

# Manual 15

# Land and Water Conservation Fund

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January 15, 2025

# Table of Contents

<b>At a Glance</b> .....	<b>1</b>
<b>Section 1: Introduction</b> .....	<b>3</b>
The Land and Water Conservation Fund .....	3
Program Administration .....	4
Who Makes Decisions .....	5
Where to Get Information .....	6
Grant Process and Timeline .....	7
Time Limits and Extensions .....	11
<b>Section 2: Policies</b> .....	<b>14</b>
Policy Direction .....	14
Categories and Grants Offered .....	14
Eligible Applicants .....	16
Planning Requirements .....	17
Eligible Project Types .....	18
Eligible Project Activities and Costs .....	22
Ineligible Projects and Costs .....	24
Environmental Requirements .....	28
Property Requirements .....	32
Other Requirements and Things to Know .....	37
Protection of Federal Investments and Ongoing Stewardship .....	40
<b>Section 3: Money Matters</b> .....	<b>44</b>
Grant Limits .....	44
Matching Share .....	45
Types of Match .....	48
Additional Federal Requirements .....	49
Reimbursements, Records, and Audits .....	51
<b>Section 4: Project Selection</b> .....	<b>53</b>
How Project Evaluation Works .....	53
Evaluation Criteria .....	55
<b>Section 5: Post-Completion Requirements</b> .....	<b>64</b>
An Ongoing Commitment .....	64
Changing the Use of Property .....	66
Obsolete Facilities .....	68
<b>Appendix A: Other Federal Acts and Laws</b> .....	<b>70</b>
<b>Appendix B: Suggested Review Agencies</b> .....	<b>73</b>

# At a Glance

## Land and Water Conservation Fund

<b>Purpose</b>	The program provides funding to preserve and develop outdoor recreation resources including parks, trails, and wildlife lands.	
<b>Who may apply?</b>	<ul style="list-style-type: none"> <li>• Cities and towns</li> <li>• Counties</li> <li>• Federally recognized Native American Tribes</li> </ul>	<ul style="list-style-type: none"> <li>• Special purpose districts</li> <li>• State agencies</li> </ul>
<b>Is a plan required?</b>	Yes, an applicant needs a comprehensive outdoor recreation plan to apply. See <i>Manual 2: Planning Policies and Guidelines</i> . Plan is due March 1, 2024.	
<b>What types of projects are eligible?</b>	<ul style="list-style-type: none"> <li>• Development or renovation</li> <li>• Land acquisition</li> </ul>	<ul style="list-style-type: none"> <li>• Combination of acquisition and development or renovation</li> </ul>
<b>What are the grant limits?</b>	\$200,000 to \$2 million	
<b>What must the project sponsor contribute?</b>	50 percent	
<b>How is the project evaluated?</b>	An advisory committee hears in-person, virtual presentations and scores the projects.	
<b>When are applications due?</b>	May 1, 2024	
<b>When are grants awarded?</b>	June 2025 estimated	
<b>What's new this year?</b>	<ul style="list-style-type: none"> <li>• Changed the evaluation criteria to address priorities in recently completed studies including RCO's equity review and state comprehensive outdoor recreation plan.</li> <li>• Included in this manual existing rules about time limits, extensions, inspections, acknowledgments, and signs.</li> </ul>	

## Outdoor Recreation Legacy Partnership

<b>Purpose</b>	The program provides funding to preserve and develop outdoor recreation resources, including parks, trails, and wildlife lands. It focuses on projects that improve parks, recreational opportunities, and conservation areas in or within a half-mile buffer of urban areas of twenty-five thousand or more people, and which are underserved in terms of parks and recreation resources; or on lands held by federally recognized Native American Tribes.	
<b>Who may apply?</b>	<ul style="list-style-type: none"> <li>• Cities and towns</li> <li>• Counties</li> <li>• Federally recognized Native American Tribes</li> </ul>	<ul style="list-style-type: none"> <li>• Special purpose districts</li> <li>• State agencies</li> </ul>
<b>Is a plan required?</b>	Yes, an outdoor recreation comprehensive plan is needed to apply. See <i>Manual 2: Planning Policies and Guidelines</i> . The plan is due March 1, 2025.	
<b>What types of projects are eligible?</b>	<ul style="list-style-type: none"> <li>• Development or renovation</li> <li>• Land acquisition</li> </ul>	<ul style="list-style-type: none"> <li>• Combination of acquisition and development or renovation</li> </ul>
<b>What are the grant limits?</b>	\$300,000 to \$15 million	
<b>What must the project sponsor contribute?</b>	50 percent	
<b>How is the project evaluated?</b>	A national review panel evaluates written applications and scores the projects.	
<b>When are applications due?</b>	March 12, 2025	
<b>When are grants awarded?</b>	September 2026 estimated	
<b>What's new this year?</b>	<ul style="list-style-type: none"> <li>• Revised the eligibility requirements to reduce population from thirty thousand to twenty-five thousand.</li> <li>• Additional resources may be used to demonstrate underserved status.</li> <li>• Projects on lands held by federally recognized Native American Tribes are eligible.</li> <li>• Administrative or indirect costs are eligible. Applicant must contact RCO to determine amount.</li> <li>• Included in this manual existing rules about time limits, extensions, inspections, acknowledgments, and signs.</li> </ul>	

# Section 1: Introduction

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**This section covers the following:**

- ✓ The Land and Water Conservation Fund
- ✓ Program administration
- ✓ Who makes decisions
- ✓ Where to get information
- ✓ Grant process and timeline
- ✓ Time limits and extensions

## **The Land and Water Conservation Fund**

In 1965, Congress passed the Land and Water Conservation Fund (LWCF) Act,<sup>1</sup> which authorized the Secretary of the Interior to provide financial assistance to the states for the acquisition and development of public outdoor recreation areas and facilities.

Applying for, obtaining, and managing an LWCF grant requires the highest level of preparation from the applicant and the highest level of due diligence from a successful grant sponsor. No matter the amount of money or relative share of LWCF funds in a given project, LWCF rules apply to the entire funded project, forever.

The Outdoor Recreation Legacy Partnership Program is a competitive grant initiation under the LWCF Act that enhances parks, recreational opportunities, and conservation areas in urban, underserved communities. See the *Categories and Grants Offered* in section 2 for more information about urban and underserved communities.

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<sup>1</sup>Land and Water Conservation Fund Act of 1965, Public Law 88-578. Title 16. [National Park Service's LWCF website](#)

## Source of Funding

Money for LWCF comes from several federal sources: leases of offshore oil and gas resources, recreation fees, sales of surplus real property, and motorboat fuel taxes. These funds are supplemented with money specified in the Gulf of Mexico Energy Security Act. The Great American Outdoor Act made annual disbursement of funds for LWCF grants mandatory, meaning allocation is not subject to congressional appropriation.<sup>2</sup>

## Program Administration

The National Park Service, within the U.S. Department of the Interior, manages these federal grant programs. The National Park Service ultimately receives and approves all project applications, agreements, and amendments.

## Washington State Recreation and Conservation Funding Board

In Washington State, the Recreation and Conservation Funding Board administers the LWCF program. The board is a governor-appointed board composed of five citizens and the directors (or designees) of three state agencies—Department of Fish and Wildlife, Department of Natural Resources, and Washington State Parks and Recreation Commission.

The Recreation and Conservation Office (RCO) supports the board. RCO is a small state agency that manages multiple grant programs to create outdoor recreation opportunities, protect the best of the state's wildlife habitat and working lands, and help return salmon and orca from near extinction.

## Diversity, Equity, and Inclusion

The Recreation and Conservation Funding Board recognizes its obligation to ensure its programs and policies are equitable and inclusive and has taken steps to address disparities. The board has resolved to continue to examine its policies and reach out to diverse partners to ensure that Washington's investments are not only for a few but reflect the board's values of diversity, equity, and inclusion. Read the board's [Resolution 2020-35](#) in full online.

## Manual Authority

The board created this manual under authority given to it in the *Land and Water Conservation Fund State Assistance Program Federal Financial Assistance Manual* (U.S.

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<sup>2</sup>Great American Outdoor Act of 2020 (Public Law 116-155) and the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432)

Department of Interior, National Park Service), the Revised Code of Washington 79A.25.130, and Washington Administrative Code 286.

## Who Makes Decisions

### Staff Decisions

Staff review the grant application to ensure it is complete, the project is eligible to compete, the grant applicant is eligible to apply, and the match is certified. Staff also score objective evaluation criteria, such as those relating to Growth Management Act compliance. Finally, staff make routine grant management decisions about billings, reports, minor scope changes, short time extensions, and more.

### Advisory Committee Decisions

An advisory committee evaluates grant applications and scores them to create a ranked list of projects for the funding board to consider. The advisory committee also reviews proposed program policies and criteria changes, and in some cases makes recommendations to the funding board or director about how funding should be distributed or whether applications should be submitted for federal funding consideration.

### Director Decisions

The RCO director, or designee, makes many project decisions based on rules and board policies. The decisions range from authorizing payments, to approving cost increases, to approving payment of charges in excess of lower bids, to terminating projects.

A project sponsor may request that the Recreation and Conservation Funding Board reconsider a decision made by the director. To request reconsideration, the project sponsor must send a letter to the board chair at least sixty calendar days before a board meeting. The request is added to the board's meeting agenda and the project sponsor then may address the board at the meeting. The board's decision is final.

### Federal and Board Decisions

The National Park Service and the Recreation and Conservation Funding Board make the final decisions for funding, policies, and project changes, although some decisions are delegated to the RCO director.

## Not a Public Hearings Board<sup>3</sup>

The Recreation and Conservation Funding Board is not a public hearings board and does not decide land-use issues. To the extent possible, each project proposal should demonstrate adequate public notification and review and have the support of the public body applying for the grant.

More detailed information about board and director decisions is available in *Manual 3: Acquisition Projects*, *Manual 4: Development Projects*, and *Manual 5: Restoration Projects*.

### Where to Get Information

#### Recreation and Conservation Office

Natural Resources Building  
1111 Washington Street  
Olympia, WA 98501

[Email](#)

Telephone: (360) 902-3000

Fax: (360) 902-3026

Hearing Impaired Relay Service: Call 711

[Website](#)

#### Mailing Address

PO Box 40917  
Olympia, WA 98504-0917

#### Department of the Interior, National Park Service

LWCF Western Regional Office  
1 Denver Federal Center, Building 50  
Denver, CO 80225

[Website](#)

RCO grants managers are available to answer questions about this manual and grant program. Please feel free to call. In addition, manuals, forms, and most other materials referenced in this manual are available on RCO's website on the [LWCF grant page](#) and the [Outdoor Recreation Legacy Partnership grant page](#).

## Other Publications Needed

Depending on the type of project submitted, grant participants should be familiar with the Recreation and Conservation Funding Board manuals listed below. The manuals are available on the [grant manual page](#) of the RCO website. Each can be made available in an alternative format.

- *Manual 2: Planning Policies and Guidelines*

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<sup>3</sup>Recreation and Conservation Funding Board Resolution 2006-13b



- *Manual 3: Acquisition Projects*
- *Manual 4: Development Projects*
- *Manual 5: Restoration Projects*
- *Manual 7: Long-Term Obligations*
- *Manual 8: Reimbursements*
- Another publication that might be helpful is the federal [LWCF manual](#) available on the National Park Service's website.

## Grant Process and Timeline

The LWCF program and the Outdoor Recreation Legacy Partnership Program operate on different schedules. RCO offers regular LWCF grants in even-numbered years, in conjunction with the state budget.

RCO offers Outdoor Recreation Legacy Partnership grants whenever the National Park Service solicits proposals. These grants typically are offered every year. RCO encourages applicants to review the schedule on the Outdoor Recreation Legacy Partnership grant page and add their names to RCO's mailing list to get notices about the next funding opportunity.

The grant process, from application to grant award, spans eighteen to twenty-four months, and is outlined below. While the order of the steps in this process remains consistent, visit the RCO website for precise dates.

## Even-Numbered Years

**Webinars.** RCO conducts webinars (online meetings) in the winter to provide information about the grant programs offered that year.

**Planning Deadline.** March 1 is the planning deadline for all programs. This ensures applicants complete the planning process before applying for grants. Agencies that apply for grants in the same year that their planning eligibility expires must ensure that their planning eligibility extends through the board meeting in which the projects first are considered.

RCO's website has a [list of eligible applicants](#). To verify or establish eligibility for a specific grant program, contact RCO's planning specialist.

**Entering Applications.** RCO strongly encourages the applicant to start the online application early. PRISM Online usually opens by March 1 for LWCF and February 1 for Outdoor Recreation Legacy Partnership applications.

To enter an application, the applicant must sign up for a [SecureAccess Washington](#) account and submit a [PRISM account form](#). When using either of these databases for the first time, the applicant must complete a double sign-in.

1. Using SecureAccess Washington credentials, login to PRISM.
2. When redirected to the SecureAccess login page, enter the SecureAccess credentials.
3. When redirected to a one-time PRISM sign-in page, enter the PRISM login credentials.
4. The applicant will be directed back to the PRSM home page.

This double sign-in will happen only once. After completing the double sign-in, the applicant will use SecureAccess Washington credentials to log into PRISM.

To begin an application, log into PRISM Online and select the *+New Application* button to enter grant application information. RCO uses this information to assign an outdoor grants manager. This manager guides the applicant through the process, reviews application materials, helps determine whether the proposal is eligible, and may visit the project site to discuss site-specific details. Visit RCO's website to learn more about [PRISM's components and technical requirements](#).

**Applications Due.** An application typically is due in early May of even-numbered years for LWCF and early March for Outdoor Recreation Legacy Partnership grants. The application includes the data entered into PRISM and all required attachments. The applicant should *submit* the application before the deadline. The *Check Application for Errors* button on the *Submit Application* screen will indicate which pages are incomplete. An incomplete application and an application received after the deadline will be rejected unless RCO's director has approved a late submission in advance. Follow the requirements in the Applicant's To-Do List online.

**Technical Reviews.** RCO staff review the project to ensure it is eligible, identify any issues of concern, and provide feedback on the strengths and weaknesses of the proposal. In addition, the applicant is encouraged to attend a virtual technical review meeting to present the project to the LWCF Advisory Committee and RCO staff. The applicant makes an oral presentation, illustrated with maps, graphics, and photographs using PowerPoint.® Grants managers will send comments to the applicant. The applicant then may make changes to improve the project, if needed. The applicant must complete all changes and resubmit the application by the technical completion deadline.

Note: RCO uses a written review process for Outdoor Recreation Legacy Partnership projects.

**Technical Completion Deadline.** RCO establishes a technical completion deadline by which the application must be in its final form. After this date, the applicant will not be able to make any further changes. RCO will score applicable evaluation criteria as of this date.

**Board Submits Biennial Budget Request.** The Recreation and Conservation Funding Board sends the Governor a recommended funding amount for LWCF for the next biennium.

**Project Evaluation.** The applicant makes a virtual, oral presentation, illustrated with maps, graphics, and photographs in PowerPoint® to the LWCF Advisory Committee, which scores the proposal against a set of criteria approved by the Recreation and Conservation Funding Board.

Note: The National Park Service uses a written evaluation process for Outdoor Recreation Legacy Partnership projects.

**Post-Evaluation Conference.** After project evaluations, RCO staff tabulate the scores and share the results with the advisory committee. The committee discusses the preliminary ranked list and the application and evaluation processes. The public may join this advisory committee conference call; however, to ensure a fair and equitable process, guests may not testify. Shortly after the conference call, staff post the preliminary ranked lists on RCO's website. The resulting ranked list of projects is the basis for the funding recommendation to the board.

**Pre-Agreement Materials.** After the preliminary ranked list is posted on RCO's website, to expedite the federal application and agreement process, the applicant must submit any remaining pre-agreement documents (checklist provided by grants managers).<sup>4</sup> This may include final cultural resources and environmental documentation, the signed and dated boundary map, project milestones, preliminary title reports, all federal permits, including the issued U.S. Army Corps of Engineers permit or a statement from the permitting agency saying no permit is needed. See Appendix A for list of federal permits. Staff then will assess project readiness. If the project does not meet the requirements for federal action, staff may recommend delayed funding for the project or that Recreation and Conservation Funding Board skip the project and approve only projects that meet the readiness criteria.

**Proof of Matching Funds.** An applicant with match included in the application must provide proof of the availability of matching funds by the match certification deadline,

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<sup>4</sup>Washington Administrative Code 286-13-040(4)

which is at least one calendar month before board approval of funding.<sup>5</sup> If not already submitted, RCO staff will request milestones or a timeline for project implementation. For a project with land acquisition, an applicant must provide the preliminary title report by the match certification deadline.

**Board Approves Preliminary Ranked List.** In an open public meeting, the Recreation and Conservation Funding Board considers the recommendations of the advisory committee and staff, written public comments submitted before the meeting, and public testimony at the meeting. The board then approves a preliminary ranked list of projects and may delegate authority to the RCO director to award grants pending federal acceptance of the state's application for funding.

## Odd-Numbered Years

**Legislature Approves Funding Authority.** When it develops the state capital budget, the Legislature considers the potential federal funds that may be awarded to Washington State for the LWCF program and generally approves funding authority for RCO.

**Board Awards Grants.** After the Legislature and Governor approve the capital budget, the board approves the final list of projects and funding, in an open public meeting. Occasionally, the board delegates authority to the director to award grants when it approves the preliminary ranked list. The funding must be approved by the National Park Service before the grants are awarded. Applicants are encouraged but not required to attend.

**Grant Agreements Issued.** After grant awards, RCO staff prepare the federal application, which includes the pre-agreement materials, and specifies the pre-agreement costs, for submittal to the National Park Service for its review.

Upon approval by the National Park Service, RCO staff then prepare and issue a grant agreement. The agreement includes federal terms and conditions. The applicant must return the signed agreement within three calendar months.<sup>6</sup>

Once the agreement is signed, the applicant, now referred to as a project sponsor, may begin the project, according to the terms of the grant agreement. Each agreement will be written and monitored for compliance by RCO staff. See *Manual 7: Long-Term Obligations* for more information.

**Successful Applicants' Webinar.** After the board approves funding, RCO publishes online a recorded webinar for successful grant applicants. This webinar covers the sponsor's responsibilities to comply with the grant agreement, issues that might come

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<sup>5</sup>Washington Administrative Code 286-13-040(3)

<sup>6</sup>Washington Administrative Code 286-13-040(5)

up when implementing a project, billing procedures, amendments for changes and time extensions, closing project procedures, and long-term compliance.

## Time Limits and Extensions

The sponsor must complete the funded project promptly. For this reason, RCO staff, with sponsor assistance, establishes a timetable for project completion, including enforceable milestones and a project completion date. To avoid the risk of the Recreation and Conservation Funding Board or director withdrawing the grant, the board adopted the following guidance for each project phase.

### Application Phase

An applicant must provide reasonable assurance that the project can be completed on time and meet milestones. Reasonable assurance may include such evidence as the following:

- Appraisals and review are completed.
- Designs are completed.
- Bid documents are prepared.
- Environmental assessment is completed.
- Hazardous substances review is completed.
- Option agreements are signed.
- Permits are in-hand.
- Property is in escrow.
- Waiver of Retroactivity is in-hand and signed.

At least one calendar month before the funding meeting, when requested by RCO staff, the applicant must provide written certification of matching fund availability.<sup>7</sup>

To ensure timely completion of projects, applicants may only submit projects that are likely to be completed within four years.

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<sup>7</sup>Washington Administrative Code 286-13-040(3)

## Pre-Agreement Phase

The applicant must submit the pre-agreement materials requested by RCO within two calendar months of funding approval.<sup>8</sup>

With RCO staff assistance, the applicant must develop milestones, to be included in the grant agreement and a timeline that does not exceed two to three years.

## Implementation Phase

To help ensure reasonable and timely project completion, accountability, and the proper use of funds, the applicant will do the following:

- Develop milestones for project implementation that ensures timely completion of projects as follows:
  - Acquisition projects 1-2 years
  - Combination projects 2-3½ years  
(The acquisition portion must be completed in ninety days. See “Combination Projects” under “Eligible Project Types” below.)
  - Development projects 2-3 years
  - Exceptionally complex projects 3½ years

RCO staff monitors critical project milestones (for example, ordering appraisals and reviews, starting construction). RCO or the National Park Service may terminate projects that do not meet critical milestones established in the grant agreement.<sup>9</sup> See the grant agreement section on termination and other remedies). Any RCO director decision may be appealed to the Recreation and Conservation Funding Board.

- Begin project implementation quickly and aggressively to show measurable progress towards meeting project milestones.
- Submit a reimbursement request at least once a year.<sup>10</sup>
- Submit progress reports at intervals as designated by the RCO grant agreement.

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<sup>8</sup>Washington Administrative Code 286-13-040(4)

<sup>9</sup>Washington Administrative Code 286-13-040(7)

<sup>10</sup>Washington Administrative Code 286-13-040

## Extensions

The director may approve a project up to four years. When one Recreation and Conservation Funding Board grant is used to match another, RCO staff will use the earliest grant to determine the four-year window.

Requests for extensions that would exceed four years may be referred to the Recreation and Conservation Funding Board and National Park Service for action.

Extension requests must be in writing and provided to RCO not less than sixty days before expiration of the project's completion date.<sup>11</sup> The request must justify the need and commit to a new set of specified milestones.

## Project Completion

The grant agreement end date will be written into the grant agreement. It is the date that is the end of the period of performance and all project work must be complete and may be extended only when authorized by the board or director.

When a project is completed, the sponsor must submit the final bill, final report, and supporting documents needed to close the project as specified in the agreement.<sup>12</sup> If the bills and documentation are not submitted on time, the Recreation and Conservation Funding Board or National Park Service may terminate the agreements without payment.

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<sup>11</sup>Washington Administrative Code 286-13-040(8)

<sup>12</sup>Washington Administrative Code 286-13-040(7)

# Section 2: Policies

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## This section covers the following:

- ✓ Policy direction
- ✓ Categories and grants offered
- ✓ Eligible applicants
- ✓ Planning requirements
- ✓ Eligible project types, activities, and costs
- ✓ Ineligible projects and costs
- ✓ Environmental and property requirements
- ✓ Other requirements and things to know
- ✓ Protection of federal investments and ongoing stewardship

## Policy Direction

LWCF has two integrated sets of policies. The first are the policies of the Department of Interior's National Park Service, as described in the federal LWCF manual. The second are the policies of the Recreation and Conservation Funding Board, which focus on project selection, grant agreement management, and enforcement of federal requirements. If the policies conflict or are unclear, federal policy will supersede board policy.

## Categories and Grants Offered

There are two categories of LWCF grants. For the most part, the categories are almost identical; however, there are a few key differences, which are described below.

### LWCF (State Competition)

Grants in this category may be used to acquire, develop, or renovate land for outdoor recreation purposes throughout Washington State.



RCO accepts applications for this category during the even-numbered year.

Applications are reviewed, evaluated, and ranked by the Washington State LWCF Advisory Committee.

Each year the National Park Service makes funding available to each state.

The State can submit one or many projects to the National Park Service for funding.

The Recreation and Conservation Funding Board uses the annual appropriation to award grants to the ranked list of grant applications submitted during the even-numbered year.

### **Outdoor Recreation Legacy Partnership (National Competition)**

Grants in this category may be used to acquire, develop, or renovate land for outdoor recreation purposes. The projects must be:

- Located in or within a half-mile buffer of “urbanized areas,” which are defined as an incorporated city or town, an unincorporated Census Designated Place, or an unincorporated Census Urban Area with populations of at least twenty-five thousand in the 2020 Census, AND within an underserved community.<sup>13</sup>
- Projects on lands held by federally recognized Native American Tribes also are eligible.

If the applicant is a state agency or county, the project must serve an urbanized area as described above.

Periodically, the National Park Service solicits proposals for this category. The notice of federal opportunity is updated each grant round to specify the application requirements, grant limits, funds available, and the anticipated start date for grant proposals.

Applications are submitted to RCO and are reviewed by the Washington State LWCF Advisory Committee. The advisory committee recommends to RCO’s director projects the State should submit to the National Park Service for the national competition.

Projects submitted to the National Park Service are reviewed, evaluated, and ranked by a technical panel of National Park Service staff and a peer-based panel of federal and non-federal individuals.

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<sup>13</sup>Underserved communities may include communities that lack green space, have socially vulnerable populations, or indicators of poor health outcomes. The stateside LWCF criteria has resources to help define these factors. See the detailed criteria in section 4.

The National Park Service awards the grants; however, RCO administers the funded projects.

Check the schedule on RCO's [website](#) for application due dates.

## Choosing a Grant Category

A grant applicant submits a proposal to a specific category. RCO staff review the applicant's choice and recommend any changes. The key difference in the two categories is funding opportunities, project location, grant limits, and how the project will be selected for funding.

A project will be evaluated only in one category. At the applicant's discretion, a project appropriate to more than one category may be divided into stand-alone, distinct projects and submitted separately. One project cannot depend on the anticipated completion of another. The applicant must determine the best category for the project by the technical completion deadline, unless otherwise authorized by the director. The applicant may not submit the same project to multiple LWCF categories, unless RCO's director approves the submittals.

## Eligible Applicants

Grants may be made to the following organizations:

- Cities and towns
- Counties
- Federally recognized Native American Tribes
- Park and recreation districts
- School districts
- State agencies
- Certain other special purpose districts such as port and public utility districts are eligible if legally authorized to acquire and develop public open space, habitat, or recreation facilities.

## Legal Opinion First-time Applicants

The Recreation and Conservation Funding Board requires all organizations wishing to apply for a grant for the first time to submit a legal opinion that the applicant is eligible to do the activities below. The legal opinion is required only once to establish eligibility.

- Contract with the State of Washington and/or the United States of America.
- Meet any statutory definitions required for Recreation and Conservation Funding Board grant programs.
- Receive and spend public funds including funds from the Recreation and Conservation Funding Board.
- Acquire and manage interests in real property for conservation or outdoor recreation purposes.
- Develop and/or provide stewardship for structures or facilities eligible under board rules or policies.
- Undertake planning activities incidental thereto.
- Commit the applicant to statements made in any grant proposal.
- Enter into a grant agreement that requires the provision of replacement land if there is a conversion or if the outstanding rights or reversionary interests are exercised in such a manner that results in a conversion.

If the sponsor has no such authority, then the project is not eligible for LWCF grants. See *Manual 7: Long-Term Obligations*.

## Not Eligible

- Private individuals and organizations, even if they are nonprofit or charitable organizations.
- Any grantee, subgrantee, or contractor of any grantee or subgrantee that has been debarred or suspended under [Executive Order 12549](#).

## Past Performance

An applicant will be evaluated in part on its past performances, if applicable, in managing LWCF grants.

## Planning Requirements

To be eligible for a grant, the applicant must submit a comprehensive outdoor recreation plan that has been adopted by the applying organization's governing body.<sup>14</sup> This helps

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<sup>14</sup>Washington Administrative Code 286-13-035(1)

ensure a project has been through a public process and was prioritized by the community. The plan must be accepted by RCO by March 1 in even-numbered years.

Once RCO accepts the plan, the applicant is eligible to apply for grants for up to six years from the date the applicant organization adopted the plan.<sup>15</sup> It is the applicant's responsibility to ensure that the plan documentation provided to RCO is current. See *Manual 2: Planning Policies and Guidelines* for more information. Co-sponsors also should consult the Joint and Cooperative Projects section in *Manual 3: Acquisition Projects*, *Manual 4: Development Projects*, or *Manual 5: Restoration Projects*.

## Statewide Outdoor Recreation Planning Process

To be eligible for grants, a project must be in accord with the current [State Recreation and Conservation Plan](#), which the Recreation and Conservation Funding Board has produced since 1967. The board uses the plan to establish funding priorities.

### Eligible Project Types

The following types of projects are eligible for funding:

#### Acquisition Projects

An acquisition project is one that purchases or receives a donation of fee or less-than-fee interests in real property. These interests include, but are not limited to, conservation easements, access and trail easements, covenants, water rights, leases, and mineral rights. Less-than-fee interests must provide perpetual public access and use.

- A property must be developed within three years from the date it was acquired.
- Public access to the property is required.
- A project may include acquisition of structures and improvements that are to be used primarily for outdoor recreation or outdoor recreation support activities. A project that includes structures that will be removed or demolished typically is not eligible in this program and the project sponsor should consult with RCO to determine eligibility. The National Park Service will determine the eligibility of structures proposed for acquisition.
- The project sponsor must list all improvements and the proposed uses in the application.

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<sup>15</sup>Washington Administrative Code 286-13-040(2)

## Acquisition for Delayed Development

A grant may be available to buy land for future development of outdoor recreation facilities. In the interim between acquisition and development, the property must be open for those public recreation purposes that the land is capable of supporting or which can be achieved with minimum public investment. Planned development must occur on the property within three years from the date of acquisition.

If development will be delayed more than three years from the date of acquisition, the project sponsor must include the following information at the time of application:

- Why immediate acquisition of the property is necessary.
- What facilities will be developed and when.
- The type of recreation access that will be provided during the interim period.
- What, if any, non-recreational uses will be continued on the property and when will they be terminated.
- Assurance that any income derived by the project sponsor for the non-recreation activities will be used in accordance with federal LWCF rules.
- Assurance that non-recreational uses will be terminated within three years from the date of acquisition.

## Buying Land before an RCO Grant Agreement is Approved

Under most conditions, RCO only will pay for expenses that occur when the grant agreement is active. However, a project sponsor may get approval from the National Park Service and RCO to cover land acquisitions costs incurred before the grant agreement was signed or to preserve the property's eligibility to use as replacement property for a conversion. To do this, the project sponsor must request a Waiver of Retroactivity before buying property rights.<sup>16</sup>

The waiver may be requested only when immediate action is necessary and the grant won't be awarded in time. Waivers must be well-justified. The National Park Service approves waivers in rare instances. When a waiver is approved, it allows the sponsor to acquire the property in advance of a signed grant agreement without forfeiting eligibility. Approval of a waiver however does not guarantee funding. When approved, a waiver is good for the remainder of the current federal fiscal year plus one additional federal fiscal year from the date of issue. For additional information and to learn what

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<sup>16</sup>Washington Administrative Code 286-13-085

materials to submit for a Waiver of Retroactivity request, please refer to *Manual 3: Acquisition Projects*.

## Development Projects

Development projects are those that result in the construction of, or work resulting in, new elements, including but not limited to structures, facilities, or materials to enhance outdoor recreation resources. Development projects may include construction or renovation of public outdoor recreation facilities and support amenities such as parking, restrooms, walkways, and landscaping. Renovation work is intended to improve an existing site or structure to increase its useful service life beyond original expectations or functions and does not include maintenance activities to maintain the facility for its originally expected useful service life. Grants for development projects also may cover demolition, site preparation, architectural and engineering services, and similar activities that are essential to complete the proposed project scope.

There is a perpetual obligation for all development projects on land owned by the applicant or by a public agency.

## Development of Lands Recently Acquired

If land was acquired within the past five years, development with LWCF grants must be made in accordance with the applicable provisions of Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. See more information in the *Control of the Land (Development Projects)* section below.

## Design Requirements

Plans for development should be based on public need, expected use, and the type and character of the project area. Facilities should be attractive for public use and generally consistent with the environment. Emphasis should be given to the health and safety of users, accessibility to the general public, compliance with the Americans with Disabilities Act and related laws, and protection of the recreation and natural values of the area.

## Development on Public School Grounds

A project sponsor may develop facilities on land it owns if it can ensure perpetual public use. When the sponsor develops facilities on public school grounds, the following conditions also apply:

- Outdoor recreation areas and facilities for use by the public and by public schools, including colleges and universities, are eligible for grants if they are not part of the normal and usual program and responsibility of the school system.
- Stadiums, stadium-like seating, and portable bleachers are not eligible for grants.

- Facilities needed solely to meet the physical education and athletic program requirements of a school are not eligible for grants. However, the school system may have exclusive use of facilities such as athletic fields, tennis courts, and swimming pools, at certain times for instruction or competition if the public outdoor recreation use remains primary and there is adequate public access at other times.

Include in the grant application a schedule of the time the facility will be open to the public. Additionally, adequate signs indicating when the facilities are open to the public must be installed at the site before the final payment on the project. See *Manual 4: Development Projects* for more information about control of the land.

### **Combination Projects<sup>17</sup>**

Combination projects involve acquisition and facility development or renovation. To help ensure timely completion of these projects, at least one month before the Recreation and Conservation Funding Board considers approving funding, the applicant must secure the property by one of the following methods:

- Acquisition under the Waiver of Retroactivity policies and procedures (*Manual 3: Acquisition Projects*).
- Have property in escrow pending grant approval. Closing must occur within ninety days after the funding meeting.
- Obtain an option or purchase and sale agreement on the property that extends past the Recreation and Conservation Funding Board funding meeting. Execution of the option or agreement must occur within ninety days after this meeting.

If the acquisition is for less-than-fee interest and if not acquired already by a Waiver of Retroactivity, the applicant also must provide draft copies of all leases or easements to RCO for review. Execution of the leases or easements must occur within ninety days after the funding meeting.

For the acquisition to remain eligible, the sponsor must follow all the requirements and procedures outlined in *Manual 3: Acquisition Projects*.

### **Phased Projects**

The Recreation and Conservation Funding Board recommends that applicants discuss phasing very expensive or complex projects with RCO staff. Phased projects are subject to the following parameters:

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<sup>17</sup>Recreation and Conservation Funding Board Resolution 2004-08

- Approval of any single phase is limited to that phase. No approval or endorsement is given or implied toward future phases.
- Each phase must stand on its merits as a viable or complete recreation experience and is not dependent on the completion of future phases or work.
- Each phase must be submitted as a separate application.

The Recreation and Conservation Funding Board may consider progress and sponsor performance on previously funded project phases when making decisions on current project proposals.

## Eligible Project Activities and Costs

### Incurring Pre-Agreement Costs<sup>18</sup>

RCO will pay only for work performed after a grant agreement has been signed by both RCO and the project sponsor with two exceptions:

- Real property acquired under a Waiver of Retroactivity approved by RCO and the National Park Service. See *Manual 3: Acquisition Projects*.
- Expenses, such as preliminary designs, environmental assessments, construction plans and specifications, cultural resource surveys, and permits, all of which must be disclosed in the sponsor's application and incurred within three years before application submission to the National Park Service.

To be eligible, the applicant must identify all pre-agreement costs within the grant proposal and they become eligible only if the National Park Service approves those costs and incorporates those into the federal agreement.

Construction performed before the execution of a grant agreement; compliance with federal laws, such as Section 106 of the National Historic Preservation Act and the National Environmental Policy Act; and before securing a Notice to Proceed from RCO, will not be eligible for payment and may jeopardize funding for the entire project. See *Manual 4: Development Projects* for further information.

### Acquiring Land

Purchasing or receiving a donation of fee or less-than-fee interest in real property. The only eligible incidental costs include the following:

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<sup>18</sup>Washington Administrative Code 286-13-085



- Relocation and relocation administration allowed under the Uniform Relocation Assistance and Real Property Acquisition Policies, Public Law 94-646
- Cultural resources (survey, onsite monitoring, data recovery, and other costs)
- National Environmental Policy Act compliance (hazardous substances review, wetland delineations, biological surveys, etc.)

All other incidental costs related to the acquisition of real property are ineligible.

Additional rules for land acquisition are in *Manual 3: Acquisition Projects* and the [federal LWCF Manual](#).

## **Developing or Renovating Facilities**

Developing and renovating active and passive public outdoor recreation and access facilities. Additional guidelines for development projects are in *Manual 4: Development Projects*. Examples of public outdoor recreation facilities and support amenities that are eligible for funding include the following:

- Athletic fields
- Campgrounds including overnight recreational facility structures<sup>19</sup>
- Community gardens
- Equestrian facilities, such as rodeo arenas
- Golf courses
- Hard court areas, such as skate parks, tennis courts, and basketball courts
- Marine facilities (motorized and non-motorized boating, water access, etc.)
- Natural areas, open space
- Outdoor interpretive facilities including kiosks and signs
- Picnic sites including picnic shelters
- Playgrounds and spray grounds
- Pump tracks

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<sup>19</sup>See *Manual 4: Development Projects* for specific details.

- Shooting and archery ranges<sup>20</sup>
- Ski areas, ice-skating rinks,<sup>21</sup> snowmobile facilities
- Swim beaches and pools<sup>22</sup>
- Support facilities such as parking, restrooms, permanent spectator seating, storage, landscaping, and utilities, unless they exclusively serve ineligible facilities
- Trails (including interpretive) and pathways
- Vistas and viewpoints
- Wildlife management areas (fishing or hunting)

## **Paying Indirect Costs**

RCO allows agency indirect costs for all projects that receive federal funding or are used by RCO as programmatic match to a federal grant. A grant applicant is required to attach the RCO Fiscal Data Collection Sheet before submitting the application. The applicant should start filling out this form early and work with applicant accounting staff to estimate the indirect costs. RCO and the National Park Service will review and determine the eligibility of indirect costs for the project.

## **Ineligible Projects and Costs**

### **Ineligible Acquisition Projects**

- Acquisition of historic sites and structures
- Acquisition of museums and sites to be used for museums or primarily for archeological excavations
- Acquisition of land to help meet a public school's minimum site size requirement, as established by state or local regulations
- Acquisition of areas and facilities designed to be used primarily for semi-professional and professional arts and athletics

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<sup>20</sup>See *Manual 11: Firearms and Archery Range Recreation* for RCO's policy on range and course certification.

<sup>21</sup>Ice skating rinks and swimming pools may be covered or completely enclosed if they meet climate criteria (see federal LWCF handbook), but limited funds are available for such projects.

<sup>22</sup>See *Manual 4: Development Projects* for specific details.

- Acquisition of areas and facilities to be used solely for game refuges or fish production purposes
- Acquisition of areas to be used mainly for the construction of indoor facilities, except for covered swimming pools and ice rinks if the location meets federal climate criteria
- Acquisition of railroad hardware, trestles, stations, yards, etc.
- Acquisition of sites containing luxury lodges, motels, cabins, and similar elaborate facilities, which are to be operated by the project sponsor or a concessionaire to serve recreationists with food and sleeping quarters
- Acquisition of agricultural land primarily for preserving the agricultural uses
- Acquisition of federal surplus property unless legislatively authorized in a specific situation
- Acquisition of multiple sites
- Acquisition of scholastic and intercollegiate facilities
- Acquisition of structures that will be demolished or relocated
- Administrative costs related to the purchase of property or property rights
- Lands acquired from the federal government at less than fair market value
- An acquisition project may receive a LWCF or Outdoor Recreation Legacy Partnership grant but not both.

### **Ineligible Development Projects**

- Animal species introduction or propagation, other than biological controls for invasive species, etc.
- Areas or facilities designed primarily for semi-professional arts or athletics, such as outdoor theaters or professional rodeo arenas
- Facilities designated for specific groups or where certain groups will be given priority access (marine facilities, group camps, etc.)
- Fish or other wildlife production facilities, such as fish hatcheries for producing sport fish populations

- Indoor facilities such as community centers, environmental education or learning centers, gymnasiums, swimming and therapy pools, and ice-skating rinks
- Mobile recreation units including portable bleachers, skate mobiles, play mobiles
- Renovation due to inadequate maintenance during the reasonable life of the facility
- Restoration or preservation of historic structures
- Specific projects identified as mitigation as part of a habitat conservation plan approved by the federal government for incidental take of endangered or threatened species, or other projects identified for habitat mitigation purposes. Also see *Manual 3: Acquisition Projects* and *Manual 4: Development Projects* for exceptions.
- A development or renovation project may receive a LWCF or Outdoor Recreation Legacy Partnership grant but not both.

### **Ineligible Costs**

- Acquisition support costs or incidentals such as appraisals, closing costs, and title work.
- Any costs associated with the preparation or presentation of the grant application
- Bonus payments
- Ceremonial or entertainment expenses
- Charges for contingency or other similar reserves
- Charges for deficits or overdrafts
- Charges incurred contrary to the policies of the sponsor
- Charges in excess of the lowest bid when competitive bidding is required
- Costs not directly related to implementing the project such as unrelated mitigation
- Costs of discounts not taken
- Damage judgments whether determined by judicial decision, arbitration, or otherwise

- Donations or contributions made by the project sponsor, such as to a charitable organization
- Elements that cannot be defined as fixtures or capital items (balls, cones, bats, informational materials, etc.)
- Employee facilities, including residences, appliances, office equipment, furniture, etc.
- Environmental cleanup of illegal activities (removal of contaminated materials, derelict vessels, trash, methamphetamine labs, etc.)
- Expenses for publicity
- Fines and penalties
- Interest expenses
- Items not included in the grant agreement
- Legal, professional fees paid in connection with raising funds
- Losses arising from uncollectible accounts and other claims and related costs
- Operation and maintenance costs of recreational areas and facilities
- Salaries and expenses of the chief executive of the project sponsor (commissioner, mayor, etc.) or the local government body (city, county, etc.)
- Support facilities that exclusively serve ineligible facilities
- Taxes that the project sponsor would not have been liable to pay

### **Proration of Support Facilities**

Support facilities, such as road and utilities, that serve both eligible and ineligible outdoor recreation facilities may be provided on a proration basis. Grants may be used for that portion of the support facility that will serve eligible facilities, provided that the support amenities are subject to the LWCF conversion provisions.

The applicant must include explanations of prorating, the method used, as well as data to validate the method. The application will not be considered for funding if costs are not prorated appropriately.

## **Environmental Requirements**

### **Environmental Regulations**

Once a project has been selected for funding, compliance with all applicable federal laws, regulations, and policies, including environmental laws such as the National Environmental Policy Act, the Endangered Species Act, and National Historic Preservation Act, and applicable executive orders must be satisfied before the National Park Service will issue a grant agreement.

### **National Historic Preservation Act, Section 106 Process**

The federal government, through section 106 of the National Historic Preservation Act, requires federal agencies to consider the effects their actions or undertakings have on historic properties. The goal is to ensure that reasonable action is taken to avoid, minimize, or mitigate harm to those resources.

The National Park Service oversees compliance for this federal grant program. RCO collects information pertinent to this review as part of the application process. RCO will work with the National Park Service to review the project for effects to cultural resources. The review may require the sponsor to conduct a cultural resources survey or meet other requirements before a grant agreement may be awarded. The National Park Service is the lead federal agency for insuring compliance with section 106. The applicant should not initiate consultation with the Department Archaeology and Historic Preservation or Tribes.

If a cultural resources survey is requested, the project sponsor must retain the services of qualified cultural resources professionals to complete the survey and provide it to RCO before a grant agreement may be issued. The sponsor must work with RCO to review the survey methodology before commencing field work. If the sponsor commissions a cultural resources survey report before review and formal consultation has begun, the existing cultural resources study may not be sufficient to meet the requirements of the agency that oversees the cultural resource's compliance for the project.

RCO forwards the survey to the State Historic Preservation Office, National Park Service, and interested Native American Tribes for review and comment. RCO then forwards comments and the State Historic Preservation Office determination to the National Park Service for a final determination.

This review and the review under the National Environmental Policy Act are two separate, distinct processes. They can, and should, occur simultaneously. They should be coordinated to avoid duplication of public involvement or other requirements.

An applicant should budget for cultural resources work for all projects. The cost of a cultural resources survey is highly dependent on the size, scope, and location of the project. RCO encourages applicants to work with qualified cultural resources professionals to estimate the costs. The Association for Washington Archaeology provides [a list of qualified consultants](#) on its Web site. Costs for compliance actions (e.g., survey, monitoring, permitting, redesign, mitigation) are eligible for reimbursement and should be included in the grant application. See [Protecting Cultural Resources](#) for more information.

**Important Note:** A sponsor may not disturb the ground in project areas (or demolish or alter structures) until receiving approval from RCO. In addition, ground-disturbing activities or demolition of structures for any project that occur before completion of the cultural resources review process are not eligible for reimbursement and may jeopardize funding for the entire project.

## Intergovernmental Review

To receive a LWCF grant, the sponsor must notify directly local governments and state, area-wide, and regional agencies that would be affected by the project. This may be accomplished by publishing the project notice in the Federal Register or (preferred) by sending information directly to affected agencies. Such notices should include a detailed description of the proposal, an address where comments may be forwarded, and the deadline for comment. A sixty-day comment period is suggested.

## Public Review

At a minimum, a project sponsor is required to ensure the interested and affected public has had an opportunity to review and provide written comments on completed environmental assessments for a LWCF proposal. This public comment period shall be at least thirty days. An applicant must make the public comment period broadly known so that the public and interested and affected people have ample time to review the materials and comment. At a minimum, an applicant must broadcast that the environmental assessment is available for review by publishing a notice in local newspapers and on the sponsoring agency's website. A project sponsor is responsible for reviewing the public comments. These comments and the responses that address all substantive comments are to be included in the proposal's submission to the National Park Service. If the proposal is revised in response to substantive public comments, or for any other reason, RCO should consult with the National Park Service to determine if the public needs another opportunity to review the revised environmental assessment.

See the "Cultural Resources" section in *manuals 3, 4, or 5* for additional details.

## **Invasive Species**

The Washington Invasive Species Council developed [protocols](#) for preventing the spread of invasive species while working in the field. The Recreation and Conservation Funding Board encourages the grant sponsor to consider how the project may spread invasive species and work to reduce that possibility. Invasive species can be spread unintentionally during construction, maintenance, and restoration activities. Here are examples of how it could happen:

- Driving a car or truck to a field site and moving soil embedded with seeds or fragments of invasive plants in the vehicle's tires to another site. New infestations can begin miles away as the seeds and fragments drop off the tires and the undercarriage of the vehicle.
- Moving water or sediment infested with invasive plants, animals, or pathogens via boots, nets, sampling equipment, or boats from one stream to another.
- Moving weed-infested hay, gravel, or dirt to a new site, carrying the weed seeds along with it, during restoration and construction activities. Before long, the seeds germinate, and infest the new site.

The key to preventing the spread of new invasive species is twofold: Use materials that are known to be free of invasive plants or animals in the project and clean equipment both before and after the job. Equipment to clean should include, but not be limited to, footwear, gloves, angling equipment, sampling equipment, boats and their trailers, and vehicles and tires.

## **Permits and Forms**

### **Application and Revision Form**

The project sponsor must review the project for potential environmental impacts by following the National Environmental Policy Act, which coordinates federal, state, and local environmental requirements. To facilitate and document this coordination, States must ensure that the LWCF Application and Revision Form is completed and accompanies the request for federal funding along with all existing cultural resources and environmental studies. Public involvement is required in the planning process.

Upon completion, the environmental screening portion (Environmental Resources Survey) of the Application and Revision Form will indicate the resources that could be impacted by the project enabling States and project sponsors to follow an appropriate pathway for National Environmental Policy Act analysis, such as the following:

- Recommendation for a categorical exclusion



- Production of an environmental assessment
- Production of an environmental impact statement

The environmental screening form also could be used to document earlier, yet still viable, environmental analysis of this federal proposal.

## Federal Permits

A sponsor of a project that requires any federal permits, including the U.S. Army Corps of Engineers' permit, must provide a copy of the issued permit within sixty days of the Recreation and Conservation Funding Board's approval of the preliminary ranked list of projects or the project will not be funded. If it has been determined that the project does not need a federal permit, the sponsor must provide documentation of that decision including which federal regulator made this determination. Due to the long lead time for obtaining federal permits, the sponsor must start this process before submitting the grant application. See the Applicant's To Do List.

## Aquatic Habitat Guidelines

An aquatic restoration project should follow the Washington Department of Fish and Wildlife's aquatic habitat guidelines for water crossings, stream restoration, and stream bank protection. *Manual 4: Development Projects* and *Manual 5: Restoration Projects* has additional information.

- [Water Crossing Design Guidelines](#)
- [Integrated Streambank Protection Guidelines](#)
- [Stream Habitat Restoration Guidelines](#)

## Sustainability<sup>23</sup>

The Recreation and Conservation Funding Board encourages grant recipients to design and build sustainable projects to maximize the useful life of what they build and do the least amount of damage to the environment.

The board encourages sponsors to use sustainable design, practices, and elements in their projects. Examples may include use of recycled materials; native plants in landscaping; pervious surfacing material for circulation paths and access routes, trails, and parking areas; energy efficient fixtures; onsite recycling stations; and composting.

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<sup>23</sup>Recreation and Conservation Funding Board Resolution 2011-22 and 2014-06

## Property Requirements

### Landowner Acknowledgement for Acquisition Projects

As part of any grant application for acquisition of real property, the applicant must demonstrate that the landowner is aware of its interest in purchasing property rights. The applicant may meet this requirement by completing one of four options detailed in *Manual 3: Acquisition Projects*.

### Appraisal Standards for Acquisitions

The *Uniform Appraisal Standards of Federal Land Acquisitions*,<sup>24</sup> commonly called the “Yellow Book” must be used to prepare appraisals and appraisal reviews. This requirement applies to new projects and to land transactions that occur as a result of a conversion. Before initiating the appraisal review, the sponsor should contact RCO to verify the eligibility of the review appraiser.

### Uniform Relocation and Acquisition

Real property acquisitions must be made in accordance with the applicable provisions of Public Law 91-646, the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#), as amended.

In addition to real property acquisitions, the Uniform Relocation and Assistance Act requirements also apply to conversions and development grants if the property was acquired within the past five years.

### Control of the Land (Development Projects)

To protect investments made by the Recreation and Conservation Funding Board and to assure public access to those investments, the sponsor must have adequate control of the project site to construct, operate, and maintain the area for the term required by the grant program and grant agreement. This “control and tenure” may be through land ownership, a lease, or easement. See *Manual 4: Development Projects* for more information.

The project sponsor may develop facilities on land it owns or on land where it has less-than-fee interests, such as easements, if its rights to the land provide permanent public access and control of the property commensurate with the proposed development, and the land can be placed under LWCF protection. All less-than-fee interests must be

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<sup>24</sup>This publication is revised annually and can be found on the [Appraisal Foundation’s Web site](#).

described in the Application and Revision Form (described below) and indicated on the draft LWCF boundary map required in the application.

No approval will be given for the development of facilities on leased land unless the land meets one of the following requirements:

- The land is leased from the federal government with no less than twenty-five years remaining on the lease, and the lease is not revocable at will.
- The land is leased from one public agency to another for twenty-five years or more and there are safeguards included to adequately ensure perpetual use. See the National Park Service's LWCF manual.

If the lease is not renewed, RCO will transfer the grant agreement to the landowner. The landowner must comply with the grant agreement and grant program policies in perpetuity.

## **Projects on State-owned Aquatic Lands**

If a project will occur over, in, or alongside a navigable body of water, an authorization to use state-owned aquatic lands may be needed.

All marine waters are, by definition, navigable, as are portions of rivers influenced by tides. Navigable rivers and lakes are those determined by the judiciary, those bounded by meander lines, or those that could have been used for commerce at the time of statehood. The Department of Natural Resources' aquatic land managers will help the grant applicant determine if the project will fall on state-owned aquatic lands and provide more information on its authorization process. See the [land manager coverage map](#) online for contact information for the Department of Natural Resources aquatic land managers.

If the project is on state-owned aquatic lands, the grant applicant will need to secure a perpetual easement to use those lands from the Washington Department of Natural Resources. Securing the easement may take up to a year. RCO requires the executed easement within two calendar months<sup>25</sup> after board funding approval to show control and tenure for the site. The lease or easement is required before the project will be placed under agreement, unless RCO's director approves an extension in advance. Review the control and tenure requirements in *Manual 4: Development Projects* or *Manual 5: Restoration Projects*.

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<sup>25</sup>Washington Administrative Code 286-13-045(4)

The following online resources may be helpful to review:

- [Grant Projects on State-owned Aquatic Lands](#)
- [Leasing State-owned Aquatic Lands](#)
- [Boundaries of State-owned Aquatic Lands](#)
- [Caring for Washington's Nearshore Environments](#)

## Department of Natural Resources' Review of Project Scope

A local government applicant that needs to secure an easement meeting board policy must do the following:

- Meet with the Department of Natural Resources to review the proposed scope of work.
- Complete a Joint Aquatic Resource Permit Application (JARPA) and give a copy to the Department of Natural Resources.
- Attach to the grant application a Scope of Work Acknowledgement Form (signed by the Department of Natural Resources) by the technical completion deadline.

State agency applicants must follow the same procedure when developing a new facility where one currently does not exist. RCO will coordinate an interagency in-person review of proposals for all other state agency projects.

## Acknowledgement and Signs

Sponsors must acknowledge the National Park Service and the Recreation and Conservation Funding Board funding assistance in all projects.<sup>26</sup>

### Acknowledgement<sup>27</sup>

Sponsors must acknowledge Recreation and Conservation Funding Board funding assistance, by program if possible. This includes the following:

- Written acknowledgement in any news release or publication developed or modified for the funded project.
- Verbal acknowledgement during all ground-breaking and dedication ceremonies.

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<sup>26</sup>Washington Administrative Code 286-13-120

<sup>27</sup>Washington Administrative Code 286-13-120

A sponsor should notify RCO at least two weeks before any project dedication ceremony and thirty days in advance if an RCO representative or speaker is requested at the ceremony.

## Signs

The National Park Service requires sponsors to use the LWCF logo and post program acknowledgement signs at all funded acquisition and development projects.

### Temporary Signs

Temporary signs must be installed at all development projects from the start of construction until a permanent sign is installed. The project sponsor may delay installing signs at an acquisition project until the acquisition of all parcels and all relocations have occurred. The project sponsor must install a temporary sign on the completion of the final acquisition for at least six months or until replaced by a permanent sign.

Unless precluded by local sign ordinances, the minimum size of the signs will be two feet by three feet. There is no maximum size. A project sponsor may be reimbursed one-half the cost of a temporary sign if it's included in the grant agreement as an allowable cost.

Temporary signs must contain the following information:

- Sponsoring agency name
- Public outdoor recreation site acquisition or development (*project name and description*)
- Aided by the Land and Water Conservation Fund
- Administered by Washington State Recreation and Conservation Office and the National Park Service, U.S. Department of the Interior
- LWCF dollar amount
- Sponsoring agency match dollar amount
- Total project dollar amount
- LWCF revenue from outer continental shelf receipts, motorboat fuel tax, and sale of surplus federal properties

### Permanent Signs

Federal guidelines require permanent signs acknowledging LWCF participation to be installed at all grant-assisted project sites. RCO may provide the signs.

The sign requirements are as follows:

- Prominent placement of signs at entrances and other locations unless exempted by board policy or waived by the RCO director. The sponsor may build such signs to harmonize with an existing design standard or request a standard acknowledgement sign from RCO.
- For a sponsor's developing its own signs, below are suggestions for how to incorporate appropriate acknowledgement:
  - Funding provided by Land and Water Conservation Fund.
  - Grant funding from the Land and Water Conservation Fund made available from the Department of Interior's National Park Service and the Washington State Recreation and Conservation Funding Board.
- Funding acknowledgement signs must be posted before the grant agreement end date and final reimbursement. RCO may provide free funding acknowledgement signs for this grant program upon request. A sponsor must provide proof of the funding acknowledgement by attaching photographs or other evidence to PRISM.

## **Public Property Records<sup>28</sup>**

All funded sites, regardless of the grant amount, must be maintained for outdoor recreation purposes forever. The National Park Service requires that the project sponsor keep a permanent record in its public property records that notes that the site was acquired or developed with LWCF assistance and cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the Interior. The permanent record must include the recorded Notice of Grant and a signed and dated project boundary map that documents the area subject to the grant agreement.

In general, LWCF protection is applied to the entire recreation area, such as the entire park, unless RCO and the National Park Service agree to a more limited area.

The project sponsor must agree to this requirement as a condition of receiving a grant. A prospective applicant should carefully consider its ability and willingness to comply with this provision of the LWCF Act before applying for a grant.

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<sup>28</sup>Section 6(f)(3) of the LWCF Act (P.L. 55-578, 16 USC 460l-4 et seq.)

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## Other Requirements and Things to Know

### Number of Grant Proposals Allowed

In general, RCO does not limit the number of grant proposals from a single applicant during the biennial grant cycle. However, each proposal must be for a different scope of work. Each application must stand alone on its own merits with a viable, recreation experience or conservation effort and not be dependent on other projects or future phases of work.

A grant proposal for the same project site and identical scope of work may be submitted to another RCO grant program only if it is being used as match. Each proposal must identify the other RCO matching grant proposal. RCO recommends the applicant contact staff to discuss options for phasing a costly, interrelated, or complex project proposal.

### Public Access

Projects receiving grants for acquisition, development, renovation, or restoration must be accessible for public outdoor recreation. Public access means that the general public has regular access to, and use of, the grant-funded project area at reasonable hours and times of the year. Also, the sponsor must not limit access in any way that discriminates against any member of the public. See “Nondiscrimination” for more information.

### Nondiscrimination

RCO activities are intended to follow state and federal guidelines for nondiscrimination. Anyone believing RCO or its programs are discriminatory should express concern to the Recreation and Conservation Funding Board or the [Office of Civil Rights](#), Equal Opportunity Program, U.S. Department of the Interior, National Park Service, 1849 C Street N.W., Room 2733, Washington, D.C. 20040.

### Accessibility

Facilities or elements<sup>29</sup> constructed with RCO grants and sponsor match are required by law to be accessible regardless of whether there are specific standards adopted in the State Building Code, Americans with Disabilities Act, or Architectural Barriers Act, as amended. Other federal laws, guidelines, and best practices also may apply to achieve accessibility. In case of conflict between minimums, the one providing the most access shall prevail. RCO shall have final determination.

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<sup>29</sup>A facility is all or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on site. An element is an architectural or mechanical component of a building, facility, space, or site (2010 ADA Standards for Accessible Design, Department of Justice, September 15, 2010).

RCO encourages sponsors to exceed the minimum accessibility standards and use a design principle that maximizes universal accessibility for all. See *Manual 4: Development Projects* and the RCO website for detailed information about how to make the facility meet accessibility requirements. Plans, project applications, cost estimates, and construction drawings must reflect compliance with facility access and signing requirements.

## **Fees and Income**

User or other fees may be charged for areas and facilities acquired or developed with RCO grants. See *Manual 3: Acquisition Projects* or *Manual 4: Development Projects*, and Washington Administrative Code 286-13-110 for more information.

## **Inspections**

The sponsor shall provide the right of access to the project area to RCO to conduct pre-award inspections. After project funding, this access is expanded to include RCO, or any of its officers, or to any other authorized agent or official of the State of Washington or the federal government, at all reasonable times, to monitor and evaluate performance, compliance, and quality assurance as specified in the grant agreement. Normally, RCO staff conducts four types of project site visits:

- **Pre-award.** Made during the application phase, normally with the applicant to assess the project area and scope of work for eligibility concerns and compatibility with the grant program.
- **Interim.** This inspection, normally coordinated with the sponsor, is made sometime during the project implementation phase to help resolve any apparent or anticipated problems and to monitor project progress.
- **Final.** Before final acceptance of the contractor's work or accepting a project as complete, the sponsor shall request a final inspection by RCO. This request must be made only after the project is complete, architects and/or engineers have made their inspections, and defects have been corrected. It should be scheduled near project completion but still within the performance period of the contractor. The project must be constructed and functional as described in the grant agreement. The final inspection will review the following:
  - Completion of the project scope of work as described in the agreement.
  - Site appearance and construction quality.
  - Location of the funding acknowledgement sign. See "Grant Program Acknowledgement and Signs."



When RCO staff's final inspection verifies that the project is complete, the final payment, including retainage, will be made.

- **Compliance.** Performed about every five years, after the project is accepted as complete, to ensure the site is managed and maintained as specified in the grant agreement.

## **Additional Rules and Instructions**

The Recreation and Conservation Funding Board may issue additional or modified rules, instructions, interpretations, and guides from time to time as it believes necessary for the effective conduct of the grant program. Such changes may apply to all projects. Whenever possible, sufficient lead time will be given between the announcement and the effective date to minimize impacts to projects already in process at the time of announcement.

## **Public Disclosure Rules**

RCO records and files are public records that are subject to the Public Records Act.<sup>30</sup> More information about the [RCO's disclosure practices](#) is available on the website. Also, this program is subject to the [Freedom of Information Act](#). For more information, contact the National Park Service: Midwest Regional Office, 601 Riverfront Drive, Omaha, NE 68102.

## **Reports**

### **Annual Billing to RCO**

The sponsor must submit a reimbursement request at least once a year during the state's fiscal year (July 1-June 30) for all eligible expenses incurred during that time.

### **Progress Reporting**

RCO requires the project sponsor to report on project progress periodically. The date when progress reports are due is stated in the milestones of the grant agreement and the sponsor will receive electronic notice when reports are due. Progress reports are entered and submitted through the PRISM database. These reports are forwarded to the National Park Service to meet federal reporting requirements.

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<sup>30</sup>Revised Code of Washington 42.56

## Final Performance Report

At project completion, the sponsor must submit a final report detailing the objectives and work performed through the project, project changes, estimated versus actual costs expended, etc. The final performance report is required before RCO will release final retainage payments.

### Protection of Federal Investments and Ongoing Stewardship

An RCO grant comes with long-term obligations to maintain and protect the project area<sup>31</sup> after a project is complete. **All real property acquired, developed, or renovated using LWCF grants must be retained for public outdoor recreation use forever.** The long-term obligations for the LWCF are in federal laws<sup>32</sup> and RCO's grant agreement. A [sample grant agreement](#) may be found on RCO's website.

The LWCF Act contains provisions to protect federal investments and the quality of resources funded by grants. The law recognizes that changes in land use or development may make some grant-assisted areas obsolete over time, particularly in rapidly changing cities. At the same time, the law discourages casual discards of park and recreation facilities by ensuring that changes or conversions from recreation use will bear a cost—a cost that assures taxpayers that investments in the national recreation estate will not be squandered. The LWCF Act contains a clear provision to protect grant-assisted areas from conversions:

*No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversions only if [s]he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as [s]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.*

This requirement applies to all parks and other sites that have received LWCF grants of any type, whether for acquisition, development, or renovation of facilities. In many cases, even a small grant (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres provides protection against conversion for the entire park.

<sup>31</sup>"Project area" is the defined geographic area where the project occurs and is described in the project's boundary map.

<sup>32</sup>Revised Code of Washington 79A.15.030 (9); Washington Administrative Codes 286.13.160, 286.13.170, and 286.13.180; and Title 36, Chapter 1, Part 59-Land and Water Conservation Fund Program of Assistance to States; Post-Completion Compliance Responsibilities

To ensure the continued effectiveness of the law, several management tools have been developed to monitor and correct changes in assisted sites. For example, the National Park Service requires inspections of all grant-assisted areas and facilities at least every five years.

When an organization wants to convert land to another use, it must replace the land with other land that is in accord with the statewide comprehensive outdoor recreation plan, is of at least current fair market value, and is of reasonable equivalent usefulness and location. See *RCO Manual 7: Long-Term Obligations* for a discussion of conversions and the process required for replacement of the public investment.

## Exceptions

- Underground utility easements that do not have significant impacts on the current or future recreational utility of the park will not constitute a conversion. They do need RCO review before the easement is granted.
- Proposals to construct public facilities or to shelter or enclose outdoor recreation facilities where it can be shown to increase the public recreational opportunity, may not constitute a conversion. The National Park Service will give approval on a case-by-case basis.

Non-compliance with the long-term obligations of an RCO grant may jeopardize an organization's ability to obtain future RCO grants.

## Boundary Map

One of the most important attachments to the project application is the LWCF project boundary map. This map shows the park area to be covered by LWCF anti-conversion protections. This map, which must be submitted with every grant application, need not be a formal survey document, but should contain enough site-specific information to do the following:

- Ensure that the grant recipient, RCO, and the National Park Service agree on the property boundaries of the funded site at the time of the grant award.
- Provide location, size indicators, and a picture of key facilities and landmarks to help future project inspectors better identify and evaluate the site.

The project boundary normally is the boundary of the entire park or other site (within which the funded project area is located) that is to be acquired or developed. The project boundary cannot be less than the area acquired with LWCF grants but sometimes is less than the entire park on development projects.

The project boundary should clearly delineate the area to be included under the conversion provisions of the LWCF Act. All land within the project boundary must be dedicated in perpetuity to public outdoor recreation. At a minimum, this area must be a viable public outdoor recreation area that is capable of being self-sustaining without reliance on other areas not identified in the scope of the project. Except when the project sponsor can show that a smaller area is a self-sustaining outdoor recreation resource, the area to include within the boundary map should be the larger park, open space, or recreation area being developed or expanded. Any change of the land within the boundary for a use other than public outdoor recreation will require replacement of the converted land.

If land or facilities are excluded, the grant applicant must state the reason for the exclusion on the map submitted with the grant application. Typical reasons to exclude an area would include an existing or proposed community center within the park, or lease of land to a nonprofit organization (such as the Boy Scouts) in a large wilderness-type park. Exclusions require approval from the Recreation and Conservation Funding Board and the National Park Service before the applicant submits an application.

It is also helpful to provide a dated aerial photo with the project boundary lines.

## Map Specifications

- Base map: aerial photo (typically preferred), survey or county parcel map.
- Official park/site name and location (address preferred; or tax parcel number and/or abbreviated legal description).
- LWCF and RCO project numbers and project names.
- Clearly labeled LWCF boundary line, which typically encompasses entire park or site.
- Sufficient detail to legally identify the lands to be protected under the LWCF Act. The following are acceptable methods for referencing property boundaries: deed references; adjoining ownerships; adjoining easements and rights-of-way; public streets; adjoining water bodies or other natural landmarks; metes and bounds; and surveys. Where one or more of the above methods are not readily suited for identifying the area, measurements from permanent locators may be used. A formal survey is not required.
- All known outstanding rights and interests in the boundary held by others. Known easements, deed and lease restrictions, reversionary interests, etc. are to be documented, including any area under lease, name of lessor and lessee, and term remaining on the lease. Outstanding rights should be listed by county recording numbers and where possible, shown on the map.

- Adjoining street names and waterbodies.
- Approximate total acreage of the LWCF-protected project area (distinguish total excluded areas, if any, from protected areas.)
- North arrow and scale (prefer scale bar so that map may be reproduced).
- Project sponsor signature and date and space for RCO and National Park Service's dated signatures. Sponsor and RCO both sign final LWCF boundary map for application submittal to National Park Service.
- Size: 8.5" by 11" up to 11" by 17" format.

# Section 3: Money Matters

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**This section covers the following:**

- ✓ Grant limits
- ✓ Matching share
- ✓ Types of match
- ✓ Additional federal requirements
- ✓ Reimbursements, records, and audits

## Grant Limits

Recreation and Conservation Funding Board grants are intended to expand the sponsor's existing capacity, not replace funding that would have been used without the grant. The board establishes grant limits for its programs. The grant limits for each category are shown below.

- **LWCF State Grants.**<sup>33</sup> An applicant may request a grant of at least \$200,000 (10 percent of the maximum grant) and not more than \$2 million for each project.
- **LWCF Outdoor Recreation Legacy Partnership National Grants.** An applicant may request a grant of at least \$300,000 and not more than \$15 million<sup>34</sup> for each project.

LWCF funds may not exceed 50 percent of a project's total cost. The sponsor is responsible for project cost overruns. Also, the Recreation and Conservation Office will not reimburse more than the sponsor's actual out-of-pocket expenditures.

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<sup>33</sup>Recreation and Conservation Funding Board Resolution 2022-02

<sup>34</sup>The National Park Service establishes the maximum grant limit for each grant round.

## Cost Increases

Cost increases may be granted by the board or RCO director if financial resources are available and the increase does not exceed the federal grant limits. Each cost increase request will be considered on its merits. See *Manual 3: Acquisition Projects* or *Manual 4: Development Projects* for more details on cost increases.

## Development Projects: Architecture and Engineering

Architecture and engineering costs for development and renovation projects are limited to 20 percent of the total construction cost. Administrative costs may be eligible; contact RCO to determine amount for each category.

Additional information about eligibility and reimbursement maximums for these elements is contained in *Manual 4: Development Projects* and *Manual 5: Restoration Projects* (architectural and engineering costs).

## Matching Share

Match is the project sponsor's contribution to a project. Most Recreation and Conservation Funding Board programs require sponsors to match grants to meet statutory requirements, demonstrate a local commitment to the project, and to make funds available to a greater number of projects.<sup>35</sup>

By law, applicants must contribute matching resources at least equal to the amount of the grant requested.<sup>36</sup> For example, if an applicant requests a \$250,000 grant, the applicant must contribute \$250,000 for a total project cost of \$500,000. This is called providing a 50 percent or one-to-one matching share.

## Eligible Match

Applicant resources used to match board funds must be eligible in LWCF, and may include any one or more of the following:

- Appropriations and cash
- Bonds—council or voter
- Conservation Futures
- Corrections labor

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<sup>35</sup>Washington Administrative Code 286-13-045(2)

<sup>36</sup>Land and Water Conservation Fund Act of 1965, Public Law 88-578, § 460I-8 [Sec 6](c)

- Donations—the value of using donated cash, equipment use, labor, land, materials, property rights, or services (see the “Types of Match” section below)
- Force account—the value of using the sponsor’s equipment, labor, or materials (see the “Types of Match” section below)
- Grants—state, local, private, and federal if allowed by law (see the “Types of Match” section below)
- Local impact and mitigation fees (see the “Types of Match” section below)
- Proceeds of a letter of credit or binding loan commitment
- Other Recreation and Conservation Funding Board grants that meet the requirements outlined below.

### **Not Allowed as Match**

- Existing sponsor assets such as real property or developments.
- Costs that are double counted. (A cost incurred by a sponsor in a project that already has been reimbursed or used as match in another RCO project shall not be used as a match on another RCO project.)
- Costs that are not eligible for grant assistance.
- Costs that are not necessary or an integral part of the project scope.
- Costs associated with meeting a mitigation requirement for another project or action (permit requirement, Federal Energy Regulatory Commission relicensing, Habitat Conservation Plan, legal settlement, etc.).
- Other federal funds, unless allowed by law or unless the statutory provisions of the other federal grant programs explicitly allow sponsors to use the grants to match LWCF funds (see chapter 5.A.5 of the federal LWCF manual).

### **Match Requirements**

Before the board awards a grant, the required match must be secured so the project can move forward. All matching resources must meet the following criteria:

- Be an integral and necessary part of the approved project.
- Be part of the work identified in the application and grant agreement.
- Be for eligible work types or elements.



- Be committed to the project.

RCO rules governing projects apply to the grant applicant's match. For example, if a grant applicant uses donated land as a match, RCO rules requiring the land to remain in recreation use forever apply to the donated land as well.

Except for grant applications submitted within the same biennium, matching resources or board grants committed in one board-funded project must not be used as match in another board-funded project.<sup>37</sup>

The board may require the applicant to provide a portion of its matching resources in local resources.<sup>38</sup>

## **Match Availability and Certification**

To help ensure Recreation and Conservation Funding Board projects are ready for implementation upon approval, the applicant must have matching funds available for expenditure before the Recreation and Conservation Funding Board approves funding. The applicant must sign and submit a Certification of Match Form to ensure the project is included in the funding recommendation. The applicant is advised to plan ahead for a project with match dependent on a citizen vote or passage of a ballot measure. This certification is due at least one calendar month before Recreation and Conservation Funding Board action.<sup>39</sup> The forms and deadlines for certifying match are on the RCO website.

RCO may declare a project ineligible if there is no guarantee that matching funds are available. That project may be passed over in favor of a project with the match in place. Such decisions are based on the Recreation and Conservation Funding Board's confidence in the applicant's ability to have the match in place when required.

When another Recreation and Conservation Funding Board grant is used as match, the certification of match will be tentative, conditioned on receipt of the other grant or on the sponsor providing the match from other resources. The match certification must be submitted by the established certification deadline.<sup>40</sup> To prevent a backlog of unspent grants, the sponsor must finish the project by the earliest completion date of the two grants.

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<sup>37</sup>Washington Administrative Code 286-13-045(7)

<sup>38</sup>Washington Administrative Code 286-13-045(7)

<sup>39</sup>Washington Administrative Code 286-13-040(3)

<sup>40</sup>Washington Administrative Code 286-13-040(3)

## Types of Match

### Donations

Donations are eligible only as matching funds and are not reimbursable. This means RCO will not pay more than the sponsor's out-of-pocket expenses. Valuing donations of equipment, labor (including inmates, community service labor, and volunteers), and material is discussed in *Manual 8: Reimbursements*. RCO strongly encourages the applicant to secure written confirmation of all donations planned as match and attach the donation letters to the PRISM Online application.

Donated land must expand existing recreation lands or stand on its own as a viable recreation area. Review *Manual 3: Acquisition Projects* before taking title to property that will be donated and used as match. Manual 3 outlines the requirements for valuing the property and for securing a donation statement from the seller.

### Force Account

Force account refers to use of a sponsor's staff (labor), equipment, or materials. These contributions are treated as expenditures.

### Other Grants

In some cases, a sponsor may use funds awarded from a separate grant program as its match. Other grants are eligible if the purposes are similar and grant sources do not restrict or diminish the use, availability, or value of the project area. These grants are eligible only as matching funds and are not reimbursable.

The eligibility of federal funds to be used as a match will be governed by federal and state requirements and thus will vary with individual program policies.

The applicant must clearly identify in the grant application all grants to be used as match. RCO will help the applicant determine if the source is compatible with Recreation and Conservation Funding Board grants.

### Recreation and Conservation Funding Board Grants as Match<sup>41</sup>

Another Recreation and Conservation Funding Board grant may be used to help meet the match requirements if the following conditions apply:

- The grants are not from the same Recreation and Conservation Funding Board grant program.

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<sup>41</sup>Recreation and Conservation Funding Board Resolution 2005-24

- Only elements eligible in both grant programs are counted as match.
- Each grant is evaluated independently and on its own merits, as if the match were coming from elsewhere.
- Local agencies only must provide at least 10 percent of the total costs of the eligible elements being matched. This match may not be from federal or state funds, and may include in-kind contributions. This policy does not apply to Native American Tribes.
- The grant applications are submitted in the same biennium.<sup>42</sup>

For evaluation scoring purpose, an RCO grant used as match will not count toward the award of matching share points.<sup>43</sup>

Matching resources also must conform to the deadlines discussed in section 1, "Grant Process and Timeline."<sup>44</sup>

### Mitigation Funds as Match

The Recreation and Conservation Funding Board allows use of impact fees and mitigation cash payments, such as money from a fund established as a mitigation requirement, as match if the money has been passed from the mitigating entity to an eligible applicant, and the board's grant does not replace mitigation money, repay the mitigation fund, or in any way supplant the obligation of the mitigating entity.

### Additional Federal Requirements

For all projects funded with federal funds or other grants that are used by RCO as match to a federal source, grant administration is governed by [Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#). RCO requires additional applicant and application information because this program is subject to federal grant requirements.

In addition, all sponsors must sign a certification form about debarment, suspension, ineligibility, and voluntary exclusion—lower tier covered transactions and lobbying. RCO will provide the CD-512 certification form.

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<sup>42</sup>Washington Administrative Code 286-13-045(7)

<sup>43</sup>Recreation and Conservation Funding Board Resolution 2014-06

<sup>44</sup>Washington Administrative Code 286-13-045(7)

## Build America, Buy America<sup>45</sup>

Build America, Buy America Act requires that all iron, steel, manufactured products, and construction materials used for, or incorporated into, a federally funded project are produced in the United States. This includes the purchase of bridges, girders, docks, fencing, drinking fountains, play structures, and more. The procurement preference applies to the following categories of products and materials:

- **All iron and steel.** All manufacturing processes, from the initial melting stage through the application of coatings, must occur in the United States.
- **All manufactured products.** Must be manufactured in the United States and the cost of its domestically mined, produced, or manufactured components must be greater than 55 percent of the total cost of all its components unless another standard applies under law or regulation.
- **All construction materials.** All manufacturing processes for the construction material must occur in the United States.

The Buy America preference only applies to articles, materials, and supplies that are incorporated into or affixed to an infrastructure project. It does not apply to the following:

- Non-infrastructure spending in an infrastructure project.
- Tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before project completion.
- Equipment and furnishings, such as movable chairs, desks, and portable computer equipment, used at or within the finished structure but not an integral part of or permanently affixed to it.

If documentation of domestic steel and iron manufacturing is not available, then a waiver request is necessary (see below).

## Buy America Waivers

Once a project is under agreement, a sponsor may request a waiver for items that do not meet Buy America requirements through RCO. The request will be reviewed by the public, the National Park Service, and the Office of Management and Budget's Made in America Office. The Department of the Interior may waive the Buy America procurement

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<sup>45</sup>[Infrastructure Investment and Jobs Act](#), Public Law 117-58, Sections 70901-52

preference in any case in which it is determined that one of the following circumstances applies:

- **Non-availability Waiver:** the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.
- **Unreasonable Cost Waiver:** the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.
- **Public Interest Waiver:** applying the domestic content procurement preference would be inconsistent with the public interest.

There may be instances where a project qualifies, in whole or in part, for existing Department of the Interior General Applicability Waivers. The project sponsor must work with the grants managers, who will coordinate review of the waiver request. For more information, see the [Department of the Interior's Buy America](#) web page.

## Reimbursements, Records, and Audits

### Sponsors Must Pay First

RCO pays grants through reimbursement. A sponsor may request reimbursement only after paying employees and vendors. RCO does not provide money before vendors are paid.

Except as otherwise provided below, RCO will pay only at the percentage identified in the grant agreement after the sponsor has presented an invoice documenting cost incurred and compliance with the provisions of the grant agreement.

RCO will not pay more than the sponsor's out-of-pocket costs.

Reimbursement shall not be approved for any donations, including donated land.

RCO may pay an escrow account directly for RCO's share of the approved cost of land and related costs if the sponsor indicates a temporary lack of money to buy the land on a reimbursement basis. Before release of RCO grants into escrow, the sponsor must provide RCO with a copy of a binding agreement between the sponsor and the seller, all required documentation, and evidence of deposit of the sponsor's share, identified in the grant agreement, into an escrow account. See *Manual 3: Acquisition Projects* for more information on escrow payments.

Billing procedures are explained further in *Manual 8: Reimbursements*.

## **Records**

Applicants must keep detailed records of all funded project costs including force account values and donated contributions. Refer to *Manual 8: Reimbursements* for details and instructions regarding audits, record retention, and documents required for reimbursement.

## **Audits**

All records relevant to a project funded by the Recreation and Conservation Funding Board must be on file with the grant sponsor and are subject to audit by the State and inspection by RCO. If the auditor's inspection of the records discloses any charges incorrectly claimed and reimbursed, cash restitution of the incorrect amount must be made to the board.

# Section 4: Project Selection

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## This section covers the following:

- ✓ How project evaluation works
- ✓ Evaluation criteria

## How Project Evaluation Works

The evaluation process begins when the Recreation and Conservation Funding Board adopts the evaluation process<sup>46</sup> and evaluation criteria during public meetings.

The RCO director appoints people to serve on an advisory committee to evaluate each grant proposal. In recruiting members for the committee, RCO seeks to appoint people who possess a statewide perspective and are recognized for their experiences and knowledge of outdoor recreation and conservation in Washington. The director may appoint *ex officio* members to the advisory committee to provide additional representation and expertise. Visit RCO's website for [membership and other details](#).

An applicant prepares a PowerPoint presentation to address the evaluation criteria and delivers it to the advisory committee during a virtual, oral presentation.<sup>47</sup> Advisory committee members may ask follow-up questions before they score the grant proposal. The virtual online presentation process is broadcast live on YouTube for the public, but the public is not invited to comment.

The advisory committee then scores the grant application using the responses to the criteria, graphics included in the application or provided during the presentation, and summary application materials.

At the same time, RCO scores the objective sections of the application, such as the amount of matching share an applicant is providing and conformance to growth management planning. Staff scores are based on material submitted by the applicant

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<sup>46</sup>Washington Administrative Code 286-13-020

<sup>47</sup>Recreation and Conservation Funding Board Resolution 2023-24

and information obtained from the state Departments of Commerce and Health and the state Office of Financial Management.

The advisory committee and staff scores are combined for an application's total evaluation score. The resulting ranked lists are the basis for funding recommendations that the RCO director submits to the Recreation and Conservation Funding Board for approval and to the National Park Service, which makes the final decision.<sup>48</sup> The public is given an opportunity to comment on the grant proposals before the board makes its decision.

For the **Outdoor Recreation Legacy Partnership Program**, the applicant prepares written responses to address the evaluation criteria included in the federal Notice of Funding Opportunity. The advisory committee reviews the projects and recommends to the RCO director which projects should be forwarded to the National Park Service for further consideration. A national panel reviews the written responses to the criteria, graphics included in the application, and summary application materials, and scores the projects.

### **Do Not Fund Recommendation<sup>49</sup>**

Occasionally during evaluations, the advisory committee may express significant concerns about a project, such that it would like to discuss a "Do Not Fund" recommendation. If this occurs, the advisory committee may discuss its concerns at the post-evaluation meeting, which takes place after application scores are tabulated.

If a "Do Not Fund" recommendation is scheduled to be considered, RCO will notify the applicant in writing, identify the significant concerns expressed by the evaluators, and invite the applicant to attend the post-evaluation meeting to respond to questions. The applicant also may submit a written response to the evaluators' concerns. To ensure all projects are treated equally, no additional testimony from applicants or visitors is taken at the post-evaluation meeting. The advisory committee determines a "Do Not Fund" recommendation by a simple majority vote of the committee members that participated in application evaluations.

RCO staff will forward to the board a summary of the "Do Not Fund" recommendation and any committee member comments. The board will consider the advisory committee's recommendation at a regularly scheduled public meeting, before the ranked list is adopted (consideration may take place at the same meeting, but the "Do Not Fund" recommendation will be discussed before the ranked list is adopted). The board retains discretion in awarding all grant funds.

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<sup>48</sup>Washington Administrative Code 286-13-050

<sup>49</sup>Recreation and Conservation Funding Board Resolution 2014-06



## Evaluating Combination Projects

Projects involving both acquisition and development are evaluated on all criteria for both types of projects. To ensure equal treatment for combination projects, the scoring multiplier for some evaluation criteria is half of that used for individual acquisition or development projects.

### Evaluation Criteria

The [2023 State Recreation and Conservation Plan](#) and Recreation and Conservation Funding Board *Unified Strategy* establish priorities for funding outdoor recreation in Washington State. The evaluation questions below incorporate the plans' priorities identified specifically for the LWCF. This priority rating system is part of the LWCF open project selection or evaluation process.<sup>50</sup>

### Summary of Criteria

Criteria	Project Type	Maximum Points	Priority	
<b>Unscored</b>				
Project Introduction	All Project Types	0 points	Board Priority	
<b>Scored by the Advisory Committee</b>				
1	Need–Local Priorities	All Project Types	25 points	Recreation and Conservation Plan
2	Project Scope	All Project Types	20 points	Recreation and Conservation Plan
3	Immediacy of Threat and Viability	Acquisition	20 points	Board Priority
		Combination	5 points	
4	Project Design-Fit	Development Projects	10 points	Recreation and Conservation Plan
		Combination Projects	5 points	
5	Project Design-Budget	Development Projects	5 points	Recreation and Conservation Plan
		Combination Projects	5 points	
6	Project Engagement-Methods	All Project Types	7.5 points	Board Priority
7	Project Engagement-Community	All Project Types	7.5 points	Board Priority
8	Project Engagement-Partnerships	All Project Types	5 points	Board Priority
9	Sustainability	Development and Combination	5 points	Recreation and Conservation Plan
10	Cost Efficiencies	All Project Types	5 points	Board Priority

<sup>50</sup>Land Water Conservation Fund State Assistance Program Manual, Chapter 2(B)

Criteria	Project Type	Maximum Points	Priority
<b>Scored by RCO</b>			
11 Green Space Availability	All projects	3 points	Recreation and Conservation Plan
12 Social Vulnerability	All projects	3 points	Recreation and Conservation Plan
13 Health Outcomes	All projects	3 points	Recreation and Conservation Plan
14 Proximity to People	All projects	0.5 point	State Law
15 County Population Density	All projects	0.5 point	State Law
16 Applicant Compliance	All projects	0 points	National Park Service Priority
<b>Total Points:</b>		<b>100</b>	

## Detailed Evaluation Criteria

**Project Introduction.** In less than one minute, introduce the project’s location and goals to set the stage for the project.

- Locate the project on statewide, regional, and site maps to help orient the evaluators to the project area and its context in the service area.<sup>51</sup>
- Summarize the site’s condition; the project’s acquisition, development, or renovation goals; and the recreation opportunities the project will provide.

Adopted December 2023 by Recreation and Conservation Funding Board Resolution 2023-27.

**1. Need–Local Priorities.** Describe the need for new or improved recreation facilities, how the need is known, and why existing amenities in the service area do not satisfy the need. A complete response should include the following:

- A simple inventory and condition of relevant outdoor recreation opportunities in the service area.
- Description of gaps in access, opportunity, or service delivery.
- Description of the current and/or anticipated use of the project site and any factors that contribute to fluctuations in use or demand for service.

<sup>51</sup>NOTE: The service area is the geographic area where most of the anticipated users live, as defined by the applicant.

- Description of how the need for this project has been identified and prioritized, including whether it is linked to local recreation or open space plans.

▲ Point Range: 0 to 10 points, which are multiplied later by 2.5.

Adopted December 2023 by Recreation and Conservation Funding Board Resolution 2023-27.

**2. Project Scope.** Describe the site's existing natural and built features. Describe what is being proposed in the project, including land acquisition and/or elements to be built or renovated, and for what purpose.

- What recreation opportunities will this project provide?

▲ Point Range: 0 to 10 points, which are multiplied later by 2.

Revised December 2023 by Recreation and Conservation Funding Board Resolution 2023-27.

**3. Immediacy of Threat and Viability** (acquisition and combination projects only).

Why purchase this particular property at this time? How viable are the anticipated future uses and benefits of the site?

Consider the following:

**Threat**

- What is the immediate threat or will the property be available for acquisition at a later time?
- What is the significance of the threat? Is it imminent?
- Why was this property selected over other properties considered?
- Is this a high priority outdoor recreation property that will be lost if funding is not made available?
- What proactive steps have been taken to preserve the opportunity for securing this property until funds become available? Why?

**Viability**

- How does existing or planned land use in the surrounding area affect the viability of the site and the proposed outdoor recreation use?
- How many acres will be added to the outdoor recreation inventory? Is this a new site or expansion of an existing area?

- Will the site be available immediately for public use or will the site require some improvement to make it available for public use? If improvements are necessary, what is the timeframe for implementing future site improvements?
- Who will maintain the site and what resources are necessary and available for maintenance of the site?

▲ Point Range: 0 to 5 points, which are later multiplied by 4 for acquisition projects.

Revised December 2023 by Recreation and Conservation Funding Board Resolution 2023-28.

- 4. Project Design-Fit** (development projects only). Describe how the design aligns with the need, location, and project scope. Describe how the design addresses any constraints and whether the design provides access for users of all abilities. Applicants may choose to describe design elements such as parking and site access, accessibility features, environmental considerations, green infrastructure, cultural or historic interpretation, mitigation of public use impacts, etc. If available, include design visuals.

▲ Point Range: 0 to 5 points, which are multiplied later by 2 for development projects.

- 5. Project Design-Budget** (development projects only). Provide an overview of the project budget and how the cost estimate was determined. If the proposal includes additional site design and permitting, what is the process and anticipated schedule to be construction-ready?

▲ Point Range: 0 to 5 points.

Revised December 2023 by Recreation and Conservation Funding Board Resolution 2023-27 and 2023-28.

- 6. Project Engagement-Methods.** RCO encourages applicants to use a variety of methods to gather input on the project. How were the people who will be most impacted by the project engaged? Describe what methods were used and the populations engaged, including underserved populations and/or Native American Tribes. Describe the relevance of that participation for the population size, demographic, or socioeconomic conditions of the community or service area.

▲ Point Range: 0 to 5 points, which are multiplied later by 1.5.

**7. Project Engagement-Community.** How has community input influenced the project design?<sup>52</sup>

▲ Point Range: 0 to 5 points, which are multiplied later by 1.5.

**8. Project Engagement-Partnerships.** Describe any community partnerships that are providing support for the project whether through financial, in-kind, project delivery, or other means. Partnerships may be formal or informal. Describe the significance of the partnerships within the community or service area.

▲ Point Range: 0 to 5 points.

Adopted December 2023 by Recreation and Conservation Funding Board Resolution 2023-27.

**9. Sustainability** (development and combination projects only). Sustainability reflects choices made to balance the desired benefits and potential impacts of a project on the surrounding landscape and community. Please discuss how the project's location or design supports the applicant organization's sustainability plan or how the ecological, economic, and social benefits and impacts in the project plan were considered.

Examples of sustainability factors that could be part of a project or maintenance plan are provided below for consideration but are not all-inclusive. Applicants and evaluators should treat this list as a guide, not a checklist. Applicants are encouraged to be creative in expressing the sustainability factors of their projects, and evaluators should score projects based on the extent to which applicants have considered and addressed the benefits and impacts of their projects whether they discuss one of the factors below or many.

#### **Ecological Factors**

- Minimizes impacts to, or improves ecological function of, surrounding lands
- Includes low-impact design or other green building techniques that reduce water, energy, resource consumption, or greenhouse gas footprint
- Provides a buffer to future natural disasters or anticipated climate impacts
- Includes landscaping that supports native species and/or pollinator habitat

#### **Social Factors**

- Encourages access via multi-modal and active transportation choices

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<sup>52</sup>For acquisition projects, RCO staff suggests focusing on how community input influenced site selection.

- Promotes opportunities for physical activity, social and cultural connections, or community education

**Economic Factors**

- Uses materials that support local producers, are recycled or recyclable, increase the project’s anticipated lifespan, or reduce future maintenance costs
- Creates efficiency in the provision of public services (stormwater infiltration, increased tree canopy, carbon sequestration, etc.)
- Maximizes lifespan or reduces future operational costs
- Supports a local economic development initiative

▲ Point Range: 0 to 5 points.

Revised December 2023 by Recreation and Conservation Funding Board Resolution 2023-28.

**10. Cost Efficiencies.** To what extent does this project demonstrate efficiencies or a reduction in government costs through documented use of donations or other resources?

**Donations—cash, real property, volunteer labor, equipment use, or materials**

- What are the donations for this project?
- Who is making the donations?
- What are the values of the donations and how were the values determined?
- Are the donations in hand?
- If the donations are not in hand, does the applicant have letters of commitment from the donors that specify what is being donated and when?
- Are the donations necessary for implementation of the project? Are donations included in the project proposal?

**Private grants awarded by non-governmental organizations**

- Is there a private grant that is being used as match for this project?
- Who awarded the grant?
- What is the grant amount?

- What is the purpose of the grant?
- When will grant funds be available?

**Are there other efficiencies for this project that will result in cost savings?**

- What is the cost efficiency?
- Who is providing it?
- What's the value?
- When was the commitment made and when does it expire?

▲ Point Range: 0 to 5 points.

Revised February 2016. Recreation and Conservation Funding Board Resolution 2016-06

**11. Green Space Availability** (applicant does not answer in evaluation session). Green space availability scores are determined using spatial data analysis from RCO's equity review of grant programs. For that review, census tracts were classified as having High (more than eight acres per one thousand residents), Medium (three to eight acres per one thousand residents), and Low (less than three acres per one thousand residents) green space per capita.

▲ Point Range: 0 to 3 points.

- |          |                    |
|----------|--------------------|
| 1 point  | High green space   |
| 2 points | Medium green space |
| 3 points | Low green space    |

Adopted December 2023 by Recreation and Conservation Funding Board Resolution 2023-27.

**12. Social Vulnerability** (applicant does not answer in evaluation session). Social vulnerability scores use a combination of sixteen social and economic conditions such as limited English, crowded housing, or population living in poverty. The scores are based on information from the Washington Tracking Network's [Information by Location mapping tool](#).

▲ Point Range: 0 to 3 points.

- |          |                                    |
|----------|------------------------------------|
| 0 points | Vulnerability rating one to two    |
| 1 point  | Vulnerability rating three to five |

2 points                      Vulnerability rating six to seven

3 points                      Vulnerability rating eight to ten

Adopted December 2023 by Recreation and Conservation Funding Board Resolution 2023-27.

**13. Health Outcomes** (applicant does not answer in evaluation session). This score is from the Washington Tracking Network’s [Information by Location mapping tool](#), which shows the Health Disparity Index scores and Poor Health Outcomes ranking.

▲ Point Range: 0 to 3 points.

0 points                      Health outcome rating one to two

1 point                      Health outcome rating three to five

2 points                      Health outcome rating six to seven

3 points                      Health outcome rating eight to ten

Adopted December 2023 by Recreation and Conservation Funding Board Resolution 2023-27.

**14. Proximity to People** (applicant does not answer in evaluation session). Is the project in the urban growth area boundary of a city or town with a population of five thousand or more?

RCO uses a map provided by the applicant to help score this question. To receive a score, the map must show the project location and project boundary in relationship to a city’s or town’s urban growth boundary.

▲ Point Range: 0 or 0.5 point.

Yes                      0.5 point

No                      0 points

Revised December 2023 by Recreation and Conservation Funding Board Resolution 2023-28.

**15. County Population Density** (applicant does not answer in evaluation session). Is the project in a county with a population density of 250 or more people per square mile?

RCO uses county population data from the Office of Financial Management to score this question.

▲ Point Range: 0 or 0.5 point.

Yes                      0.5 point



No            0 points

Revised December 2023 by Recreation and Conservation Funding Board Resolution 2023-28.

**16. Applicant Compliance** (applicant does not answer in evaluation session). Is the sponsor in compliance with its RCO grant agreements?

When scoring this question, staff will consider the applicant’s record in all RCO-managed grant programs.

▲ Point Range: -1 to 0 points.

- |            |   |
|------------|---|
| 0 points   | Sponsor has no unapproved conversions.  |
| -0.5 point | Sponsor has at least one unapproved conversion but is actively working with RCO on resolving the conversion.  |
| -1 point   | Sponsor has at least one unapproved conversion but is not working actively with RCO on resolving the conversion; or the sponsor has been identified as a high-risk sponsor. |

Revised December 2023 by Recreation and Conservation Funding Board Resolution 2023-28.

# Section 5: Post-Completion Requirements

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## This section covers the following:

- ✓ An ongoing commitment
- ✓ Changing the use of property
- ✓ Obsolete facilities

### An Ongoing Commitment

No matter the funding level or relative share of LWCF funds in a project, LWCF rules and processes will apply to the entire funded project in perpetuity.

### Post-Completion Responsibilities and Inspections

RCO staff, in cooperation with the National Park Service, will inspect all projects five years after final payment is made and then at five-year intervals afterward. The inspections ensure the following:

- The property acquired and developed with LWCF grants is being operated and maintained so as to appear attractive and inviting to the public.
- Sanitation and sanitary facilities are being maintained in accordance with applicable health standards.
- Properties are being kept reasonably safe for public use.
- Buildings, roads, trails, and other structures and improvements are being kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.

- The facilities are open for public use at reasonable hours and times of the year, according to the type of area or facility.

On-site, post-completion inspections include the following points:

- **Retention and Use.** Is the property being used for the purposes intended?
- **Appearance.** Is the property attractive and inviting to the public?
- **Maintenance.** Is upkeep and repair of structures and improvements adequate? Is there evidence of poor workmanship or use of inferior quality materials or construction? Is vandalism a problem?
- **Management.** Does staffing and servicing of facilities appear adequate?
- **Availability.** Is there evidence of discrimination? Is the property readily accessible and open to the public during reasonable hours and times of the year?
- **Signs.** Is the area properly signed to allow for user information and safety, and proper acknowledgement of the LWCF assistance received?
- **Interim Use.** Where lands have been acquired but not yet developed, the inspection should determine whether the interim use being made of the property, if any, is as agreed to by the National Park Service.
- **Conversion.** Is any part of the property being used for ineligible activities? Has any encroachment occurred such as neighboring landowners, street rights-of-way, utilities, etc.?

Under Title VI of the 1964 Civil Rights Act, property acquired or developed with LWCF grants shall be open to entry and use by all people regardless of race, color, or national origin. On property acquired or developed with LWCF grants, the LWCF Act and 36 CFR 59.4 prohibit discrimination on the basis of residence, including preferential reservation, membership, and annual permit systems, except to the extent that differences in admission and other fees may be maintained on the basis of residence.

Section 504 of the Rehabilitation Act of 1973 requires that no qualified person shall, on the basis of handicap, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity that receives benefits from federal financial assistance.

Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with LWCF grants when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the numbers of people using an area or facility or the type of users, such as "hunters only" or

"hikers only." All limitations shall be in accord with the application agreements and amendments.

## **Non-Recreation Uses**

Non-recreation uses, such as timber management, grazing, and other natural resource uses, not including agriculture, may be allowed on the land if they meet the following criteria:

- Are described clearly in the project application.
- Are compatible with, and secondary to, outdoor recreation use.
- Are approved by the National Park Service and RCO director.

Non-recreation uses such as agriculture occurring on the property at the time of acquisition may continue for up to three years, contingent on approval by the Recreation and Conservation Funding Board and National Park Service. A project sponsor will not receive reimbursement on the project until the non-recreation use is terminated.

## **Changing the Use of Property**

The LWCF Act requires that all property acquired or developed with LWCF funds be dedicated in perpetuity exclusively to public outdoor recreation use. The law further states that no property can be converted to a different use without the approval of the Secretary of the Interior.

This law affects land within the "project boundary" as shown on maps submitted with the grant application, and normally is the boundary of the park that is to be acquired or developed. The project boundary cannot be less than the area acquired with LWCF grants but sometimes is less than the entire park on development projects. If land or facilities are excluded, the project sponsor must state the reason for the exclusion on the map submitted with the grant application. Typical reasons to exclude an area would include an existing or proposed community center within the park or lease of land to a nonprofit organization (such as the Boy Scouts) in a large wilderness-type park. Exclusions require approval from the Recreation and Conservation Funding Board and the National Park Service.

When an organization wants to convert land to another use, it must replace the land with other land that is in accord with the current *State Recreation and Conservation Plan*, of at least current fair market value, and of reasonable equivalent usefulness and location.

Conversions generally occur when the following happens:

- Property interests are conveyed for non-public outdoor recreation uses.

- Property interests are conveyed to a third party not otherwise eligible for the program that funded the project.
- Non-recreation uses (public or private) are made of the project area or a portion of it.
- Non-eligible, indoor recreation facilities are developed on the land without State or National Park Service approval.
- Public outdoor recreation use is terminated.

### **Exceptions**

- Underground utility easements that do not have significant impacts on the current or future recreational utility of the park will not constitute a conversion.
- Proposals to construct public facilities or to shelter or enclose outdoor recreation facilities, where it can be shown to increase the public recreational opportunity, may not constitute a conversion. The National Park Service will give approval on a case-by-case basis.

### **Public Structures**

The National Park Service will consider requests to construct sponsor-funded public facilities only if the following prerequisites and criteria have been met:

- All requests must be made in writing and in advance of construction of the public facility.
- All design and location alternatives have been adequately considered, documented, and rejected on a sound basis.
- The State has adequately reviewed the project and the RCO director has recommended it.
- Use of the facility will be compatible with outdoor recreation and will increase outdoor recreation use; and recreation use remains the overall primary function of the site.
- The proposed structure is compatible and significantly supportive of the outdoor recreation resources of the site, whether existing or planned. The park's outdoor recreation use must continue to be greater than that expected for any indoor uses, unless the site is a single-use facility that occupies virtually the entire site. Examples of uses which would not be approved ordinarily include, but are not limited to a community recreation center that takes up all or most of a small park

site, police stations, fire stations, professional sports facilities, or commercial resort or other facilities which do the following:

- Are not accessible to the general public.
  - Require memberships.
  - Due to high user fees, have the effect of excluding elements of the public.
  - Which include office, residential, or elaborate lodging facilities.
- Potential and future benefits to the total park's outdoor recreation use must be identified in the proposal. Any costs or detriments should be documented and a net recreation benefit must result.
  - The proposed facility must be under the control and tenure of the public agency that sponsors and administers the original park area.
  - The proposal has been subjected to public review. Public comment providing evidence of public support must accompany the proposal.
  - All applicable federal requirements for approval and operation are met.

### Obsolete Facilities

A project sponsor is not required to continue operation of a recreation area or facility beyond its useful life. However, the LWCF Act requires that a project sponsor maintain the entire area defined in the grant agreement in some form of public outdoor recreation use. The sponsor should obtain approval from RCO and the National Park Service before altering the original plans for the area.

Not all changes require National Park Service approval. For example, changing from a tennis court to a basketball court may not require federal review. The project sponsor must notify RCO in advance of all project changes. RCO and the National Park Service will determine whether a formal review and approval process will be required.

### Determination that a Facility is Obsolete<sup>53</sup>

Notwithstanding neglect or inadequate maintenance by the project sponsor, a recreation area or facility may be determined to be obsolete if it meets any of the following criteria:

- Reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating.

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<sup>53</sup>Federal LWCF Manual (chapter 8(K))

- Changing recreation needs dictate a change in the type of facilities provided.
- Park operating practices dictate a change in the type of facilities required.
- The recreation area or facility is destroyed by fire, natural disaster, or vandalism.

A project sponsor may permit the use of a facility to be discontinued or allow a particular type of recreation use of the area to be changed after submitting acceptable justification to RCO. If RCO determines the facility is needed and was lost through neglect or inadequate maintenance, the change would be deemed a conversion and replacement facilities must be provided at the current value of the original investment.

# Appendix A: Other Federal Acts and Laws



The LWCF is a single-purpose grant program for acquisition and development of land for public outdoor recreation facilities. When federal funds are used, applicants must comply with all applicable federal laws. A statement on the effect of the project on the relevant subjects in Table 1 below must be included in the environmental assessment.

Projects awarded LWCF grants are subject to the provisions of the LWCF Grants Manual (U.S. Department of Interior, National Park Service). The following summarizes many of these requirements that may apply:

**Construction contracts over \$10,000** must:

- Award such contracts through competitive bidding. Copies of all advertisements, bids, and contracts must be sent to RCO.
- Include the following statement in all press releases, requests for proposals, bid solicitations, agreements, and other documents describing the project

*"This project is assisted by a \$ [insert dollar amount] federal grant, which is [insert percentage] percent of its total construction cost."*

- Include a statement in compliance with the Copeland Anti-Kickback Act.
- Include the approved anti-discrimination statement.

**Affirmative Action.** Some projects are affected by federal Hometown Plan Affirmative Action requirements regarding construction contractors. RCO will notify the sponsors of such projects.

**Projects over \$500,000.** Such projects must display temporary acknowledgment signs. RCO will provide sign specifications. The signs must be in place from the time of closing



for acquisition projects and from the start of construction through completion in development projects.

**U.S. Army Corps of Engineer Permits.** A copy of any required U.S. Army Corps of Engineers permit must be provided to RCO before execution of the grant agreement.

Sponsors are responsible for compliance with the following Public Laws (P.L.), Executive Orders (E.O.), Codes (C.F.R. and U.S.C.), and Budget Circulars.

<b>Table 1. Other Federal Acts and Laws</b>	
Antiquities Act of 1906	(16 U.S.C. sec 431)
Americans With Disabilities Act of 1990	(Titles II, III)
Archaeological and Historic Preservation Act of 1974	(P.L. 93-291, 16 U.S.C. sec. 469a-1, as amended)
Architectural Barriers Act of 1968	(P.L. 90-480)
Civil Rights Act of 1964	(Title VI; P.L. 88-352, 42 U.S.C. Sec's. 2000d to 2000d-4)
Clean Air Act	(42 U.S.C. 7609)
Clean Water Act	(33 U.S.C. sec. 1288, 1314, 1341, 1342, 1344)
Coastal Zone Management Act of 1972	(P.L. 92-583; 16 U.S.C. sec 1451, 1456)
Contract Work Hours and Safety Standards Act and Implementing Regulations.	(40 U.S.C. 327-330; 29 C.F.R. 5)
Drug-Free Workplace Act of 1988	(P.L. 100-690; 41 U.S.C. 701 et. seq.)
Endangered Species Act of 1973	(P.L. 93-205, 16 U.S.C. sec. 1531 et. seq.)
Environmental Policy Act of 1969, The National	(P.L. 91-190, as amended; 42 U.S.C. 4321 et. seq.)
Environmental Quality, Protection and Enhancement of	(E.O. 11514, 11991)
Equal Employment Opportunity	(E.O. 11246)
Estuarine Areas, Federal Act for Protection and Restoration of	(P.L. 90-454)
Fish and Wildlife Coordination Act	(16 U.S.C. sec 661, 662)
Flood Hazards in Locating Facilities, Evaluation of	(E.O. 11296)
Flood Disaster Protection Act of 1973	(P.L. 93-234; 12 U.S.C. sec. 24, 1701-1 supplement.)
Flood Plain Management	(E.O. 11988)
Highway Act of 1973, Federal-Aid	(P.L. 93-87)
Historic Preservation Act of 1966, National	(P.L. 88-655; 16 U.S.C. sec 470, et. seq.)
Intergovernmental Review of Federal Programs	(E.O. 12372)
Land and Water Conservation Fund Program of Assistance to States; Post- Completion Compliance Responsibilities	(36 C.F.R. Part 59)
Lobbying With Appropriated Funds, Restrictions on	(P.L. 101-121 sec. 319; 31 U.S.C. sec. 1352)
Minority Business Enterprise Development	(E.O. 12432)

<b>Table 1. Other Federal Acts and Laws</b>	
National Historic Preservation Act of 1966 (Section 106)	36 CFR Part 800
Nonprocurement Debarment and Suspension	(43 C.F.R. 12.100-.510)
Petroleum and Natural Gas, Conservation	(E.O. 12185)
Power Plant and Industrial Fuel Use Act of 1978	(P.L. 95-620)
Protection and Enhancement of Cultural Environment	(E.O. 11593)
Rehabilitation Act of 1973	(P.L. 93-112, sec. 504, as amended)
Relocation Assistance and Real Property Acquisitions Policy Act of 1970, Uniform	(P.L. 88-352, 42 U.S.C. secs. 2000d-2000d-4)
Rivers and Harbor Act of 1899	(33 U.S.C., sec. 401 et. seq.)
Wetlands Resources Act of 1986, Emergency	(P.L. 99-645)
Wetlands, Protection of	(E.O. 11990)
Water Pollution, Prevention, Control and Abatement of	(E.O. 11288)
Wild and Scenic Rivers Act of 1968	(P.L. 90-542; 16 U.S.C. 1274 et. seq.)

# Appendix B: Suggested Review Agencies



Below are suggested review agencies to consult when preparing an environmental assessment.

Affected and interested Tribes	State water resources agency
Council of Governments	U.S. and Washington Department of Energy
Environmental Protection Agency	U.S. and Washington Department of Transportation
Federal Aviation Administration	U.S. Army Corps of Engineers
Interested city and county councils, departments, boards, etc.	U.S. Bureau of Indian Affairs
Minerals Management Service	U.S. Bureau of Reclamation
National Marine Fisheries Service	U.S.D.A. Agriculture and Forestry Experimental Station
National Oceanic and Atmospheric Administration	U.S. Fish and Wildlife Service
Office of Energy	U.S. Geological Survey
Public health department	U.S. Soil Conservation Service
Public interest groups	Washington Department of Agriculture, Natural Resources Division
Salmon Recovery Funding Board	Washington Departments of Ecology, Fish and Wildlife, and Natural Resources
School districts	
State historic preservation officer	