

# Manual 15

# Land and Water Conservation Fund

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June 2020

# Table of Contents

<b>At a Glance .....</b>	<b>1</b>
<b>Section 1: Introduction .....</b>	<b>3</b>
Land and Water Conservation Fund.....	3
Program Administration.....	4
Where to Get Information.....	5
Grant Process and Timeline.....	6
<b>Section 2: Policies .....</b>	<b>11</b>
Policy Direction.....	11
Categories and Grants Offered .....	11
Eligible Applicants .....	13
Planning Requirements .....	14
Eligible Project Types .....	15
Eligible Project Activities and Costs.....	19
Ineligible Projects and Costs .....	21
Environmental Requirements.....	24
Property Requirements.....	28
Other Requirements and Things to Know .....	32
Protection of Federal Investments and Ongoing Stewardship.....	34
<b>Section 3: Money Matters.....</b>	<b>37</b>
Grant Limits.....	37
Match Requirements .....	38
Types of Match .....	41
Additional Federal Requirements.....	42
Records and Reimbursement.....	42
<b>Section 4: Project Selection .....</b>	<b>44</b>
How Project Evaluation Works .....	44
Advisory Committee .....	46
Evaluation Criteria.....	47
<b>Section 5: Post-Completion Requirements .....</b>	<b>55</b>
An Ongoing Commitment.....	55
Changing the Use of Property.....	57
Obsolete Facilities.....	59
<b>Appendix A: Other Federal Acts and Laws .....</b>	<b>61</b>
<b>Appendix B: Suggested Review Agencies .....</b>	<b>64</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> <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.
<b>What types of projects are eligible?</b>	<ul style="list-style-type: none"> <li>• Development or renovation</li> <li>• Land acquisition</li> <li>• Combination of acquisition and development or renovation</li> </ul>
<b>What are the grant limits?</b>	\$25,000 to \$500,000
<b>What must I contribute?</b>	50 percent
<b>How is my project evaluated?</b>	An advisory committee hears in-person presentations and scores the projects.
<b>When are applications due?</b>	June 1, 2020
<b>When are grants awarded?</b>	July 2021
<b>What's new this Year?</b>	<ul style="list-style-type: none"> <li>• Changed PRISM Online to make applications easier.</li> <li>• Pre-agreement costs must be specified in the application</li> <li>• Will conduct online review and evaluation meetings only</li> <li>• Updated the Grant Application Data Tool for the Public Need evaluation criterion to reflect more recent data</li> <li>• Simplified and reduced the points for the Sustainability criterion, which now only applies to development and combination projects</li> <li>• Increased the maximum points for the Immediacy of Threat and Viability criterion (acquisition-only projects)</li> <li>• Split the Population Proximity criterion into two questions to accommodate electronic scoring</li> </ul>

## Outdoor Recreation Legacy Partnership

<b>Purpose</b>	<p>The program provides funding to preserve and develop outdoor recreation resources, including parks, trails, and wildlife lands.</p> <p>This category focuses on projects that benefit urban areas. To be eligible, the project must be within or serve jurisdictions of 50,000 or more.</p>
<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> <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.
<b>What types of projects are eligible?</b>	<ul style="list-style-type: none"> <li>• Development or renovation</li> <li>• Land acquisition</li> <li>• Combination of acquisition and development or renovation</li> </ul>
<b>What are the grant limits?</b>	\$25,000 to \$960,430
<b>What must I contribute?</b>	50 percent
<b>How is my project evaluated?</b>	A national review panel evaluates written applications and scores the projects.
<b>When are applications due?</b>	The National Park Service solicits proposal for this category. RCO encourages interested applicants to add your name to RCO's mailing list to get notices about the next funding opportunity.
<b>When are grants awarded?</b>	About 1 year after applications are due.
<b>What's new this Year?</b>	<ul style="list-style-type: none"> <li>• Changed PRISM Online to make applications easier</li> <li>• Pre-agreement costs must be specified in the application</li> <li>• Increased the maximum grant limit</li> </ul>

# Section 1: Introduction

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## In this section, you'll learn about the following:

- ✓ The Land and Water Conservation Fund
- ✓ Program administration
- ✓ Where to get information
- ✓ The grant process and timeline

## 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.

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.

## 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.

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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 Web site](#)

## Program Administration

The National Park Service, within the U.S. Department of the Interior, manages this federal grant program. 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 from near extinction.

## 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. Department of Interior, National Park Service) and Washington Administrative Code 286.

## Who Makes 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 agency director.

## Board Decisions

The following list summarizes many project decisions made by the Recreation and Conservation Funding Board in public meetings or by subcommittees of the board. Each is in accord with statutes, rules, and board policies.

- Initial grant approval.
- A project cost increase of more than 10 percent of the project total in the grant agreement for board-funded projects. Cost increases are allowed only in certain grant programs. Review the cost increase information in this manual for more details.

- A "conversion" that changes the project site or how the site is used from that described in the grant agreement, Deed of Right, or Assignment of Rights. See RCO's *Manual 7: Long-term Obligations*.
- A significant reduction in the project's scope after receiving a grant. Typically, the board will make decisions about scope reductions if the RCO director thinks the project's evaluation score would have been different with the reduced scope. Not included are changes that do not modify significantly the way the public uses a facility, the intended opportunity, or restoration objective funded.
- Changes in policy; for example, establishing new grant limits or eligible expenditures.
- Time extensions beyond 4 years of the board or director approval date.

## 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 60 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.

## Not a Public Hearings Board<sup>2</sup>

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

## Where to Get Information

Recreation and Conservation Office  
Natural Resources Building  
1111 Washington Street  
Olympia, WA 98501  
[E-mail](#)

Telephone: (360) 902-3000  
Fax: (360) 902-3026  
Hearing Impaired Relay Service: (800) 833-6388  
[Web site](#)

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<sup>2</sup>Recreation and Conservation Funding Board Resolution 2006-13b

*Mailing Address*

PO Box 40917  
Olympia, WA 98504-0917

Department of the Interior National Park Service

Interior Region 3, 4, 5

601 Riverfront Drive

Omaha, NE 68102

Telephone: (402) 661-1564

Fax: (402) 661-1565

[Web site](#)

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 Web site on the [LWCF 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 Web site. Each can be made available in an alternative format.

- *Manual 2: Planning Policies and Guidelines*
- *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 Web site.

## Grant Process and Timeline

RCO offers grants in even-numbered years, in conjunction with the state budget. The grant process, from application to grant award, spans 18 months, and is outlined below. While the order of the steps in this process remains consistent, visit the RCO Web site for precise dates.



## Even-numbered Years

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

**Entering Applications.** RCO strongly encourages applicants to start the online application early. PRISM Online is usually open by March 1. Applicants 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 applicants through the process, reviews application materials, helps determine whether proposals are eligible, and may visit the project site to discuss site-specific details. Visit RCO’s Web site to learn more about [PRISM's components and technical requirements](#).

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

**Applications Due.** Applications typically are due in early May of even-numbered years. This year the deadline has been extended to June 1, 2020. The application includes the data entered into PRISM and all required attachments. Applicants should “submit” the application before the deadline. The Check Application for Errors button on the Submit Application screen will indicate which pages are incomplete. Incomplete applications and applications 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.** Applicants are encouraged to attend a technical review meeting, where they present their projects to the LWCF Advisory Committee and RCO staff, who review projects to ensure they are eligible, identify any issues of concern, and provide feedback on the strengths and weaknesses of each proposal. Applicants make an oral presentation, illustrated with maps, graphics, and photographs using PowerPoint.<sup>®</sup> Grants managers will review the applications also and send comments to applicants. Applicants then may make changes to improve the projects, if needed. Applicants must complete all changes and [resubmit](#) their applications by the technical completion deadline.

**Technical Completion Deadline.** RCO establishes a technical completion deadline by which applications must be in their final form. After this date, applicants 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.** Applicants make an oral presentation, illustrated with maps, graphics, and photographs in PowerPoint® to the LWCF Advisory Committee, which scores each proposal against a set of criteria approved by the Recreation and Conservation Funding Board.

**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 Web site. The resulting ranked list of projects is the basis for the funding recommendation to the board.

**Board Approves Project List.** In an open public meeting, the Recreation and Conservation Funding Board considers the recommendations of the advisory committees, written public comments submitted before the meeting, and public testimony at the meeting. The board then approves the ranked list of projects.

## 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.

**Proof of Matching Funds.** Applicants with match included in their applications must provide proof of the availability of matching funds by the match certification deadline, which is at least 1 calendar month before board approval of funding.<sup>3</sup>

**Board Awards Grants.** After the Legislature and Governor approve the capital budget, the board approves the final list of projects and awards grants, in an open public meeting. Applicants are encouraged but not required to attend.

**Grant Agreement Materials.** After grant awards, applicants have 2 calendar months<sup>4</sup> to submit pre-agreement documents (checklist provided by grants managers). These materials may include the following:

- Control and tenure documentation (deeds or easements)

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

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

- Copy of issued U.S. Army Corps of Engineers permit, if required
- LWCF boundary map (signed and dated). See Section 34
- Proposal Description and Environmental Screening Form. See Section 34
- Project milestones
- Federal assurances (RCO will provide Standard Form 424B for non-construction projects or 424D for construction projects)

RCO staff prepare the federal applications, which include 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 the grant agreements. The agreement will include federal terms and conditions. Applicants must return the signed agreements within 3 calendar months from the date RCO sent the agreements to applicants for signatures.<sup>5</sup>

Once the agreements are signed, the applicants, now referred to as project sponsors, may begin their projects, according to the terms of the grant agreements. Each agreement will be written and monitored for compliance by RCO staff. See *Manual 7: Long-term Obligations* for more information.

**Successful Applicants' Workshop.** After the board approves funding, RCO publishes online a recorded workshop for successful grant applicants. This workshop covers sponsors' responsibilities to comply with the grant agreement, issues that might come up when implementing the project, billing procedures, amendments for changes and time extensions, closing project procedures, and long-term compliance.

## Ongoing

**Project Implementation.** Grant sponsors must complete projects promptly. To help ensure reasonable and timely project completion, accountability, and the proper use of funds, applicants will do the following:

- Develop milestones for project implementation that ensures timely completion of projects as follows:
  - Acquisition projects 1-2 years
  - Combination projects 2-2½ years

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

- Development projects                      2-2½ years
- Exceptionally complex projects        3 years

RCO may terminate projects that do not meet critical milestones established in the grant agreement.<sup>6</sup>

- Begin project implementation quickly and aggressively to show measurable progress towards meeting project milestones.
- Submit a reimbursement request at least once a year.<sup>7</sup>
- Submit progress reports at intervals as designated by the RCO grant agreement.

**Project Completion.** When a project is completed, sponsors must submit the final bill, final report, and supporting documents needed to close the project as specified in the agreement. If the close-out documentation is not on time, the Recreation and Conservation Funding Board or National Park Service may terminate the agreement without payment.

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<sup>6</sup>Washington Administrative Code 286-13-040(7)

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

# Section 2: Policies

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**In this section, you'll learn about the following:**

- ✓ Policy direction
- ✓ Categories and grants offered
- ✓ Eligible applicants
- ✓ Planning requirements
- ✓ Eligible project types and activities
- ✓ Ineligible projects and costs
- ✓ Environmental requirements
- ✓ 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.

### **Land and Water Conservation Fund (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 Land and Water Conservation Fund 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.

### **Land and Water Conservation Fund: 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 within or serve “urbanized areas,” which are defined as:

- Jurisdictions with populations of at least 50,000, AND
- Within the [geographic boundaries](#) of one of the 497 areas delineated by the Census Bureau.

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 Land and Water Conservation Fund Advisory Committee. The advisory committee recommends to RCO’s director projects the State should submit to the National Park Service for the national competition.

The National Park Service sets the limit for the number of project proposals the State may submit during each grant round.

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.

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

Check the Land and Water Conservation Fund schedule on RCO's Web site for application due dates.

## Choosing a Grant Category

A grant applicant submits a proposal to a specific category. RCO staff reviews the applicant's choice and recommends 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, projects 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. An applicant must determine the best category for the project by the technical completion deadline, unless otherwise authorized by the director. Applicants 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

Applicants will be evaluated in part on their 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>8</sup> This helps ensure projects have been through a public process and were prioritized by the community. Plans must be accepted by RCO by March 1 in even-numbered years.

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<sup>8</sup>Washington Administrative Code 286-13-035(1)



Once RCO accepts the plan, the applicant is eligible to apply for grants for up to 6 years from the date the applicant organization adopted the plan.<sup>9</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, projects must be in accord with the current [Washington 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.

- Properties must be developed within 3 years from the date the property was acquired.
- Public access to the property is required.
- Projects may include acquisition of structures and improvements that (A) are to be used primarily for outdoor recreation or outdoor recreation support activities, or (B) are part of the outdoor recreation area to be acquired and are to be removed or demolished.
- Project sponsors must list all improvements and their proposed uses or dispositions in applications.
- The National Park Service will determine the eligibility of structures proposed for acquisition.

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<sup>9</sup>Washington Administrative Code 286-13-040(2)

## Acquisition for Delayed Development

Grants 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 3 years from the date of acquisition.

If development will be delayed more than 3 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 3 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. To do this, the project sponsor must request, before buying property rights, a Waiver of Retroactivity.<sup>10</sup>

The waiver may be requested only when immediate action is necessary and the grant won't be awarded in time. 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 does not however guarantee funding. When approved, a waiver is good for the remainder of the current federal fiscal year plus 1 additional federal fiscal year from the date of issue. For additional information and to learn what materials to submit for a Waiver of Retroactivity request, please refer to *Manual 3: Acquisition Projects*.

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<sup>10</sup>Washington Administrative Code 286-13-085

## 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.

## Development of Lands Recently Acquired

If land was acquired within the past 5 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.

## 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

Project sponsors may develop facilities on land they own if they can ensure perpetual public use. When they develop 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

Combination projects involve acquisition and facility development or renovation. To help ensure timely completion of these projects, at least 1 month before the Recreation and Conservation Funding Board considers approving funding, applicants 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 90 days after the funding meeting.
- Obtain an option on the property that extends past the Recreation and Conservation Funding Board funding meeting. Execution of the option must occur within 90 days after this meeting.

If the acquisition is for less-than-fee interest and if not acquired already by a Waiver of Retroactivity, applicants also must provide draft copies of all leases or easements to RCO for review. Execution of the leases or easements must occur within 90 days after the funding meeting.

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

## Other Considerations

### 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:

- 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.

Progress and sponsor performance on previously funded project phases may be considered by the Recreation and Conservation Funding Board when making decisions on current project proposals.

## **Eligible Project Activities and Costs**

### **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:

- Relocation and relocation administration allowed under the Uniform Relocation Assistance and Real Property Acquisition Policies, Public Law 94-646
- Cultural resources (survey, excavation, 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. Complete 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>11</sup>

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<sup>11</sup>See *Manual 4: Development Projects* for specific details.

- 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
- Shooting and archery ranges<sup>12</sup>
- Ski areas, ice-skating rinks,<sup>13</sup> snowmobile facilities
- Swim beaches and pools<sup>14</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 view points
- Wildlife management areas (fishing or hunting)

### **Incurring Pre-agreement Costs<sup>15</sup>**

RCO will pay only for work performed after grant agreements have been signed by both RCO and project sponsors with two exceptions:

- Real property acquired under a Waiver of Retroactivity approved by RCO and the National Park Service. See *Manual 3: Acquisition Projects*.

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<sup>12</sup>See *Manual 11: Firearms and Archery Range Recreation* for RCO's policy on range and course certification.

<sup>13</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>14</sup>See *Manual 4: Development Projects* for specific details.

<sup>15</sup>Washington Administrative Code 286-13-085

- Expenses, such as preliminary designs, environmental assessments, construction plans and specifications, cultural resource surveys, and permits, all of which are incurred within 3 years of the application being approved by the National Park Service.

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

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

## **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. Applicants should start filling out this form early and work with their accounting staff to estimate the indirect costs. The National Park Service will review and determine the eligibility of indirect costs for each 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
- 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
- Administrative costs related to the purchase of property or property rights
- Lands acquired from the federal government at less than fair market value

### **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.

## **Ineligible Costs**

- Any costs associated with the preparation or presentation of the grant application are ineligible.
- 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.

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

## **Environmental Requirements**

### **Environmental Regulations**

Once projects have 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 can approve the implementation phase of a project.

Supplemental information, such as the Proposal Description and Environmental Screening Form described below, will be required.

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

The National Historic Preservation Act's Section 106 requires project applications to be reviewed to determine if there will be any impact to historical properties. RCO begins

this process by contacting the State Historic Preservation Office and Native American tribes. The State Historical Preservation Office then determines the potential impacts, defines the “area of potential affect,” and may request a cultural resources survey.

If a cultural resources survey is requested, the project sponsor must complete the survey. 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.

The Proposal Description and Environmental Screening Form must include a description of the research that was done, including the names of individuals, organizations, and sources contacted.

If research shows that cultural resources do exist, they must be identified and a description of how they will be protected included in the environmental assessment.

## Intergovernmental Review

To receive LWCF grants, sponsors 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 60-day comment period is suggested.

## Public Review

At a minimum, project sponsors are required to ensure the interested and affected public has had an opportunity to review and provide written comments on completed environmental assessments for LWCF proposals. This public comment period shall be at least 30 days. Applicants 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, applicants must broadcast that the environmental assessment is available for review by publishing a notice in local newspapers and on the sponsoring agency’s Web site. Project sponsors are 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 grant sponsors to consider how their projects may spread invasive species and work to reduce that possibility. Invasive species can be spread unintentionally during construction, maintenance, and restoration activities. Here is 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.
- Working in streams and 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**

### **U.S. Army Corps of Engineer Permits**

Sponsors of projects that require any U.S. Army Corps of Engineers permit must provide a copy of the issued permit within 90 days of the Recreation and Conservation Funding Board's approval of the project or the project will not be funded.<sup>16</sup> Due to the long lead time for obtaining a Corps permit, sponsors may need to start this process before obtaining a signed grant agreement.

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<sup>16</sup>If unable to meet this timeline, contact RCO staff to discuss options.

## Proposal Description and Environmental Screening Form

Project sponsors must review their projects 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 Proposal Description and Environmental Screening Form is completed and accompanies the request for federal funding.

The National Park Service encourages states and project sponsors to use the form as early as possible in the project planning process. Public involvement is required in the planning process.

Upon completion, the environmental screening 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.

## Aquatic Habitat Guidelines

Aquatic restoration projects should follow the Washington Department of Fish and Wildlife's aquatic habitat guidelines for water crossings, stream restoration, and stream bank protection.

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

## Sustainability<sup>17</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.

## 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 the project sponsor's interest in purchasing property rights. Applicants 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>18</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.

### 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 5 years.

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<sup>17</sup>Recreation and Conservation Funding Board Resolution 2011-22 and 2014-06

<sup>18</sup>This publication is revised annually and can be found on the [Appraisal Foundation's Web site](#).

## **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, sponsors must have adequate control of project sites to construct, operate, and maintain the areas 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.

Project sponsors may develop facilities on land they own or on land where they have less-than-fee interests, such as easements, if their 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 described in the Proposal Description and Environmental Screening Form (described below) and indicated on the 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 circumstances:

- The land is leased from the federal government with no less than 25 years remaining on the lease, and the lease is not revocable at will.
- The land is leased from one public agency to another for 25 years or more and there are safeguards included to adequately ensure perpetual use. See the National Park Service’s LWCF manual.

## **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 2 calendar months<sup>19</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*.

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

Local government applicants that need 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

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. Project sponsors may delay installing

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<sup>19</sup>Washington Administrative Code 286-13-045(4)



signs at acquisition projects until the acquisition of all parcels and all relocations have occurred. Project sponsors must install a temporary sign on the completion of the final acquisition for at least 6 months or until replaced by a permanent sign.

Unless precluded by local sign ordinances, the minimum size of the signs will be 2 feet by 3 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.

## Public Property Records<sup>20</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 a signed and dated project boundary map that documents the area subject to the grant agreement.

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<sup>20</sup>Section 6(f)(3) of the LWCF Act (P.L. 55-578, 16 USC 460l-4 et seq.)

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.

Project sponsors must agree to this requirement as a condition of receiving a grant. Prospective applicants should carefully consider their ability and willingness to comply with this provision of the LWCF Act before applying for a grant.

## Other Requirements and Things to Know

### Number of Grant Proposal 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.

A grant proposal for the same project or 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 applicants contact staff to discuss options for phasing costly, interrelated, or complex project proposals.

### 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>21</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

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<sup>21</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,

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.

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 Web site 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.

## **Public Disclosure Rules**

RCO records and files are public records that are subject to the Public Records Act.<sup>22</sup> More information about the [RCO's disclosure practices](#) is available on the Web site. Also, this program is subject to the [Freedom of Information Act](#). For more information, contact the National Park Service: Pacific West Region, 909 First Avenue, Seattle, WA 98104-1060.

## **Reports**

### **Annual Billing to RCO**

Sponsors 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 all project sponsors to report on project progress periodically. The date when progress reports are due is stated in the milestones of the grant agreement and sponsors 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.

### **Final Performance Report**

At project completion, sponsors must submit final reports detailing the objectives and work performed through these projects, project changes, estimated versus actual costs expended, etc. Final performance reports are required before RCO will release final retainage payments.

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facility, space, or site (2010 ADA Standards for Accessible Design, Department of Justice, September 15, 2010).

<sup>22</sup>Revised Code of Washington 42.56

## Protection of Federal Investments and Ongoing Stewardship

An RCO grant comes with long-term obligations to maintain and protect the project area<sup>23</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>24</sup> and RCO's grant agreement. A [sample grant agreement](#) may be found on RCO's Web site.

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.

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 5 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

<sup>23</sup>"Project area" is the defined geographic area where the project occurs and is described in the project's boundary map.

<sup>24</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

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.

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

## Map Specifications

- Official park/site name and location
- LWCF and RCO project numbers
- 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.
- Approximate total acreage of the LWCF-protected project area
- North arrow and scale
- Project sponsor signature and date and space for RCO and National Park Service's signatures
- Up to 11 x 17-inch format highly preferred

# Section 3: Money Matters

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**In this section, you'll learn about the following:**

- ✓ Grant limits
- ✓ Match requirements
- ✓ Types of match
- ✓ Additional federal requirements
- ✓ Records and reimbursement

## Grant Limits

The Recreation and Conservation Funding Board establishes grant limits for its programs. The grant limits for each category are shown below.

- **LWCF State Grants.** An applicant may request a grant of at least \$25,000 and not more than \$500,000 for each project.
- **LWCF Outdoor Recreation Legacy Partnership National Grants.** An applicant may request a grant of at least \$25,000 and not more than \$960,430<sup>25</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.

## 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.

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<sup>25</sup>The National Park Service establishes the maximum grant limit for each grant round.

## Development Projects: Architecture and Engineering

Architecture and engineering costs for development and renovation projects are limited to 20 percent of the total development project cost. Administrative costs are not eligible.

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

### Match Requirements

#### 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>26</sup>

#### All Applicants

By law, applicants must contribute matching resources at least equal to the amount of the grant requested.<sup>27</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

A sponsor's matching share may include one or a combination of the following:

- Appropriations and cash
- Bonds—council or voter
- Conservation futures
- Corrections labor
- Donations—the value of using cash, equipment use, labor, land, materials, property rights, or services (see the Types of Match section below)

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<sup>26</sup>Washington Administrative Code 286-13-045(2)

<sup>27</sup>Land and Water Conservation Fund Act of 1965, Public Law 88-578, § 460I-8 [Sec 6](c)



- Force account—the value of using sponsor’s equipment, labor, or materials (see the Types of Match section below)
- Grants—federal, state, local and private (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.)
- Cost that are not eligible for grant assistance.
- Cost that are not necessary or an integral part of the project scope.
- Cost 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).

### **Recreation and Conservation Funding Board Match Requirements**

Recreation and Conservation Funding Board grants are intended to be the last source of funding for a project. In other words, before the board awards the grant, the required match must be secured so the project can move forward. Board grants also are intended to supplement the existing capacity of a sponsor, not to replace existing funding that would have been used for a project without grant funding.

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>28</sup>

The board may require the applicant to provide a portion of its matching resources in local resources.<sup>29</sup>

## **Match Availability and Certification**

To help ensure Recreation and Conservation Funding Board projects are ready for implementation upon approval, applicants must have matching funds available for expenditure before the Recreation and Conservation Funding Board approves funding. All applicants are required to sign and submit Certification of Match Forms to ensure their projects are included in the funding recommendation. Applicants are advised to plan ahead for projects whose match depends on citizen votes or passage of ballot measures. This certification is due at least 1 calendar month before Recreation and Conservation Funding Board action.<sup>30</sup> The forms and deadlines for certifying match are on the RCO Web site.

RCO may declare projects ineligible if there are no guarantees that matching funds are available and those projects may be passed over in favor of projects 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>31</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>28</sup>Washington Administrative Code 286-13-045(7)

<sup>29</sup>Washington Administrative Code 286-13-045(7)

<sup>30</sup>Washington Administrative Code 286-13-040(3)

<sup>31</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 applicants to secure written confirmation of all donations they plan to use as match and attach the donation letters to their PRISM Online applications.

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 as long as 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 requirements and thus will vary with individual program policies.

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

### Recreation and Conservation Funding Board Grants as Match<sup>32</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>32</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.
- The grant applications are submitted in the same biennium.<sup>33</sup>

For evaluation scoring purpose, an RCO grant used as match will not count toward the award of matching share points.<sup>34</sup>

Matching resources also must conform to the deadlines discussed in Section 1 Grant Process and Timeline.<sup>35</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.

## Records and Reimbursement

### Sponsors Must Pay First

RCO pays grants through reimbursement. Grant sponsors may request reimbursement only after paying employees and vendors. RCO does not provide money before vendors

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<sup>33</sup>Washington Administrative Code 286-13-045(7)

<sup>34</sup>Recreation and Conservation Funding Board Resolution 2014-06

<sup>35</sup>Washington Administrative Code 286-13-045(7)

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

# Section 4: Project Selection

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**In this section, you'll learn about the following:**

- ✓ How project evaluation works
- ✓ Advisory committee
- ✓ Evaluation criteria

## How Project Evaluation Works

Project evaluation is the competitive process adopted by the Recreation and Conservation Funding Board to guide its grant awards.<sup>36</sup> It is based on a set of board-approved evaluation questions. The questions are created from statutory and other criteria developed through a public process. The evaluation questions may be found in the following pages.

There are two sections to the evaluation criteria: Advisory committee- or team-scored questions and RCO staff-scored questions. In the first section, the advisory committee (see below) uses subjective criteria to score each project. Scores are based on each applicant's response to evaluation questions, graphics presented during the evaluation meeting or included in the application, and summary application material made available in advance of the project's evaluation.

In the second section, RCO staff scores the projects using objective measures, such as matching share, population, and conformance to growth management planning. Scores are based on material submitted by applicants and information obtained from the state Office of Financial Management and the Department of Commerce.

Scores from sections one and two are combined for a project's total evaluation score. The resulting ranked lists are the basis for funding recommendations to the Recreation and Conservation Funding Board, which makes the final funding decisions in an open public meeting.

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<sup>36</sup>Washington Administrative Code 286-13-020

## Evaluating Projects

Evaluations of projects involve an applicant's in-person oral and graphic presentation to the advisory committee. RCO provides the committees with summary application materials. **Note: During the 2020 grant cycle, RCO will host online, virtual review and evaluation meetings only. This change is for applications submitted by June 1, 2020.**

While the evaluation meetings are open to anyone, they are not public hearings. As such, only applicant-designated spokespersons may address the advisory committee. At these meetings, an RCO staff member serves as a nonvoting moderator. Scoring is confidential.

## Growth Management Act Compliance

The Recreation and Conservation Funding Board considers an organization's compliance with the Growth Management Act when awarding grants for public facilities.<sup>58</sup> The board gives preference through evaluation scoring to towns, cities, and county applicants that are required to plan under the Growth Management Act.<sup>37</sup> Scoring for compliance with the Act and other staff-scored evaluation criteria are based on the organization's status as of the category's technical completion deadline. RCO uses information reported by the Washington State Department of Commerce for scoring Growth Management Act compliance. Agencies in compliance receive a zero score on the question while out-of-compliance status results in a minus one score.

At the time of application, the applicant should consult its planning department or the [Washington State Department of Commerce's Growth Management Services](#) to determine its compliance status. If the organization is out of compliance, this advance inquiry may give the organization time to change its status before the technical completion deadline. RCO is not responsible for changing an organization's compliance status with the Growth Management Act.

## 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.

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<sup>37</sup>Revised Code of Washington 43.17.250

## **Advisory Committee**

RCO manages the LWCF program with the assistance of a standing advisory committee. The LWCF Advisory Committee's role is to recommend policies and procedures to RCO for administering grants and to review, evaluate, and score grant applications. The resulting ranked list is the basis for funding recommendations to the Recreation and Conservation Funding Board. The Recreation and Conservation Funding Board makes the funding decision in an open public meeting.

In recruiting members for the committee, RCO seeks to appoint people who possess a statewide perspective and are recognized for their experience and knowledge of outdoor recreation, open space, or habitat conservation in Washington.

RCO's director may appoint *ex officio* members to the committee to provide additional representation and expertise.

Check RCO's Web site for [membership and other details](#).

## **Do Not Fund Recommendation**

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 and the National Park Service retain discretion in awarding all grant funds.



## Evaluation Criteria

The [Washington State Recreation and Conservation Plan 2018-2022](#) and Recreation and Conservation Funding Board [Unifying 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>38</sup>

LWCF Evaluation Criteria Summary					
Scored by	Criteria	Project Type Questions	Maximum Points	Priority	
Advisory Committee	1	Need	All projects	15	Recreation and Conservation Plan
Advisory Committee	2	Need satisfaction and diversity of recreation	All projects	10	Recreation and Conservation Plan
Advisory Committee	3	Immediacy of threat and viability	Acquisition Combination	15 5	Board
Advisory Committee	4	Project design	Development Combination	10 5	Recreation and Conservation Plan
Advisory Committee	5	Sustainability	Development and Combination	5	Recreation and Conservation Plan
Advisory Committee	6	Community support	All projects	5	Board
Advisory Committee	7	Cost efficiencies	All projects	5	Board
RCO Staff	8	Proximity to People	All projects	1.5	State law
RCO Staff	9	County Population Density	All projects	1.5	State law
RCO Staff	10	Applicant compliance	All projects	0	National Park Service
<b>Total Points Possible</b>			<b>53</b>		

<sup>38</sup>Land Water Conservation Fund State Assistance Program Manual, Chapter 2(B)

## Detailed Scoring Criteria

### Scored by the Advisory Committee

- 1. Need.** Considering the availability of existing outdoor recreation facilities within the service area, what is the need for new or improved facilities?

Describe the service area, the need for the project and how it relates to the service area, with quantifiable data that supports the following:

- Inventory of existing sites and facilities within the service area
- Amount of use of existing sites and their conditions
- Populations or user groups in the service area that have unmet needs
- Changing demographics
- Whether the project is named by location or type as a priority in an adopted plan such as a community's comprehensive plan (level of service), a state agency capital improvement plan, or a park or open space plan

▲ Point Range: 0-5 points, which are multiplied later by 3.

- 2. Need Satisfaction and Diversity of Recreation.** To what extent does this project fill the need described in Question 1 and provide or contribute to the diversity of outdoor recreation assets within the service area, and address the priorities for underserved populations and health recommendations in the *Washington State Recreation and Conservation Plan 2018-2022*?<sup>39</sup>

Consider the following:

- What will this site provide, in terms of areas, or facilities that are missing from the applicant's inventory of assets?
- How will this site serve populations that are not served or are underserved?
- How does this site support activities that are not served or are underserved?

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<sup>39</sup>Recreation and Conservation Funding Board Resolution 2017-32

- How does this project help provide a range of recreational opportunities for a variety of recreational interests?
- How does this project meet the need?

To assist in answering the questions about underserved populations and health recommendations, locate the project on the [Grant Applicant Data Tool](#) to determine whether the project is in a census tract in which one or more of the populations listed below are present. Applicants also may provide more specific data about the demographics and health conditions of the population within the service area of the proposed project.

#### Demographic Measures for Underserved Populations

- The median household income level in the census tract where the project is located is below the median statewide household income level (\$66,174 as of 2017)
- Based on percentage, there are more people of color in the census tract where the project is located than the statewide percentage (31 percent as of 2017)
- Based on percentage, there are more people with a disability in the census tract where the project is located than the statewide percentage (13 percent as of 2017)

#### Opportunities for Health Improvements

- The body mass index for ages 16-19 in the census tract where the project is located is higher than the state body mass index (22.94 as of 2017)
- The mortality rate in the census tract where the project is located higher than the statewide mortality rate (682.91 as of 2017)

▲ Point Range: 0-5, which are multiplied later by 2.

### 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 you 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?
- How suitable is the site for the intended use? Describe the attributes: size, topography, soil conditions, natural amenities, location, utility service, wetlands, legal access, etc.
- 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: 0-5 points, which are later multiplied by 3 for acquisition projects.

#### 4. **Project Design** (development and combination projects only). Is the project well designed?

Consider the following:

- Does this property support the type of development proposed? Describe the attributes: size, topography, soil conditions, natural amenities, location and access, utility service, wetlands, etc.
- How does the project design make the best use of the site?

- How well does the design provide equal access for all people, including those with disabilities? How does this project exceed current accessibility requirements?
- Does the nature and condition of existing or planned land use in the surrounding area support the type of development proposed?
- How does the design conform to current permitting requirements, building codes, safety standards, best management practices, etc.? What, if any, are the mitigation requirements for this project?
- Does the design align with the described need?
- Are the access routes (paths, walkways, sidewalks) designed appropriately (width, surfacing) for the use and do they provide connectivity to all site elements?
- For trails, does the design provide adequate separation from roadways, surfacing, width, spatial relationships, grades, curves, switchbacks, road crossings, and trailhead locations?
- Is the cost estimate realistic?

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

- 5. 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

- Addresses an identified disparity in social or environmental services
- Encourages access via multi-modal and active transportation choices
- Promotes opportunities for physical activity, social and cultural connections, or community education

#### Economic Factors

- Use 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: 0-5 points

Revised January 2020. Recreation and Conservation Funding Board Resolution 2020-06.

- 6. Community support.** To what extent has the community been provided with an adequate opportunity to become informed about the project and provide input? What is the level of community support for the project?

Examples of community involvement may include public meetings, articles in local papers, newsletters, media coverage, and involvement in a local planning process that includes the specific project.

Examples of community support may include voter-approved initiatives, bond issues, or referenda; endorsements or other support from advisory boards and user or "friends" groups; letters of support or petitions; and editorials.

▲ Point Range: 0-5 points

- 7. 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: 0-5 points

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

Scored by RCO Staff—Applicants Do Not Answer

- 8. Proximity to People.** Is the project in the urban growth area boundary of a city or town with a population of 5,000 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 1.5 points

Yes            1.5 points

No             0 points

- 9. County Population Density.** 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 1.5 points

Yes            1.5 points

No             0 points

- 10. Applicant compliance.** 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: -2 to 0

0 points        Sponsor has no known compliance issues and no unapproved conversions.

-1 point        Sponsor has one or more known compliance issues *including at least one unapproved conversion* but actively is working to correct the issues.

-2 points        Sponsor has one or more known compliance issues *including at least one unapproved conversion* but is not working actively to correct the issues, or the sponsor has been identified as a high-risk sponsor.



# Section 5: Post-Completion Requirements

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**In this section, you'll learn about 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 5 years after final payment is made and then at 5-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 3 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 *Washington 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

Project sponsors are not required to continue operation of a recreation area or facility beyond its useful life. However, the LWCF Act requires that project sponsors maintain the entire area defined in the grant agreement in some form of public outdoor recreation use. Sponsors 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. Project sponsors 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>40</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:

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<sup>40</sup>Federal LWCF Manual (Chapter 8(K))

- Reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating.
- 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)
Cultural Environment, Protection and Enhancement of	(E.O. 11593)
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)



**Table 1. Other Federal Acts and Laws**

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)
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)
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

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

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