from local regional councils.
- SHPO Clearance Letter:** Clearance letter from the State Historic Preservation Office.
- Clearance Letters:** Refer to the PD&ESF for possible clearance letters.
- Handicapped Accessibility:** Section 504 Plan and completed checklist for ADA compliance
- Land Acquisitions:** In addition to the above items (additional items may be required.)
 - Appraisal:** UASFLA qualified property appraisal.
 - Environmental Assessment:** Signed and dated by the authorized certifying official.
 - Property Information:** Deed of Trust and surveyed plat of property.

SAMPLE RESOLUTION

At a regular meeting of the _____ held on
Governing Body of Applicant

the _____ day of _____, 20____, the following order was made and entered;

Subject: Land and Water Conservation Fund Application

For: _____
Project title and description

In the amount of \$ _____.

Whereby, the _____ authorizes
Governing Body of Applicant

_____ to submit an application to the State of
Authorized Local Official

West Virginia requesting funding for the above-mentioned project out of the Land and Water Conservation Fund.

The _____ authorizes _____
Governing Body of Applicant

_____ to sign any and all documents and papers which accompany or
Authorized Local Official

are part of this application, and any and all documents and papers necessary for the completion of the project should it receive National Park Service Approval.

The _____ agrees to abide by all rules and
Governing Body of Applicant

regulations pertaining to the Land and Water Conservation Fund Program, and to operate and maintain the proposed facility for public use under the requirements of the Land and Water Conservation Fund should this project receive Federal assistance.

The adoption of the foregoing motion having been moved by _____, and duly seconded by _____, the vote thereon was as follows:

Member _____ Vote _____

Member _____ Vote _____

Member _____ Vote _____

Whereupon _____, declared said motion duly adopted; and it is
President, Mayor, or Chairperson

therefore adjudged and ordered that said motion be, and the same is hereby adopted.

Signature

Signature

Approved by: _____
City/County Attorney

Signature



PROPOSAL DESCRIPTION AND ENVIRONMENTAL SCREENING FORM

Land and Water Conservation Fund



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

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

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

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

| | | | |
|---|--|-------------------------------|------------------------------|
| Name of LWCF Proposal: | | Date Submitted to NPS: | |
| LWCF Project Number: | Prior LWCF Project Number(s) and Park Name(s) Associated with the Assisted Site(s): | | |
| Local or State Project Sponsoring Agency <i>(recipient, or sub-recipient in case of pass-through grants)</i> | | | |
| Name of Local or State Sponsor Contact: | | Title | |
| Address | | City | State Zip Code |
| Phone | Fax | Email Address | |

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

| | | |
|---|--|--|
| Step 1. Type of LWCF Proposal | | |
| New Project Application | | |
| <input type="checkbox"/> Acquisition Go to Step A | <input type="checkbox"/> Development Go to Step 2B | <input type="checkbox"/> Combination (Acquisition and Development) Go to Step 2C |
| New Project Application | | |
| <input type="checkbox"/> Increase in scope or change in scope from original agreement. Complete Steps 3A, and 5 through 7. | | |
| <input type="checkbox"/> 6(f) conversion proposal. Complete Steps 3B, and 5 through 7. | | |
| <input type="checkbox"/> Request for public facility in a Section 6(f) area. Complete Steps 3C, and 5 through 7. | | |
| Request for temporary non-conforming use in a Section 6(f) area. Complete Steps 4A, and 5 through 7. | | |
| Request for significant change in use/intent of original LWCF application. Complete Steps 4B, and 5 through 7. | | |
| Request to shelter existing/new facility within a Section 6(f) area regardless of funding source. Complete Steps 4C, and 5 through 7. | | |
| Step 2. New Project Application (See LWCF Manual for guidance) | | |
| A. For an Acquisition Project | | |
| 1. Provide a brief narrative about the proposal that provides the reasons for the acquisition, the number of acres to be acquired with LWCF assistance, and a description of the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.). | | |
| 2. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)? | | |
| 3. Describe development plans for the proposal for the site(s) for public outdoor recreation use within the next three (3) years. | | |
| 4. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed. | | |
| 5. Address each item in "D" below. | | |
| B. For a Development Project | | |
| 1. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities. | | |
| 2. When will the project be completed and open for public outdoor recreation use? | | |
| 3. Address each item in "D" below. | | |
| C. For a Combination Project | | |
| 1. For the acquisition part of the proposal: | | |
| a. Provide a brief narrative about the proposal that provides the reasons for the acquisition, number of acres to be acquired with LWCF assistance, and describes the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.) | | |
| b. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)? | | |
| c. Describe development plans for the proposed for the site(s) for public outdoor recreation use within the next three (3) years. | | |
| d. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed. | | |
| 2. For the development part of the proposal: | | |

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

3. Address each item in "D" below.

D. For a Combination Project

- 1. Will this proposal create a new public park/recreation area where none previously existed and is not an addition to an existing public park/recreation area? Yes (go to #3) No (go to #2)
- 2.
 - a. What is the name of the pre-existing public area that this new site will be added to?
 - b. Is the pre-existing public park/recreation area already protected under Section 6(f)? Yes No
If no, will it now be included in the 6(f) boundary? Yes No
- 3. What will be the name of this new public park/recreation area?
- 4.
 - a. Who will hold title to the property assisted by LWCF? Who will manage and operate the site(s)?
 - b. What is the sponsor's type of ownership and control of the property?
 - ___ Fee simple ownership
 - ___ Less than fee simple. Explain:
 - ___ Lease. Describe lease terms including renewable clauses, # of years remaining on lease, etc.
Who will lease area? Submit copy of lease with this PD/ESF. (See LWCF Manual for **program restrictions** for leases and further guidance)
- 5. Describe the nature of any rights-of-way, easements, reversionary interests, etc. to the Section 6(f) park area? Indicate the location on 6(f) map. Do parties understand that a Section 6(f) conversion may occur if private or non-recreation activities occur on any pre-existing right-of-way, easement, leased area?
- 6. Are overhead utility lines present, and if so, explain how they will be treated per LWCF Manual.
- 7. As a result of this project, describe **new** types of outdoor recreation opportunities and capacities, and short and long term public benefits.
- 8. Explain any existing non-recreation and non-public uses that will continue on the site(s) and/or proposed for the future within the 6(f) boundary.
- 9. Describe the planning process that led to the development of this proposal. Your narrative should address:
 - a. How was the interested and affected public notified and provided opportunity to be involved in planning for and developing your LWCF proposal? Who was involved and how were they able to review the **completed** proposal, including any state, local, federal agency professionals, subject matter experts, members of the public and Indian Tribes. Describe any public meetings held and/or formal public comment periods, including dates and length of time provided for the public to participate in the planning process and/or to provide comments on the completed proposal.
 - b. What information was made available to the public for review and comment? Did the sponsor provide written responses addressing the comments? If so, include responses with this PD/ESF submission.
- 10. How does this proposal implement statewide outdoor recreation goals as presented in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) (include references), and explain why this proposal was selected using the State's Open Project Selection Process (OPSP).
- 11. List all source(s) and amounts of financial match to the LWCF federal share of the project. The value of the match can consist of cash, donation, and in-kind contributions. The federal LWCF share and financial matches must result in a viable outdoor recreation area and not rely on other funding not mentioned here. Other federal resources may be used as a match if specifically authorized by law.

| Source | Type of Match | Amount |
|--------|---------------|--------|
| | | |
| | | |
| | | |
| | | |

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

Proceed to Steps 5 through 7

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

A. Increase/Change in Project Scope

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

B. Section 6(f)(3) Conversion Proposal

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

The Section 6(f)(3) conversion proposal including the required NEPA environmental review documents (CE recommendation or an EA document) must focus on the loss of public outdoor recreation park land and recreational usefulness, and its replacement per 36 CFR 59, and not the activities precipitating the conversion or benefits thereof, such as the impacts of constructing a new school to relieve overcrowding or constructing a hotel/restaurant facility to stimulate the local economy. Rather, the environmental review must: 1) focus on "resource impacts" as indicated on the ESF (Step 6), including the loss of public park land and recreation opportunities (ESF A-15), and 2) the impacts of creating new replacement park land and replacement recreation opportunities. A separate ESF must be generated for the converted park area and each replacement site. Section 6(f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA, except for "small" conversions as defined in the LWCF Manual Chapter 8.

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

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

- d. Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.
 - e. Identification of owner and manager of the new replacement park?
 - f. Name of the new replacement park. If the replacement park is added to an existing public park area, will the existing area be included within the 6(f) boundary? What is the name of the existing public park area?
 - g. Timeframe for completing the new outdoor recreation area(s) to replace the recreation opportunity lost per the terms of conversion approval and the date replacement park(s) will be open to the public.
 - h. New Section 6(f) map for the new replacement park.
7. NEPA environmental review, including NHPA Section 106 review, for both the converted and replacement sites in the same document to analyze how the converted park land and recreational usefulness will be replaced. Except for "small" conversions (see LWCF Manual Chapter 8), conversions usually require an EA.

Proceed to Steps 5 through 7 

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

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

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

Proceed to Steps 5 through 7 

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

A. Proposal for Temporary Non-Conforming Use

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

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

Proceed to Steps 5 through 7 

B. Proposal for Significant Change in Use

Prior to developing the proposal, you must consult the LWCF Manual for complete guidance. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area outlined in the original LWCF application for federal assistance. Consult with NPS for early determination on the need for a formal review. NPS approval is only required for proposals that will significantly change the use of a LWCF-assisted site (e.g., from passive to active recreation). The proposal must include and address the following items:

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

Proceed to Steps 5 through 7 

C. Proposal for Sheltering Facilities

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

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

Proceed to Steps 5 through 7 

Step 5. Summary of Previous Environmental Review (including E.O. 12372 - Intergovernmental Review)

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

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

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

along with this PD/ESF must be included in the submission for NPS review.

Proceed to Steps 6 through 7 

Step 6. Environmental Screening Form (ESF)

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

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

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

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

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

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

Part A. Environmental Resources

Part B. Mandatory Criteria

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

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

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

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

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

| Environmental Reviewers |
|---|
| <p>The following individual(s) provided input in the completion of the environmental screening form. List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in state compliance file for any future program review and/or audit. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.</p> |
| <p>1. 2. 3.</p> |
| <p>The following individuals conducted a site inspection to verify field conditions.</p> |
| <p><i>List name of inspector(s), title, agency, and date(s) of inspection.</i></p> |
| <p>1. 2. 3.</p> |
| <p>State may require signature of LWCF sub-recipient applicant here: _____ Date: _____</p> |

| Step 7. Recommended NEPA Pathway and State Appraisal/Waiver Valuation |
|--|
| <p>First, consult the NPS list of Categorical Exclusions (CEs). If you find your action in the CE list and you have determined in Step 6A that impacts will be minor or less for each applicable environmental resource on the ESF and you answered "no" to all of the "Mandatory Criteria" questions in Step 6B, the proposal qualifies for a CE. Complete the following "State LWCF Environmental Recommendations" box indicating the CE recommendation.</p> |
| <p>If you find your action in the CE list and you have determined in Step 6A that impacts will be greater than minor or that more data is needed for any of the resources and you answered "no" to all of the "Mandatory Criteria" questions, your environmental review team may choose to do additional analysis to determine the context, duration, and intensity of the impacts of your project or may wish to revise the proposal to minimize impacts to meet the CE criteria. If impacts remain at the greater than minor level, the State/sponsor must prepare an EA for the proposal. Complete the following "State Environmental Recommendations" box indicating the need for an EA.</p> |

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

State NEPA Pathway Recommendation

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

This proposal qualifies for a Categorical Exclusion (CE).

- CE Item #:
- Explanation:

This proposal requires an Environmental Assessment (EA) which is attached and has been produced by the State/sponsor in accordance with the LWCF Program Manual.

This proposal may require an Environmental Impact Statement (EIS). NPS guidance is requested per the LWCF Program Manual.

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

State Appraisal/Waiver Valuation Review

Property Address: \$

Date of appraisal transmittal letter/waiver:

Real property value:

Effective date of value:

I certify that:

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

OR

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

SLO/ASLO Original Signature: _____ Date: _____

Typed Name

Title

Agency

NOTICES

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by the Land and Water Conservation Fund Act of 1965 (54 U.S.C. 2003 et seq.). Your response is required to obtain or retain a benefit. We use this information to obtain descriptive and environmental information about the proposal. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0031 to this collection.

Estimated Burden Statement

Completion times vary widely depending on the use of the form, from approximately 30 minutes to complete the cover page only to 500 hours for a difficult conversion of use. We estimate that the average completion time for this form is 8 hours for an application, 2 hours for an amendment, and 112 hours for a conversion of use, including the time necessary to review instructions gather data and review the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information Collection Officer, National Park Service, 12201 Sunrise Valley Drive, MS-242 Rm. 2C114, Reston, VA 20192. Please do not send your completed form to this address; but rather to the address at the top of the form.

APPLICATION FOR FEDERAL ASSISTANCE

| | | | |
|--|------------|--|------------------------------|
| 1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction | | 2. DATE SUBMITTED | Applicant Identifier |
| Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction | | 3. DATE RECEIVED BY STATE | State Application Identifier |
| | | 4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier |
| 5. APPLICANT INFORMATION | | | |
| Legal Name: | | Organizational Unit: | |
| Organizational DUNS: | | Department: | |
| Address: Street: | | Name and telephone number of person to be contacted on matters involving this application (give area code) | |
| City: | | Prefix: | First Name: |
| County: | | Middle Name | |
| State: West Virginia | | Last Name | |
| Zip Code | | Suffix: | |
| Country: United States | | Email: | |
| 6. EMPLOYER IDENTIFICATION NUMBER (EIN): [] - [] | | Phone Number (give area code) | Fax Number (give area code) |
| 8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify) [] [] | | 7. TYPE OF APPLICANT: (See back of form for Application Types) Other (specify) | |
| 10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: [15] - [916] | | 9. NAME OF FEDERAL AGENCY: U.S. Department of Interior, National Park Service | |
| TITLE (Name of Program): Land & Water Conservation Fund | | 11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: | |
| 12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): | | | |
| 13. PROPOSED PROJECT Start Date: Ending Date: | | 14. CONGRESSIONAL DISTRICTS OF: a. Applicant b. Project | |
| 15. ESTIMATED FUNDING: | | 16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? | |
| a. Federal | \$ | a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON | |
| b. Applicant | \$ | DATE: | |
| c. State | \$ | b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 | |
| d. Local | \$ | <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW | |
| e. Other | \$ | 17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? | |
| f. Program Income | \$ | <input type="checkbox"/> Yes If "Yes" attach an explanation. <input type="checkbox"/> No | |
| g. TOTAL | \$ 0.00 | | |
| 18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED. | | | |
| a. Authorized Representative | | | |
| Prefix | First Name | Middle Name | |
| Last Name | | Suffix | |
| b. Title | | c. Telephone Number (give area code) | |
| d. Signature of Authorized Representative | | e. Date Signed | |

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

| Item: | Entry: | Item: | Entry: | | | | | | | | | | | | | | | | |
|--------------------------------|---|-------------------|---|----------------------|-----------------------|--------------|---|-------------|---------------|---------------|------------------------|-------------------|--------------------|---------------------|--------------------------------|--------------------------------|--|-----|---|
| 1. | Select Type of Submission. | 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | | | | | | | | | | | | | | | |
| 2. | Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable). | 12. | List only the largest political entities affected (e.g., State, counties, cities). | | | | | | | | | | | | | | | | |
| 3. | State use only (if applicable). | 13. | Enter the proposed start date and end date of the project. | | | | | | | | | | | | | | | | |
| 4. | Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank. | 14. | List the applicant's Congressional District and any District(s) affected by the program or project | | | | | | | | | | | | | | | | |
| 5. | Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. | | | | | | | | | | | | | | | | |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. | | | | | | | | | | | | | | | | |
| 7. | Select the appropriate letter in the space provided. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">A. State</td> <td style="width: 50%;">I. State Controlled Institution of Higher Learning</td> </tr> <tr> <td>B. County</td> <td>J. Private University</td> </tr> <tr> <td>C. Municipal</td> <td>K. Indian Tribe</td> </tr> <tr> <td>D. Township</td> <td>L. Individual</td> </tr> <tr> <td>E. Interstate</td> <td>M. Profit Organization</td> </tr> <tr> <td>F. Intermunicipal</td> <td>N. Other (Specify)</td> </tr> <tr> <td>G. Special District</td> <td>O. Not for Profit Organization</td> </tr> <tr> <td>H. Independent School District</td> <td></td> </tr> </table> | A. State | I. State Controlled Institution of Higher Learning | B. County | J. Private University | C. Municipal | K. Indian Tribe | D. Township | L. Individual | E. Interstate | M. Profit Organization | F. Intermunicipal | N. Other (Specify) | G. Special District | O. Not for Profit Organization | H. Independent School District | | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| A. State | I. State Controlled Institution of Higher Learning | | | | | | | | | | | | | | | | | | |
| B. County | J. Private University | | | | | | | | | | | | | | | | | | |
| C. Municipal | K. Indian Tribe | | | | | | | | | | | | | | | | | | |
| D. Township | L. Individual | | | | | | | | | | | | | | | | | | |
| E. Interstate | M. Profit Organization | | | | | | | | | | | | | | | | | | |
| F. Intermunicipal | N. Other (Specify) | | | | | | | | | | | | | | | | | | |
| G. Special District | O. Not for Profit Organization | | | | | | | | | | | | | | | | | | |
| H. Independent School District | | | | | | | | | | | | | | | | | | | |
| 8. | Select the type from the following list: <ul style="list-style-type: none"> • "New" means a new assistance award. • "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. • "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">A. Increase Award</td> <td style="width: 50%;">B. Decrease Award</td> </tr> <tr> <td>C. Increase Duration</td> <td>D. Decrease Duration</td> </tr> </table> | A. Increase Award | B. Decrease Award | C. Increase Duration | D. Decrease Duration | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) | | | | | | | | | | | | |
| A. Increase Award | B. Decrease Award | | | | | | | | | | | | | | | | | | |
| C. Increase Duration | D. Decrease Duration | | | | | | | | | | | | | | | | | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | | | | | | | | | | | | | | | | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | | | | | | | | | | | | | | | | | |

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

| COST CLASSIFICATION | a. Total Cost | b. Costs Not Allowable for Participation | c. Total Allowable Costs (Columns a-b) |
|---|---------------|--|--|
| 1. Administrative and legal expenses | | | |
| 2. Land, structures, rights-of-way, appraisals, etc. | | | |
| 3. Relocation expenses and payments | | | |
| 4. Architectural and engineering fees | | | |
| 5. Other architectural and engineering fees | | | |
| 6. Project inspection fees | | | |
| 7. Site work | | | |
| 8. Demolition and removal | | | |
| 9. Construction | | | |
| 10. Equipment | | | |
| 11. Miscellaneous | | | |
| 12. SUBTOTAL (sum of lines 1-11) | \$0.00 | | \$0.00 |
| 13. Contingencies | | | |
| 14. SUBTOTAL (add line 12 and line 13) | | | |
| 15. Project (program) income | | | |
| 16. TOTAL PROJECT COSTS (subtract line 15 from line 14) | | | |
| FEDERAL FUNDING | | | |

17. Federal assistance requested, calculate as follows:
 (Consult Federal agency for Federal percentage share.)
 Enter the resulting Federal share. %

INSTRUCTIONS FOR THE SF-424C

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions please contact the Federal agency.

Column a. – If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "COST CLASSIFICATIONS."

If this application entails a change to an existing award, enter the eligible amounts *approved under the previous award* for the items under "COST CLASSIFICATION."

Column b. – If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is *not* allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

Column c. – This is the net of lines 1 through 16 in columns "a." and "b."

Line 1 – Enter estimated amounts needed to cover administrative expenses. Do not include costs that are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchase of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2 – Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements.)

Line 3 – Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4 – Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5 – Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6 – Enter estimated engineering inspection costs.

Line 7 – Enter estimated costs of site preparation and restoration that are not included in the basic construction contract.

Line 9 – Enter estimated cost of the construction contract.

Line 10 – Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11 – Enter estimated miscellaneous costs.

Line 12 – Total of items 1 through 11.

Line 13 – Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14 – Enter the total of lines 12 and 13.

Line 15 – Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16 – Subtract line 15 from line 14.

Line 17 – This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

ASSURANCES – CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination of the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683 and 1685 - 1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S. C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L.93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§741 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205)
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

| | |
|---|----------------|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | NAME AND TITLE |
| APPLICANT ORGANIZATION | DATE SUBMITTED |

U. S. DEPARTMENT OF THE INTERIOR

CIVIL RIGHTS ASSURANCE

As the authorized representative of the applicant, I certify that the applicant agrees that, as a condition to receiving any Federal financial assistance from the Department of the Interior, it will comply with all Federal laws relating to nondiscrimination. These laws include, but are not limited to: (a) Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et. Seq.*), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age, be excluded from participation in, be denied the benefits of , or be otherwise subjected to discrimination under any program or activity conducted by the applicant. THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

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

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

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

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

| | |
|---|---|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
| APPLICANT/ORGANIZATION | DATE SUBMITTED |
| APPLICANT/ORGANIZATION MAILING ADDRESS | BUREAU OR OFFICE EXTENDING ASSISTANCE US Department of Interior, National Park Service |

U.S. Department of the Interior

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

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

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

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

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

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

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

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

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

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

CHECK IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE

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

PART C: Certification Regarding Drug Free Workplace Requirements

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

Alternate I. (Grantees Other Than Individuals)

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

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

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

PART D: Certification Regarding Drug Free Workplace Requirements

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

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

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

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

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

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

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

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

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

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TYPED NAME AND TITLE

DATE

LAND AND WATER CONSERVATION FUND
PROJECT AGREEMENT GENERAL PROVISIONS

Part I - Definitions

- A.** The term "NPS" or "Service" as used herein means the National Park Service, United States Department of the Interior.
- B.** The term "Director" as used herein means the Director of the National Park Service, or any representative lawfully delegated the authority to act for such Director.
- C.** The term "Manual" as used herein means the Land and Water Conservation Fund Grants Manual (NPS-34).
- D.** The term "project" as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the project agreement.
- E.** The term "State" as used herein means the State or Territory which is a party to the project agreement, and, where applicable, the political subdivision or public agency to which funds are to be transferred pursuant to this agreement. Wherever a term, condition, obligation, or requirement refers to the State, such term, condition, obligation, or requirement shall also apply to the recipient political subdivision or public agency, except where it is clear from the nature of the term, condition, obligation, or requirement that it is to apply solely to the State. For purposes of these provisions, the terms "State," "grantee," and "recipient" are deemed synonymous.
- F.** The term "Secretary" as used herein means the Secretary of the Interior, or any representative lawfully delegated the authority to act for such Secretary.

Part II - Continuing Assurances

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

Further, it is the acknowledged intent of the parties hereto that recipients of assistance will use moneys granted hereunder for the purposes of this program, and that assistance granted from the Fund will result in a net increase, commensurate at least with the Federal cost-share, in a participant's outdoor recreation. It is intended by both parties hereto that assistance from the Fund will be added to, rather than replace or be substituted for, State and local outdoor recreation funds.

- A.** The State agrees, as recipient of this assistance, that it will meet the following specific requirements and that it will further impose these requirements, and the terms of the project agreement, upon any political subdivision or public agency to which funds are transferred pursuant to the project agreement. The State also agrees that it shall be responsible for compliance with the terms of the project agreement by such a political subdivision or public agency and that failure by such political subdivision or public agency to so comply shall be deemed a failure by the State to comply with the terms of this agreement.
- B.** The State agrees that the property described in the project agreement and the signed and dated project boundary map made part of that agreement is being acquired or developed with Land and Water Conservation Fund assistance, or is integral to such acquisition or development, and that, without the approval of the Secretary, it shall not be converted to other than public outdoor recreation use but shall be maintained in public outdoor recreation in perpetuity or for the term of the lease in the case of leased property. The Secretary shall approve such conversion only if it is found to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. This replacement land becomes subject to Section 6(f)(3) protection. The approval of a conversion shall be at the sole discretion of the Secretary, or his designee. Prior to the completion of this project, the State and the Director may mutually alter the area described in the project agreement and the signed and dated project boundary map to provide the most satisfactory public outdoor recreation unit, except that acquired parcels are afforded Section 6(f)(3) protection as Fund reimbursement is provided.

In the event the NPS provides Land and Water Conservation Fund assistance for the acquisition and/or development of property subject to reversionary interests with full knowledge of those reversionary interests, conversion of said property to other than public outdoor recreation uses as a result of such reversionary interest being exercised is approved. In receipt of this approval, the State agrees to notify the Service of the conversion as soon as possible and to seek approval of replacement property in accord with the conditions set forth in these provisions. The State further

agrees to effectuate such replacement within a reasonable period of time, acceptable to the Service, after the conversion of property takes place. The provisions of this paragraph are also applicable to: leased properties acquired and/or developed with Fund assistance where such lease is terminated prior to its full term due to the existence of provisions in such lease known and agreed to by the Service; and properties subject to other outstanding rights and interests that may result in a conversion when known and agreed to by the Service.

- C. The State agrees that the benefit to be derived by the United States from the full compliance by the State with the terms of this agreement is the preservation, protection, and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the United States by way of assistance under the terms of this agreement. The State agrees that payment by the State to the United States of an amount equal to the amount of assistance extended under this agreement by the United States would be inadequate compensation to the United States for any breach by the State of this agreement. The State further agrees, therefore, that the appropriate remedy in the event of a breach by the State of this agreement shall be the specific performance of this agreement.
- D. The State agrees to comply with the policies and procedures set forth in the Land and Water Conservation Fund Manual. Provisions of said Manual are incorporated into and made a part of the project agreement.
- E. The State agrees that the property and facilities described in the project agreement shall be operated and maintained as prescribed by Manual requirements.
- F. The State agrees that a permanent record shall be kept in the participant's public property records and available for public inspection to the effect that the property described in the scope of the project agreement, and the signed and dated project boundary map made part of that agreement, has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the Interior.
- G. Nondiscrimination
 - 1. By signing the LWCF agreement, the State certifies that it will comply with all Federal laws relating to nondiscrimination as outlined in the Civil Rights Assurance appearing at Part III-I herein.
 - 2. The State shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence as set forth in the Manual.

Part III - Project Assurances

A. Applicable Federal Circulars

The State shall comply with applicable regulations, policies, guidelines and requirements including OMB Circular A-102 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), 43 CFR Part 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs, Department of the Interior), A-87 (Cost Principles for State and Local Governments), and A-128 (Audits of State and Local Government) as they relate to the application, acceptance and use of Federal funds for this federally assisted project.

B. Project Application

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

C. Project Execution

- 1.** The project period shall begin with the date of approval of the project agreement or the effective date of a waiver of retroactivity and shall terminate at the end of the stated or amended project period unless the project is completed or terminated sooner in which event the project shall end on the date of completion or termination. For project elements added to a consolidated grant, the project period will begin on the date the project element is approved.
- 2.** The State shall transfer to the project sponsor identified in the Application for Federal Assistance or the Description and Notification Form all funds granted hereunder except those reimbursed to the State to cover administrative expenses.
- 3.** The State will cause work on the project to be commenced within a reasonable time after receipt of notification that funds have been approved and assure that the project will be prosecuted to completion with reasonable diligence.
- 4.** The State will require the facility to be designed to comply with the Architectural Barriers Act of 1968 (Public Law 90-480) and DOI Section 504 Regulations (43 CFR Part 17). The State will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
- 5.** The State shall secure completion of the work in accordance with approved construction plans and specifications, and shall secure compliance with all applicable Federal, State, and local laws and regulations.
- 6.** In the event the project covered by the project agreement, including future stages of the project, cannot be completed in accordance with the plans and specifications for the project; the State shall bring the project to a point of recreational usefulness agreed upon by the State and the Director or his designee.
- 7.** The State will provide for and maintain competent and adequate architectural/engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the NPS may require.
- 8.** The State will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (1970), and the applicable regulations and procedures implementing such Act for all real property acquisitions and where applicable shall assure that the Act has been complied with for property to be developed with assistance under the project agreement.
- 9.** The State will comply with the provisions of: Executive Order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement or water pollution, and Executive Order 11990 relating to the protection of wetlands.
- 10.** The State will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available, as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes, for use in any area that has been identified as an area having special flood hazards by the Flood Insurance Administration of the Federal Emergency Management Agency. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
- 11.** The State will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities, pursuant to 40 CFR, Part 15.20 and that it will notify the NPS of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA. The State agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. The State further agrees to insert this clause into any contract or subcontract in excess of \$100,000.
- 12.** The State will assist the NPS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archaeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to effects (see CFR Part 800.8) by the activity, and notifying the Federal grantor

agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13. The State will comply with Executive Order 12432, "Minority Business Enterprise Development as follows:

- (1) Place minority business firms on bidder's mailing lists.
- (2) Solicit these firms whenever they are potential sources of supplies, equipment, construction, or services.
- (3) Where feasible, divide total requirements into smaller needs, and set delivery schedules that will encourage participation by these firms.
- (4) For any project involving \$500,000 or more in grant assistance (except for projects involving acquisition only) the State or recipient shall submit, prior to the commencement of construction and every fiscal year quarter thereafter until project completion, reports documenting the efforts to hire minority business firms. These reports, SF 334, will be submitted one month following the end of each fiscal quarter (i.e., January 31, April 30, July 31, and October 31) to the appropriate National Park Service Regional Office.
- (5) The Department of the Interior is committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness.

The National Park Service Regional Offices will work closely with the States to ensure full compliance and that grant recipients take affirmative action in placing a fair share of purchases with minority business firms.

14. The State will comply with the intergovernmental review requirements of Executive Order 12372.

D. Construction Contracted for by the State Shall Meet the Following Requirements:

1. Contracts for construction shall comply with the provisions of 43 CFR Part 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs, Department of the Interior).
2. No grant or contract may be awarded by any grantee, subgrantee or contractor of any grantee or subgrantee to any party which has been debarred or suspended under Executive Order 12549. By signing the LWCF agreement, the State certifies that it will comply with debarment and suspension provisions appearing at Part III-J herein.
3. In accordance with the "Stevens Amendment" (to Section 623 of the Treasury, Postal Service and General Government Appropriations Act), for procurement of goods and services (including construction services) having an aggregate value of \$500,000 or more, the amount and percentage (of total costs) of federal funds involved must be specified in any announcement of the awarding of a contract.

E. Retention and Custodial Requirements for Records

1. Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained in accordance with 43 CFR Part 12 for a period of three years; except the records shall be retained beyond the three-year period if audit findings have not been resolved.
2. The retention period starts from the date of the final expenditure report for the project or the consolidated project element.
3. State and local governments are authorized to substitute microfilm copies in lieu of original records.
4. The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments and their subgrantees which are pertinent to a specific project for the purpose of making audit, examination, excerpts and transcripts.

F. Project Termination

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

G. Lobbying with Appropriated Funds

The State must certify, for the award of grants exceeding \$100,000 in Federal assistance, that no Federally appropriated funds have been paid or will be paid, by or on behalf of the State, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding, extension, continuation, renewal, amendment, or modification of this grant. In compliance with Section 1352, title 31, U.S. Code, the State certifies, as follows:

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

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

H. Provision of a Drug-Free Workplace

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

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

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;*
- (2) The grantee's policy of maintaining a drug-free workplace;*
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and*
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;*

(c) Making it a requirement that each employee to be engaged in the performance of a grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement; and*
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;*

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted;

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or*
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;*

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The State must include with its application for assistance a specification of the site(s) for the performance of work to be done in connection with the grant.

I. Civil Rights Assurance

The State certifies that, as a condition to receiving any Federal assistance from the Department of the Interior, it will comply with all Federal laws relating to nondiscrimination. These laws include, but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et. seq.), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the applicant. THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

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

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

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

The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United State shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, and subrecipients and the person whose signature appears on the grant agreement and who is authorized to sign on behalf of the Applicant.

J. Debarment and Suspension

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

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission or embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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

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

(1) The prospective lower tier participant certifies, by submission of this application 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 application.

Signature of Authorized Certifying Official

Date

Typed Name and Title

Applicant Organization

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intentionally left blank

CERTIFICATION OF FLOOD INSURANCE

The Flood Disaster Protection Act of 1973 (P.L. 93-234) will effect some Land and Water Conservation Fund projects which are located in special flood hazard areas as identified by HUD. The following checklist is designed to determine if this project is effected, and if so, what your community responsibilities are.

Please sign the following statements that apply to this project proposal. Provide supporting flood hazard area maps as may be required.

Public Law 93-234 does not restrict Federal assistance to any community, regardless of eligibility for National Flood Insurance, for projects not located in Federal financial assistance to any community, regardless of eligibility, for projects in special flood hazard areas which do not contain any developments required to be covered by flood insurance.

Sign

This project is not located in flood hazard area as identified by HUD

Sign

This project is located in a special flood hazard area as identified by HUD; but the project does not contain any developments that would be required to be covered by flood insurance.

NOTE: If either of the above statements are signed, disregard the remaining portion of this form.

If insurable improvements in a flood area are involved, complete the appropriate section for either eligible communities or non-eligible communities.

ELIGIBLE COMMUNITIES

Any community which is eligible for National Flood Insurance must, as a condition of project approval, obtain insurance on any insurable improvements on projects located in the identified flood hazard area.

Sign

This community is eligible for National Flood Insurance.

This project is located in an identified flood hazard area and contains the following insurable improvements:

Certification of Flood Insurance (cont'd)

Sign

I hereby certify that the _____

(Name of Community)

will obtain insurance on the above insurable improvements and fully understand that evidence of coverage must be on file with the National park Service prior to the submission of any request for reimbursement.

NON-ELIGIBLE COMMUNITIES

Any community which is not eligible for National Flood Insurance must, as a condition of project approval, obtain private insurance on any insurable improvements on projects located in the identified flood hazard area.

Sign

This community is not currently eligible for National Flood Insurance.

This project is located in an identified area and contains the following insurable improvements:

Sign

I hereby certify that the _____

(Name of Community)

will obtain insurance on the above insurable improvements and fully understand that (1) evidence of coverage must be on file with the National Park Service prior to the submission of any request for reimbursement and that (2) if the Community does not become eligible, fund assistance may not be provided for any buildings in the flood hazard area.

ENVIRONMENTAL CERTIFICATION

Check One Statement Only (A, B, C, D). If none apply, check (E) and prepare an Environmental Assessment.

- A. Proposal is to renovate or replace facilities at their same location without altering kind or amount of recreational opportunities or integrity of the existing setting of the area.
- B. Proposal is for construction at a park or recreation area required to meet health or safety standard or to meet requirements for making facilities accessible to the handicapped.
- C. Proposal is to construct new facilities within an existing recreation area.

If C is checked, **Yes** or **No** must be checked for each question below:

- Yes/No Will proposed new facilities introduce motorized recreation vehicles?;
- Yes/No Will Proposed new facilities introduce active recreation pursuits into a passive recreation area?;
- Yes/No Will proposed new facilities increase public use to the extent of compromising the nature and character of the property or causing physical damage of it?;
- Yes/No Will proposed new facilities cause a nuisance to adjacent owners or occupants?;
- Yes/No Will proposed new facilities institute noncompatible uses which might compromise the nature and characteristics of the property, or cause physical damage to it?;
- Yes/No Will proposed new facilities extend use beyond daylight hours?;
- Yes/No Will proposed new facilities add or alter access to the park from the surrounding areas?;
- Yes/No Will proposed new facilities conflict with adjacent ownerships or land use?

- (A "YES" answer to any of the above statements indicates that an Environmental Assessment is required.)

- D. Proposal is to construct facilities on lands acquired under a previous L&WCF grant project and the new development is in accord with plans submitted with the original acquisition project.
- E. None of the above apply. Attached to application is an assessment of the environmental impacts of the proposed project.

Signature (Authorized Local Official)

Date

I Concur:

Project Officer
WVDO
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**DOCUMENTATION OF LOCAL SHARE
AND
PROVISION OF OPERATIONS AND MAINTENANCE CONTINUANCE**

Provide one copy of your current budget, which shows that funds are on hand and reserved for the 50% match for this project, and that operations and maintenance funds are budgeted sufficiently to keep the facility open to the public. Complete the chart below to show funding sources and amounts.

| <i>Matching Organization</i> | <i>Grant or Funding Name</i> | <i>Date of Availability</i> | <i>Match Amount</i> |
|------------------------------|------------------------------|-----------------------------|---------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | \$0.00 |

Without this information, your application will not be complete.

This is to certify that the attached budget documents accurately reflect our 50% local matching share, and our intent to maintain and keep the proposed facility open to the public.

Signature, Authorized Local Official

Date

CERTIFICATION OF TITLE

Project Title: _____

Location: _____

I hereby certify that I have examined the title to the property(ies) on which the construction of recreation facilities is to be made, in accordance with the application for assistance under The Federal Land and Water Conservation Fund, and that the title to the property is in the name of _____ and that the title is good and marketable. I further certify that there are no easements or restrictions against this property except as herein listed:

Date

Attorney/Solicitor

(attach/enclose copy of deed(s) to park project area along with 6(f) map of project area)

6(f) Boundary Map Permanent Record Requirements

According to the Project Agreement General Provisions, Manual Section 660.3C, (Part II, Section f), the following administrative requirement is to be completed by the local project sponsor:

Project Agreement General Provisions 660.3C

INFORMATION ONLY

- F. The state agrees that a permanent record shall be kept in the project participant's public property records and available for public inspection to the effect that the property described in the scope of the project agreement, has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the Interior.

To implement this requirement, the following steps must be followed:

Step 1: A special condition will be recorded with the deed which explains the 6(f) conversions requirements.

***The special condition to the deed will read as follows:**

The (enter name of governing agency here) hereby understands and agrees to
name of applicant

comply with Section 6(f) of the Land and Water Conservation Fund Act of 1965, as amended, (78 Stat. 897) which established by Federal law that:

No property acquired or developed with assistance from the Land and Water Conservation Fund shall, without the written approval of the Secretary of the Department of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

Step 2: The special condition will be recorded in the county records and a copy sent to the West Virginia Development Office, Community Development Division.

*Special Notice: The above-mentioned process must take place before the Community Development Unit will honor any cost claimed for reimbursement on the project.

INFORMATION ONLY



SECTION 6(f)(3) BOUNDARY MAPS

FEDERAL – STATE – LOCAL
WORKING TO ENHANCE
AMERICA'S OUTDOOR RECREATION
OPPORTUNITIES

Midwest Region
National Park Service
February 1990
Category: Project Administration

It was an afterthought. The brand new Land and Water Conservation Fund (L&WCF) program didn't require one. It wasn't until the program was in its 13th year that a Section 6(f)(3) map (hereafter referred to as "The Map") was required. The States have been encouraged to come up with the Map for their pre-1978 L&WCF projects. Some have done so, others are in the process of negotiating with sponsors of the older projects to establish a Section 6(f)(3) boundary for each site, and some States, regrettably, haven't begun the process.

What is the Section 6(f)(3) and what is the importance of The Map? That section of the L&WCF Act, as amended, states that: "No property acquired or developed with assistance under this section shall, without the approval of the Secretary (of the Interior), be converted to other than public outdoor recreation uses." It goes on to state the circumstances under which such a conversion-in-use may be approved and that replacement land is required.

In the first few years of the program, little thought was given to conversion of the new L&WCF sites. As time went on, however, cities, highway departments, utility companies, and others began to take "bites" out of L&WCF project sites. Problems arose concerning exactly how much land to replace (the value of the replacement land had to have at least equal fair market value of the converted land) as there often was controversy as to how much of the project site was covered by Section 6(f)(3). Hence the requirement for The Map for post-1977 project sites.

OK, what area should be encompassed by The Map? The "L&WCF Grants Manual" states in Chapter 660.2.6.A that, "At a minimum, this area must be a viable public outdoor recreation area which is capable of being self-sustaining without reliance upon adjoining or additional areas not identified in the scope of the project." It is only in unusual cases, where it can be shown that a lesser unit is clearly a self-sustaining outdoor recreation resource, that less than the total park, open space, or recreation area being developed with L&WCF assistance would be included within the Section 6(f)(3) boundaries. In no case would land acquired with L&WCF assistance not be included within Section 6(f)(3) boundaries.

Usually, a project sponsor is only too glad to have the entire park or recreation/open space area under the protection of Section 6(f)(3) of the L&WCF Act, as amended. Such facilities often are prime targets for non-outdoor recreation developments. It is to the project sponsor's advantage to obtain Federal protection for the entire unit. However, if the project sponsor is aware that, down the road, a non-outdoor recreation use very likely will be made of a small portion of the proposed project site, it would save everyone a lot of time and work if that part of the project site were excluded from Section 6(f)(3) protection prior to project approval, provided the excluded land is not crucial to the viability of the project site.

What should The Map include? Chapter 660.2.6.B of the manual is quite specific. It should contain the title and number of the project or project element; the date that The Map was prepared; information on the area(s) under lease and the term remaining on the lease(s); all known outstanding rights and interests in the project area held by other than the project sponsor; and known easements, deed/lease restrictions, reversionary interests, etc. Also, those outstanding rights and interests that, in the opinion of the State, would not adversely impact the utility and viability of the project site if exercised (and not intended to be included under the conversion provisions of Section 6(f)(3)) should be specifically identified on The Map. That's "lawyertalk," but it's important for the State and NPS to be aware of interests in the project site and surrounding area. Wouldn't want the project site to be strip-mined or a toxic waste disposal site to be located next door? It may take a little digging on the State's and project sponsor's part, but this aspect of The Map is important.

What should The Map, itself, look like? Well, it must be legally sufficient to identify the lands afforded Section 6(f)(3) protection. In other words, The Map may be scrutinized in court. Mustn't be a slapdash! It should include a scale in feet, a directional arrow, and the signature (not just initials) of the state official responsible for submitting it to the NPS regional office. The words "Section 6(f)(3) boundary" should be written or printed on The Map, with an arrow pointing to the boundary line.

There are maps and there are maps. The manual gives project sponsors a choice with regard to The Map. Identification of the area included within the Section 6(f)(3) boundary may be by (1) deed references, (2) adjoining ownerships, (3) adjoining easements of record, (4) adjoining water bodies or other natural landmarks, (5) metes and bounds, and (6) government survey. Where none of the above methods is available, the project sponsor may identify the area of the project site by showing measurements from "permanent locators." Where possible, The Map should include measurements, in feet, of each side of the boundary. The Map should be capable of being photocopied (colors should be used to indicate the boundaries – a dotted line is preferable). To aid microfilming of The Map, it is helpful if the area included within the Section 6(f)(3) boundary is shaded or crosshatched.

Prior to final billing, the State and NPS may agree to mutually alter the Section 6(f)(3) boundary to provide for the most satisfactory unintended to be administered under the provisions of that section. Note, however, that parcels acquired with L&WCF assistance are afforded Section 6(f)(3) protection as soon as L&WCF reimbursement is provided and must be included within the boundary. At the time the State submits the final performance report, it may include a map to replace The Map submitted at the time of project approval if the new map is more accurate than the one currently on file. Again, take into account that you may have to defend The Map in court; see that it is the best that you realistically can come up with.

How about conversions-in-use? Naturally, they will alter the Section 6(f)(3) boundaries; you'll need to provide NPS with a revised map. Not only that, you'll also need to provide an acceptable map of the replacement land. The previously stated quality standards apply just as much to The Map for the replacement land, as that land also will be accorded Section 6(f)(3) protection. The revised map for the original site should include the words "Converted Land" and an arrow pointing to the land that is to be converted to non-outdoor recreation use. It also should include the words "New Section 6(f)(3) boundary" and an arrow pointing to the new section of the boundary line. The Map for the replacement land should include the words "replacement land, in accordance with Amendment No. _____ to project _____."

A section 6(f)(3) boundary map should be taken on all post-completion inspections of project sites so that the inspector can ascertain whether or not a conversion-in-use has occurred. For large sites and those with irregular boundaries, having The Map on hand when doing the "onsite" is crucial. Section 6(f)(3) does not exclude even the smallest conversion (some have been no larger than a few square feet).

Well, that's it. Nuts and bolts project administration. A piece of paper, yes. But The Map may be crucial – to NPS, to the State, and to the project sponsor – in a dispute over just what land has been accorded protection under Section 6(f)(3). Be sure that you can rely on yours.