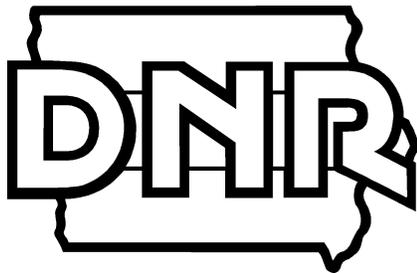

LAND & WATER CONSERVATION FUND
STATE GUIDELINES FOR LOCAL PARTICIPATION

Applications Due March 15th Annually



Iowa Department of Natural Resources
Bruce Trautman, Acting Director
2019

LAND AND WATER CONSERVATION FUND

Nineteenth Edition
2019

FORWARD

This booklet has been prepared to assist grant applicants, planning agencies, and planning consultants in preparing applications for federal assistance from the Land and Water Conservation Fund. It makes no attempt to cover all aspects of the LWCF program; but it does attempt to cover the major items of interest and concern to most applicants. Any unanswered questions concerning the program should be directed to:

Iowa Department of Natural Resources
Budget and Finance Bureau
502 E 9th St
Des Moines, IA 50319-003
515-725-8213

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LAND AND WATER CONSERVATION FUND GUIDELINES FOR LOCAL PARTICIPATION

Introduction

The Land and Water Conservation Fund Act (LWCF), signed into law September 4, 1964, provides federal financial assistance to the State of Iowa and its political subdivisions for the purpose of acquisition and/or development of land for outdoor recreation. The LWCF program is administered by the National Park Service (NPS). The Iowa Department of Natural Resources (DNR) administers the program at the state level. State Administrative Rules and Federal General Provisions for the program are included in this application, read both carefully before applying.

Funds are provided to the states and passed to political subdivisions in the form of 50% reimbursement grants. Reimbursements are made on all eligible expenditures up to the amount of the approved grant. Financial assistance through the Land & Water Conservation Fund is authorized through the year 2019.

Control and Tenure of Project Sites

The grant applicant must have physical control of the project site by fee title in order for the project to be eligible. Land being acquired by contract purchase will not be eligible for development assistance until the fee title has been obtained. The applicant is responsible for the maintenance of the site as an outdoor recreation area in perpetuity.

Prior to the final billing, a "Notice of Use Restriction" will be required to be recorded with the respective county recorder. The restriction is a legal document which attaches to the title of the project site and halts the sale or conversion of the subject site/property prior to National Park Service review and approval. Upon approval of the National Park Service, a grantee may enter into a "conversion of use" by changing the boundaries, or selling all or a portion of a project site, understanding that the sponsor is responsible for replacing all or the portion of the site with equal or greater value property. The replacement land may not already be used for outdoor recreation.

Section 6(f)(3) of the Land and Water Conservation Fund Act states: "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. Property sold or used for purposes other than outdoor recreation must be replaced with new park land of equal or greater dollar value. Examples of conversions include:

- The sale or trade of all or a portion of land acquired and/or developed with LWCF assistance.
- The construction of non-outdoor recreational facilities (such as roads/streets, libraries, city halls, fire/police stations, community centers, senior citizen centers) on properties acquired and/or developed with LWCF assistance.

Eligible Projects

- Observation and sight-seeing facilities; including hiking, biking, equestrian, cycle, snowmobile and nature trails.
- Picnic facilities, including open shelters.
- Camping facilities.
- Acquisition of land specifically for active outdoor recreation purposes.
- Swimming facilities, including beaches, pools, bathhouses and related equipment.
- Winter sports facilities, including ski runs/lifts, outdoor skating rinks, sledding slopes, warming huts, etc.
- Playground equipment and outdoor sports facilities such as ball fields and game courts, golf courses, etc.
- Sport shooting areas for skeet, trap, rifle, pistol and archery.
- Lake and pond construction for boating, fishing and aesthetic purposes.
- Landscaping and plantings for wildlife food and cover.
- Renovation or redevelopment of existing facilities which have deteriorated or become outdated.
- Support facilities including roads, parking, signs, walkways, utility systems, lighting, restrooms, concession buildings, trailer dumps, fences, etc.

(Phased projects are eligible for funding and must be submitted as a new project for scoring each phase.)

Ineligible Projects

- Acquisition or development of areas and facilities to be used primarily for semiprofessional and professional arts and athletics.
- Development of school “athletic plant” facilities.
- Construction of employee residences.
- Development of amusement facilities, convention facilities, and commemorative exhibits.
- Development of nature and geological interpretive facilities which go beyond interpreting the project site and its immediate surrounding area.
- Development of outdoor recreation and support facilities to be used exclusively by the handicapped.
- Acquisition, restoration or preservation of historic structures.
- Acquisition, construction or renovation of lodges, motels, and luxury or “nonaustere” cabins.
- Facilities at a zoo for the purpose of housing, caging, displaying or caring for animals.
- Acquisition of museums and sites to be used for museums.
- Mobile recreation units such as playmobiles, skatemobiles, swimmobiles, show wagons, puppet wagons, and porta-bleachers.
- Acquisition of areas and facilities to be used solely for game refuges or fish production purposes.

(No funds will be made available for the operation and maintenance of outdoor recreation areas and facilities.)

Project Scoring

LWCF applications are reviewed and scored by a five member team represented by the cities, counties and DNR staff, using the following criteria:

- Relationship to the Statewide Comprehensive Outdoor Recreation Plan (SCORP)- up to 50 points
- Recreation benefits-up to 10 points
- Local need-up to 10 points
- Quality of the site-up to 10 points
- Benefit for handicap and elderly persons-up to 3 bonus points
- Use of recycled materials-up to 2 bonus points
- Minority population of project area-up to 3 points bonus points
- Coordination and planning-up to 3 bonus points

Eligible Project Costs

Reimbursements are made only on costs incurred and paid by the grantee during the project period as identified on the grant agreement. The only exception to this is on “pre-agreement planning costs”, which can include site investigation and selection, site planning, feasibility studies, preliminary design, environmental assessment, preparation of cost estimates, and construction drawings and specifications.

The following items are ineligible for reimbursement:

- Incidental costs incurred by the grantee relating to the acquisition of real property, such as appraisals, surveys, recording fees.
- State sales taxes, interest expenses.
- Equipment to be used for the maintenance of recreation areas and facilities.
- Sport equipment such as bats, balls, etc.
- Donated labor, materials, and equipment use, donated real property.
- Force account labor and equipment use
- Cost overruns on an active project are not eligible for grant amendments.

Waiver of Retroactivity

In cases involving extreme urgency of land acquisition, where a grant applicant needs to purchase land prior to the grant round, a grant applicant may request a “waiver of retroactivity”. Waivers allow acquisitions of real property to take place immediately without jeopardizing a grant applicant’s chances for a future grant, but in no way implies or guarantees that a grant will be awarded. Grant applicants must formally request a waiver of retroactivity through the department to the National Park Service.

Operation and Maintenance Statement

On a five year basis, grantees will be required to complete and sign/date an Operation and Maintenance Statement and a Post-Completion Inspection Certification Report. Both are required to ensure that property and development for which these federal funds are provided will not be converted to any other use than public outdoor recreation. Projects developed and lands acquired with this program will be held in perpetuity. If a portion or all of the project lands are converted to a use other than outdoor recreation, or a portion or all of the project land is sold or donated, a “conversion in use” has taken place, and those lands will have to be replaced.

Program Income

Any non-recreational income derived from a project site and earned during the project period must be credited to the project on the next reimbursement request following receipt of the income. Nonrecreational income includes the sale of natural products such as timber, gravel, farm crops and rental fees. Income from the sale of buildings acquired with LWCF assistance must be credited or reimbursed no matter when the sale occurs.

State Historic Preservation Office (SHPO) Clearance - Section 106

State Historic Preservation Officer (SHPO) review and approval is required on all applications selected for funding. A thorough review and explanation of the property’s history is critical for an accurate review by the Department and the National Park Service for a potential determination of no adverse effect. If selected for funding, and depending on past use and potential for historic significance, a historical survey and/or Cultural Resource Management Plan may be required by the SHPO office. SHPO review is required as part of Environmental Screening.

Environmental Screening Information

Provisions of the National Environmental Policy Act of 1969 (P.L. 91-190) are applicable to the LWCF program. To determine the environmental impact of a proposed project, a applicant will need to provide adequate environmental information by completing the required Project Description and Environmental Screening Form (PD-ESF) section of the application.

The environmental review process may involve producing documents for public review and comment, coordinating compliance with applicable local, state and federal laws and regulations, and acquiring other federal state and local approvals.

This section assists the project review and selection committee by ensuring the necessary information is included to determine the best projects are funded by:

- developing the project narrative to clearly explain the benefits to the community;
- explaining how the proposal is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP);
- screening the proposal for potential environmental impacts in order to determine the appropriate NEPA process to conduct: 1) recommendation for a categorical exclusion, 2) production of an environmental assessment, or 3) production of an environmental impact statement. The environmental screening step requires an applicant to follow the Section 106 of the National Historic Preservation Act, in conjunction with the NEPA process;
- certifying that any appraisals conducted for the LWCF application meet the Uniform Appraisal Standards for Federal Land Acquisitions.

Whenever possible, impacts should be quantified (i.e., number of acres of trees to be removed, cubic yards of fill to be required, number of acres of land to be inundated, whether temporary during construction or permanent impact, etc.).

Applicant Risk Assessment

Federal law requires our State Agency to conduct a risk assessment of each applicant or sub-recipient. Your agency will be required to support your application by answering questions regarding your financial and budgeting practices.