LWCF Manual
Guidelines/Application for Local Agencies Participating in the Land and Water Conservation Fund Program in Indiana

Indiana Department of Natural Resources
Division of Outdoor Recreation

2019
Foreword

These guidelines explain the current administration of the Land and Water Conservation Fund (LWCF) grant program for park and recreation boards in Indiana. Please check our website http://www.in.gov/dnr/outdoor/4071.htm for updates. This federal program is administered at the state level by the Indiana Department of Natural Resources’ Division of Outdoor Recreation. The program provides 50% reimbursement grants to assist park and recreation boards in acquiring and developing outdoor recreation areas for public use. To be eligible in Indiana for LWCF funds you must be a legally established park board and have a current 5-year park and recreation master plan on file in the Division of Outdoor Recreation. The minimum grant amount awarded is $50,000 and the maximum grant amount is $250,000.

This publication describes the requirements for participation in the program, application procedures, and other steps involved in completing, operating and maintaining LWCF assisted sites and facilities. Directions for preparing the application are found in Chapters 2 and 3. Please refer to the application checklist at the end of Chapter 3 for assistance in submission of all required items. Pay particular attention to the rating criteria in Chapter 2. The rating criteria are the most important component of the application! Answer each criteria element thoroughly and include documentation to support your replies. The rating criteria within this manual supersede any previous criteria from former grant rounds or manuals. The Appendix contains the forms required to be submitted with original signatures for a complete application. Be sure to copy the forms from the manual on the website so that you will have a current and complete manual on file.

The guidelines are designed to be a step–by–step administrative manual which should be used for the duration of the project. It is best to review the entire manual and then concentrate on the chapters as they apply to each stage of your project. Chapters 5 and 6 explain the procedures for land acquisition and development. Chapter 8 explains the long term requirements of the park board and closeout procedures. All land acquired or developed with LWCF money is protected in perpetuity for outdoor recreation use through an encumbrance added to the property deed. If a park board cannot fulfill the terms and conditions of the LWCF grant program, then an application should not be submitted.

It is hoped that the material presented will answer many questions about the program. Applicants are strongly encouraged to meet with the Division of Outdoor Recreation grants section to discuss their potential project several months prior to the application submittal. The grants staff is interested in your comments and suggestions on improving the usefulness of this manual. If further information or clarification is needed, please contact:

State of Indiana - Department of Natural Resources
Division of Outdoor Recreation - State and Community Outdoor Recreation Planning Section
402 W. Washington St., Room W271
Indianapolis, Indiana 46204-2782
Phone (317) 232-4075 Fax (317) 233-4648
www.in.gov/dnr/outdoor
Grant Timeline

ONE PAPER COPY OF THE ENTIRE GRANT APPLICATION, WITH ORIGINAL SIGNATURES, MUST BE COMPLETED, CLEARLY POSTMARKED BY JUNE 1, 2019, AND SENT TO THE DIVISION OF OUTDOOR RECREATION. IF YOU PLAN TO HAND DELIVER THE APPLICATION, IT NEEDS TO BE AT OUR OFFICE BY 4:30 PM ON JUNE 1st.

June - July 2019 - State application review, additional information period, site visits, evaluate, rate, and rank projects

August - September 2019 - State approval

October 2019 - June 2020 - Grantee compile necessary information needed to obtain National Environmental Protection Act (NEPA) environmental clearance (as required), National Historic Preservation Act (NHPA) Section 106 historical and archaeological clearance, and other clearances as necessary. Forward the above-mentioned materials and the final application to DNR Division of Outdoor Recreation for submittal to the National Park Service to receive Federal approval.

March - September 2020 - Federal approval timeframes and State Grant Agreement

Grantee obtain a full appraisal done by a general certified appraiser with federal appraisal experience (for land acquisition projects). After federal approval all land acquisition should occur as soon as possible.

Grantee submit detailed architectural/engineering plans for ADA review by the Division of Outdoor Recreation.

Grantee obtain any necessary construction permits or clearances. All necessary clearances, plans, and permits must be completed before development commences.

Summer 2020 - Spring 2021 - Grantee bid and start construction! That is, if all goes well in the above timeline. This timeline can change because of many variables, but it gives you an idea of the time it will take to get a project to the development stage.

(The above timeline for approvals is provided in more detail in Chapter 4.)
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Chapter One
Partnership for Parks: Summary of the LWCF Program

The LWCF Program

The Land and Water Conservation Fund (LWCF) Act was established in 1965. The Act established a grant fund to assist state and federal agencies in meeting present and future outdoor recreation needs. The Act accomplished this purpose by:

1. Providing funds for the acquisition of land for recreation on federal fish and wildlife areas, national parks, national forests, recreation areas, and for the operation and development of national parks.

2. Authorizing federal assistance to states for planning, acquisition, and development of outdoor recreation facilities through a grants program. In turn, the states may transfer the funds to local units of government to acquire land and/or develop outdoor recreation facilities.

Through state law, the Indiana Department of Natural Resources has the authority to administer the program in Indiana. This LWCF Manual sets forth the guidelines, conditions, and terms of the stateside program.

Source of LWCF Funds

Revenue to finance the LWCF program is provided largely from Outer Continental Shelf mineral receipts. The amount available for state grants is determined by the annual Congressional appropriation process. This amount is supplemented by a guaranteed amount set aside each year in a special treasury account from other qualified off-shore revenues pursuant to the Gulf of Mexico Energy Security Act, Public Law (GOMESA) 109-432.

Federal Allocation of Funds

The Land and Water Conservation Fund program is authorized to receive up to $900 million per year from the above sources. Each year Congress appropriates funds for the program, usually well below the authorized level.

The annual appropriation is divided between federal agencies and the states. Federal agencies receive not less than 40% of the appropriation, with the remainder going to the states. The state’s allocation is divided among the 53 states and territories based on need, with each state guaranteed a minimal amount. Most states share their allocation with local units of government, as Indiana does.
Indiana’s State and Local Shares

Indiana has generally ranked eleventh or twelfth among the states in the amount of federal dollars received through this program. The annual state allocation is divided between state projects and local park and recreation board requests. Since 1965, Indiana has received approximately $90 million, about half of which has been awarded to local sponsors and the other half invested in state projects.

The ratio of money reserved for state and local projects is determined by the Department of Natural Resources director. The state’s share of the funds has been used to acquire land and/or develop outdoor recreation facilities for state parks, fish and wildlife areas, forests, recreation areas, and nature preserves.

Over 170 Indiana park and recreation boards have obtained grants. Their participation in the program has meant an increase in local park acreage and recreation facilities such as trails, ball fields, tennis courts, picnic areas, and playgrounds for Indiana’s citizens.

Over 300,000 acres of land have been acquired for local and state parks through the program and hundreds of public recreation facilities have been built or improved. Since the federal funds are matched equally by local or state contributions, the LWCF program has generated a total investment of over $180 million in Indiana parks since 1965.

Since the grant funds are made available through an annual appropriation from Congress, the funding amount varies each year. Potential project sponsors should check the funding outlook with grants staff prior to preparing an application. The exact amount Indiana will receive is not known until the allocation is announced, which may be one to two months into the federal fiscal year or later. The federal fiscal year begins on October 1, so the amount of the apportionment will not usually be known until late fall or early winter at the earliest.

Types of Projects

A grant may be provided for the acquisition of land and/or construction of outdoor recreation facilities. Development projects may include the building of new and/or renovation of existing facilities. Only acquisition or development done after federal approval of a grant is eligible for funding. The project must provide a site or facilities for public outdoor, rather than indoor, recreation. For a detailed explanation of eligible types of projects, refer to Chapters Two, Five, and Six.

Project Costs

Grant Amounts

The Land and Water Conservation Fund is a 50% matching, reimbursing federal assistance program. Local applicants may request a minimum of $50,000 and a maximum of $250,000 in LWCF assistance for one project per year.
Local Matching Share

The federal funds are matched equally with local funds or in-kind contributions for the completion of a project. The project sponsor must have the local share available at the time of application. The local share may include tax sources, bond issues, Federal Revenue Sharing, Community Development Funds, Farmers Home Administration Loans or force account contributions. The donated value of cash, land, labor, equipment, and materials may also be used. There may be other federal funds other than those listed above that may be used to match a LWCF grant and the grants staff will review those possibilities.

Reimbursement

The project sponsor will not receive a cash grant at the time of project approval. Instead, the park board must pay the bills and then request reimbursement for half of the expenses incurred. Reimbursement requests may be periodically submitted during the project period to return funds to the sponsor for work completed. The billing procedures are explained in Chapter Seven.

Federal Administration

The National Park Service (NPS), within the U.S. Department of the Interior, administers the program at the federal level. This is the federal agency which ultimately receives all project applications and amendments for final approval. Indiana’s Land and Water Conservation Fund projects are submitted to the Midwest Regional Office in Omaha, Nebraska.

All park and recreation board contacts will be made with the state grants staff, rather than the National Park Service. Local project sponsors will rarely see a federal officer except during occasional site inspections. All NPS correspondence and directives are sent to the state for transmittal to the local agencies. Federal correspondence is seldom sent directly to a local agency.

The major responsibilities of the NPS with the Land and Water Conservation Fund Act are:

1. To allocate the grants to the states,
2. To review and approve statewide comprehensive outdoor recreation plans,
3. To review and approve project applications submitted by the states on behalf of state and local governmental units.

The LWCF program was initially operated in the Department of the Interior by the Bureau of Outdoor Recreation (BOR), which was created in 1962 to provide leadership, research, and coordination in the nation’s outdoor recreation effort. In 1978, the BOR was reorganized as the Heritage Conservation and Recreation Service (HCRS), which conducted the program until the agency was discontinued in 1981. The LWCF grants function was then transferred to the National Park Service.

In addition to the Land and Water Conservation Fund, the NPS handles several other federal programs, including: Historic Surplus Federal Property Program, Urban Park and Recreation
Recovery Act, National Heritage Areas Program, and portions of the National Wild and Scenic Rivers and National Trails Systems. For information about these programs, contact NPS at:

National Park Service - Midwest Regional Office
601 Riverfront Drive
Omaha, Nebraska 68102-4226
(402) 661-1552

State Administration

The Indiana Department of Natural Resources (DNR) administers the LWCF program through its Division of Outdoor Recreation. The Division of Outdoor Recreation contains two sections. The State and Community Outdoor Recreation Planning (SCORP) Section is involved in state outdoor recreational planning, special studies, and grants administration. The state's LWCF responsibilities are handled by the SCORP Section.

The Streams and Trails Section administers the Indiana Rivers Preservation Act and implements long distance hiking, bicycling, and snowmobiling trails as well as two State Recreation areas for mainly Off-Highway vehicle use.

Statewide Comprehensive Outdoor Recreation Plan (SCORP)

In order to be eligible for participation in the LWCF program, the state must prepare a comprehensive outdoor recreation plan. Indiana’s first plan, A State Master Plan for Acquisition and Development, was prepared in 1964. Since then, the Department of Natural Resources has maintained a continual planning program which not only includes a state plan, but also specific studies related to various outdoor recreation interests in the state. The state plan includes goals and objectives for meeting the State’s outdoor recreation needs. These goals and objectives are the result of various studies and meetings conducted by a Plan Advisory Committee over a five year period. They are used to establish funding priorities for rating local projects. The priorities are discussed in Chapter 2.

Grants Administration

Grant coordinators within the Division of Outdoor Recreation's SCORP Section are responsible for the daily administration of the Land and Water Conservation Fund projects including:

1. Review of project applications,
2. Rating projects to determine rank for funding,
3. Preparation and submission of applications to the NPS for final approval,
4. Project site inspections,
5. Monitoring compliance with federal regulations,
6. Plan review for safety, accessibility and sustainability,
7. Processing reimbursements to project sponsors,

8. Keeping project sponsors current on any changes in regulations or procedures,

9. Final inspection as post-completion follow up to ensure project sites are properly operated and maintained.

All questions regarding the Land and Water Conservation Fund program should be directed to the grants staff by calling 317–232–4075.

Several other divisions within the Department of Natural Resources may review certain segments of grant applications and should be coordinated with separately. Construction in the floodway or alteration of a lake shoreline must be permitted by the Division of Water. Appraisals are reviewed and approved by the Division of Land Acquisition. The Division of Historic Preservation and Archaeology reviews projects for their impact on archaeological and historic resources. Various types of technical assistance related to natural resource analysis of a particular park site are also available to park agencies by Department staff. The Divisions of Forestry, Fish and Wildlife, and Nature Preserves most frequently provide these services. The Director of the Department of Natural Resources is the State Liaison Officer for the Land and Water Conservation Fund. All legally binding documents between the State and Federal governments are signed by the State Liaison Officer or the Alternate State Liaison Officers.
Chapter Two

How to Apply for Funding: Eligibility, Project Selection and Approvals

Eligibility

Local units of government participating in the Land and Water Conservation Fund (LWCF) program are required to provide matching funds for the project, properly administer the project through completion, and operate and maintain the site after completion. Before a town, township, city, or county can participate in the LWCF program, it must meet two eligibility requirements:

1. The local unit must establish a public park and recreation board according to Indiana law.

2. The board must have a current five–year park and recreation master plan approved by the Department of Natural Resources.

Forming a Park and Recreation Board

Only park and recreation boards which are established under Indiana law may submit an application for projects. If the local unit does not have a park board, one must be established by ordinance. Indiana’s park and recreation law can be found in the Indiana Code under Title 36. Consult your board attorney for specific wording of the ordinance.

Prior to establishing a park and recreation board, local units are urged to consider the alternatives for providing park and recreation sites, facilities, and services for their residents. In some cases, existing city or county park boards are willing to extend services to smaller towns or unincorporated areas in rural townships, avoiding duplication of services. Questions about creating a park and recreation board can be directed to the SCORP Staff in the Planning Section.

In Indiana, there are various statutes which enable the creation of a town, city, or county park and recreation board. In some counties, township park boards are authorized. The most common state statute is the Indiana Park and Recreation Law (I.C. 36–10–3), originally passed in 1955 and amended several times since. In 1981, The Indiana General Assembly re-codified all park and recreation statutes and placed them under Title 36 of the Indiana Code. This law is recommended, since it provides the board with a sound organizational structure and a broad range of powers and duties. Copies of the law are available from the Division of Outdoor Recreation and online at http://www.in.gov/dnr/outdoor/2603.htm under the” How to Form a Park and Recreation Board” link.

Once the park and recreation board has been established, the board should submit a certified copy of the ordinance which created the board to the SCORP Staff for review and approval. Be sure to include a list of the members and a permanent mailing address with the ordinance. The ordinance is reviewed for legality and will be retained on file in the Division of Outdoor Recreation.
If the ordinance is amended, revised, or repealed, the Division of Outdoor Recreation should receive the changes for its files. A list of officers and the board’s permanent mailing address will also be kept on file, so changes should be sent as needed to keep the state’s information current.

*Park and Recreation Master Plan and Amendments*

Long and medium–range park and recreation planning is a major responsibility of every park board. To this end, park and recreation boards are required to complete five–year park and recreation master plans. These plans often take several months to complete and an approved plan must be on file with the Division of Outdoor Recreation prior to the board applying for funding. A new plan must be prepared every five years in order to maintain the board’s eligibility for participation in the LWCF program.

*Planning Guidelines for Five Year Parks and Recreation Master Plans* explains the Department of Natural Resources’ planning requirements for communities. The guide is available from the Division of Outdoor Recreation and online at [http://www.in.gov/dnr/outdoor/2603.htm](http://www.in.gov/dnr/outdoor/2603.htm)

Drafts of master plans or plan amendments are due January 15th of the year in which the park and recreation board will be applying for grant assistance. Submittal of the master plan by January 15th allows time for state review. Final revisions of the plan are due by April 15th of each year. Upon approval of a plan or amendment, a park board receives five years of eligibility to participate in the LWCF program. A board may apply for funds only during the years that it is eligible. Park boards may submit amendments to plans as needed during the five–year eligibility period. Final drafts of amendments are also due by April 15th.

*Types of Applications*

A project application may consist of the acquisition of land for a park and/or the development of recreation facilities at a park. LWCF assistance may be available for support facilities needed by the public for outdoor recreation use of an area, such as roads, parking areas, utilities, sanitation systems, restroom buildings, simple cabins or trail hostels, warming huts, shelters, visitor information centers, kiosks, interpretive centers, bathhouses, permanent spectator seating, walkways, pavilions, snack bar stands, and equipment rental spaces. When appropriate, support facilities may be sheltered from the elements by providing a simple roof or cover. Informational materials and leaflets are not eligible.

Renovation projects will be accepted only for facilities which are worn out due to use or age; can no longer meet health, safety, or accessibility standard; or are outdated because of the changing needs of the community. Repairs associated with routine maintenance, or renovation caused by vandalism or poor maintenance, are not eligible for funding.

*Grant Application Process*

Applications for a Land and Water Conservation Fund grant progress through several steps. These steps may be summarized as:

1. Items to be completed by the sponsor prior to submission,
2. Various state and federal reviews,
3. Procedures to follow after project approval,
4. Project completion procedures,
5. Post-completion responsibilities.

The first two steps, including project approval are discussed in the balance of this chapter. Chapter Three covers the grant application documentation. In Chapters Four through Seven, the project implementation steps are explained. The project completion procedures and long-term obligations are included in Chapter Eight.

*Pre-submission Procedures*

Prior to the submission of a grant application, the park and recreation board must obtain all maps, preliminary plans, cost estimates, and other information necessary for the application as outlined in Chapter Three.

The board must provide public notification and opportunity for public input on the project through at least one public meeting or survey. The public must be made aware that the Park Board is planning to use federal funds for the project and documentation of this must be provided with the application. **If the project also involves construction in a floodway, it must be stated clearly to those attending.**

**Before submitting the application, it is highly recommended that the park and recreation board discuss the project with the grants staff of the SCorp Section.** A pre-application conference or telephone conversation concerning the project may point out specific items which need to be included or further documented in the application.

*Application Period*

Grant application forms are available in the Appendix and online at [https://forms.in.gov/Download.aspx?id=10697](https://forms.in.gov/Download.aspx?id=10697). Updated versions of the *LWCF Grant Manual* are available online by the March 1st each year. Project applications must be submitted by June 1st of the applicable year. If June 1st falls on a Saturday or Sunday, applications must be postmarked or delivered to our office by 4:30 p.m. the following Monday, which will be either June 2nd or 3rd.

*State Review*

All project applications are reviewed for completeness and additional information is requested, if necessary. Site inspections by the grants staff along with representatives of the park board are also conducted during this time period.

The grants staff will review applications to confirm that they are in accord with the eligibility requirements specified in the *LWCF Grant Manual*. The staff will also verify that the proposed project is included in the park and recreation board’s five-year master plan and meets a priority need in the current *Indiana Statewide Comprehensive Outdoor Recreation Plan*. 
Project sponsors will be reviewed for their operation and maintenance abilities and previous grant performance. Site inspections for each project application received are conducted by the grants staff before the projects are rated and ranked.

Park Boards/Agencies will be informed if poor maintenance conditions are observed for parks previously awarded a LWCF grant and then given a reasonable period of time to correct the problems. If unsatisfactory conditions are not addressed, the park agency may not be allowed to submit grant applications until the problems are corrected.

Similarly, previous project sponsors will be evaluated on their past performance in administering grants. Agencies which have not performed satisfactorily on previous grants will be advised not to apply until a reasonable solution to the agency’s performance problems is found. Examples of poor past performance may include:

1. Grant projects requiring time extensions due to the inability of the project sponsor to get the project done,
2. Cost overruns caused by the sponsor’s inability to get the project started after project approval,
3. Sponsors’ unwillingness to follow bidding, purchase, and construction requirements,
4. Sponsors’ continued noncompliance with the program’s rules and regulations.

The intent is not to penalize agencies that have encountered unavoidable construction and land acquisition problems. The evaluation of past performance is directed at agencies which have inadequate administrative abilities causing project delays.

Project applications from park boards failing to meet the previously discussed conditions shall be returned, unrated. Project sponsors who encounter difficulties will be requested to correct the problems prior to submitting new grant applications. New applicants that have never received previous grants are assumed to have adequate administrative and operational abilities.

**Project Rating**

If fund requests do not exceed the amount available, the project applications will be processed on a first-come, first-served basis. Usually, the requests exceed the amount of funds available, and the project applications must be rated for funding priority. Only those applications which are complete and submitted by park boards that have their share of the project costs available will be rated. Project sponsors may be asked to withdraw a project which has not been adequately prepared or has too many unresolved issues.

*The Rating Criteria is the most important component of the grant application.* These criteria are used to evaluate projects for funding and are based on public input stated in the Statewide Comprehensive Outdoor Recreation Plan and staff recommendations. Grant applicants should address this section carefully and thoroughly, and should demonstrate to the greatest extent possible how the proposed project relates to the Rating Criteria. Staff recommendations for funding will be prepared based on the point scores earned through this exercise. Therefore, it is critical that applicants prepare thorough and detailed responses to and documentation for all of
the Rating Criteria when completing the application. Projects with the highest scores are selected and recommended by the Director of the Department of Natural Resources to the National Park Service (NPS) for federal approval. Grant submittals which do not rate high enough for funding will be returned upon request of the applicant. Unfunded applications may be revised and resubmitted in a future grant round. The Rating Criteria can be found at the end of this chapter.

State Approval

The list and ranking of project applicants is reviewed by the Director of the Department of Natural Resources. Projects must be reviewed by the Director of the Department of Natural Resources before being recommended to the NPS for approval, even if federal funds are adequate to cover all applications and rating is not necessary. The park board president will be notified once the project has received state approval.

Reviews and Preparation for Federal Submittal

Selection of projects for funding at the state level means that the Department of Natural Resources will reserve funds for those projects pending final approval by the federal government. The Grantee will submit their LWCF project information for Section 106 coordination to local historical groups and the Division of Historic Preservation and Archaeology for review as well as to various agencies for NEPA consultation (see Appendix), depending on the scope of the project. Permits for construction in the floodway or other natural resource impacts must also be secured, if necessary, by the grantee after environmental reviews have been completed and before construction occurs.

Division of Outdoor Recreation staff may request additional documentation from park boards in order to complete the applications for federal submittal. Projects are sent to the National Park Service when all reviews have been completed and additional information has been received.

Federal Approval

The approval announcement may be made by the U.S. Senators or Representatives for your district. The Division of Outdoor Recreation will also notify the project sponsor of federal approval. After this the local grant agreement will be sent electronically to the park board president.

After Federal approval of the project and once a State Agreement is signed the park board can purchase land; finalize project plans, permits, and specifications (must be approved by DNR); and advertise for bids. **ACQUISITION OF LAND OR CONSTRUCTION OF FACILITIES MAY NOT BEGIN UNTIL FEDERAL APPROVAL IS OBTAINED.** If a project is started prior to federal approval, it may be declared ineligible for funding and the grant will be terminated. *The only exception to this is IF A WAIVER OF RETROACTIVITY HAS BEEN OBTAINED FOR THE LAND.* (Information on what to do after approvals is provided in more detail in Chapter 4.)

Minimum Project Criteria

1. Applications must be postmarked no later than the specified deadline.
2. Additional information requested by the Division of Outdoor Recreation concerning the application must be received prior to rating the project.

3. The park board must have its matching share of the project available prior to project rating.

4. Operation and maintenance procedures and previous grant administration performance of the applicant must be adequate.

5. The project must be eligible to receive Land and Water Conservation Funds according to the federal and state criteria for the program.

6. The project must meet a need documented in either the park board’s approved five–year master plan or a priority need in the State’s SCORP.

Annual Allocation of Funds

The Director of the Department of Natural Resources will determine the state and local shares of Indiana’s annual apportionment. The determination is based on the estimated amount of funds the State will receive at the start of the federal fiscal year which begins on October 1st. Generally, the apportionment Indiana receives is allocated mostly to local park and recreation boards with a small portion allocated to state projects.

Distribution System

The distribution system determines certain categories of project requests and sets the grant request limits. The percent of the annual allocation available for local applications is also part of the system. These procedures assist in the equitable distribution of funds to a large number of project applicants.

Funding Limits

Park boards may submit one grant application per year (any previous awarded projects that are currently active must be in good standing). The minimum grant amount that may be requested is $50,000 (representing 50% reimbursement of a total project cost of $100,000). The maximum grant amount that may be requested is $250,000 (representing 50% reimbursement of a total project cost of $500,000). A project may cost more than $500,000, but the maximum grant amount will still be $250,000.

Unfortunately, demand for federal and state grant money administered through the Department of Natural Resources Division of Outdoor Recreation for acquisition and development projects far exceeds currently available funds. The DNR is committed to a fair distribution of funding throughout the state in order to assist as many locally sponsored park and trail projects as possible.

Therefore, for each grant program administered by Outdoor Recreation, there is a limit of two phases of funding in an eight-year period per site.

A local sponsor who has already successfully applied for funding of a site may apply for a
third phase, but the request will be considered for funding only after all other grant applications have been reviewed. Should adequate funding be available in that fiscal year’s grant round, the third-phase project would be eligible for funding. A two-phase project site will be allowed to compete equally with other applicants eight years from the date of the first phase approved for a grant. This restriction applies only to specific sites within a local sponsor’s jurisdiction. Application for sites other than a two-phase site will be eligible. This restriction may be rescinded should federal and state grant funding substantially increase.

Open Project Selection Process

Rating Factors

The Rating Criteria consists of factors which were determined through the SCORP. It is extremely important that applicants prepare thorough and detailed responses to all of the Rating Criteria when completing the application. The Rating Criteria is the main tool used to evaluate all applications for LWCF funding. Any project scope item that is mentioned in the criteria should be reflected in the Cost Breakdown and Program Narrative and have appropriate documentation to ensure receipt of points.

Rating criteria begins on the next page.
I. More Land for Outdoor Recreation and Conservation

The project will provide more land for outdoor recreation and conservation. Land acquisition projects must include a description of how the project will be used and/or developed within two years of taking title to the property. Grant reimbursement and future eligibility are contingent on compliance with these terms. The project may receive points in each of the following categories:

1) A) Acquisition of land (must be at least 2 acres) in which at least 25% of the total project cost is land acquisition.

   25% or greater (10 points) ___

   OR

   B) Acquisition of land is 1% to 24% of the total project cost and is an integral part of the project.

   1% to 24% (5 points) ___

2) Project is within an urban area. Urban areas are defined by the U.S. Census Bureau as those populations and territories within the boundaries of Urban Areas and the urban portion of places outside of Urban Areas with a decennial population of 2,500 or more. (Please supply a U.S.G.S. 1:24,000 topographic map with the site location)

   The Division of Outdoor Recreation will determine these points internally.

   Urban area (4 points) ___

3) Project acquires woodlands that are a minimum of 1 acre, 120 feet wide and 10% tree covered. Written documentation from a qualified professional (e.g. District Forester, Arborist, Botanist, Landscape Architect, etc.) and photos are required.

   Woodland acquisition (3 points) ___

4) Project acquires riparian areas. Riparian areas are considered those naturally vegetated areas associated with a lake or stream. Photos are required.

   Acquisition of riparian area (3 points) ___
5) Wetlands:
   A.) Project acquires and protects wetlands. Wetland areas must contain wetland plants, soils, and hydrology. Documentation & photos are required.
   **Wetlands (3 points) ___**

   B.) Wetland is considered an outstanding priority type: muck flats, sinkhole swamps, sinkhole ponds, sands flats, seep springs, marl beaches, dune and swale, sedge meadows, wet prairies, fens, bogs, pannes, forested swamps and cypress swamps.
   **Outstanding priority type wetlands (2 points) ___**

   **Documentation from DNR’s Division of Nature Preserves or appropriate authority substantiating either of these claims must be included to receive points.**

6) The acquisition of lands is located in a county deficient in all 3 LOS Acre Categories (as defined by the State Comprehensive Outdoor Recreation Plan, SCORP, pg. 63). Deficient Indiana counties include: Adams, Allen, Blackford, Boone, Carroll, Clinton, Decatur, DeKalb, Elkhart, Floyd, Grant, Hamilton, Hancock, Hendricks, Howard, Jay, Johnson, Knox, Madison, Marion, Marshall, Ohio, Rush, Shelby, Tippecanoe, Tipton, Vanderburgh, White and Whitley.
   **Deficient counties (2 points) ___**

7) The following counties are listed as “critical counties” by the SCORP in recreation acreage and also have population growth rates in excess of 1.74% (SCORP pgs. 70-71). Counties include Allen, Bartholomew, Boone, Decatur, Elkhart, Floyd, Hamilton, Hancock, Hendricks, Johnson, Marion, and Tippecanoe.
   **Critical counties (1 point) ___**

II. Preserving Resources
This category is designed to promote projects that protect, preserve, and/or enhance natural resources. Mitigation of impacts resulting from the project’s implementation will not be eligible for points. **Application must include detailed documentation to support each affirmative response.** Acceptable documentation can include, but is not limited to, letters from scientists (i.e. wildlife biologists, ecologists, fisheries biologist, etc.) and/or articles from reputable science journals and web sites. We will use the supporting documentation to evaluate your project.

**Natural Resources**
This subcategory supports projects that protect, preserve or enhance natural resources. The resource must be located within the boundaries of the project to be eligible for points.

1) The project purposefully protects and preserves existing significant natural areas/features through site design and/or management plan.
   **Significant areas/features (3 points) ___**

2) The project protects a listed state endangered, threatened, special concern or rare species or federally threatened or endangered species on a permanent or seasonal basis. (Provide documentation from the Division of Nature Preserves and/or acceptable resource.)
   **State or federal threatened/endangered species (2 points) ___**
3) The project restores/enhances fish habitat or wildlife habitat/native plant communities. (Provide a management plan and document expenses in Cost Breakdown.)

   Fish or wildlife habitat (4 points) ___

4) The project protects or enhances water quality. (Provide a management plan and document expenses in Cost Breakdown.)

   Water quality (2 points) ___

5) The project utilizes high post-consumer content recycled products or materials. (e.g., asphalt, concrete, metal, plastic, glass, rubber, etc.) Document recycled content supported by manufacturer’s literature and list expenses in the Cost Breakdown.

   Recycled materials (2 points) ___

6) The project utilizes alternative energy sources (e.g., solar, wind, geothermal, etc.) and/or energy savings measures. Provide manufacturer's literature and list expenses in the Cost Breakdown.

   Alternative energy/Energy Savings (2 points) ___

III. Recreational Development

   Trail Development

   1) The project will develop a new trail at least ½ mile in length. (Sidewalks and short walking paths are not eligible for points.)

   Trail (7 points) ___

   Recreation Facilities

   2) The project provides facilities for boating, fishing, and/or beach swimming.

       Boating, fishing or beach swimming facility (3 points) ___

   3) The project provides a swimming pool, spray park or water park.

       Pool, spray park, or water park facility (3 points) ___

   4) The project provides for renovation or rehabilitation of existing park facilities, is a minimum of 10% of the Total Project Cost, and is clearly outlined in the Cost Breakdown.

       Renovation of park facilities (2 points) ___

   5) The project provides support facilities. Costs for the support facilities must be clearly outlined in the Cost Breakdown (e.g., restrooms, concession buildings, maintenance facilities, parking, etc).

       Support facilities (2 points) ___

   6) The project receives 2 points each for developing a facility specifically for the following:

       Camping facilities (Class AA, A, B, or C) (2 points) ___

       Playground (2 points) ___

       Outdoor sports facilities (2 points) ___
Outdoor Recreation Facilities Total (6 points possible) ___

IV. Addressing Local Need
These criteria are intended to support applicants in addressing their local recreational needs.

1) Proposed land acquisition and/or park development is identified in needs analysis and/or priorities and action schedule of applicant’s master plan. Documentation including page number in plan and method of determination must be provided.

   Facility identified in master plan (5 points) ___

2) No other like recreational facility exists in the jurisdiction of the applicant. Support for facility must be documented in the park board’s master plan, letters of support, or petitions, etc.

   No other like facility in jurisdiction (1 point) ___

3) No other like recreational facility exists in the county in which the project is located. Support for facility must be documented in the park board’s master plan, letters of support, or petitions, etc.

   No other like facility in county (1 point) ___

V. First Time Recipient
1) This is the first LWCF grant awarded for the park site. (1 point) ___
2) This is the first LWCF grant awarded for the park board. (2 points) ___
3) This is the park board’s first and only park (awarded one time only). (2 points) ___
Points Summary

I) More Land for Outdoor Recreation and Conservation
1. Fee simple acquisition _______________________________ 5 or 10 points possible ___
2. Urban area land acquisition ___________________________ 4 points possible ___
3. Woodland acquisition _______________________________ 3 points possible ___
4. Riparian area acquisition _____________________________ 3 points possible ___
5. Wetland acquisition
   A.) Acquire wetlands ____________________________ 3 points possible ___
   B.) Priority type ________________________________ 2 points possible ___
6. Deficient counties ___________________________________ 2 points possible ___
7. Critical counties ____________________________________ 1 point possible ___

II) Preserving Resources
Natural resources
1. Significant area/feature ______________________________ 3 points possible ___
2. Threatened/endangered ______________________________ 2 points possible ___
3. Fish and wildlife habitat ______________________________ 4 points possible ___
4. Water quality ______________________________________ 2 points possible ___
5. Recycled materials __________________________________ 2 points possible ___
6. Alternative energy/energy savings ______________________ 2 points possible ___

III) Recreational Development
Trail development
1. Trail development __________________________________ 7 points possible ___
   Recreational facilities
2. Boating, fishing, beach swimming facilities _____________ 3 points possible ___
3. Pool, spray-park, water park facilities ___________________ 3 points possible ___
4. Renovation ________________________________________ 2 points possible ___
5. Support facilities ___________________________________ 2 points possible ___
6. Outdoor Recreation Facilities __________________________ 6 points possible ___

IV) Addressing Local Need
1. Facility identified in master plan _______________________ 5 points possible ___
2. No other like recreational opportunity (jurisdiction) ________ 1 point possible ___
3. No other like recreational opportunity (county) ____________ 1 point possible ___

V) First time recipients
1. First to park site ____________________________________ 1 point possible ___
2. First to park board _________________________________ 2 points possible ___
3. First to park board’s only park ________________________ 2 points possible ___

Total Points Possible = 78 Points ___
Chapter Three
Writing the Grant Application

Grant applications for the Land and Water Conservation Fund are submitted to Division of Outdoor Recreation, State and Community Outdoor Recreation Planning Section. This chapter includes specific instructions for filling out the forms, plus a description of the various other attachments that must be submitted with the application. Application forms are included in the Appendix. When submitting your application make copies of the appropriate forms. Be sure to copy the forms from your manual so you maintain a complete manual. A checklist of items needed for all project applications can be found at the end of this chapter. Applicants are encouraged to call the grants staff as questions arise when preparing an application. Be sure to keep a copy of the grant application and documents, exactly as they were submitted, for your files.

Application Form

The form is entitled Grant Application and all items should be answered as completely and clearly as possible. Follow the example as indicated in the Appendix.

Program Narrative

The Program Narrative should be written in narrative form and include the following elements:

1. Project Description - Indicate in detail how the land will be acquired (donation, easement, or fee and include acreages), a description of the development proposed (include acreages of any existing park-owned land the project will be developed on), the type of park (neighborhood, community, block), and the type of users expected (inner city, weekend, youth, senior citizens), giving as much specific information about the project as possible. If the grant is part of a larger project, add a sentence or two describing the larger project. Development of a project site may be by contract, force account, in–kind contribution, or a combination of these methods. Describe the method(s) which will be used.

2. Pre-agreement Costs - The only costs which may be incurred prior to federal approval of the grant are preparation of the grant application, archaeological investigations and architectural and engineering services (be sure to include these fees on the application form on Line 1 of the Cost Classification). If the park board has signed a contract with an architectural and engineering firm or incurred other preliminary expenses, include the following information:

   a. Name of firm performing the work and contact person

   b. Address and telephone number of firm

   c. Date, scope, and amount of contract
d. Amount of expenses incurred or paid up to the date of application

NOTE: If the park board signs a contract for architectural or engineering work after submitting the application, but prior to federal approval of the project, the information requested previously must be submitted to the Division of Outdoor Recreation.

3. Certification for Development Projects - Per the NPS LWCF program, relocation benefits must be provided to persons displaced from any site that, at the time of acquisition with or without LWCF assistance (or at any time thereafter prior to actual displacement), was planned as the site of a federally assisted project. If the land upon which facilities will be constructed with LWCF assistance was acquired less than five years prior to the submission of a LWCF application, the applicant must certify that it had not yet initiated planning activities for the application to obtain LWCF assistance at the time of the acquisition and last known displacement. Alternatively, the applicant must certify that it followed the federal procedures under P.L. 91-646, the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, to the extent possible under State law, including the acquisition procedures and provision of relocation services and benefits to any displaced person. Please include a statement for the appropriate certification.

4. Accessibility - Facilities developed with LWCF assistance must be accessible to persons with disabilities. Describe how the project will be designed in an accessible manner for persons with disabilities, in conformance with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Site and building plans submitted with the project must reflect these designs. (A further description of the accessibility requirements can be found in Chapters Four and Six.)

5. Overhead Wires and Other Environmental Intrusions - Overhead wires are not allowed on LWCF assisted sites. Telephone lines, power lines, and others crossing over the park must either be buried or otherwise disposed. Describe the removal or relocation of all existing overhead wires and other environmental intrusions on the site. Include a statement that all future power lines will be buried, including those to be constructed as part of the project. This information is needed to ensure that sponsors understand their obligations for compliance with the federal policy on environmental intrusions. A copy of that policy has been included in the Appendix. All power lines, including any utility easements, must also be identified on the site map.

6. Public Participation - With increased public awareness and concern for government management and spending, it has become more apparent that there must be public input beginning with the initial planning of a project. Park boards must actively solicit opinions and suggestions from local elected officials, state legislators, special interest groups, and the general public for potential projects. This information must be included to prove that public input was actively sought as part of the project application. This must be in the form of at least one public meeting and may also include a survey questionnaire. Be sure to inform the general public that your park board is applying for the federally funded Land and Water Conservation Fund (LWCF)
a. Public Meeting - A news article discussing the project and giving the date(s) of the special meeting(s) should be enclosed with a brief description of the meeting, including the number of persons attending, and their general comments, both positive and negative. *If the project involves construction in a floodplain, this must be clearly stated in the news article and/or release.*

b. Survey Questionnaire - In this case, the methodology used to construct, distribute and collect the results, as well as a final tabulation of the questionnaire responses should be included. Most projects will generate some negative comments. Negative comments should be mitigated or it should be shown that negative comments were taken into consideration when planning the project.

7. Other Federal or State Assistance - Describe any other federal or state source of assistance which has been given, is pending, or promised for any work within the boundaries of the park or recreational site affected by this request. Specifically, the following information is needed:

   a. Federal Domestic Assistance Catalogue number (if applicable),

   b. Type of assistance,

   c. Amount of funding,

   d. Relationship to this request.

8. Projects Involving Land Acquisition - If the project includes land acquisition, list the number of individuals, families, farms and businesses to be relocated, if any.

9. Archaeological, Historical, and Architectural Review - The historical, archaeological, architectural or cultural significance of the site, should be briefly described in this section.

Application Attachments

To be considered for funding, the application must be accompanied by the following supplemental attachments.

*Cost Breakdown*

One copy of a detailed Cost Breakdown must be submitted with each project application. The Cost Breakdown should show all of the acquisition and development for the project, grant amount and match, up to and no more than the $500,000 total project cost (grant amount + match) per grant project. The total project cost shown on the Cost Breakdown must match the figures listed on the *Grant Application* form. Any pre-agreement costs should be labeled as such and broken out separately. A sample detailed Cost Breakdown is in the Appendix.

*Evidence of Local Funds*

The park and recreation board must have its 50% share of the project costs available for the
project at the time the application is submitted. The type of documentation varies according to the source of funds as explained below.

1. Appropriations, Bond Issues, Other Federal Funds and In-kind (Force account) Contributions. One copy of a statement from the fiscal officer must certify these funds will be available in the park board’s budget when the project will take place. This statement may be in letter form and signed by the fiscal officer. The letter must state exactly how much is available, its source, and then be included as an attachment to the grant application.

In the case of a bond issue, the park board’s attorney should provide a letter explaining the steps through which the bond issue has already progressed and a schedule for remaining action to take place. A bond issue must be completed up to the point of bond sale at the time of application. If bonds will provide the local share of a project, the bond issue should cover the entire project cost, rather than only the sponsor’s 50%. This will enable the park board to complete the project if LWCF monies are not obtained and to pay the project expenses, since LWCF grants are provided on a 50% reimbursing basis.

2. Donations - If the park and recreation board is to receive gifts of cash, land, labor, equipment or materials from a private individual, non-governmental agency, private organization or business, a letter of intent to donate from each donor must accompany the application. The value of each gift must be stated at the time of application.
   a. Cash gifts are counted at the donor’s stated amount.
   b. Land donations are based on real estate appraisals as explained in Chapter Five.
   c. For general unskilled labor donations, the value is $10/hr for unskilled general labor. For supervisory/skilled trail building (with documentation) the value is $20/hour. If donors of labor are employed in a skilled trade, time spent doing the particular trade may be valued at their employment wage rate. Either their employers or they (if self-employed) need to verify their rate per hour on company letterhead.
   d. For donated equipment a letter from the donor, which briefly describes the equipment and its use in the project construction, must be submitted. For equipment to be installed in the park, quotations from suppliers of the purchase price of similar equipment will be the value for billing purposes. In the case of construction equipment, quotations of local rental rates from other suppliers and the donor may be used to determine the donated rate per hour. The donor’s letter for construction equipment must indicate the dates, hours, and type of work performed for the project.
   e. Materials may be valued by the lower of at least two quotes from commercial suppliers of similar items.

3. Cash Flow - Although only 50% of the project costs are required to be documented in the project application, the park and recreation board must have more than this amount
available. Since the Land and Water Conservation Fund is a reimbursing program, the Board must first pay the bills and then submit a billing for reimbursement. For a land acquisition project, the park and recreation board must purchase the parcel and then submit a billing, thus requiring the board to have the total purchase amount of each parcel available. For a development project, billings may be submitted as often as monthly; however, it is advised that the board have available at least 70% of the total costs in order to pay the final costs of the project. The park and recreation board may need to borrow from another account or obtain a short-term loan in order to pay the last project costs before billing for final reimbursement. Sponsors are urged to contact the State Board of Accounts if questions arise concerning the procedures for borrowing funds on short-term basis.

**Rating Criteria Information**

The Rating Criteria is the single most important part of the grant application since it will determine which projects receive funding. Project sponsors must provide detailed information which will be used to evaluate each rating factor. The factors are extremely important and should be answered completely. Applicable evidence of responses should be reflected in the Cost Breakdown and through additional material. The Rating Criteria can be found in Chapter Two.

In choosing which project to submit for LWCF funding, park boards are encouraged to select their top three to five priorities from the five-year master plan, and then evaluate each according to the rating formula. Priority projects may be combined for each park site. After the points have been tallied, the park sites will fall into a rank order. The project which rates the highest should be submitted. This method will ensure the project being submitted will be the best candidate for funding from among the many priorities identified in your master plan.

**Certification Regarding Debarment**

This form is signed by the park board president, attested by the board secretary, and indicates the park and recreation board’s willingness to comply with all of the program regulations and requirements. These details are explained in Chapters Four and Eight of this manual. Disregard of the program regulations could result in the local board having to return all federal funds invested in the project. This form must be signed and submitted after DNR approval. A copy of the form is included in the Appendix.


To ensure park and recreation boards comply with these laws, each project application must be accompanied by a signed Assurance of Compliance form (Appendix). The form must have the original signature of the park board president. The Act requires that Land and Water Conservation Fund sponsors "may not, directly or through contractual or other arrangements on the grounds of race, color, gender, national origin, age, or disability, deny an individual any service, financial aid, or benefit provided under the program." Park boards should read the assurance carefully before applying for funds.
Maps and Photographs

The following items must be submitted with the application (2 & 3 may be incorporated into one map):

1. Topographical Map - Each project application must be accompanied by a labeled and scaled U.S.G.S. topographical map which delineates the project boundaries within the larger landscape/area. The map should show sufficient detail to allow a person unfamiliar with the area to find the project site without having to ask directions.

2. Boundary Map - Enclose a plat map showing the exterior boundaries of the area to be acquired or developed. The site dimensions and survey coordinates should be clearly identified as should easements, rights-of-way, etc. This map will be used to determine the 6(f) boundary (federally encumbered/protected area) of the park and to create the final 6(f)3 map at the end of the project. See “Information for All Base Maps” in the Appendix; all items on the base map should be accurately labeled and keyed into a legend. Base maps should be an aerial view or design rendering that shows the existing site before the project is implemented.

3. Site Map - All acquisition and development in the LWCF project, including the location of every item listed on the Cost Breakdown, should be identified on this map. See “Information for All Base Maps” in the Appendix; all items on the base map should be accurately labeled and keyed into a legend. Base maps should be an aerial view or design rendering that shows the existing site before the project is implemented.

4. Photographs - A few clear photos keyed to a site map of the project area should be submitted. Be sure to include photos of all existing buildings, structures, recreation facilities and natural site features. A 360° view of the project should be easily attainable from the photos and map.

Easements

In addition to identifying all easements on the base map, the easement documents must be submitted for review with the application. This includes permanent or temporary easements for access, transportation, utility rights-of-way, scenic preservation, etc.

Property Deed(s)

The deed(s) and/or lease(s) for the land to be developed must also be submitted with the application if land is already owned by the grantee. Refer to Chapters Five and Eight for criteria for land leased (1) to the park board and (2) by the park board to another entity for operation of the park. For land acquisition projects, property deed(s) for the acquired tract(s) recorded with the LWCF protection language will be required before or at first billing.

Environmental Assessment (EA)

The environmental effects of a project submitted for Land and Water Conservation Fund assistance are evaluated through the preparation of an assessment report, EA, on the intended action. In 1969, the National Environmental Policy Act was passed to ensure a uniform national
policy on evaluating the environmental impacts of federal and federally-funded projects. The Act requires the preparation of an impact report for federally-funded projects which may result in significant adverse effects to the environment. All Land and Water Conservation Fund projects must have detailed environmental data to determine the impact of the proposed action. The documentation supplied in the EA will determine whether a more detailed Environmental Impact Statement (EIS) will need to be prepared.

For projects being developed on existing park land, a “reduced report” may be submitted. This reduced report can be a paragraph of the known historical disturbances of the park area and any environmental/natural resources on the site that may be affected by the current project (please provide any correspondence with natural resource agencies you’ve coordinated with or a list of those agencies you will be coordinating with). For acquisition projects, a complete and formal assessment report will be needed as described below.

All projects applications with new land acquisition must include a copy of this document entitled Environmental Assessment, which includes four sections:

1. The proposed action,
2. Alternatives to the proposed action,
3. Environmental impacts of the proposed action,
4. Listing of agencies and persons consulted.

It is very important the information provided is accurate and objective. Deceptive or incorrect analysis of potential impacts could lead to the withdrawal of federal funds from the project, repayment of previously-reimbursed funds, and/or court action against the project sponsor. The following suggestions will assist in the preparation of this report:

1. Keep the environmental information free of project justification and personal bias. The project presumably is fully justified elsewhere in the documentation.
2. Do not rely on generalities. The specific facts are essential. General statements and all allegations should always be supported and quantified where possible.
3. Liberal use of maps, sketches, and related graphics to help explain the project are of great value. Pictures (particularly aerial photographs) can reduce lengthy narrative materials.
4. Writing style should be kept clear and concise. Adverse impacts should be addressed as fairly as the beneficial impacts.

An outline for the Environmental Assessment can be found in the Appendix. The directions are broad to cover all types of projects and in most cases the answers to the various elements will be short. For most projects, the Environmental Assessment should be no longer than ten pages. If awarded, the grantee will do additional NEPA and Section 106 coordination with several agencies to ensure any impacts are addressed or permits are acquired (see Appendix).
Farmland Review

If the proposed project involves the acquisition and/or development of land which will be taken out of agricultural production, this issue must be discussed in the Environmental Assessment. The county Natural Resources Conservation Service (NRCS) office should be contacted for a determination on the status of the site as “prime farmland.” This letter should be submitted as an attachment to the Environmental Assessment.

Land Acquisition Projects

Supplemental Acquisition Form

One copy of the Supplemental Acquisition Form must be submitted for all projects involving land acquisition. The form is located in the Appendix.

Appraisals

One copy of an appraisal compliant with the Uniform Appraisal Standards for Federal Land Acquisitions (also known as the “Yellow Book”) or a Statement of Value made by a certified general appraiser with federal experience must be submitted for each parcel of land to be acquired (Note: appraisals are not eligible for reimbursement or as match for the LWCF program). See Chapter Five for additional information regarding the appraisal and Statement of Value guidelines. If a Statement of Value is submitted with the application, the park board should hire the same appraiser to complete the full appraisal later. This should help maintain consistency in land value determinations. Park boards should consult the Indiana Department of Natural Resources, Division of Land Acquisition, at (317) 234-3419 regarding appraiser and appraisal criteria before selecting the individual to conduct the work.

Just Compensation and Option(s) to Purchase

In some cases, project sponsors may choose to execute an option to purchase property before the project application is approved. While options are not required, project sponsors should be aware of federal land acquisition policies as explained in Chapter Five. If an option has been signed, submit one copy of the document along with the required Statement of Just Compensation and Offer to Purchase or a Waiver of Right to Just Compensation if applicable.

Escrow Agreement(s)

If the project sponsor plans to or has placed the land in escrow with a third party, submit one copy of the escrow agreement with the application.

Relocation Plan

Submit the relocation plan for land acquisition projects which will involve moving owners and/or tenants from their dwellings, businesses, or farm operations. Elements of the relocation plan are explained in Chapter 5.
LWCF Grant Application Checklist

All grant applications must include the following items in A & B. After State approval the items in Section C will be required as necessary. Place "y" for yes, "n" for no, or "n/a" for not applicable next to each item. Each no response must be justified via a written explanation. Original signatures are required on all documents unless otherwise noted.

Part A: All Projects

__1. Eligibility
   ___ copy of ordinance establishing the park board under current Indiana law
   ___ project meets a general need in an approved five-year park and recreation master plan

__2. Application form, signed by the park board president (See Appendix) Ensure pre-agreement costs are included on Line 1 of the Cost Classification if applicable. If the grant is part of a larger project include the dollar amount and a short description of the larger project only in the Remarks area at the bottom of the application. DO NOT separate out contingencies on Line 9 of the Cost Classification; include these in the other costs.

__3. Cost Breakdown showing the total cost of every scope item (not to exceed the total project amount, grant+match, of $500,000). (Example in Appendix) Be sure to include all criteria items for which you are trying to score points. Also, label and identify any pre-agreement costs separately.

__4. Certification of Funds. A statement from the clerk-treasurer, county auditor, or fiscal agent certifying the availability and source of local funds and/or letters of intent for project donations.

__5. Program Narrative including:
   ___ project description (if the grant project is part of a larger project clarify this and describe each separately). Include acreages for existing property and any acquisition. Mention all features/amenities the grant will cover. Include length of any trail developed.
   ___ describe all eligible pre-agreement costs (ensure these are on the Application Form under Preliminary Expenses and in the Cost Breakdown)
   ___ certification for development projects
   ___ accessibility (in conformance with the Architectural Barriers Act of 1968 and Section 504 of the Rehabilitation Act of 1973)
   ___ overhead wire burial or removal
   ___ public participation (in addition to Master Plan public input, include the news advertisement and description of the public meeting describing the project and the applicant’s intention to use federal funding for the project.
   ___ other federal or state funding
   ___ summary of known environmental (including any permits anticipated), historical, archaeological and architectural information
   ___ relocation of tenants, businesses, or homeowners (acquisition only)

__6. U.S.G.S. Topographic Map, Boundary Map, and Acquisition and/or Development Map (Appendix)

__7. Color photos showing the general features of the site keyed to a site map.
8. Environmental Assessment (See Appendix) for projects with new acquisition and development. 
   (For development projects only, in an existing park, see page 30 in the manual for details on 
   reduced EA. Farmland Review must also be included as applicable.)
   ___ description of proposed action
   ___ alternatives to the proposed action
   ___ environmental impacts of the proposed action
   ___ list of agencies and others consulted
   ___ farmland review

9. Project Rating Criteria. Address each criteria individually with complete responses and supporting 
   documentation. (Chapter 2, pages 20-24)

10. Civil Rights Act of 1964, Title VI, Assurance of Compliance form (See Appendix).

11. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower 
   Tier Covered Transactions. One signed form (See Appendix).

12. Property deed(s) for currently owned land the project will be developed on.

Part B: Land Acquisition Projects

13. Supplemental acquisition form (See Appendix)

14. Statement of value for each parcel being acquired and/or Waiver of Retroactivity

15. Option(s) to purchase, if applicable

16. Escrow agreement(s)

17. Relocation plan for displaced businesses, owners, or tenants

Part C: After State Recommendation

18. NEPA Coordination and Section 106 Historical/Archaeological Review (see Appendix). 
   (Development projects only, in an existing park, likely just need Section 106)

19. Detailed architectural/engineering plans for all development, with particular attention to ADAAG 
   guidelines.

20. Easement document(s) for all utilities, transportation, etc. (After Federal Approval)

21. Full appraisal for each parcel being acquired with LWCF grant (After Federal Approval)

22. Property Deed with LWCF protection language for property being acquired (After federal 
   Approval)

23. U.S. Army Corps Permit. One copy of the application to or permit from the U.S. Army Corps of 
   Engineers for construction in the floodway, floodplain, or wetland, where applicable.

24. Water Permit(s). One copy of the application to or permit from the DNR Division of Water, 
   USACE, and/or the IDEM.
Chapter Four

Grant Approval

The Approval Process

State Recommendation

The park board will be notified after the Director of the Department of Natural Resources has reviewed the applications and recommended those projects that will be sent on for federal approval. If your application was not recommended for funding, the grants staff can review the rating formula with you and explain why points were awarded in some cases and not in others. Hopefully, the application can be improved before it is submitted again.

Once a project is State recommended, project sponsors will be requested to send additional information as noted on the Application Checklist in the previous chapter.

A. NEPA and Section 106 Clearance (2 to 6 months)

Before the project can be sent for federal approval, the park board must complete the NEPA and Section 106 Historical Review process as it pertains to their project (see Appendix). It is important that this be completed as soon as possible so that a project can be submitted by the federal deadlines. This includes coordination with several agencies for NEPA, including local and State (SHPO) coordination for Section 106. The National Park Service will coordinate with Tribes for Section 106. This additional information is needed to meet the federal grant program requirements for complete applications and to determine if any permits will be needed.

B. Construction Document Review (2 to 4 weeks)

(This can be done after State recommendation if design was listed as a pre-agreement cost on the Cost Breakdown; otherwise, it should be done after federal approval.) The grantee must submit detailed plans to the Division of Outdoor Recreation. Ensure any natural features are identified on the plans (name, location, acreages/linear footages) as these plans will be submitted for any permits needed and for construction. The DNR grant coordinator will review the project for compliance with federal regulations and specific compliance with the Architectural Barriers Act of 1968 and the Americans with Disabilities Act of 1990. Federal regulations regarding bidding procedures must be adhered to. The project will be reviewed for compliance with the scope of the project as written in the Grant Agreement. Once approved, the plans should be submitted for any permits.

Federal Approval

After a project has been submitted to NPS during one of the grant rounds it takes about 2-3 months for federal approval. The park and recreation board will be notified after the National Park Service has approved the grant. Grant recipients will usually be contacted by their U.S. Senator(s) or Congressman. The Division of Outdoor Recreation will also notify the grantee.
Once federal approval is received and a State Grant Agreement is completed the grantee or their representative must complete the following:

A. State Grant Agreement (1 to 2 months)

The Grant Agreement is a state contract entered into by the Indiana Department of Natural Resources and the local park board after Federal Approval is received. The grantee will be notified via email that the Grant Agreement is ready for download, review and signature from the State website. The agreement will provide information required for project correspondence and will describe the responsibilities of the State and of the park and recreation board. Please read the agreement carefully. There are many pieces of important information included.

The project number will be assigned on the agreement. It is given for federal/state identification purposes. This 7 digit code number has an 18-00 prefix. The project title will also be assigned. The project number and title is to be used on all project correspondence.

Under Clause 1, Purpose of Agreement, the amount of the grant is stated. The LWCF grant amount may not exceed 50% of the total project cost. The Cost Breakdown submitted with the application will be attached to the agreement.

Under Clause 2, Representations and Warranties of the Grantee, the grantee agrees to certain responsibilities. One of which is annual financial reporting with the State Board of Accounts. The information for reporting will be attached to the agreement.

Clause 4, Term, covers the approval and expiration dates for the grant. The approval date is the date of the last State signatory. Any work begun before this date, other than those identified as pre-agreement costs, will not be reimbursed. The expiration date is when the project must be completed. All work must be finished by this time to be eligible for reimbursement.

The project scope identifies the elements included in the project proposal as approved by the federal agency. Only those items will be eligible for reimbursement. If the project sponsor needs to make revisions, the grants coordinator should be contacted before those revisions are made. State and sometimes federal approval must be granted before revised work can be started if LWCF reimbursement will be requested.

Other sections of the contract identify specific elements incorporated into the Grant Agreement, such as the National Environmental Policy Act of 1969, Order of Precedence, and other requirements. The Federal Assurances for Construction Programs will be referenced and attached as an Exhibit.

B. Appraisal Review (for acquisition projects only) (2 months)

Before making a commitment to obtain land, the park board must submit a full appraisal to the Department of Natural Resources for approval. The land is required to be appraised by a certified general appraiser with federal experience according to the Uniform Appraisal Standards for Federal Land Acquisitions (located on the web
at [http://www.justice.gov/enrd/land-ack/Uniform-Appraisal-Standards.pdf](http://www.justice.gov/enrd/land-ack/Uniform-Appraisal-Standards.pdf). Qualified appraisers can be located using Indiana’s online search for licensed professionals available at [https://mylicense.in.gov/EVerification/](https://mylicense.in.gov/EVerification/). Enter only information for License Type (choose “Certified General Appraiser”), Status (choose “Active”), and County or City, State, and/or zip code. The landowner must be given the opportunity to accompany the appraiser on his or her inspection of the property. *(Note: appraisals are not eligible for reimbursement or as match for the LWCF program).*

There are two sets of criteria for completing an appraisal. The formal appraisal is required for land value of $25,000 or more. Where a parcel has a value of less than $25,000 and the expense of a formal appraisal would not benefit the landowner, a waiver valuation from a qualified person knowledgeable of the general market values in the project area will be acceptable. Note that the averaging of the final values of two or more appraisal reports to estimate the fair market value of a property is unacceptable and does not meet the requirements of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.

For additional information on appraisal requirements contact your grant project officer who may connect you with the DNR Land Acquisition division for clarification. Additional land acquisition requirements are outlined in Chapter 5.

C. Construction Document Review (2 to 4 weeks)

**This is done after Federal Approval if design was not listed as a pre-agreement cost on the Cost Breakdown.** The grantee must submit detailed plans to the assigned DNR grant coordinator. Ensure any natural features are identified on the plans (name, location, acreages/linear footages) as these plans will be submitted for any permits needed and for construction. The DNR grant coordinator will review the project for compliance with federal regulations and specific compliance with the Architectural Barriers Act of 1968 and the Americans with Disabilities Act of 1990. Sustainability and safety will also be a focus of the review. The grantee must adhere to federal regulations regarding bidding procedures. The project will be also reviewed for compliance with the scope of the project as written in the Grant Agreement. Once approved, the plans should be submitted for any permits.

After the above items have been completed, the park board can begin negotiations and purchase the land, advertise for bids, sign contracts, and start construction. Donations of land, materials, equipment and labor for the project may be accepted after the grant is federally approved. Cash gifts may be received both before and after project approval. For acquisition projects, the board should follow the procedures in Chapter 5. For development projects, the board should refer to the construction guidelines in Chapter 6. Please note which permits must be secured prior to construction. Progress billings may be submitted after the project is approved and eligible costs are incurred. Chapter 7 explains billing procedures and the items needed before federal funds can be reimbursed. During the project period, grants staff will make periodic inspections to ensure that the development is consistent with the project application. A project officer from the National Park Service may also inspect the project at a separate date. The primary contact person is usually notified prior to these inspections and invited to accompany the inspecting officers.
If changes occur or problems are encountered during the project period, your grants coordinator should be contacted immediately. As indicated previously, changes may result in a need to amend the project in order to reimburse the park board for changes in the project which were not in the initial grant application.

Amendments

During the project period, various situations may result in changes or deviations from the Grant Agreement. An amendment is necessary to alter the signed agreement. Changes that commonly necessitate an amendment are increases or decreases in the project scope or an extension of the project period.

Changes in Project Scope

Only those items approved for the project are eligible for federal assistance. Similarly, facilities must be constructed in the same location as designated on the site map submitted with the application. Due to unforeseen changes in project costs or revisions in the plans for the park, certain items may have to be added or deleted from the project after it is approved. These changes may require approval by the National Park Service. In the case of adding an item to the project, construction on that item cannot begin until the amendment is approved. The amount of federal assistance specified in the Grant Agreement may not be increased for that particular project. Costs incurred above this amount must be paid by the local agency.

All changes in the project scope should be consistent with the intent of the original application. If the application specified picnic area development, a swimming pool could not be added by an amendment; however, additional picnic tables, grills, or a shelter could be added. All changes must be justifiable and the need for change must be documented by correspondence with the Division of Outdoor Recreation, accompanied by revised cost estimates, construction drawings, and site maps.

Project Period Extensions

All acquisitions and development must take place within the project period, which is identified in the Grant Agreement. The Agreement is sent to the project sponsor after the project has received federal approval and the Agreement has been signed by the project sponsor and the State. For most projects, the target date for project completion will be based on a four-year project period. If the project cannot be completed during the period identified on the Agreement, a request may be submitted for a time extension. The request must justify why the project cannot be completed before the expiration date. Justifications should include a time schedule for completing the remaining items. Work performed after the project has expired will not be eligible for federal assistance. Final payments of work done during the project period can be made after the project has expired. These payments should document that the work had been completed before the project period expired.

Projects may be extended for one year if the request is justifiable. This extension should enable the rest of the work to be completed. Projects needing additional time
will normally receive an extension only once.

The sponsoring park and recreation agency initiates the amendment by submitting a request for the change to the grants coordinator assigned to your project. This request should include all project revisions desired, including cost estimates, maps or design plans, and justification of the need for changes. The grants coordinator should be contacted prior to submittal of the amendment request in order to determine the likelihood of an amendment approval.

An amendment for a change in project scope can be requested any time prior to the construction of the added item or acquisition of the added tract. An amendment for an extension of time should be submitted at least sixty days before the project is scheduled to expire. See below for the Checklist for Amendments.

It is essential that amendment requests be kept to a minimum. Amendments may cover items that could not be anticipated in the original project. Major deviations from the original project will not be accepted. It is the responsibility of the park and recreation board to thoroughly determine the scope of the project prior to the submission and, upon approval, carry through with that project.

If approved, the grantee will be notified via email that the amendment is available for download and signature from the State’s website. After official state signatures are obtained, one copy of the executed document will be emailed to the park board so that both agencies will have signed amendments for their files.

Checklist for Amendments

Listed below are specific items to be included in submitting amendment requests.

For changes in project scope:

___ 1. One (1) copy of a revised Cost Breakdown showing the cost of items completed and the estimated cost of work yet to be done, including the items to be added to the project.

___ 2. One (1) copy of the building plans for any buildings being revised or added to the project.

___ 3. One (1) copy of a revised site map, showing the locations of the facilities to be added or plat map showing the location of the additional land to be purchased.

___ 4. One (1) copy of a justification for the revisions, which may be included in the transmittal letter.

For project period extensions:

___ 1. One (1) copy of a time schedule showing the dates the remaining project items are to be completed.

___ 2. One (1) copy of a justification for the project period extension, which may be included in the transmittal letter.
Project Completion

After completion of the LWCF project, the grants staff will conduct a final inspection. The federal agency may also make a final inspection, but this inspection may not take place until later. If the project has been completed in accord with the Grant Agreement, the final billing can be processed and the close-out of the grant will begin. Additional documentation will be needed for the final billing as indicated in Chapters 7 and 8. A 6(f)3 boundary map showing the acreage encumbered by the program must be submitted if it hasn’t already (see “Information for All Base Maps” in Appendix).

The final billing should be submitted within 60 days of the date of completion or expiration date, whichever comes first. This procedure will enable both the park board and grants staff to approve the project, complete the final project data, and terminate administrative procedures as soon as possible. Further long-term obligations regarding project sites are explained in Chapter 8.
Chapter Five
Criteria and Procedures for Land Acquisition Projects

State and Federal Acquisition Policies

The Department of the Interior and the State of Indiana require procedures for the acquisition of property that are fair, consistent, and directed toward giving the property owner the full measure of compensation authorized by law, promptly, with a minimum of inconvenience, and without prolonged negotiation or costly litigation. All acquisitions must conform to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.) and its implementing regulations found in the Code of Federal Regulations, Part 24 (49 CFR Part 24).

The law prescribes policies and procedures to ensure fair, equitable, and uniform treatment of persons whose land is acquired by federal and federally-assisted programs. The provisions of the Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects which received Land and Water Conservation Fund assistance. The Act applies regardless of whether Land and Water Conservation Fund assistance is used for acquisition or development. For example, a park board cannot knowingly circumvent the federal law by acquiring the land with local funds and not follow the regulations of the Act and then apply for development funds in a later project. For all development projects, proof must be supplied that the project site was acquired in accord with P.L. 91–646 if the land was acquired after September 2, 1971. This is explained in more detail for development projects in Chapter 6.

There are two major sections to the law: policies regarding the acquisition of land and policies for relocation benefits to landowners. Each section will be discussed separately in this chapter. The acquisition procedures explained in this chapter should be read with extreme care. If the procedures are not followed, the park board could encounter severe problems in being reimbursed regardless of the method of acquisition.

Site Selection for a Grant Application

An acquisition project would include the purchase of a specified portion of land for outdoor recreation purposes. A project may involve the acquisition of land to create a new park or expand an existing park. A project may also consist of the acquisition of land for more than one park if the parks are connected. An example of a multi-site acquisition project is the purchase of land for a trail connecting neighborhood parks or parcels for access points along a river to create a greenbelt park corridor. Do not acquire any land until federal approval has been obtained.

In determining the boundaries of a project, the sponsor should take into account human considerations, including the socioeconomic effects of the acquisition and subsequent development on owners and tenants in the adjacent area, in addition to other factors. If a partial taking would leave an owner with an unsuitable remnant, the park board should offer to acquire the entire property. Keep in mind that once acquired with Land and Water Conservation Fund assistance,
land must remain in public outdoor recreation use forever. A copy of the deed with LWCF encumbrance language must be submitted to the DNR after the property is acquired. The Federal Protection for Outdoor Recreation information shown in the Appendix contains the deed encumbrance language.

Eligible Types of Acquisition

The types of acquisition that are eligible for assistance include, but are not limited to:

1. Water–Oriented Recreation Sites – Areas with frontage on rivers, streams, lakes, estuaries, and reservoirs; water bodies themselves; land for creating water impoundments; and areas that provide special recreation opportunities, such as floodplains and wetlands.

2. Natural and Scenic Areas – Natural areas, preserves and outstanding scenic areas, including areas adjacent to scenic highways, where the objective is to preserve the scenic or natural values, including areas of physical or biological importance and wildlife areas. These areas must be open to the general public for outdoor recreation use to the extent that the natural attributes of the areas will not be seriously impaired or lost.

3. Community Parks – Land within cities and towns for day–use picnic areas, neighborhood playgrounds, areas adjacent to school playgrounds and competitive nonprofessional sports facilities, as well as more generalized parklands.

4. County Parks – Sites in rural areas serving county and regional recreational uses, such as camping, hiking, hunting, fishing and picnicking.

5. Linear Parks – Land which forms a greenbelt corridor for recreational use, such as an abandoned railroad line for a multi–purpose trail, or a series of access points to a river for boating and fishing.

6. Existing Recreational Facilities – Privately-owned facilities, such as swimming pools, golf courses and youth camps, which will no longer be operated by the private sector. Park and recreation boards considering the acquisition of land and/or facilities which are in recreation use should determine the nature and intent of that use. The acquisition of an area or facility which is operated for public recreation is only eligible for LWCF assistance if it can be documented that the facility will be lost to recreation use if it is not acquired by the park and recreation board. Real property with recreational improvements may also be eligible for a project if it has not been available for public use or if its primary purpose has not been for recreation.

7. Structures – The acquisition of structures on property is only allowed if the use will be for outdoor recreation or support of outdoor recreation activities or the structures have no value and are demolished to enable recreational development to take place. Project proposals must list all improvements and their proposed use or disposition.
Ineligible Types of Acquisition

Generally, LWCF assistance will not be made available for:

1. Historic Sites and Structures – Exceptions may be made only when it is demonstrated clearly that the acquisition is primarily for outdoor recreation purposes and that the historic aspects are secondary to the primary recreation uses.

2. Museums – Sites to be used for museums or primarily for archaeological excavations.

3. School Sites – Land to help meet a public school’s minimum site size requirement, as established by state or local regulations.

4. Professional Facilities – Areas and facilities to be used primarily for semi–professional and professional arts and athletics.

5. Fish and Wildlife Sites – Areas and facilities to be used solely for game refuges or fish production purposes will not receive LWCF assistance; however, such areas and facilities may be eligible if they will be open to the public for general compatible recreation, or if they directly serve priority public outdoor recreation needs.

6. Indoor Facilities – Areas to be used mainly for the construction of indoor facilities and areas where existing indoor recreation facilities, if left in place, will leave insufficient area at the site for the development of outdoor recreation facilities to justify the cost of the acquisition.

7. Railroads – Railroad hardware, trestles, stations, yards, and the like if they are to be used for the commercial operation of railroad trains. Some railroad hardware is reimbursable when it is necessary for recreation; for instance, a trestle may be used as a bridge for the trail.

8. Lodging Structures – Sites containing luxury lodges, motels, cabins, and similar elaborate facilities which are to be operated by the park board or a concessionaire to serve recreationists with food and sleeping quarters.

9. Farmland – Agricultural land primarily for preservation in agricultural purposes. Limited agricultural land use is eligible; however, only in the event it supports outdoor recreation such as demonstration farms, wildlife management or hunting.

Early Acquisition

The park board may want to guarantee that land will be available for purchase after grant approval. This might occur when the property is on the market for sale or a donor wants to give the land within a given time period for tax purposes. The property may be reserved for the park board by: (1) having a private third party acquire and hold title to the land, (2) placing the title in escrow, or (3) securing an option to purchase at a later date.

A third party could be an individual, private business, private educational institution, not–
for-profit organization, or other similar private entity. It may not be a public agency. Under certain circumstances, special permission may be obtained from the Department of the Interior for the park board to take title to land prior to grant approval. This section explains these alternatives.

**Options to Purchase**

The park board may execute an option to purchase the property to prevent the land from being sold prior to the approval of a project. The option may include special terms or conditions which govern whether or not the buyer will purchase the land. For example, one condition could be the availability of funds or financing. An option is unacceptable if it is exercised prior to project approval, unless it specifies that acceptance is contingent on the availability of Land and Water Conservation Fund money so that the date of the project approval would be the exercise date.

If an option is signed prior to the application deadline (June 1st), then it should extend until the following year so it may be exercised after the grant is approved. Since competition for funds is usually intense, park boards may find it helpful to negotiate an option which can be extended at no cost for a second year. This could enable the project to compete for funds a second time if it were not approved the first year.

The purchase price stated in an option must be the amount negotiated after the land has been appraised and the fair market value offered to the landowner as explained in the section on negotiated purchases. Only one payment toward the property may be made under an option. A maximum of 10 percent of the approved appraised value of the property may be paid at the time the option is transacted. This amount should be applied as part of the purchase price of the property.

Any additional payments made prior to grant approval may make the acquisition ineligible. It is important to keep documentation of the option payments, which are required for reimbursement later. Project sponsors are encouraged to consult with the grants staff before negotiating an option to ensure the eligibility of reimbursement on the land acquisition under the option conditions.

**Escrow Agreements**

A landowner may want to transfer title to the land by a certain date to avoid paying taxes. The park board may not be in position to accept immediate title to the property since applications usually receive federal approval late spring or early summer of the following year. In such instances, the warranty deed can be held “in escrow” by a third party, usually a bank, foundation or not-for-profit organization. An escrow agreement may state that acceptance of title by the park board is contingent upon federal approval of the Land and Water Conservation Fund project or may indicate a date after which title may be transferred to the park board if federal funds are not received. The important factor is that title must not be transferred until the project is approved.

Since the transaction is not actually completed and recorded while the land is in escrow, the landowner is still subject to taxes on the property during the escrow period. The park board
should consult with its attorney about the responsibility of the board to pay the taxes.

**Waiver of Retroactivity**

The value of land purchased or donated prior to federal grant approval is not normally eligible for reimbursement. Exceptions may be made only when immediate action is necessary and the time necessary to process an application would result in losing an opportunity to acquire a significant piece of property. If this situation arises, a park board may obtain special approval, called a “waiver of retroactivity”, to take title to the property prior to federal approval.

To request a waiver of retroactivity, submit the following:

1. justification for the early acquisition,
2. location and site maps, and
3. an environmental assessment of the proposed park.

The Division of Outdoor Recreation will forward the request to the National Park Service for approval. The federal government must approve the waiver of retroactivity before the land can be acquired.

If a waiver is given, the land value will be eligible for assistance only if a LWCF grant is later approved. Granting a waiver is only an acknowledgement of the need for immediate action; it does not imply a qualitative approval of the project. The retroactive costs are incurred at the applicant’s risk, since the granting of a waiver does not in any way ensure approval of the grant request. A project for land acquired under a waiver may only be submitted for federal approval within one year of when the waiver is given. Waivers should be obtained only when absolutely necessary. Other means of preserving the value of the land, such as escrow agreements and having private third entities hold title, are preferred.

**Appraisals** *(Note: appraisals are not eligible for reimbursement or as match for the LWCF program).*

The park board should contract a certified general appraiser with previous federal “Yellow Book” experience to appraise an acquisition. Because this is a federal grant program, the appraisal must be completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisition policies. This document can be downloaded at [http://www.justice.gov/enrd/land-ack/Uniform-Appraisal-Standards.pdf](http://www.justice.gov/enrd/land-ack/Uniform-Appraisal-Standards.pdf). The landowner must be given the opportunity to accompany the appraiser on their inspection of the property. Once complete, the appraisal should then be submitted to the assigned DNR grant officer for the project for review and approval by the DNR Division of Land Acquisition. **Do not acquire land until the appraisal is approved by the DNR.**

If the Department of Natural Resources determines an appraisal is unnecessary because the valuation problem is uncomplicated and the estimated value of the real property is $10,000 or less based on a review of available data, the State may unilaterally waive the appraisal and instead agree to a waiver valuation per 49 CFR 24.102(c)(2)(ii). The Department of Natural
Resources may raise the waiver valuation cap up to $25,000, provided the acquiring agency offers the owner the option to complete an appraisal and the owner elects to have the agency prepare a waiver valuation instead. Thus, the Department of Natural Resources may increase the $10,000 cap to $25,000 with the consent of the landowner.

The person preparing the waiver valuation must have sufficient understanding of the local real estate market to be qualified, and shall not have any interest, direct or indirect, in the real property being valued for compensation. Further guidance on waiver valuations can be found on the Federal Highway Administration’s website.

Averaging the values of two or more appraisal reports to estimate the fair market value of a property is unacceptable and does not meet the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. Although State laws may require a park agency to prepare more than one appraisal report, only the appraisal which represents the value to be offered to the landowner should be submitted for LWCF project purposes.

It is important that the appraisal answer all items completely. The report should be submitted in narrative form, include separate sections for each major item, have maps, pictures, and a full listing of comparable sales.

For the grant application, one copy of either the appraisal or an appraiser’s statement of value must be submitted. A statement of value is an appraiser’s letter stating the value of the property which establishes the land value for the project application. It is recommended that the same appraiser be hired to do the full appraisal later if a statement of value is submitted with the project application. Reimbursement will be based on the value in the approved appraisal.

The following is a list of common shortcomings of appraisals which will result in rejection.

1. In almost all cases of a partial acquisition, the appraisal must include a before and after valuation.
2. All appraisals must include a valid legal description of the area being appraised.
3. Color photographs of the subject and comparable sales are required.
4. The definition of market value used must be from the Uniform Appraisal Standards for Federal Land Acquisitions.
5. The definition of highest and best use and the determination of "larger parcel" must be pursuant to the Uniform Appraisal Standards for Federal Land Acquisitions.
6. An adjustment grid with the subject and comparable sales is required.
7. A narrative explanation of all adjustments is required.
8. Typographical errors and/or poor or incorrect terminology may result in the appraisal
being rejected.

9. The appraisal must address the current intended use and user.

10. Location maps are required and at least one map that reflects the subject property in relation to all comparable sales.

An appraisal, if competently compiled by a qualified person, should be an acceptable estimate of property value. It cannot be assumed to be an absolute statement of value. The approved appraisal value is the floor value for establishing the amount of just compensation which must be offered to the owner at the initiation of negotiations. The negotiations between a willing seller and a willing buyer will sometimes set a price that is higher than the appraisal, and this market value must be considered with the appraised value in establishing the reasonable limits of LWCF assistance.

Methods of Acquiring Land

*Negotiated Purchases*

This section outlines specific procedures under the Uniform Relocation Assistance and Real Property Acquisition Policies Act to follow in acquiring land through negotiated purchases involving LWCF assistance. The following steps must be followed by the park board in negotiating with the landowner.

1. Make initial contact with the seller to see if the land will be available for sale. At this point the price should not be negotiated since the purchase amount must be based on an appraisal.

2. Determine whether the owners or tenants will be eligible for relocation assistance. Booklets are available which explain relocation assistance and can be given to the landowner or tenant. The property residents must be advised of their rights to relocation assistance.

3. Have the land appraised by a certified general appraiser with federal “Yellow Book” experience. Certified general appraisers can be located using Indiana’s online search for licensed professionals available at [https://mylicense.in.gov/EVerification/](https://mylicense.in.gov/EVerification/). Enter only information for License Type (choose “Certified General Appraiser”), Status (choose “Active”), and County or City, State, and/or zip code. The landowner must be given the opportunity to accompany the appraiser on his or her inspection of the property.

4. Submit the appraisal to the assigned grant coordinator for the project. The Department of Natural Resources’ Division of Land Acquisition has a review appraiser on staff to confirm that the Uniform Relocation Assistance and Real Property Acquisition Policies Act and the Land and Water Conservation Fund guidelines have been met. At this point, the park board will know the fair market value of the property to be acquired.

5. Inform the owner in writing of the value of the property based on the results of the appraisal and offer to purchase the property for this price. It is not necessary to show the
appraisal itself to the landowner. Also, inform the landowner of their eligibility for relocation benefits. The authorized agent of the park and recreation board and the property owner must sign *Statement of Just Compensation and Written Offer to Purchase* letter, which should indicate the appraised value of the property. Contact your state grant coordinator to obtain the appropriation just compensation letter.

6. Based on the written offer at the appraised value, the final selling price may be negotiated. If the purchase price is more than the appraised value, additional documentation explaining the difference in value will be needed, as explained later in this section. If the price is less than the appraised value, the acquisition is called a “bargain sale”, and a *Waiver of Right of Just Compensation* must be signed by the landowner, as explained in the section on bargain sales. At this point, the park board may sign an option to purchase if desired. Contact your state grant coordinator to obtain the appropriation waiver of just compensation letter.

A grant application may be submitted during any of the above steps to acquire the land. **The appraisal, however, must have been submitted and approved prior to Step 5. Again, the land can only be acquired during the approved project period to be eligible for reimbursement of acquisition costs. The above procedure is mandatory and must be followed for all negotiated purchases.**

Park boards should be aware that state regulations, which apply to acquisition by public agencies for which federal funds are not provided, follow the same sequence of steps, except that the Department of Natural Resources does not review local documentation. The state also stipulates relocation benefits for landowners and tenants.

**Purchases Higher than Appraised Value**

When the park board believes that the negotiated price is an adequate indication of market value, yet it is higher than the approved appraised value, a detailed and well documented statement on this difference with all pertinent appraisal documents should be submitted to the grant coordinator. This statement should explain why the appraisal may not reflect the true value and what steps the park board took to establish the true value. This statement should include a history of negotiations, documenting discussions of price between the landowner and the park board. The statement may indicate the importance of the proposed site as opposed to other alternative sites, or other justification regarding the need to purchase the subject property at a higher amount. If the National Park Service agrees that the negotiated price represents a reasonable estimate of the property value, that amount can be eligible for assistance if sufficient funds are available in the grant. This statement is to be submitted with the billing for the property.

**Contract Sales**

Sometimes a seller or purchaser desires to spread payments for a tract of land over several years. “Contract sales”, where installment payments are made over a specified period of time at the end of which the buyer receives title, are not acceptable for LWCF projects. In the event that payments are not paid when due, the seller could foreclose and regain complete ownership of the land. Thus, the federal and local funds would have been spent with nothing to show for the
expenditure. Another reason is the deed and legal ownership of the land is retained by the seller until the last payment is made.

Reimbursement of costs incurred cannot be made until the land is paid for in full and title is received. Consequently, if the payments for the land were spread over several years, the participant could not receive reimbursement for any payments until all payments were made.

A suggested acceptable alternative is to subdivide a tract into smaller parcels. The park board may acquire full title to each parcel individually and receive reimbursement as each is acquired. This does not jeopardize the investment of public funds and improves the cash flow of the project sponsor. Assistance for separate parcels may need to be applied for in different grants over a period of years, depending upon the cost and timing of the acquisition.

Condemnation

Project sponsors should begin each land purchase by following the steps for a negotiated purchase. If an agreement does not appear possible after a reasonable period of negotiation, the project sponsor may undertake condemnation proceedings. Condemnation should not be advanced or delayed in order to induce an agreement on price.

The value of land acquired through condemnation will be based on a court award. Reimbursement will be based on the court judgment, including interest expenses awarded by the court as part of just compensation, up to the approved amount of the grant. It is important that the case go through all proceedings, and ultimately, a court award. If the purchase price is negotiated out of court, reimbursement will be based on an appraisal completed in accord with the requirements set forth by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, unless the National Park Service approves a higher negotiated price based on justification supplied by the project sponsor.

In condemnation cases, the park board must follow state law for condemnation procedures, and the landowners/tenants must still be informed of their rights to relocation benefits and the negotiated purchase steps be followed until the case is entered into court.

Land Donations

The value of a land donation from a private individual or organization can be used as part of or all of the sponsor’s share of the project cost. The donated value may be matched with federal funds for the acquisition of adjacent land or development on the donation or an adjacent site. A letter of intent to donate the property to the park board from the landowner must accompany the project application.

A written Offer to Purchase and a Statement of Just Compensation are not necessary when acquisition is by full donation. The act of donation itself precludes the necessity for these documents, which relate only to negotiated purchases and bargain sales. Relocation benefits must still be offered to owners and tenants for donations as well as purchases.

For land donations valued at $25,000 or more, a formal appraisal is required. A Waiver Valuation may be acceptable when the land has a value less than $25,000, the appraisal
problem is uncomplicated, and the land owner consents to this method of valuation. The appraisal is then submitted to the assigned grant officer for review and approval by the DNR Division of Land Acquisition. After approval, the fair market value will be the basis for the value of the land donation.

Since a land donation may constitute all or part of the local matching share of a project, it is important that the land value be established early, to enable the park board to take full advantage of the donated land value and at the same time prevent the project sponsor from having to provide additional local funds if the land value is later found to be less than anticipated.

Land donations are not directly reimbursed; instead, they are credited to the grant account when acquired. When appropriate documentation is submitted acknowledging the transfer of land to the park board, a letter acknowledging the credit for the land will be sent to the park board. If the land donation has met the amount of the local match the future development costs will be reimbursed at 100%. For example, a park board has been awarded a $200,000.00 LWCF grant. Their local match is a donated parcel of land appraised at $200,000.00 and they plan to spend $200,000.00 to develop their new park. When they receive title to the parcel, the board will submit the property deed to their grant coordinator. Then, the coordinator will issue a letter acknowledging that the local match of $200,000.00 has been credited to the grant. In the future when the board submits a billing request for the $200,000.00 in development costs they will be reimbursed at 100%.

**Bargain Sale**

In some cases, a landowner may be willing to sell real property for less than the full market value, but is not able to donate the entire value of the land. A bargain sale involves the partial donation and partial purchase of a tract of land. The difference between the sale price and the appraised fair market value is considered donated land value. This value may be used as part or all of the local matching share of the project. The appraisal requirements for full donations also apply to bargain sales. Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the park board is required to offer the landowner the full appraised value of the land. When the lesser sale price is negotiated the owner must sign a Waiver of Right to Just Compensation letter.

A waiver of entitlements under the Act by property owners or displaced persons will be approved only in fully–documented cases where the reasons for the waiver are explained. The purpose of the Act is to ensure that each displaced person and property owner receives a just and equitable settlement through purchase price and payment of relocation expenses. Few landowners would voluntarily accept an amount less than their entitlement, although in some instances landowners may be willing to accept less than the appraised value for their property. In such instances, the landowner must sign a waiver which includes the following information:

1. That the owner has been fully informed of his or her rights and benefits under 42 U.S.C. 4601 et seq.

2. That the acquiring agency has provided a written Statement of Just Compensation and Offer to Purchase for the appraised property value (state the amount)
3. That the owner is satisfied with the negotiated price, even though it is less than the appraised fair market value.

4. That he or she elected to waive entitlement to the relocation benefits (including the dollar amount by category of moving expenses, payments for replacement housing, incidental expenses, etc.)

5. A statement setting forth fully the reasons for accepting a lesser amount than the appraised value offered by the local agency or for waiving relocation benefits.

The appropriate type of just compensation statement must accompany the billing for the property. Contact your state grant coordinator for just compensation letter guidance specific to your project.

**Land Purchased from Another Public Agency**

Land may be purchased from another public agency. The cost to the park board of land purchased from another public agency may be eligible for matching funds, subject to the following conditions.

1. The land was not originally acquired by the other agency for recreation, nor has it been so managed while in public ownership.

2. No federal assistance was involved in the original acquisition by the other agency, except Community Development or Revenue Sharing Funds.

3. The selling agency is required by law to receive payment for land transferred to another public agency. Examples would be public school land that can be used for non–school purposes only through payment to the school agency, or excess State prison lands that can be transferred to local government use only on a purchase basis. The support ceiling will be based on the price paid by the project sponsor for the property or the fair market value, whichever is less. In some instances the selling agency may be permitted a choice between various state laws which would set the selling price at different levels depending upon which law is chosen by the agency. For example, various laws may apply which would allow the agency to transfer the real property to another public agency for fair market value, for reimbursement of paid taxes, as a donation, or for other consideration. LWCF assistance will be limited to the minimum amount for which the property could be transferred legally and only in those instances for which there is an attorney general’s opinion or established case law.

4. The requirement of appraisal, history of conveyances, and evidence of title are the same as other purchases.

5. If the selling agency is Federal, fair market value must be paid.

**Exchange of Real Property**

Land owned and administered by the park and recreation board may be traded for more valuable land administered by another public agency or land owned by a private party. The
amount of Fund assistance will be based on the amount of cash, if any, that must be paid by the park and recreation board in addition to the land conveyed, subject to appraisal requirements. Both parcels must be adequately appraised.

For example, the park and recreation board exchanges a property appraised at $10,000 for a privately owned property appraised at $12,000, and pays the difference of $2,000 cash. The amount to be reimbursed is 50% of $2,000 or $1,000. If the other party is a public agency, items (1) through (5) above for purchase from another public agency apply.

Relocation Assistance

Relocation Benefits

A resident on residential, business, or farm property to be acquired may be eligible for relocation assistance. This resident, who can be either a landowner or a tenant, may be reimbursed for expenses incurred in moving from the purchase property to a new dwelling. The purpose of providing relocation benefits is to enable a property resident to move to a new residence or business location without undue personal hardship.

These costs are based on maximum and minimum schedules specified in the Law. Relocation costs are to be paid for moving expenses, replacement of business or housing, search, closing and other costs the occupant may incur while moving into another dwelling or relocating a business.

Landowners are also entitled to reimbursement of certain incidental expenses incurred in conveying title. These costs may be incurred even though no one was living on the property at the time of the purchase. These costs include:

1. Recording fees, transfer taxes, revenue stamps, notary fees, or similar expenses.

2. Penalty costs for prepayment of pre-existing recorded mortgages as may be required to convey a clear title.

3. The pro rata portion of real property taxes which would apply to the period after the date title vests in the government or the effective date of possession by the government, whichever is earlier.

Often these costs are paid by the park board when the land is acquired. Payment of these costs should be documented at the time of billing. When a park board determines that the land proposed for purchase may involve relocation, the grants staff should be contacted for brochures, forms, and guidelines for procedures and in determining costs.

It is essential that landowners be informed of relocation benefits. They must also receive payment unless the benefits are voluntarily waived.

Relocation Plan

A relocation plan shall be developed for projects where land acquisition will cause
displacement of persons from their dwellings, business, or farm operations. The relocation plan shall be undertaken during the planning phase of the project, but prior to the initiation of land acquisition negotiations for the project. Based on this plan, the project sponsor should proceed with a project only after it has been determined that within a reasonable period of time prior to displacement, decent, safe and sanitary replacement housing will be available. Then information brochures and forms for claiming costs should be distributed to the persons to be relocated. A relocation plan must include:

1. The number of individuals, families, businesses, farms, and non-profit organizations to be relocated.

2. The availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being relocated;

3. The estimated total cost of payments to displaced persons for all benefits under 42 U.S.C. 4601 et seq. for replacement housing; and

4. The estimated cost of administering required relocation services to displaced persons.

The relocation plan may be coordinated with the Department of Housing and Urban Development and other agencies performing relocation in the area. A park and recreation board may contract with a city relocation agency, such as the Community Development Department, or a private firm to handle relocation services. The plan must be submitted with the project application. Relocation costs should be part of the cost estimates for the project. Payments to relocated persons are eligible to be reimbursed on a 50% basis.

**Appeals**

Although technical assistance is available through the Department of Natural Resources, the project sponsor will be responsible for all negotiations with landowners or tenants concerning relocation benefits. These persons relocated have the right to appeal the determination of the amounts they are eligible to receive and need to be informed in writing of their right to appeal. Formal appeals may be submitted by relocated individuals to the Department of Natural Resources. Department staff will review all data concerning the calculation of relocation payments. If the person is still dissatisfied, a hearing will be scheduled. The applicant shall be given a full opportunity to be heard at the appeal hearing. After the hearing, the result may still be appealed through the judicial review of the Indiana Court System. Appeals will not be heard by the Department of the Interior.

**Waiver of Relocation Benefits**

As indicated in the land acquisition section on bargain sales, tenants and landowners may waive their rights to relocation benefits. In such instances a waiver must be signed. Work with your state grant coordinator to obtain the appropriate documentation for waiver of relocation benefits.

On September 2, 1971, Indiana became eligible to participate in the federal relocation law. As provided in Indiana Public Law No. 97, page 445 of the 1971 Acts of Indiana, public
agencies must pay relocation assistance to persons displaced by acquisition of their property for public improvements. Any land purchased by a park board, whether or not federal assistance is involved, is subject to paying relocation benefits; however, project sponsors may decide that federal land acquisition regulations are too restrictive and may decide to purchase the property with local funds and then submit a development project application in a subsequent year.

Circumvention of the federal or state land acquisition procedures will jeopardize the eligibility of a future development projects. The federal law specifies that such a deliberate refusal to follow the proper land acquisition procedures will make all future development projects ineligible for federal assistance.

Land Acquisition Costs

*Eligible Costs*

Costs eligible for reimbursement in an acquisition project are:

1. Purchase of real property through negotiated purchase or condemnation.
2. Real property acquired by donation from a private individual or organization will be credited towards the park board's match.
3. Incidental and relocation costs only as allowed by the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*.
4. Acquisition of land from another public agency at the lowest cost allowed by law.
5. The difference in value between property exchanged for a tract of land having greater value.

*Ineligible Costs*

Costs ineligible for reimbursement in an acquisition project include:

1. Boundary surveys, appraisals, title search(es), legal fees, fines, and penalties paid by the park and recreation board.
2. The value of real property donations required by law or ordinance (mandatory dedication).
3. Incidental costs relating to real property acquisition and interests in real property unless allowable under the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*.
4. Taxes for which the park and recreation board would not have been liable to pay.
5. Damage judgments arising out of acquisition whether determined by judicial decision, arbitration, or otherwise.
6. The value of, or expenditure for, lands acquired from the United States at less than fair market value.

Date When Costs Are Incurred

Confusion often arises in acquisition projects on the exact date when costs are incurred. To be eligible for matching assistance, costs must be incurred within the project period (from the date of federal approval to the date of project expiration). Acquisition costs are incurred on the date when the earliest of any of the following transactions take place:

1. Park board accepts deed or other appropriate conveyance.
2. Park board makes full payment for the property.
3. Park board makes first payment in a series of spaced or time payments.
4. Park board makes the first or full payment as stipulated in an option agreement. (The cost of the option, if included as part of the purchase price, is an allowable cost.)
5. Park board makes first partial or full payment to an escrow agent.

PROJECT SPONSORS SHOULD NOT ACCEPT TITLE TO THE PROPERTY UNTIL AFTER THE APPRAISAL HAS RECEIVED APPROVAL. The appraised value must be confirmed by either the DNR or the Federal Government otherwise, if there is a difference between the price paid and the approved appraised value, the park board may not be able to recover their funds.

Transfer of Title

According to Indiana statutes, land is considered as transferred on the date when the warranty deed is accepted by the previous landowner and the park board. If reimbursement will be requested for the cost of acquisition, the deed cannot be signed by the seller/donor and buyer until after the project has been approved by the Federal Government and the appraisal has been approved.

Property Rights, Control, and Tenure

Adequacy of Title

For lands included in a project proposal, the project sponsor must have title or adequate control and tenure of the project area in order to provide reasonable assurances that a conversion to a use other than public outdoor recreation will not occur. Copies of the property titles or other appropriate documents must be submitted as part of a project’s documentation.

The most common method of acquiring property is by fee simple title. This is the preferred method of acquisition since it gives the holder an absolute right to the property within limitations imposed by state or federal law.
Title to land may be conveyed by warranty or quit claim deed to the park and recreation board. Neither the State of Indiana nor federal government will obtain title to a local area or facility acquired with LWCF assistance. The project sponsor must submit a description of the character and nature of the title received before requesting reimbursement. This evidence of title must include the property deed and either a written opinion from the park board’s attorney on the adequacy of title or a title insurance policy. A survey may be required when there is reasonable doubt about the exact location of the boundary or size of the tract being acquired. The project sponsor is responsible for quieting claims against title and for replacing property found to have defective title with other properties of equivalent value, usefulness, and location, as approved by the Department of the Interior.

Reservations, Adverse Rights, and Deed Restrictions

Oil, gas, mineral, or other reservations and rights held by others are permissible only if it is determined that recreation purposes and the environment would not be adversely affected. Such reservations and adverse rights must be described in the narrative of the project proposal, and how they will be dealt with to avoid impacting recreation and the environment.

Often landowners desire to specify restrictions in the property deed. The most frequent example would be that the land can only be used for park purposes. If a deed restriction for park purposes indicates the grantor’s intent and does not provide for reversion of title upon failure to comply with the grantor’s wishes, the condition may be acceptable. In certain situations a landowner may retain a life estate, under which he or she retains while living. Beware that deed restrictions can severely limit the highest and best use of land, and therefore limit its value. In donations, “park only” restrictions should be removed prior to appraisal, since the land will be dedicated for outdoor recreational use in perpetuity by the LWCF Act.

Land which has a reversionary clause in the deed whereby the landowner could repossess the property if it ceased to be used solely for the purpose specified in the deed may make the project ineligible, since the LWCF Act requires that the land must be held in outdoor recreational use in perpetuity. If a reversionary clause in the deed specifies that the land must be developed for a specific purpose, even though the project includes that type of development, the project may be ineligible. A development project to construct a facility on land with a reversionary clause in the deed may also be ineligible, even though the land may have been acquired without federal funds. Federal approval is required to acquire or develop land with reversionary clauses or outstanding interests in the property deeds. The grants staff should be consulted prior to submitting a project application involving deed clauses and restrictions.

If at a later date the rights to subsurface reservations or other deed restrictions adversely affect recreation use of the land or facilities, the park board will be responsible for acquiring property of equivalent usefulness, location, and value.

Outstanding property rights may affect the value of land. Examples include mineral rights, transportation rights-of-way, utility easements, and other deed restrictions. An appraiser should be fully aware of, and take into consideration, the legal description of the property and, where appropriate, the effect of the loss of these rights on its value.

Development on Land Acquired with LWCF Assistance
Outdoor Recreation Uses

Areas acquired may serve a wide variety of outdoor recreation activities including, but not limited to walking for pleasure, sight–seeing, swimming and other water activities, fishing, picnicking, nature study, boating, hunting, shooting, camping, horseback riding, bicycling, hiking, skiing, and other outdoor activities.

Acquisitions Involving Compatible Uses

Non–recreation uses that are compatible with and secondary to recreation such as water conservation, timber management, grazing, and other natural resource uses may be carried out within a project area. Such uses must be clearly described in project proposals.

Also, some types of recreation facilities that are not eligible for LWCF assistance may be built with local monies on LWCF project sites if they are approved prior to construction by the State and National Park Service. Such facilities should not cause a 6(f) conversion, as explained in Chapter Eight.

Future Development Conditions

It is not necessary that the future development be carried out with LWCF assistance or that the proposed unassisted development receives prior approvals so long as it is in accord with the purposes for which the acquisition was made. Once the land is acquired, it must always be used for public outdoor recreation purposes.

On land where federal LWCF funds were reimbursed on the acquisition, certain regulations for the development of facilities must be followed. All facilities must be accessible for users of all abilities, especially persons with disabilities. The construction of facilities which will compete with those provided by the private sector should generally be avoided. Chapter Six explains other development requirements, such as state and federal permits and approvals, which need to be obtained for construction projects.

Acquisition for Delayed Development

LWCF assistance may be available to acquire property for which the development of outdoor recreation facilities is planned at a future date. In the interim, between acquisition and development, the property should be open for those public recreation purposes which the land is capable of supporting or which can be achieved with minimum public investment. Non–recreation uses such as agriculture occurring on the property at the time of acquisition may only continue for a short duration which will be determined on a case-by-case basis by the Division of Outdoor Recreation in conjunction with the National Park Service. In such cases, the project sponsor will not receive reimbursement on the acquisition until the non–recreation use is terminated.

The acquired land must, at a minimum, be open and available for public outdoor recreational use prior to close out of the project. The site must be signed, operated, and maintained for public use. The project application must include:

1. Written request to continue the non-recreation use during the interim period.
2. Assurance that any income received by the project sponsor for the non-recreation use will be used for future park development.

3. Assurance that the non-recreation use will be terminated as determined by the Division of Outdoor Recreation and the National Park Service.

4. Why immediate acquisition of the property is necessary.

5. What facilities will be developed and when such development will occur. Minimal accommodation for public use will include parking, signage, and open space.

6. What, if any, non-recreation uses will be continued on the property and when such uses will be terminated.

7. The type of public recreation access that will be provided during the interim period.

This policy does not prevent the continuation or introduction of non-recreation uses such as timber management, grazing, and other natural resource uses, not including agriculture. These must be clearly described in the project application, compatible with and secondary to the outdoor recreation uses intended for the property and approved by the National Park Service.

Summary of Acquisition Procedures

The following steps apply to all acquisitions; steps 4, 5, and 6 may be omitted for full donations.

1. Make contact with landowner regarding availability of the property and secure permission to appraise. Obtain information on the owner’s and any tenant’s eligibility for relocation benefits.

2. Have the land appraised according to the Uniform Appraisal Standards for Federal Land Acquisitions (“Yellow Book”) by a state certified general appraiser. The landowner must be given the opportunity to accompany the appraiser.

3. Submit the appraisal for approval by the Department of Natural Resources.

4. Offer to purchase the property for the approved appraised value using a Statement of Just Compensation and Offer to Purchase letter obtained from your state grant coordinator. Also inform the landowner and any tenants of their eligibility for relocation benefits.

5. Negotiate the selling price.
   
   a. If the owner wishes to donate part of the land’s value, the acquisition will be considered a bargain sale and the owner needs to sign a Waiver of Right of Just Compensation letter. Similarly, if a person to be relocated does not want reimbursement for relocation expenses, that person needs to sign a similar waiver for these benefits.

   b. In cases where the sale price is negotiated higher than the appraised value, a
Statement of Difference in Value may be submitted to the Department of Natural Resources as justification for the higher price. LWCF assistance may be provided for the increased amount, but is not guaranteed.

c. If the property is obtained through eminent domain, the court award will be the basis for the LWCF assistance.

6. An option to purchase may be obtained once the price has been determined for a negotiated purchase.

7. Federal grant approval and a Categorical Exclusion (Chapter 2) must be received by this point unless a Waiver of Retroactivity has been obtained or the title will be put into escrow.

8. Obtain title insurance or an abstract opinion, and then title to the land. The park board will pay for the land, closing, and incidental acquisition costs and any relocation benefits.

9. A reimbursement request for the federal LWCF half of the acquisition costs may be then submitted to the assigned grant officer once the proper LWCF perpetuity in public outdoor recreation language has been recorded with or in the deed at the county courthouse and submitted to the IDNR.
Chapter Six

Site Development and Facility Construction

Considerations for a Development Grant

A development project may consist of new construction or the renovation of a facility or group of related facilities designed to provide opportunities for public outdoor recreation on lands or waters owned by the park and recreation board. Projects must meet the needs of local citizens and be attractive, safe, and compatible with the site’s natural features.

Once developed, a project must remain in public outdoor recreation use for the life of the facility. In addition, the land on which the facilities were constructed falls under the jurisdiction of the Land and Water Conservation Fund Act, which specifies that the land must remain an outdoor recreation site in perpetuity. The deed to the site must be re-filed or an attachment filed with the LWCF encumbrance language (see Appendix) and a copy sent to the IDNR. Any proposed changes in the use of the site or facility must receive prior approval from the Department of Natural Resources and, in some cases, the National Park Service.

Site Location, Control, and Tenure

Facilities may be built only on park sites under the control and tenure of the park and recreation board. If the land is owned by another city or county department or local governmental unit, the title must be transferred to the park board. If it is owned by the city or county in general, and the ordinance establishing the park board does not vest control of the property in the park board, the appropriate city or county body must pass an ordinance vesting control of the site in the park board. All permits must be acquired before construction can begin.

Eligible Types of Development

Development projects that are eligible for assistance include, but are not limited to, the following:

1. Boating – Facilities for motor boating, sailing, canoeing, kayaking, rowing, and other boating activities. These facilities may include docks, berths, launching ramps, breakwaters, mechanical launching devices, boat lifts, storage spaces, sewage pump-out facilities, fuel depots, and excavated boat basins and channels. Marinas must be operated in accord with the Federal Marina Policy in the Appendix.

2. Camping – Tent and trailer sites, tables, fireplaces, restrooms, information stations, snack-bars, and utility outlets. Cabins and group camp dormitories of simple austere design to serve groups on a “first come, first served” basis may also qualify.

3. Energy Conservation – Solar energy systems, earth berms, window shading devices,
energy lock doors, metal halide lights, insulation, and other energy efficient design methods and materials. Additionally, power systems which maximize a facility’s use of renewable or non–polluting energy resources such as windmills and water power systems may also be eligible as support facilities.

4. Exhibit Facilities – Arborets, outdoor nature exhibits, nature interpretive centers, community gardens, certain types of zoo facilities, and other similar developments. Exhibit facilities will not be funded if the primary function is for academic, historic, economic, entertainment, or other non-recreation purposes. This restriction includes fairgrounds, archaeological research sites, and others.

5. Fishing and Hunting – Trails, fishing piers and access points, initial clearing, planting of forage and cover, stream improvements, wildlife management areas, fish hatcheries, etc.

6. Picnicking – Family and group picnic shelters, tables, fireplaces, grills, and trash receptacles.

7. Renovated Facilities – Extensive renovation or redevelopment to bring a facility up to standards of safety, quality, and attractiveness suitable for public use. Renovations are most often made to meet public health and safety requirements. Renovation projects are not eligible if the facility’s deterioration is due to inadequate maintenance during the reasonable life of the facility.

8. Spectator Facilities – Amphitheaters, bandstands and modest seating areas related to playfields and other eligible facilities. Spectator facilities may not be primarily for professional, semi–professional, or interscholastic events. Bleachers or modest seating areas are encouraged near recreation facilities.

9. Sports and Playfields – This includes a wide variety of sport facilities, including fields for baseball, softball, soccer, football, basketball, tennis courts, outdoor racquetball courts, golf courses, equestrian arenas, running tracks, playgrounds, and tot lots.

10. Sport Shooting – Examples include rifle/pistol ranges, trap/skeet fields and archery ranges. If the project proposes the construction and/or renovation of a shooting/archery range for general public use, funding should be sought through the IDNR F&W Shooting Range grant program. Contact the Division of Outdoor Recreation for details.

11. Swimming – Swimming beaches, outdoor pools, wading pools, spray pools, wavemaking pools, lifeguard towers, bathhouses, and other similar facilities. Some indoor pools are eligible as outlined under Eligible Sheltered Facilities. Contact the Division of Outdoor Recreation for details.

12. Trails – Funds are available for development and marking of overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, skiing, snowmobiling, OHV's and other trail activities.

13. Winter Sport Facilities – Such as cross country ski trails, downhill ski runs, jumps, lifts, slopes, and snowmaking equipment. Also included are facilities for ice skating, tobogganing, iceboating, sled runs, ice hockey rinks, and warming shelters.
14. Support Facilities for Outdoor Recreation – Includes entrance and circulation roads, fences, utilities, sanitation systems, dams, erosion control works, maintenance structures, parking areas, restroom buildings, concession stands, walkways, operation and maintenance facilities, and others. Some landscaping equipment to make a recreation facility operational and certain materials and supplies required by the State Board of Health are eligible. Roads outside the boundaries of the park which provide access to the recreation site and are not part of a state, county, or local road system are eligible. The access corridors must be owned or adequately controlled by the project sponsor. The principle objective must be to serve the park and visitors. Relocation of power lines, dredging, and restoration of publicly owned lakes are also eligible. Support facilities must serve eligible recreation facilities.

15. Eligible Sheltered Facilities – Swimming pool and ice skating rinks located in areas which meet the federal cold climatic criteria may be enclosed partially or completely to protect them against cold weather conditions and to significantly increase recreation opportunities. The amount of funds available for sheltered facilities is limited, but project sponsors may use their own funds and enclose a facility after receiving approval from the State and the National Park Service. The size of the shelter must not exceed that required to enclose the facility and necessary support facilities, for the specified recreational activities.

Ineligible Types of Development

The types of development that are ineligible for assistance include, but are not limited to:

1. Amusement Facilities – Such as carousels, Ferris wheels, children’s railroads, pioneer towns, livestock and produce exhibits, commemorative exhibits, and convention facilities.

2. Facilities Exclusively for Persons with Disabilities – Development of outdoor recreation facilities and/or support facilities to be used exclusively by persons with disabilities.

3. Housing – Construction of, and/or furnishings for, employee residences. Construction or renovation of lodges, motels, luxury cabins, or non–austere cabins.


5. Interpretive Facilities – Development of facilities which go beyond interpreting the project site and its immediate surrounding area.

6. Mobile Recreation – Such as play-mobiles, swim-mobiles, show wagons, puppet wagons, and portable bleachers.

7. Professional Activities – Development of areas and facilities to be used primarily for semi–professional or professional arts and athletics, such as professional types of outdoor theaters or performance areas.
8. Sheltered Facilities – Enclosures which convert an outdoor facility such as a basketball court or picnic shelter into an indoor facility.

9. School Athletic Facilities – Development of school athletic facilities, such as stadiums or running tracks for interscholastic athletics. Athletic fields with grandstands or more bleacher seating than would normally be required for park and recreation department athletic programs. Facilities needed to meet the physical education and athletic program requirement of a school or facility that will be used more than 50% of the time by the schools.

10. Support Facilities – Facilities such as roads and sewer systems developed to exclusively serve ineligible facilities. Roads which are part of state, county, or local road systems extending beyond or through the boundaries of the project area.

11. Zoo – Facilities at a zoo for indoor displays, or interpretive areas, and permanent housing which are not displayed in an outdoor setting.

In general, the construction of ineligible recreation facilities on land purchased with Land and Water Conservation Fund assistance will not be permitted unless all of the following conditions are met:

1. They are financed by other than LWCF monies.

2. They are compatible with the outdoor recreation uses of the area.

3. Approval is obtained from the IDNR’s Division of Outdoor Recreation and Federal Government prior to construction.

Eligible Development Costs

*Professional Services*

Consultants for LWCF projects may be hired through the competitive bidding process. A scope of services desired by the park board needs to be prepared and normal advertisement procedures followed. The park board should request proposals from firms and select several of those submitting proposals for an interview. Firms should be selected based on their professional qualifications, experience, and quality of past performance. Hiring the lowest bidder is not required; however, a written explanation of the process used in hiring a consultant must be submitted to the grants section with the contract. During the negotiation process, all bidders must be treated equally and given the same opportunities to revise their bids. Park boards should consult with their attorney regarding hiring a consultant according to I.C. 5–16–11 and other applicable laws.

Federal regulations will not allow payment of consulting fees on a percent of the construction contract basis. The consultant may be paid according to: (1) fixed price, (2) hourly basis, (3) daily basis, or (4) actual expenses incurred. The contract must specify the payment method.

Consulting fees may not be paid to federal, state or project sponsor’s employee unless such a
payment is specifically agreed to by the IDNR and the NPS.

Typical eligible consultant costs include: feasibility studies, site planning, Environmental Assessment preparation, cost estimates, archaeological work, and construction plans and specifications. Costs incurred for designing facilities not developed in the project are ineligible. Pre-agreement costs necessary to prepare the application are eligible and should be identified in the project application.

Construction

Allowable construction costs include all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a facility. Construction may be carried out through a contract with a private firm, by use of the park and recreation board’s own personnel and equipment (force account), or by in–kind contributions. Regulations regarding these three types of construction are explained in this chapter.

Contract Construction Wages

Wage rates established for construction project employees in contracts over the State threshold must equal the prevailing wage rate for the area. Since those rates change periodically, a new State Wage Rate Scale must be requested and included in the specifications when construction is bid in a LWCF project.

The LWCF program is not subject to the Davis Bacon Act, so contractors are not bound to construction wage rates established by the U.S. Department of Labor, unless other federal funds subject to the Davis Bacon Act are used as the local share. To obtain the current prevailing wage rate scale for an area, please contact:

Indiana Department of Labor
Wage & Hour Division
402 W. Washington Street, Room W195
Indianapolis, IN 46204
Telephone: 317–232–2655

Supplies and Materials

Supplies and materials may be purchased for a specific project or may be drawn from a central stock. The former should be charged to a project at their actual price, less discounts, taxes, rebates, etc. and the latter should be charged at cost under any recognized method of pricing which is consistently applied. Incoming transportation charges are a part of these costs. Eligible project supplies are those needed for the construction of a project such as trash bags for clearing away debris along a route for a new trail. Supplies needed for the operation and maintenance of a facility are not eligible. Examples include paper towels, toilet tissue, cleansers, soap and others.

Equipment

The cost of renting equipment to construct a facility is generally eligible for LWCF matching assistance. The cost of purchasing equipment may also be eligible, but sponsors must
provide the grants coordinator with information which clearly shows that it is more economical to purchase an item than to lease it. These items might include air compressors, concrete equipment, pumps, tools, etc.

Permanent recreational equipment, installed as part of the site facilities, is eligible for matching assistance. Examples would include life guard stands, bicycle racks, picnic grills, and trash receptacles. Equipment such as bases for a softball field or tennis and soccer nets, which are necessary to make a facility initially operational, are also eligible. Only the first of such items may be claimed for reimbursement.

Information and Interpretation

Fund assistance may share the costs of providing information directly related to a project, as distinguished from publicity. These may include: signs giving information and directions at the entrances of recreation areas and other necessary places throughout the project site; display boards; dioramas; interpretive facilities for the explanation of items of interest; and other facilities required to explain the site and bring it to public attention.

Methods of Developing Facilities

Development of a project site may be by contract, force account, in–kind contribution, or a combination of these methods. The method(s) which will be used must be indicated in the Program Narrative as part of the grant application. The procedures regarding each of these construction methods are explained below.

Contract

The most common method of developing an area is by contract because the project sponsor is assured that the construction will be completed by a designated date according to predetermined work standards.

The Federal Government requires that competitive, open bidding be undertaken for all federally assisted contracts in excess of $100,000, unless this requirement is waived by the federal agency. In addition, state law requires that all construction at least $150,000 be competitively bid. All construction associated with a Land and Water Conservation Fund project which exceeds $100,000 must be competitively bid, as required by federal law. It is recommended that the park board contact their city attorney for the most up-to-date information, since these laws periodically change. Please note that the total contract, rather than the amount of federal assistance, shall be the governing factor in determining whether contracts or subcontracts exceed $100,000.

Park and recreation boards must inform bidders that Land and Water Conservation Fund monies will be used to assist in the park development, and that all relevant requirements will apply. It is preferable to include this information in the bid invitations or in notices released prior to bid invitations.

If an architectural or engineering firm prepares the specifications, make sure their standard contractual statements do not conflict with state or federal requirements. Conflicts may include
termination terms, breach of contract, and types and amounts of bonds required.

The contracts must be written in such a way that the construction specifications, including the state and federal contract provisions, are incorporated into the scope of the contract. Failure to follow these procedures will jeopardize reimbursement for the project.

*A copy of all plans must be submitted to the DNR grants coordinator for approval prior to advertising for bids. In addition, copies of the bid tabulation summary sheet should be submitted within thirty days after award of the contract. Change orders to the contract should first be cleared with the DNR grants coordinator before the change order is negotiated.*

The contract award should be made to the individual or firm whose bid is most advantageous to the park and recreation board. Contracts must be awarded to responsible contractors or suppliers who have the ability to perform successfully under the terms and conditions of the contract. Consideration should be given to such matters as contractor integrity, record of past performances, financial and technical capability, and accessibility to the necessary resources.

When the park and recreation board considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bidder may be awarded the contract. If a no–bid contract is awarded by the board, or a contract is awarded to other than the lowest bidder, a letter of justification for this action must be sent to the grants coordinator with the bid summary. Department of Natural Resources approval must be obtained prior to awarding the contract in these two cases.

*Force Account*

The second method which may be utilized to develop a project site is through force account. A park and recreation board may choose to use its own employees, equipment, or materials in the development of facilities, rather than contract with an outside company.

Force account cannot be used to circumvent a competitive bidding process. Federal law requires that all construction over $100,000 be competitively bid, so in accordance with State law, all force account work on LWCF projects must cost no more than $100,000. Further interpretation of the Indiana laws regarding this issue should be directed to the State Board of Accounts.

If a park and recreation board plans to claim force account costs, this intent must be stated in the application documentation and in the explanation of any subsequent project amendment requests. The Appendix contains a *Force Account Labor Form* which is completed by the laborer and confirmed by the project manager. This statement is needed to certify the rate and number of hours the laborer worked on the project.

*In–kind Contributions*

LWCF assisted facilities may also be developed by in–kind contributions which might consist of labor, equipment, materials, and supplies donated to the park and recreation board by private organizations or individuals. In–kind contributions are eligible in a project only to the extent that there are additional acquisition and/or development costs to be met by the federal assistance requested for that project. These must be fully described and explained in the project.
The donation is either the value of the donation or the cash spent by the sponsor for additional acquisition or development, whichever is less.

Example: Land valued at $10,000 is donated to the park board and they proceed to develop the property for recreational use. Development costs will be $6,000. The total project value is therefore $16,000 and the matching share would be $8,000. But because only $6,000 was actually spent, and since a grant in excess of that would constitute a profit to sponsor, the federal share is reduced accordingly.

Sponsor’s share (amount of the $10,000 donated development applied to the project) $ 6,000

LWCF Assistance .........................................................................................…………..$ 6,000

Total .............................................................................................................................. $12,000

Both the Division of Outdoor Recreation and the National Park Service must agree on the park and recreation board’s method of valuing in-kind contributions of goods and services before project approval for such contributions to be considered as part or all of the board’s matching share. Unexpected donations which occur after project approval may also be eligible for match if requested by the park board and agreed to by the State. The procedures for determining the value of in-kind contributions from private sector sources are as follows:

1. **Valuation of Volunteer Services** – Volunteer services may be contributed by professional and technical personnel, consultants, and skilled or unskilled labor. Each hour of volunteer service may be counted as part of the park and recreation board’s matching share if the service is an integral and necessary part of an approved project. The records of in-kind contributions of personnel services must include time sheets containing the signature of the person whose time is contributed and of their supervisor verifying that the record is accurate. The *Donated Labor Form* in the Appendix may be used for this purpose and for volunteer labor.

   The value of donated or volunteer services is $10 for unskilled general labor and $20 (with documentation) for supervisory/skilled trail building personnel.

   If the donor is professionally skilled in the trade or service being provided, such as an electrician installing the electrical wiring or a plumber connecting the water supply, the rate this individual is paid in their trade may be claimed for matching assistance. A letter from the donor’s employer, on company letterhead, must document this rate.

   The method for determining donated labor must be calculated in the project application and documentation substantiating the wage rate to eventually be claimed must be provided. Chapter Seven gives more detail on the required documentation.

2. **Valuation of Donated Supplies, Materials and Equipment** – The value of supplies, materials, and equipment which are donated should be reasonable and not exceed the current market prices at the time they are received for the project. Records of in-kind contributions must indicate the fair market value by listing the comparable prices from
3. **Valuation of Loaned Equipment** – Occasionally, equipment used in the construction of a park will be loaned to the project sponsor. The sponsor may claim the value of equipment used as an in-kind contribution to the sponsor’s share of project costs. The computation of equipment use rates can be based on the rates of local suppliers. These rates must be documented on company letterhead. In order to receive reimbursement, project sponsors must supply documentation signed by the donor stating: the date(s); number of hours used per date; the type and model number of the equipment used; price per hour or day; and total cost claimed as a donation.

4. **Valuation of Other Donations** – Other donations received by the board specifically for and in direct benefit to the project may be accepted as part of a local agency’s matching share, provided that the values of these donations are adequately supported and permissible under the law. Such donations must be reasonable and properly justifiable.

**Project Reviews**

Another step in processing a project requires the submission of the project plans and the specifications to various agencies for the appropriate reviews. This section discusses the major reviews required for the development projects. Occasionally, one review may cause the need for another review by an agency not listed in this section.

*Fire Prevention and Building Safety Review*

If a park and recreation board proposes the development of a new building or alterations to an existing building, the plans and specifications for the new construction must be sent to the Division of Fire and Building Safety for review at least one month before the bids are to be let or construction started. These plans are to be prepared by an architect or engineer registered in the State of Indiana or under his or her other direct supervision. The Department will distribute copies of the plans to the State Board of Health if necessary. For more information: [https://www.in.gov/dhs/4211.htm](https://www.in.gov/dhs/4211.htm) email at: planreview@dhs.in.gov. Applicants should expect to pay a fee for this review.

*Water Pollution Review*

If a park and recreation board proposes construction of a sanitary sewer system, including additions or alterations to existing systems, plans and specifications must be submitted directly to the Indiana State Board of Health for review and issuance of a construction permit. Such projects include public buildings, restrooms, dump stations for campgrounds, pools, bathhouses, etc. The plans submitted must show all water supply lines and where those lines connect into existing systems. Copies of the permit application forms, and additional information related to these requirements may be obtained from:

Indiana State Dept. of Health  
2 North Meridian Street  
Indianapolis, IN 46204  
Telephone: 317–233-1325
If there is a question as to whether a project will require a permit, be sure to call before project construction begins. Applicants can expect to pay a fee to obtain a permit.

**Division of Water Review**

Construction in the 100 year floodplain or alterations to the shoreline or bed of a public fresh water lake requires a permit from the IDNR’s Division of Water. Such construction may include fills, buildings, dams, excavations, bridges, piers, or levees. It also includes recreation development such as picnic shelters, ballfields, tennis courts, fishing ponds, swimming areas, or picnic and playground equipment. Contact information and a website for electronic submission is listed below. Applicants should expect to pay a fee for this review.

Indiana Department of Natural Resources  
Division of Water  
402 West Washington Street, Room W262  
Indianapolis, IN 46204  
Telephone: 317-232-4160  
http://www.in.gov/dnr/water/2455.htm

**Flood Insurance**

The Federal Flood Disaster Protection Act of 1973 (P.L. 93–234), requires the purchase of flood insurance for certain types of facilities constructed in the floodplain. Indiana regulations apply to existing developments as well. Communities affected by designated flood hazard areas as determined by the Department of Housing and Urban Development and later by the Federal Emergency Management Agency, will initially be required to join the flood hazard insurance program. Project sponsors may wish to contact their city/county executive or the Division of Water regarding the community’s status in the flood insurance program and the eligibility of existing park structures for insurance.

**Army Corps of Engineers**

Section 404 of the Federal Water Pollution Control Act, Amendments of 1972 gave the U.S. Army Corps of Engineers regulatory responsibilities to maintain certain water quality in our nation’s navigable waters. A 1975 court case mandated that the Corps’ authority be expanded to regulate the disposal of dredged or fill material in all water of the United States. Thus, anyone proposing construction that will involve the discharge of dredged or fill material will be required to obtain a Corps of Engineers’ permit.

Along with the discharge of material which has been dredged or excavated from any waters of the United States, the following additional types of activities are regulated by this program: site development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as riprap, groins, seawalls, breakwater, bulkheads and fills; beach nourishment; levees; sanitary landfills, and backfill required for the placement of structures such as sewage treatment facilities.
Applications for a permit under this program may take up to six months to be approved. Project sponsors are urged to contact the applicable district office of the Corps of Engineers well in advance of the application deadline, so that processing of the project is not delayed. Applications for permits should be submitted to one of the USACE offices depending on the location of the project. See map and office information here: http://www.in.gov/idem/wetlands/2340.htm

Division of Outdoor Recreation Review

Another review required for all development projects is a review of the plans, specifications, and contracts by the grants coordinator. The project will be reviewed for compliance with federal accessibility regulations. State regulations regarding bidding procedures must be adhered to. The project will be reviewed for compliance with the scope of the project as written in the Grant Agreement. Sponsors needing additional information regarding this review should contact their grants coordinator at the following address:

Indiana Dept. of Natural Resources
Division of Outdoor Recreation
402 W. Washington Street, Room 271
Indianapolis, IN 46204
Telephone: 317–232–4075
Fax: 317-233-4648
www.in.gov/dnr/outdoor

Other Considerations Regarding Development

In addition to the types of development costs and methods of developing facilities, there are other factors which may be considered for a Land and Water Conservation Fund development project. These considerations are explained as follows.

Private Facility Competition

Throughout the planning stages of a project, a park and recreation board should be careful not to create a competitive situation with private outdoor recreation facilities. In those instances where a community’s recreation needs are being adequately met through private investment, proposals that will compete with privately financed and operated developments already providing identical or similar recreation opportunities should be avoided. If such a situation will result from a LWCF assisted project, it must be explained in the project application.

Design of Facilities for Persons with Disabilities

The National Park Service (NPS) requires that all facilities developed with assistance from the Land and Water Conservation Fund must be designed in conformance with Section 504 of the Rehabilitation Act of 1973 and the Architectural Barriers Act of 1968. These Acts ensure that structures financed with Federal funds are designed and built accessible for persons with disabilities. Project sponsors should consider the needs of persons with disabilities in every park’s design. Project sponsors are encouraged to refer to the American's with Disabilities Act and Architectural Barriers Act Accessibility Guidelines (ADAABAAG) for design standards.
Using universal design is preferred because it addresses the needs of all citizens.

The Access Board is an independent Federal agency responsible for developing and maintaining accessibility guidelines and standards which can be downloaded from their website [www.accessboard.gov](http://www.accessboard.gov) or requested from:

The Access Board  
1331 F Street, NW, Suite 1000  
Washington, DC 20004-1111  
(800) 872-2253 (v) (800) 993-2822 (TTY)  
email: info@access-board.gov

### Acquisition Requirements Affecting Development

In order to prevent the circumvention of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.), which is explained in Chapter Five, a provision in the law mandates compliance with the Act for future development projects.

If the proposed development project will be built on land that was acquired within the past five years, assurances must be given that the Uniform Relocation Assistance and Real Property Acquisition Policies Act was observed, even if no federal money was used to purchase the land, unless the local agency can document that planning to obtain LWCF assistance had not been initiated at that time. Documentation might include the time initial contacts were made with the state grants staff regarding a project submission, or the receipt of Land and Water Conservation Fund requirements. Assurances must be given that (42 U.S.C. 4601 et seq.) was followed.

Documentation needed to verify that proper land acquisition procedures were followed might include evidence that the landowner was offered and/or paid the appraised value for the property. Many project sponsors have used Land and Water Conservation Funds, Community Development Funds, or another federal assistance program to acquire park property. In such instances, adherence to the federal law would be relatively easy to document. As part of the Program Narrative of the application, the project sponsor is asked to indicate when the land for the park was purchased. If the park land was purchased within the last five years, the grants staff will advise the project sponsor on the type of documentation that will be needed.
Chapter Seven

Obtaining Reimbursement

Reimbursement

After the National Park Service has approved the project and reserved LWCF monies and the appropriate permits, approvals, plans etc. have been obtained, the park and recreation board may take title to the land or begin development. The grant funds will be made available to the park board on a reimbursement basis. In order to receive the money reserved for the project, a billing must be submitted to your grants coordinator. Usually we will not reimburse until the acquisition is completed and that is submitted with the first billing. The applicant must provide property acquisition and/or existing property deed(s) with the "Federal Protection for Outdoor Recreation" attachment included.

The staff will process this information and transmit the billing request to the NPS. As of July 1, 2006 the State of Indiana Auditor requires electronic funds transfer to reimburse grant programs.

Cash Flow

Since the grant program is administered as a reimbursement process rather than an immediate grant, project sponsors must first pay the bills and then request 50% reimbursement. During the more active periods of the project work, the project sponsor may encounter times when the cash flow for expenses increases and the reimbursements are not returned in time to assist in the bill payments. In those instances, the park and recreation board may have to transfer funds among its own accounts or request a short term loan from another city account, such as the city utilities. These transfers are permissible; however, the clerk–treasurer or auditor must be aware of the proper Board of Accounts procedure to follow. Remember that the project must be correctly entered in the park board budget in order for an interdepartmental transfer to occur. The total amount of the project costs must be appropriated in the budget, although half of this amount can be shown as coming from federal funds rather than local tax sources.

<table>
<thead>
<tr>
<th>Billing #</th>
<th>Costs Incurred</th>
<th>Reimbursement Request</th>
<th>Project Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>$60,000</td>
<td>$30,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>1</td>
<td>20,000</td>
<td>10,000</td>
<td>70,000</td>
</tr>
<tr>
<td>2</td>
<td>20,000</td>
<td>10,000</td>
<td>60,000</td>
</tr>
<tr>
<td>3(final)</td>
<td>20,000</td>
<td>10,000</td>
<td>50,000</td>
</tr>
<tr>
<td>Totals</td>
<td>100,000</td>
<td>50,000</td>
<td></td>
</tr>
</tbody>
</table>
For example, if a park board were to receive a $50,000 grant for a $100,000 project, the reimbursement cycle could progress as in Figure 1.

*Incurred Costs*

To be eligible for matching assistance, costs must be incurred within the project period. The park and recreation board may not take title to land or begin development until after the project has been approved by the National Park Service. The only costs incurred before project approval that are eligible for reimbursement are professional services, archaeological services, and grant application preparation fees which were documented as pre-agreement costs in the project application. Other pre-agreement costs are not eligible for matching assistance.

Costs incurred after the project has expired are ineligible for assistance. Items added to a project by a change in scope amendment must be approved before costs may be incurred for the items.

*Reimburse Land Donations*

When land donations are part of an LWCF project scope, the rate of reimbursement can be greater than the typical 50%. Land donations are not directly reimbursed; instead, they are credited as match to the grant account when acquired. If the land donation has met the total amount of the local match and it has been submitted with the first billing then the project development costs will be reimbursed at 100%. For example, a park board has been awarded a $250,000.00 LWCF grant with a total project cost of $500,000.00. Their local match is a donated parcel of land appraised at $250,000.00 and they will spend $250,000.00 to develop their new park. When they receive title to the parcel and the LWCF encumbrance language has been added to the deed, the grant coordinator can reimburse their development costs at 100%.

If the donated land value does not meet the total amount of the local match with the first billing then all billing requests will be reimbursed at the 50/50 grant ratio and the final billing will reflect all donation and match adjustments.

*Income Generated on Project Site*

Income earned by the project sponsor during the project period from sources other than the intended recreation use will either be used to reduce the total project cost (thus reducing the grant by 50% of the earned income), or for additional acquisition or development at the site. Examples of such income include the sale or rental of structures, the sale of timber or crops, and the lease or rental of the land. Income from user fees or concessionaire operations related to the recreational facilities is not included. An explanation of all anticipated types of income must accompany the project application. The income may have to be deducted from project reimbursements and appropriate documentation submitted to indicate the amount being deducted.

After the project period, any income from the extraction of subsurface minerals or the sale of structures or improvements acquired with LWCF assistance must be used to (1) reduce future LWCF grants to the park board, or (2) to further outdoor recreation acquisition or development at
the project site or another park operated by the park board. The use of such income shall be approved by the state and National Park Service in a formal agreement.

Billing Submittal

Separate billings must be submitted on each project for which a park board has a LWCF grant. These billings should be numbered consecutively, beginning with number one. Billings should be submitted biannually or quarterly at most. Exceptions can be made for extenuating circumstances. The amount of each billing should total at least ten percent of the LWCF grant amount, with the exception of the final billing.

Billing Documentation

There are several types of documentation which must be submitted with each billing. All billings are submitted on the Grant Billing Form (see Appendix), accompanied by various supporting documents depending upon the type of project. One copy of the billing form is submitted with each reimbursement request. To reduce the number of billing forms, please combine multiple payments for the same vendor on one line (you can type 3 or 4 check numbers in the same box and it will reduce the font to make them fit) and/or group payments by category (such as Volunteer Labor or Equipment Rental) even if there are multiple people or pieces of equipment. A blank fillable form is in the Appendix, and copies may be made for subsequent billings. See the end of this Chapter for the Billing Checklist.

Acquisition Projects

A billing request for acquisition costs should include the following items:

1. Claim Vouchers – One copy, front and back, of itemized claim vouchers. Claim vouchers must be certified (signed) by the authorized board members and the proper city or county officials. The project name and number should be specified on the claim vouchers. The warrant number of the check payment should also be entered on the vouchers.

2. Cancelled Checks – One copy, front and back, of the cancelled check corresponding to each claim voucher.

3. Warranty Deeds – One copy of the recorded warranty deed with LWCF protection language for each parcel transferring title land to the park and recreation board.

4. Statement of Just Compensation and Offer to Purchase – One copy of the Statement of Just Compensation and Offer to Purchase Form, signed by the former landowner of a negotiated purchase or bargain sale acquisition. Contact your state grant coordinator for the proper form.

5. Waiver of Just Compensation – One copy of the Waiver of Just Compensation Form signed by the former landowner for a bargain sale acquisition. Contact your state grant coordinator for the proper form.
6. Court Award – One copy of the court award indicating the land value if the acquisition is by condemnation.

7. Relocation Information – One copy of the relocation forms and supporting data. Special forms for computing the relocation costs are available from the grants staff.

8. Closing statements – One copy of the closing statement or other documentation showing that incidental expenses were paid by the board whether or not federal reimbursement is being requested.

Development Projects

A billing for development costs should include the following items:

1. Invoices – One copy of invoices from firms or individuals performing work, supplying materials or equipment for the project. The project name and number should be specified on invoices. The eligible costs should be identified if items which are not part of the project are included.

2. Claim Vouchers – One copy, front and back, of itemized claim vouchers corresponding to the invoices. The claim vouchers must be certified (signed) by the authorized park and recreation board members and the proper city or county officials. The project name and number should be specified on both claim vouchers. If the claim voucher contains items which are not part of the federal project, all eligible items need to be identified. The eligible items should be designated with the project number. This designation should be made at the time the claim voucher is prepared.

Park and recreation boards are tax exempt and therefore, cannot be reimbursed for payment of sales tax. If sales tax is inadvertently included in a vendor’s invoice, it should be identified as an ineligible cost and deducted from the billing.

3. Cancelled Checks – One copy, front and back, of the cancelled checks corresponding to the claim vouchers. If the check includes payment for ineligible items, the amount included in the billing should be written on the check and labeled as ineligible.

4. Force Account Information – If force account costs are claimed in a development billing, the following types of information are required.
   a. Payroll – One copy of the board’s payroll for the time period for which force account costs are being claimed. The names of those individuals for which force account cost are claimed should be circled.
   b. Cancelled Checks – One copy, front and back, of the cancelled checks corresponding to the force account items. The amount paid for eligible costs should be indicated on the checks by writing “Eligible Costs” across the checks and the amount.
   c. Force Account Labor Form – One copy of the form (see Appendix), which
includes a statement that the individuals for which force account costs are claimed, performed the listed work. This statement should be signed by both the employee and the park superintendent.

5. In–kind Contributions – The following documentation is required for each of these types of these contributions.

   a. Donated Labor – The Donated Labor Form, in the Appendix, must be completed for each person donating labor for construction and signed by the donor and park board supervisor. The per hour value of the labor donations will usually have been documented in the project application by clerk–treasurer’s and/or employers’ letters as explained in Chapter Three. If a skilled construction person donates time and has not previously provided evidence of his or her hourly wage rate, it should be submitted with the billing.

   b. Donated Materials – A letter from the donor, which briefly describes the items and indicates they were given for the park project, must be provided. To establish the value of the gift, quotations of prices for similar materials should be provided from two local commercial suppliers. The lower of the two will establish the donated value.

   c. Donated Equipment – A letter from the donor, which briefly describes the equipment and its use in the project construction, must be submitted. For equipment to be installed in the park, quotations from suppliers of the purchase price of similar equipment will be the value for billing purposes. In the case of construction equipment, quotations of local rental rates from other suppliers and the donor may be used to determine the donated rate per hour. The donor’s letter for construction equipment must indicate the dates, hours, and type of work performed for the project.

   d. Donated Cash – Since these contributions are used to pay expenses for a project, the regular payment documentation will suffice for cash gifts.

Billing Assembly

To speed the process, billing documents should be compiled in an orderly manner. One copy of the signed Grant Billing Form, claim vouchers, cancelled checks, and invoices are required. It is recommended that the invoice, claim voucher, and cancelled check for each payment be stapled together separately, along with any other applicable acquisition or construction documents as outlined earlier. For donated elements, each contribution should be listed on the billing form and the supporting evidence of value and donation indicated above should be stapled together separately.

These supporting materials for payments and gifts should be compiled into one stack with the billing form on top. A transmittal letter should identify any items on claims that were deducted due to ineligibility and provide a short summary of the project’s status to date.

Although a claim or invoice may be familiar to the project sponsor, it may be highly
questionable for processing by the State. Claims or invoices marked simply “paint”, “lumber”, “plumbing supplies” or claims which are illegibly written will be returned for further explanation. Construction materials need to be properly identified with a project scope item such as “paint for tennis court”. Failure to identify all eligible costs may result in a billing process delay. In most cases, questionable items will not be reimbursed.

Final Billings

Billings may be submitted for up to ninety-five percent of the project costs prior to final billing. Reimbursement for five percent of the project costs is withheld until the project is completed and a final inspection is made by the grants staff.

One copy of the signed Post Construction Certificate (see Appendix) must accompany the final billing for development projects. This form is completed by the supervising architect or engineer on the project. If the project did not involve a consulting architect or engineer, then the park board’s engineer should inspect the project and sign the Post Construction Certificate. The final billing should be submitted to your grants coordinator within sixty days of the project completion or expiration, whichever comes first.

Project sponsors should expect the final billing to take longer to process than progress billings, and should arrange their financing accordingly. An “as built” or “as acquired” set of plans which clearly delineates the completion date, property dimensions, and location of the LWCF scope items or parcels of land acquired must be submitted with the final billing. The as-built plans will serve as a permanent part of the record of LWCF assistance at the park, and thus must be agreed to by the Department of Natural Resources and National Park Service. A 6(f)3 boundary map will also need to be provided by the grantee with the final billing. This map will be sent to the NPS for their records of the LWCF encumbrance upon the property. The map should be an aerial or design rendering of the project within the local landscape and include items listed in the Information for all Base Maps and the 6(f)3 Boundary Map located in the Appendix. These items must be received and approved by the grants staff before the final reimbursement will be issued.
Billing Checklist

The park and recreation board president or the superintendent will want to review the billing to make sure that it has been properly assembled. These checklists have been developed to aid this review.

**Acquisition Billing Checklist**

_____ 1. One of the *Grant Billing Form*.

_____ 2. One copy, front and back, of the itemized claim vouchers, unless the entire acquisition is by donation.

_____ 3. One copy, front and back, of cancelled checks.

_____ 4. One copy of the recorded warranty deed with LWCF protection language.

_____ 5. One copy of the *Statement of Just Compensation and Offer to Purchase* for negotiated purchases and bargain sales.

_____ 6. One copy of the *Waiver of Right of Just Compensation* (for bargain sales).

_____ 7. One copy of the court award concerning the land value for acquisition by condemnation, if applicable.

_____ 8. One copy of the relocation forms and supporting information, if applicable.

_____ 9. One copy of the closing statement or other documentation showing that incidental expenses were paid by the project sponsor, as required.

**Development Billing Checklist**

_____ 1. One copy of the *Grant Billing Form*.

_____ 2. One copy of the invoices for development costs.

_____ 3. One copy, front and back, of itemized claim vouchers.

_____ 4. One copy, front and back, of cancelled check

_____ 5. One copy of the force account information, if applicable.
   a. Payroll
   b. Cancelled Checks
   c. *Force Account Labor Form*

_____ 6. One copy of the in–kind contribution information, if applicable.
   a. Donor's Letter or *Donated Labor Form*
   b. Evidence of Value

_____ 7. One copy of the *Post Completion Construction Certificate*, if a final billing.*

_____ 8. A short summary of the project's status to date.
Chapter Eight

Closeout and Post Completion Responsibilities

Project Completion

The date of completion is when all work in the scope of a LWCF project has been completed, or the project expiration date occurs, whichever comes first. The project sponsor should submit the final billing and closeout documents within sixty days of the date of completion.

Upon notification of project completion, your grants coordinator will conduct a final inspection. The National Park Service may also make a final inspection, but it may not take place until a later date.

Final billing documentation is explained in Chapter Seven. Final billings must include closeout documents along with the “as built” or “as acquired” plans and a Post Construction Certificate (see Appendix). The plans must identify the work funded by the grant, completion date, boundaries of federal jurisdiction.

A 6(f)3 boundary map depicting the acreage encumbered by the program must be submitted if it hasn’t already (see “Information for All Base Maps” in Appendix). The grants and NPS staff may need to make additional notations or revise information on the map. When the final version has been agreed upon by all parties, copies will be provided to the park board, IDNR, and NPS. This map becomes part of the permanent records of the IDNR and the NPS. It is also to be kept permanently in the project sponsor’s public property records and available for public inspection with the Grant Agreement.

Also, in order for a project to be considered completed and ready for final billing, a permanent Land and Water Conservation Fund sign must be displayed on the site.

LWCF Acknowledgement Sign

A Land and Water Conservation Fund sign must be permanently displayed on all projects when completed. The sign should give adequate recognition to each agency involved in the acquisition or development of the particular site, and indicate the project was a cooperative program for outdoor recreation assisted by the Land and Water Conservation Fund. The cost of constructing the sign is eligible for matching assistance and should be included in the Cost Breakdown with the project application.

The permanent sign should be made of materials that will withstand the elements and be placed on the park sign or gatehouse, away from vandals. The size of these signs may vary, but they should not be smaller than the example shown in the Appendix. For those park and recreation boards which do not desire to design and construct their own signs, vinyl signs are available for purchase by contacting:

Indiana Park and Recreation Association
Audits and Record Retention

In addition to the documents submitted to the State, copies of all construction plans, specifications, bid advertisements, bid tabulations, contracts, and change orders must be retained by the park board for a period of three years, commencing after the final reimbursement has been received, or until audit findings have been resolved. Records regarding acquisition projects should also be kept, particularly a history of negotiations with the landowner. All accounting records and project data are subject to State and Federal audit. The Federal Government reserves the right to question any item for which reimbursement was received until an audit is made. All park and recreation board files are subject to audit by the State Board of Accounts, which reviews fiscal procedures for state and federal compliance.

The State Board of Accounts is required to audit all local units. If federal funding has been received, the audit must meet the requirements of 2 CFR part 200, subpart F and the Compliance Supplement. Federal assistance will be examined in detail and any negative findings will be highlighted. Negative findings will be handled on a case–by–case basis. Negative findings must be resolved before any future grants will be approved. Audit requirements are stated in the Grant Agreement.

Inspections

Upon project completion, a final inspection will be made by the DNR grants staff prior to authorization of the final reimbursement. Completed projects are inspected periodically (about every 5 years) by the Division of Outdoor Recreation and copies of the inspection report are sent to the park board. These inspections are made to ensure that 1) the site is being used for the purposes intended, 2) the park is attractive and properly maintained, 3) the area is accessible and open to the general public, 4) a Land and Water Conservation Fund sign is posted at the site, and 5) there appears to be adequate staff to ensure proper safety and servicing to the facilities. It must be emphasized that neither the State of Indiana, nor the Federal Government, has any desire to become involved in the daily operation and maintenance of a funded facility. The operation and maintenance requirements are no more restrictive than those desired by the taxpayers for the park they have helped to finance.

Operation and Maintenance

Property acquired or developed with Fund assistance must be properly operated and maintained for general public use. The site should appear attractive and inviting to the public. Proper sanitation and sanitary facilities should be maintained in accord with health standards. The site should be maintained for safe public use. Buildings, roads, trails, and other improvements should be kept in reasonable repair throughout their lifetime to prevent undue deterioration and to encourage public use. Evidence of vandalism should be repaired as quickly as possible.
General Public Use

The park should be open for general public use at reasonable hours and times of the year according to the type of area or facility. Property acquired or developed with federal assistance shall be open to entry and use by all persons regardless of race, color, religion, gender, national origin, age, disability or place of residence. The park cannot be restricted for use by only certain residents. A higher user fee may be charged to out–of–city or out–of–county residents, but it may be no more than twice that charged to residents. Where there is no charge for residents, but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged at comparable State or local public facilities. Reservation, membership, or annual permit systems must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. These provisions apply only to the recreation areas described in the Grant Agreement.

Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with LWCF assistance when such a limitation is necessary for the protection of the site. Thus, limitations may be imposed on the number of persons using an area or facility or the types of use, such as “hunters only” or “hikers only”. All limitations shall be in accord with the Grant Agreement and amendments.

Facilities may also be scheduled for use by private groups, such as a ballfield for a Little League or shelter for a family reunion. Such a reservation system cannot be used to the extent that a facility is reserved for mostly exclusive use by special interest groups and is rarely available during general use hours for the public at large. Permits for the use of facilities must be in accord with federal nondiscrimination provisions.

Nondiscrimination Audits

The Department of the Interior, Office for Equal Opportunity may periodically conduct desk and on–site audits of local park agencies which have received LWCF assistance. The reviews involve compliance with Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act. An audit may take place long after a project has been completed since grant recipients must comply with the nondiscrimination provisions forever. Project sponsors are responsible for voluntary compliance with any audit findings which need to be resolved.

Perpetual Park Use

Property acquired or developed with assistance from Land and Water Conservation Fund must be retained and used for public outdoor recreation in perpetuity. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor uses without the approval of the Secretary of the Interior. Land acquired or developed with Fund assistance cannot be sold or converted into non-park uses, such as for public roads, schools, libraries, or overhead utility corridor.

Indoor recreation facilities may be constructed with local funds on Fund assisted land as long as the facility development is compatible with outdoor recreation uses. Such facilities must be
brought to the attention of the Division of Outdoor Recreation prior to their construction.

In general, compatible indoor recreation facilities will be permitted as long as the amount of land converted to indoor recreation use is only a small portion of the total park area. Construction of non-recreational buildings, such as a fire station or a city hall will not be allowed since the land would be converted to non-recreation use. All future development on LWCF assisted land must be designed to be accessible to persons with disabilities even if federal assistance was not requested nor used for the development.

Retention of Outdoor Facilities

Since this program funds only outdoor facilities, they cannot be converted for permanent indoor use. For example, a picnic shelter built with Land and Water Conservation Funds cannot be enclosed to become an indoor picnic pavilion or a community center. The structure could be temporarily enclosed to become a warming house for ice skating or other winter sports activities, because this use would be as a support facility for outdoor recreation. The only exceptions to permanently enclosing facilities for indoor recreation are swimming pools and ice rinks.

Federal requirements also apply to future improvements on a LWCF assisted facilities. For example, lighting of a LWCF assisted ballfield would have to include the replacement of power lines underground. All future utility lines must be placed underground.

Project sponsors are not required to continue operation of a facility beyond its useful life; however, the LWCF Act requires that project sponsors continue to maintain property defined in the Grant Agreement for public outdoor recreation use. If, in the judgment of the State, the facility is needed and was lost through neglect or inadequate maintenance, then replacement facilities must be provided at the current value of the original investment.

Leasing of Project Sites

A park board may provide for the operation of a site acquired or developed with LWCF assistance by leasing the facility to another party. The park board must irrevocably agree to provide suitable replacement property should the public use of the leased facility be restricted or the outdoor recreation resource be compromised.

All lease documents for the operation of LWCF assisted projects by private organizations or individuals must address the following:

1. In order to protect the public interest, the project sponsor must have the clear ability to periodically review the performance of the lessee and terminate the lease if its terms and the provisions of the Grant Agreement, including standards of maintenance, public use, and accessibility, are not met.

2. The document should clearly indicate that the leased area is to be operated by the lessee for public outdoor recreation purposes in compliance with provisions of the Land and Water Conservation Fund Act and implementing guidelines.

3. The document should require that the area be identified as being publicly owned and
operated as a public outdoor recreation facility in all signs, literature, and advertising and the lessee be identified as such so the public will not be misled into believing the area is private. Signs should also be posted identifying the facility as open to the public.

4. The document should require that all fees charged by the lessee to the public be competitive with similar private facilities.

5. The lessee must include requirements that the lessee comply with Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act in providing equal opportunity for public use of the park facility and in the lessee’s employment practices. The site must also be maintained to be accessible to persons with disabilities under the Architectural Barriers Act and the Americans with Disabilities Act.

6. The lease term must be for a limited number of years and may not be automatically renewable, since the permanent transfer of property rights is not allowed under the LWCF program.

Conversions of Use

As previously stated, property acquired or developed with assistance from the Land and Water Conservation Fund may not be converted to a non–outdoor recreation use. Section 6(f)(3) of the Land and Water Conservation Fund Act specifically prohibits such conversions without the prior approval of the U.S. Department of the Interior. Typical types of conversions are:

1. Property interests are conveyed by the project sponsor to another party for full or partial control of the land, which would result in uses other than public outdoor recreation as approved by NPS. This includes granting any control of the land, such as through easements, rights–of–way, and leases, for the construction and maintenance of a utility line, pipeline, irrigation ditch, road, or similar facility. It applies to above and below ground impacts.

2. Non–outdoor recreation uses (public or private) are made of the project area, or a portion thereof. This could include the construction of structures or facilities by the project sponsor or others which would not be compatible with the existing outdoor recreation uses, such as fire stations, civic centers, libraries, schools, and communication towers.

A possible exception could occur if the project sponsor, without relinquishing any control over the area, would allow another party to construct an underground utility or similar development. This would apply if the construction would not impair the present and future recreational use of the property and the surface area would be restored to allow for outdoor recreational use. A temporary construction permit must be prepared and no permanent transfer of property rights may occur.

3. Ineligible indoor recreation facilities are developed within the project area. This might occur if a facility such as a community center or indoor tennis center were built on a project site without prior federal approval. Generally, if the park site is large and sufficient outdoor recreation space will remain indoor recreation facilities may be allowed. On small sites, however, where an indoor facility would dominate the space and restrict the usability of the park for outdoor activities, such proposals will not be considered.
4. Public outdoor recreation use of property acquired or developed with LWCF assistance is terminated. This might occur, for example, if the park or facility were closed, which could be for a variety of reasons. Included would be title to the land reverting to a previous owner due to reversionary clauses in the deed or another party exercising outstanding rights which disrupt park use, which might happen with mineral extraction.

The above actions are not all–inclusive and other kinds of actions could result in a Section 6(f) conflict. The authority to make a final determination as to whether a potential section 6(f) conflict exists rests with the National Park Service.

In certain situations a conversion cannot be avoided and the approval of NPS must be sought. Land that is converted must be replaced with land of equal value, usefulness, and location. Repayment of the amount of Land and Water Conservation Fund assistance in lieu of replacement property will not be allowed, nor will construction of replacement facilities.

**Conversion Prerequisites**

Conversion requests will be considered by the IDNR only if the following prerequisites have been met by the park board:

1. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.

2. Replacement property of equivalent value, usefulness, and location is available. The land must constitute or be part of a viable outdoor recreation area, and meet the acquisition criteria in Chapter Five. Depending upon the situation, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. It must, however, be administered by the same park board as the converted property. If LWCF funds were provided for acquisition of the original project site, the replacement property must usually be acquired from private ownership. Public land may not be used for substitution on acquisition projects unless it meets the criteria in Chapter Five, for land acquired from other public agencies. This ensures that the public recreation estate is increased as it was under the grant. This condition holds if the first acquisition was by purchase or donation.

In the case where federal LWCF assistance was provided only for the development of facilities, the replacement land may either be acquired from the private sector or be non-recreation land in other public ownership under the Chapter Five criteria, even if the other public land is transferred without cost. If the conversion is approved, the replacement land will be placed under LWCF 6(f) protection for permanent outdoor recreation use.

3. The fair market value of both the converted land and the replacement property must be established in appraisals prepared according to the appraisal criteria in Chapter 5.

Property improvements must be excluded from all fair market value considerations for replacement property. Exceptions are allowable only in those cases where replacement property contains improvements which directly enhance its outdoor recreation utility. The appraisals must be approved by the Department of Natural Resources and National Park Service.
4. An Environmental Assessment must be prepared according to the format in the Appendix for both the conversion land and the replacement site. Public notification and opportunity for comment at a public meeting are a part of the assessment process, as is archaeological clearance.

5. The proposed replacement property must be in accord with the state comprehensive outdoor recreation plan.

6. Coordination with other federal agencies, including environmental and wetland reviews, must be completed prior to submittal of the proposal to the IDNR.

7. The replacement land must be acquired in accord with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.), as explained in Chapter Five. The replacement site may not be acquired nor the original project area be converted to another use until after the IDNR and National Park Service have approved the conversion.

Conversion Proposals

The request for a conversion is submitted to the Division of Outdoor Recreation. The proposal must include:

1. A narrative explanation of the proposed conversion, alternatives considered and reasons why they were rejected.

2. Two appraisals, one for the area to be converted and one for the replacement property.

3. Location and site maps for both sites.

4. An Environmental Assessment addressing the replacement site, including documentation of public input and archaeological clearance.

5. Photographs of the two areas.

6. An explanation of coordination with other governmental units, especially federal agencies.

When the grants staff receives a conversion request, the proposal is reviewed and a field inspection made of the two sites. If the state staff concurs with the local proposal, the request will be forwarded to the National Park Service for approval.
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Overhead Wire and Environmental Intrusion Requirements

The following policy has been developed to provide quality outdoor recreation opportunities through the Land and Water Conservation Fund Program. While the scope of environmental intrusions is quite broad, overhead utility lines are the most frequent problem.

Overhead utility lines are a major detraction from the natural quality of many outdoor recreation areas and must be eliminated where possible. Project sponsors are expected to 1) take all reasonable steps to ensure the burial, screening, or relocation of existing overhead lines at development or acquisition projects where such lines intrude upon the site's character, and 2) ensure that all new electric wires under 15 KV, and telephone wires are placed underground.

The federal policy with respect to overhead wires is as follows:

1. In a grant application, all existing utility lines on or adjacent to the project site must be fully described, preferably including photos. The proposal must clearly state what action will be taken to bury, remove, reroute, screen or otherwise remedy the intrusions. If removal, burying or rerouting is not feasible, an explanation is necessary. The possibility of relocating the project to an alternate site may also be considered.

2. All Fund assisted utility installations must be placed underground unless it can be demonstrated to be technically or economically infeasible. This may result in increased cost in providing utilities at Fund assisted areas, but these costs are eligible for Fund Assistance.

3. Future utilities, installed in parks which previously received LWCF assistance, must also be placed underground unless burial is technically or economically feasible.

Other environmental intrusions should also be carefully documented and their treatment should be given the same consideration. In addition, the following guidelines should be followed closely in developing the project.

1. Existing High Voltage Wires (60 KV and above). Since in most cases burial or relocation would be excessively costly or technically infeasible, project with existing high voltage wires will be judged on an individual basis. The overall advantages and desirability of the project will be weighed against the disadvantages caused by the wires. The rationale of the final decision will be documented.

2. Proposed High Voltage Wires. On any area which has been assisted by a Land and Water conservation Fund grant, the intrusion or crossing by high voltage wires will not be permitted under the provision of the Land and Water Conservation Fund Act without prior approval of the National Park Service.

3. Existing Low Voltage electric (under 60 KV) and Telephone Wires. Before a project
is approved, the possibility and feasibility of burying, screening and relocating overhead low voltage or telephone wires will be carefully explored and documented. In general, it is entirely practical to bury lines of less than 15 kilovolts. It may or may not be feasible to bury those between 15 and 60 KV. These need to be considered on an individual basis. Every effort will be made to eliminate such overhead wires. If the decision is made to approve the project, leaving the wires exposed, the record must include the justification.

4. Proposed Low Voltage Electric and Telephone Wires. When low voltage electric and telephone lines are to be installed as part of the LWCF assisted project, they are to be buried. Those under 15 KV will be buried; those between 15 and 60 KV will be buried or screened depending on the circumstances. Since, in most cases, this is no more or only slightly more expensive and almost always improves the quality of the project, exceptions to this policy are to be made only on an individual project basis and only when there is the strongest justification for making an exception. The record will include this justification.

Grant proposals will not be approved if mass recreation use (swimming, picnicking, spectators, etc.) is contemplated or proposed beneath overhead utility wires.
<table>
<thead>
<tr>
<th>APPLICANTS GRANT INFORMATION</th>
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<tbody>
<tr>
<td>Type of grant (please check one)</td>
</tr>
<tr>
<td>- Land and Water Conservation Fund (LWCF)</td>
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<tr>
<td>- Wabash River Heritage Corridor Fund (WRHCF)</td>
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<td>- Hometown Indiana (HI)</td>
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<td>- Recreational Trails Program (RTP)</td>
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<td>- Shooting Range (SR)</td>
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<td>- Other:</td>
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<tr>
<td>Name of organization</td>
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<tr>
<td>Name of contact person</td>
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<tr>
<td>Address (number and street, city, state, and ZIP code)</td>
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<tr>
<td>Telephone number</td>
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<tr>
<td>Name and brief description of project:</td>
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<th>COST CLASSIFICATION</th>
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<tbody>
<tr>
<td>1. Preliminary expenses</td>
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<td>2. Land, structures, and rights-of-way</td>
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<td>3. Architectural and engineering basic fees</td>
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<td>4. Relocation expenses</td>
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<td>5. Construction and equipment</td>
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<td>6. TOTAL (lines 1 through 5)</td>
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<td>7. Less program income</td>
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<tr>
<td>8. Net project amount (line 6 minus line 7)</td>
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<td>9. Add contingencies (not to exceed 10%)</td>
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<td>10. TOTAL PROJECT AMOUNT</td>
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<td>11. Grant Request in line 10</td>
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<td>12. Applicant’s share of line 10</td>
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<tr>
<th>METHOD OF FINANCING APPLICANT’S SHARE</th>
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<tr>
<td>1. Appropriations (by applicant)</td>
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<td>2. Bonds</td>
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<td>3. Tax levies</td>
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<tr>
<td>4. Donations</td>
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<tr>
<td>a. Land</td>
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<td>b. Cash</td>
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<td>c. Labor</td>
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<tr>
<td>d. Equipment</td>
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<td>e. Materials</td>
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<td>5. Federal source (specify below)</td>
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<tr>
<td>6. Force account (specify below)</td>
</tr>
<tr>
<td>7. Other (specify below)</td>
</tr>
<tr>
<td>8. TOTAL APPLICANT’S SHARE</td>
</tr>
</tbody>
</table>

Remarks:

To the best of my knowledge, information in this application is true and correct, the grant application has been duly authorized by the applicant and it will comply with all conditions of the program if funding is approved.

Signature | Date (month, day, year)

Printed name | Title

Interactive version online at [https://forms.in.gov/Download.aspx?id=10697](https://forms.in.gov/Download.aspx?id=10697)
LWCF Grant Application Form Instructions

BUDGET INFORMATION

1. Preliminary Expenses
   Enter any costs incurred prior to grant award and/or submittal (pre-agreement costs). Eligible types of costs include archaeological fees, architectural/engineering preliminary design services, and grant application preparation services. Other costs are not eligible.

2. Land, Structures, and Rights-of-way
   State the value of all land and rights to land which will be acquired in the project, whether by negotiated purchase, condemnation, donation, or bargain sale.

3. Architectural and Engineering Basic Services
   Specify the anticipated costs for architectural/engineering design services, including project plan and specification preparation, project inspection fees, and any other necessary professional services.

4. Relocation Expenses
   Enter anticipated costs for providing relocation assistance to affected (displaced) individuals, groups, or businesses.

5. Construction and Equipment
   State the projected costs for all construction, materials, and labor costs which will be incurred in this project.

6. Total
   Add lines 1 through 5. This amount will equal the total cost for acquisition and development.

7. Program Income
   Enter the amount of income which will be generated by timber sales, cash cropping, or other revenue which will be generated by the site during the LWCF project. This must be reduced from the total on line 6.

8. Net Project Amount
   Subtract line 7 from line 6 and enter the result here.

9. Contingencies
   DO NOT enter any contingencies here; please incorporate them into the other costs.

10. Total Project Amount
    Add line 8 amount here. This figure must match the total project cost which is on the Cost Breakdown.

11. Grant Request
    State the amount of LWCF assistance which will be requested for this project. This usually will be 50% of line 10. It may not exceed the grant application limit established by the DNR Director.

12. Method of Financing Applicant’s Share
    Identify the amount and source(s) of the park board's share (usually 50%). The total must equal the amount specified in the evidence of local share item on the application checklist. Explain details of the costs in the remarks section.
Sample Application Form

GRANT APPLICATION

Applicants' Grant Information

<table>
<thead>
<tr>
<th>Type of Grant (please check one)</th>
<th>Recreational Trails Program (RTP)</th>
<th>Shooting Range (SR)</th>
<th>Other:</th>
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<tbody>
<tr>
<td>☐ Land and Water Conservation Fund (LWCF)</td>
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<tr>
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<td>☐</td>
</tr>
</tbody>
</table>

Name of Organization

County Park and Recreation Board

Name of Contact Person

Jaine Smith, President

Address (number and street, city, state, and ZIP code)

3333 north lane, Smallville, IN 46222

Telephone number

(317) 333-444

Fax number

(317) 334-8855

E-mail address

jamith@smallville.in.gov

Name and Brief Description of Project:

John Sweeney Park - Acquire 100 acres by donation and develop trails, picnic shelter, parking, natural area and fishing pier with architectural and engineering fees.

Cost Classification

| 1. Preliminary expenses | $1,000 |
| 2. Land, structures, and rights-of-way | $200,000 |
| 3. Architectural and engineering basic fees | $15,000 |
| 4. Relocation expenses | $0 |
| 5. Construction and equipment | $184,000 |
| 6. TOTAL (lines 1 through 5) | $400,000 |
| 7. Less program income | $0 |
| 8. Net project amount (line 6 minus line 7) | $400,000 |
| 9. Add contingencies (not to exceed 10%) | $0 |
| 10. TOTAL PROJECT AMOUNT | $400,000 |
| 11. Grant Request in line 10 | $200,000 |
| 12. Applicant's share of line 10 | $200,000 |

Method of Financing Applicant's Share

| 1. Appropriations (by applicant) | $ |
| 2. Bonds | $ |
| 3. Tax levies | $ |
| 4. Donations | $ |
| a. Land | $200,000 |
| b. Cash | $ |
| c. Labor | $ |
| d. Equipment | $ |
| e. Materials | $ |
| 5. Federal source (specify below) | $ |
| 6. Force account (specify below) | $ |
| 7. Other (specify below) | $ |
| 8. TOTAL APPLICANT'S SHARE | $200,000 |

Remarks:

Donated land value = 100 acres at $2,000 an acre

To the best of my knowledge, information in this application is true and correct, the grant application has been duly authorized by the applicant and it will comply with all conditions of the program if funding is approved.

Signature

Jane Smith

Date/month, day, year

May 22, 2016

Printed name

Jane Smith

Title

President of Park Board
Environmental Assessment (EA)

The Environmental Assessment (EA) is to be written as a narrative, descriptive statement. Each of the sections is to be identified by title with the narrative included under each section. The outline of suggested elements to include in each section is provided for your use. Do not reference an item by its letter in the narrative. For example, do not reference a code number such as “Item I. A. 1. $50,000” but rather describe the proposal in several sentences. Persons reading the document will not have the outline to which to refer for coded statements.

I. THE PROPOSED ACTION

The first section includes a description of the proposed project and the surrounding environment.

A. Description of the Project

1. Project Proposal What is the purpose of the project? When will the project begin and end? What is the size of the project? How many acres will be acquired and/or how many phases of development are anticipated? Where is the project located? Submit a map showing the project boundaries (see Base Map requirements in Appendix). Submit well-labeled photos (where at, facing what direction) of the site. What is the project cost?

2. Project Type Describe in more detail the scope of the project being submitted. For acquisition projects, include the number of tracts; for development projects, list the method for development (contract, force account, volunteer labor) and list the facilities to be constructed. Describe in detail any secondary development which will occur (i.e. sewer lines, utilities, access roads). Describe all earth-moving activities, draining, paving, filling, vegetative clearing, and/or dredging. Elaborate on any aspect affecting surface water or drainage of the project.

3. Local Needs Indicate the types of park users to be served, such as youngsters, families, senior citizens, or persons with a disability. Describe how this project meets local needs identified in the local Park and Recreation Master Plan. Reference other state, local, or regional plans in which the project is identified. Site page numbers of the plans referenced.

4. Funding Explain any previous actions or proposed actions for which other federal funding has been used or is anticipated to be used. If non-federal funds will be used, indicate the source of the local share of the project cost.

B. Description of the Environment

1. Physical Conditions Describe the site. Information which can be included in the description follows:

   a. Soil conditions which might affect the site’s use such as its stability, permeability or compatibility.

   b. Presence of water such as streams, wetlands, lakes, ponds, or floodplain lands. Is the project
located in a segment of a designated State Natural, Scenic or Recreational River? Any wetlands or areas within the 100 year floodplain must be delineated on a site map. Data on floodplains may be obtained from Flood Information Maps currently produced by the Federal Emergency Management Agency. Some early maps were produced by the Department of Housing and Urban Development. The maps have been distributed to many local planning commissions, city engineers, county surveyors, libraries, and consultants. The information may also be obtained by sending location and site maps with a request for the site’s flooding history and predictions to:

IDNR, Division of Water
402 W. Washington Street
Indianapolis, IN 46204
317-232-4160

c. Vegetation on the site: ground cover, shrubs, flowers, trees, agricultural crops, open grassland.

d. Fish and wildlife species, particularly if the site is a habitat or breeding area.

NOTE: Consulting with a local college or university biology department, SWCD or local Purdue Extension Office might be helpful in answering letters (c) and (d).

e. Special features such as location within a school park complex, reclamation area, landfill, nature preserve, unique geological area, mineral resources.

f. Man-made development such as houses, building, roads, levees, dams, utility systems, overhead transmission lines.

g. Other factors contributing to the uniqueness of the site including topography, current land use or zoning and access. Describe in detail any ecologically sensitive areas such as riparian areas, wetlands, or forests.

2. Social and Economic Conditions Describe the area surrounding the site as it relates to the project. Describe any economic conditions affected by the project.

a. Surrounding land use (residential, commercial, farmland, etc.) and anticipated changes in this use caused by the park development.

b. Number of people and families, farms, or businesses on the site to be relocated and number of people living in the surrounding area.

c. Racial or ethnic groups and low-income or economically-depressed areas to be served.

d. Availability of and competition with other private or quasi-public outdoor recreation facilities in the area.

e. Employment opportunities caused by the project.

f. For land acquisition, the amount of taxes to be lost compared to the tax base.

g. Any management agreements with local groups to operate or maintain the park.
3. **Archaeological, Architectural and Historical Conditions**

a. Archaeology – Mounds, cultural remains, artifacts, fossils of prehistoric animals or plants, prehistoric dwellings or villages.

b. Architecture – Styles, buildings, districts or towns of architectural importance.

c. History – People, events, battles, structures, roads, museums, cemeteries, churches, districts or towns of historical importance. Indicate if the project site or any structure on or adjacent to the site is listed in the Indiana Historical Preservation Program and Survey or on the *National Register of Historic Places*.

**II. ALTERNATIVES TO THE PROPOSED ACTION**

This section should explain the reasonable alternatives to the proposed action described in Section I. This explanation should center upon the possible alternatives which were actually examined during the planning process, especially in the early stages. Both the beneficial and adverse environmental impacts of each alternative are to be discussed in sufficient detail to allow a realization of the long-range impacts of the alternatives. The basis for rejection of each alternative should also be discussed. Alternatives could include the following:

- No action (must be included in every assessment)
- Postponing the action, pending further study
- Same development on another site
- Other development on the same site
- Different location of facilities on the site
- Other methods of constructing facilities to serve the same purpose
- Acquiring a different site
- Leasing the land instead of acquiring it
- Increase or decrease in the scope of the project

**III. ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION**

This section will be an objective discussion of the environmental impacts of the proposed action, including further related actions, if any, which are contemplated.

“Impacts” are defined as direct or indirect changes in the existing environment, whether beneficial or adverse. To the extent that it applies, the discussion will include impacts of the action, including environmental damage which could be caused by park users upon economic, cultural, aesthetic, and social conditions as well as upon the physical and biological environment.

Elements on which impacts are unknown or only partially understood should be indicated. Any off-site impacts, such as increased traffic on neighborhood roads or an increase in noise levels to surrounding area, should be described.

All impacts will be discussed in this section. This will specifically include a discussion of each adverse impact and how it will be mitigated. If the impact will not be able to be mitigated, the reason must be included.
As an example, a project might include the acquisition of a parcel of farmland from which a family must be relocated. The project might also consist of the development of the site for a trail system including underground electrical, sewer and water systems; modern comfort stations and pit toilets; roads, parking lots and parking spurs; picnic tables, grills and trash cans; signs and trail markers; conversion of the existing house to a combination comfort/control station; and site improvement, seeding and landscaping.

The site preparation and construction will affect the physical conditions of the site. Grading and leveling will loosen the soil and make it more vulnerable to erosion. This process will also alter the topography of the site. Vegetative cover will quite likely be removed, possibly reducing wildlife habitat. Rain water drainage patterns may be moved to a new location due to site preparation. Obviously, the number and types of man-made developments on the site will be changed. The construction of this public outdoor recreation facility will also allow for the introduction of many motor vehicles in the area, which will increase the noise and pollution levels, use of and additional wear on existing local roadways.

Relocation of the family to a new area will change the social conditions of the site and the surrounding area. The provision of the camping and picnicking facilities will increase the opportunity for social interaction of people in the recreational setting.

Transferring the land from private to public ownership will have an impact on the economic conditions because land will be removed from the tax rolls. Zoning of the land may change from agriculture to recreation. Additional employment opportunities may become available as a result of the operation and maintenance of the campground.

These environmental effects should be discussed objectively and, if possible, quantitatively. For instance, each project will probably improve the social conditions of the site and surrounding area by upgrading the public outdoor recreation opportunities available on the site. Such recreation impacts should be stated in terms of recreation area served, activity occasions provided, expected peak day use, and other applicable units of measurement that quantify the impact of the proposed action.

Indirect changes, as well as partially understood effects, should be indicated. For example, the development of a new golf course will have some impact upon the traffic load on the roads surrounding the recreational area. The increased load and the type of vehicles should be estimated as nearly as possible. The National Park Service requires that environmental impacts be considered for the following elements.

1. Land use (project site and surrounding area) Will the project increase noise or traffic into the area that will adversely affect the surrounding residences or businesses? Will current land uses around the park change?

If the proposed project involves the acquisition and/or development of land that will be taken out of agricultural production, this issue must be discussed. The county Soil Conservation Service (SCS) office is to be contacted for a determination on the status of the site as “prime farmland”. The SCS agent will visit the site and prepare a letter indicating what percentage of the site, if any, is prime farmland.
If the project does contain “prime farmland”, the impact of the removal of this land from agricultural production must be discussed in the environmental impact section. The amount of farmland available in the county is the key factor in determining the impact.

If this section does not apply to the proposed project, a statement verifying no effect on agriculture is still to be included in Section III of the Environmental Analysis.

2. Fish, wildlife, and vegetation The Endangered Species Act requires all applicants seeking federal funds to consider the impact of the project on any plant or animal endangered species. This section must be addressed in all environmental documents.

A list of endangered species is available from the Division of Nature Preserves (see next document in the Appendix). The project sponsor should have a qualified person look at the site if it contains areas of undisturbed vegetation or habitat. A local naturalist, fish and wildlife biologist or other person knowledgeable about plants and animals in the area can be used to conduct a preliminary analysis. The analysis submitted should document the efforts to determine the presence of any endangered species on the site.

If there are no known endangered plants or animals, a statement to this effect is to be made. Assurances are to be given that any future development on the site will be stopped if it appears an endangered species may be affected by the action.

Other fish, wildlife, and vegetation not listed on the endangered species list may be adversely affected by the project. The loss of any habitat or breeding area should be discussed.

3. Floodplains and wetlands Direct and indirect impacts on floodplains and wetlands are to be considered. Any measures taken to minimize flood damage to property or harm to lives should be discussed. The project may be a valuable asset to the area, protecting it from other negative uses. These positive impacts can also be included. Assurances should be given that appropriate Army Corps of Engineers review and permits for construction in the floodway by the Indiana Natural Resources Commission will be obtained.

4. Geology, soils, and mineral resources Loss or preservation of unique geological formations and the effect of construction on soil conditions should be discussed. The potential or lack of potential extraction of fuel or mineral resources is also to be included.

5. Air and water quality and resources Construction may involve a temporary decrease in air or water quality. The construction of a permanent water impoundment will obviously alter current conditions. Any construction in the floodplain should be noted and these impacts evaluated.

6. Historic/archaeological resources If there are known historic, archaeological or architectural resources, impacts on the construction need to be discussed. If none exist, a statement should be made to that effect.

7. Transportation/access/utilities Development of a park may place a strain on existing roads or utility systems. Transportation patterns may also be affected.

8. Consumption of energy resources Is the project and its development energy efficient? Do roads provide adequate access to facilities, but do not encourage needless driving? Are facilities
designed to be energy efficient? Have alternative sources of energy been explored such as using solar energy to heat water for restrooms or a bathhouse?

9. Accessibility for People with Disabilities Has the project been designed to allow maximum use by persons with disabilities? Discuss design adaptations which are going to be made.

10. Future operation and maintenance Will new staff have to be hired or new maintenance equipment purchased? Do any of the facilities require special order or costly supplies? How vandal-proof are the facilities? Project sponsor must be realistic about the additional costs which are going to be needed for operation and maintenance. New parks and facilities cannot be operated for free.

IV. INDIVIDUALS AND AGENCIES WHICH REVIEWED THE PROJECT

The final section should list the individuals and agencies which were consulted during the formation of the proposal and the environmental impact assessment. Below is a list of possible reviewers.

City or county council

Planning Agencies

Neighborhood associations

Regional or state clearinghouses

Department of Natural Resources

Soil Conservation Service

State Board of Health

Administrative Building Council

This section should briefly summarize public meetings held in conjunction with the proposal and the assessment. In particular, reference studies or coordination efforts between agencies that contributed to the project.

Public notification of the preparation of any type of environmental assessment is required by Federal Regulation 40 CFR 1506.6. For most small projects, this type of notification can be done at the public meetings held in conjunction with the application process. Comments received can be included with this document or summarized as part of the public participation element section of the Program Narrative. For larger projects, the project sponsor would obtain a copy of the regulation from the Division of Outdoor Recreation. For projects involving floodplains and wetlands, the public meetings and notices of the meetings need to specifically indicate that the project is proposed for a floodplain or wetland.
Environmental Impact Statements

The majority of projects will need to complete only the Environmental Assessment. Some projects which involve major acquisitions or large developments may be required to submit a detailed Environmental Impact Statement. This statement will not generally need to be completed until after it is determined whether federal funds will be available for the project.

Projects which may need an Environmental Impact Statement could include acquisition or development under the following conditions:

1. Marshes, wetlands, unique animal or plant ecosystems, lakes, streams, or marine areas are affected significantly.

2. The acquisition of land would involve a major relocation of households and/or businesses.

3. The acquisition of significant amounts of land which would foreclose other beneficial or unique uses of land; such as “prime” agricultural land, valuable timber lands, strategic or critical mineral, water or transportation facilities.

4. The development of the project land for outdoor recreation would significantly change the use patterns of the area surrounding the LWCF assisted facility.

5. An archaeological or historical site on or eligible for nomination to the National Register of Historical Places would be adversely affected by the acquisition and or development project.

6. Highly controversial issues over the environmental effects of the project exist are expected.

7. The land being acquired, developed, or affected by the project contains threatened or endangered species of flora or fauna, rare minerals or a unique geologic formation.

The Division of Outdoor Recreation will supply the project sponsor with an outline for preparing an Environmental Impact Statement. Project sponsors who feel their projects might fit any of the above criteria should contact a grants coordinator in the Division of Outdoor Recreation prior to submitting an application.

A project which potentially involves significant environmental impacts would require a complete Environmental Impact Statement. The statement is reviewed by a variety of federal agencies prior to an approval or disapproval being given to the project.
Federal Marina Policy

Marinas which are acquired or developed with Land and Water conservation fund grants are subject to the following conditions:

1. An equitable method of allocating berth space shall be used in all marinas. Allocation methods shall include:
   a. Annual or multi-year lotteries, or
   b. Posted waiting lists where berth space is filled in the order of receipt of applications, or
   c. Another method selected by the applicant that responds to local conditions and equitably allocates space among all parties

   In each instance, adequate public notice shall be provided announcing the availability of berth space and describing application procedures. The project sponsor shall determine the most equitable method under which lease holders may compete for future berth space vacancies. The Program Narrative in the grant applications shall describe the allocation system to be used.

2. Commercial charter fishing or sightseeing boats are permissible marina lease holders due to their potential for expanding public waterfront access; however, it is not intended that these users occupy a significant number of marina berths. Project sponsors should establish reasonable limits on the number of berth spaces provided for such users.

New Marinas receiving LWCF assistance shall also be subject to the following provisions:

3. Berth lease terms shall not be transferable to any other party.

4. Berth space for transient boaters shall be provided.

5. Marinas located in urban areas shall include specific design provisions for non-boater public access. Such access, which expands water-based recreation opportunities, may be met by providing walkways, observation points, fishing piers and/or related facilities. Limited access to the actual marina berths may be retained.
Assurance of Compliance
Civil Rights Act of 1964, Title VI
Rehabilitation Act of 1973
Age Discrimination Act of 1975

The ____________________________________________________________
(Name of park and recreation board, hereinafter referred to as "Applicant-Recipient")

HEREBY AGREES THAT IT will comply with the Title VI of the civil rights Act of 1964 (P.L. 88-352) and that all requirements imposed by or pursuant to the Department of the Interior Regulation (43 CFR 17) issued pursuant to that title, to the end that, in accordance with title VI of that Act and the Regulation, no person in the United State shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant-recipient receives financial assistance from the National Park Service and hereby gives assurance that it will immediately take any measure to effectuate this agreement.

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

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Applicant-Recipient by the bureau or office, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Applicant-Recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall reserve the right to seek judicial enforcement of this Assurance. This assurance is binding on the Applicant-Recipient, its successor, transferees, and assignees, and the person or persons whose signature appears below are authorized to sign this assurance on behalf of the Applicant-Recipient.

THE APPLICANT-RECIPIENT ALSO AGREES to comply with the Rehabilitation Act of 1973 and the Age discrimination Act of 1975 and all requirements imposed by or pursuant to the Department of the Interior Regulation (43 CER 17) issued pursuant to these titles, to the end that, no person in the United States shall, on the grounds of age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant-Recipient receives financial assistance
from the national Park Service and hereby gives assurance that is will immediately take any measures to effectuate this agreement.

_______________________________________      Signed ______________________________
Name of Park Board                         Park Board President

_______________________________________      Attest ______________________________
Park Board's Address                       Park Board Secretary

______________________________________
Date

______________________________________
City, State, Zip
Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion

Lower Tier Covered Transactions

1. By signing this proposal, Applicant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the Applicant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Natural Resources (DNR) may pursue available remedies, including suspension and/or debarment.

3. The Applicant shall provide immediate written notice to its assigned IDNR grants coordinator if at any time the Applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “ and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.

5. The Applicant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the IDNR or National Park Service.

6. The Applicant further agrees by submitting this proposal that it will include this clause entitled “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transaction,” without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. The Applicant may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. An Applicant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to check the Non-procurement List on file with the IDNR’s; Division of Outdoor Recreation grants staff.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 9. Except for transactions authorized under paragraph 5 above, if an Applicant knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the IDNR may pursue available remedies, including suspension and/or debarment.
I. The ________________________________ (Applicant) certifies, by submission of this proposal, that neither It nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

II. If the Applicant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

________________________________________________________________________
(Signature) (Date)

________________________________________________________________________
(Typed Name and Title of Authorized Representative)

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 49 CFR Part 12, Section 12.510, Participants’ responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). To obtain a copy of the regulations, contact:

U.S Dept. of the Interior
Acquisition and Assistance Division
Office of Acquisition and Property Management
18th and C Streets, N. W. Washington, D.C. 20240
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<th>NAME OF PROGRAM (Check one)</th>
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<td>☐ Recreational Trails Program (RTP)</td>
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1. Name of project | 2. Project number

3. Name of applicant | 4. Telephone number | 5. Type of request (check one)

6. Billing number | 7. Period covered (From: To:)

8. Page number of


14. Amount eligible for reimbursement

$ __________________________ x ____________% =

15. Amount requested

I certify that, to the best of my knowledge and belief, the above costs are in compliance with the terms of the project and that the reimbursement request represents the Federal share due, which has not been previously reimbursed, and that all work meets the terms of the grant.

16. Signature of agency president or designee / grantee

17. Date (month, day, year)
LWCF Billing Form Instructions

One copy of the LWCF Billing Form must be completed in order to request reimbursement. Instructions for the completion of the form are as follows:

5. Check “partial” unless this is the final close–out billing.
6. Note if this is the first, second, third, etc. billing submittal for reimbursement.
7. Indicate the period that is covered by the work incurred for this billing. For example: From May 16, 1992 to August 4, 1992.
8. If more than one billing form is used, mark each consecutively and note the total number of pages. For example: Page 3 of 5.
9. Indicate the name of the vendor, individual, or contractor to whom payment was made. In the case of donations, identify the donor.
10. Provide the number from the check that was used to pay the vendor in column #9. You can enter multiple check numbers here for the same vendor to keep it all on one line and reduce form use. In case of donations, indicate by the word “donation.”
11. Fill in the total dollar amount as written on the check(s) or the full value of the donation.
12. Indicate the amount of the figure in column #11 that is eligible for reimbursement. This amount is usually the same as that in column #11 except when several items, eligible and ineligible, have been included on the same check. For example: If twenty poles were purchased to light a ballfield, but only seven were used at the LWCF project site, then the price of seven lights should be indicated in column 12.
13. Describe exactly what was purchased for each reimbursable item. Identify the facility so that the grants coordinator can determine the eligibility of the item. For example: Seven poles for lighting the new ballfield.
14. Add all of the figures in column 12 and indicate the sum here. Include the reimbursement percentage (50% usually or 100% if full match is being submitted with the first billing).
15. For 50% reimbursement divide the dollar amount in item #14 by 2; for 100% reimbursement it will be the same amount. Input that amount here (this will be the amount of the reimbursement check for this billing).
16. The park board president or person responsible for project administration must certify to the accuracy of the reimbursement request.
17. Fill in the current date.
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I certify, under penalty of perjury, that the above time record is correct, fair, and based upon work performed and actual payment.

Signature of employee
Date (month, day, year)

Signature of supervisor
Date (month, day, year)
Force Account Labor Form Instructions

The Force Account Labor Form documents the labor costs of park employees who worked on a Land and Water Conservation Fund project. To justify these expenses, the Force Account Labor Form must be submitted along with copies of payroll.

Column headings are self–explanatory. The employee’s entire day must be documented. If the employee spent half a day on the project site, an entry must be made for the remainder of the day.

Overtime pay is not normally eligible unless a written justification accompanies the force account sheet. The justification should explain the circumstances surrounding the additional time needed to complete the work. Overtime reimbursement will be considered only when an employee is working full–time for a period of several days or weeks at the project site. A rule to remember is that salaries and wages for persons working on LWCF–assisted projects shall not exceed wage rate for similar persons working on similar jobs.
INSTRUCTIONS:
1. Use this form to document labor costs of volunteer workers who worked on the grant project; to justify their donated time, submit this completed form with the billing.
2. Complete one form for each person, listing the date(s), hour(s), wage rate, and type of work completed on the project.
3. Both the donor and their supervisor (usually the park superintendent or board president) must sign this form.
4. Include a statement certifying the wage rate from the local fiscal officer, if not previously submitted.

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**TOTALS**

I certify, under penalty of perjury, that the above information is correct, fair, and accurate representation of the actual work performed.

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<table>
<thead>
<tr>
<th>Signature of supervisor</th>
<th>Date (month, day, year)</th>
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</table>
Donated Labor Form Instructions

This form is used to document labor costs of volunteer workers who worked on the Land and Water Conservation Fund project. To justify their donated time, the completed form must be submitted with the billing.

One form must be completed for each person, listing the date(s), hour(s), wage rate, and type of work completed on the project. The form must be signed by the donor and their supervisor (usually the applying Agency's president).

If a Volunteer is employed in a skilled trade and they were providing that skill for the project, then their time may be valued at their normal rate. A statement of their hourly wage on company letterhead must be provided.

The value of donated or volunteer services is $10 for unskilled general labor and $20 (with documentation) for supervisory/skilled volunteer trail building personnel.
GRANT POST CONSTRUCTION CERTIFICATE
State Form 55082 (9-12)
DEPARTMENT OF NATURAL RESOURCES

INSTRUCTIONS:
This certificate must be submitted with the final billing. The form is signed by the applicant and the architect or engineer who supervised the construction. If the project did not involve a consulting architect or engineers, the town, city, or county engineer should inspect the project and sign the form.

AS-BUILT PLANS:
If deviations in design or site location were made from the plans previously submitted to the Division of Outdoor Recreation, "as-built" plans must accompany this form.
As-built plans must include:
   a) site plan showing the location of the project area and facilities;
   b) elevations and floor plans of structures.
Two copies of as-built plans are to be submitted. The project sponsor must record one set of plans which identifies the work done with federal funds at the site, at both the Town Hall and County Courthouse.

Check one:
☐ Attached are copies of as-built plans.     ☐ Plans did not change from those previously submitted and approved.

I hereby certify that construction of Project Number __________________________ has been completed in accordance with the original and revised plans and specifications on file with the Indiana Department of Natural Resources, Division of Outdoor Recreation. The plans and specifications are consistent with the scope of the project approved by the National Park Service and the Indiana Department of Natural Resources. The project has been constructed in accord with all applicable State and local building rules and regulations and is acceptable for public use.

Signature of president or designee / grantee

Date (month, day, year)

Signature of project engineer / architect

Date (month, day, year)

Certification number of stamp
Federal Protection for Outdoor Recreation

The property indicated on the project’s as-built plan was acquired and/or developed with a grant from the Federal Land and Water Conservation Fund (LWCF). This grant program is administered at the federal level by the National Park Service (NPS) in the U.S. Department of the Interior and at the State level by the Division of Outdoor Recreation in the Indiana Department of Natural Resources. Grants are made to local units of government, usually the park and recreation board, to acquire or develop local parks. The recipient agency is identified on the as-built plans.

*The Land and Water Conservation Fund Act of 1965* (Public Law 88-578; 78 Stat. 897) in Section 6(f)(3) states that property acquired or developed with LWCF assistance shall be retained and used for public outdoor recreation in perpetuity. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the Indiana Department of Natural Resources and the U.S. Department of the Interior. The Department of the Interior has the ultimate authority to disapprove conversion requests and/or reject proposed property substitutions.

Conversions generally occur in the following situations:

1. Property interests are conveyed for non-public outdoor recreation uses.
2. Non-outdoor recreation uses (public or private) are made of the project area or a portion thereof.
3. Indoor recreation facilities, which are not support facilities for outdoor recreation, are developed within the park.
4. Public outdoor recreation use of the property is terminated.

Examples of typical conversions are: new public thoroughfares, utility lines, indoor recreation facilities (community centers, swimming pools, ice rinks, etc.), other civic structures (fire stations, schools, libraries, fairgrounds, town halls, etc.), and the introduction of exclusive (nonpublic) uses.

If a conversion cannot be avoided, the local unit of government will be held responsible to see that real property of equivalent value, usefulness and location is provided to replace that converted at the LWCF park site as indicated on the 6(f)3 map and the deeds. Repayment of the grant funds or the provision of replacement facilities is not an acceptable form of mitigation.

LWCF regulations also specify that all future utilities constructed or renovated on the site must be installed underground, and the local project sponsor signed an agreement providing this assurance in the grant documentation. Disposition of any existing overhead lines was agreed to during the project, and may be noted on the attached plans and maps. Future utility lines not
serving the park will need approval prior to their construction.

For property owned by the local unit of government (the park and recreation board or other governmental unit) the provisions of Section 6(f)(3) of the LWCF Act apply in perpetuity, and thus continue with the land even after any LWCF assisted facilities have served their useful lives and been discontinued.

Proposed conversions must receive advance approval from the Indiana Department of Natural Resources and the U.S. Department of the Interior. Replacement property must receive federal approval prior to its acquisition. Conversion requests involve specific detailed documentation.

Below is language to include on property deeds that have been acquired or developed on with funding from the LWCF:

As stated in Section 6 of the Land and Water Conservation Fund Act (Public Law 88-578, as amended), property acquired or developed with Fund assistance shall be retained and used for public outdoor recreation in perpetuity. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the National Park Service. The approval must be granted prior to any action taken.

For further information please contact:

State and Community Outdoor Recreation Planning Section
Division of Outdoor Recreation
Indiana Department of Natural Resources
402 W. Washington Street, Room #271
Indianapolis, IN 46204
(317) 232-4075
FAX (317)233-4648

Midwest Region,
National Park Service
U.S. Department of the Interior 601 Riverfront Drive
Omaha, NE 68102
(402) 661-1736
FAX (402) 661-1565
# Sample Cost Breakdown

<table>
<thead>
<tr>
<th>City Park</th>
<th>Costs</th>
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</thead>
<tbody>
<tr>
<td>1. Acquisition of 20 acres</td>
<td>150,000.00</td>
</tr>
<tr>
<td>2. Pre-agreement Costs</td>
<td></td>
</tr>
<tr>
<td>Application prep</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>3. Architectural and engineering fees</td>
<td></td>
</tr>
<tr>
<td>NEPA compliance</td>
<td>1,500.00</td>
</tr>
<tr>
<td>SHPO Section 106 documentation</td>
<td>2,000.00</td>
</tr>
<tr>
<td>Site design</td>
<td>15,000.00</td>
</tr>
<tr>
<td>4. Construction of 1 mile X 10’ wide Trail</td>
<td></td>
</tr>
<tr>
<td>Grading</td>
<td>24,000.00</td>
</tr>
<tr>
<td>Asphalt surfacing</td>
<td>100,000.00</td>
</tr>
<tr>
<td>Sub-base (recycled concrete)</td>
<td>20,000.00</td>
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<tr>
<td>5. Restroom building</td>
<td></td>
</tr>
<tr>
<td>Construction materials and labor</td>
<td>75,000.00</td>
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<tr>
<td>Waterline installation and drinking fountain</td>
<td>7,000.00</td>
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<tr>
<td>Bury electrical lines</td>
<td>4,000.00</td>
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<tr>
<td>Solar lighting</td>
<td>5,000.00</td>
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<tr>
<td>5. Basketball Court</td>
<td></td>
</tr>
<tr>
<td>Asphalt court</td>
<td>30,000.00</td>
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<tr>
<td>Fencing and goals</td>
<td>17,000.00</td>
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<tr>
<td>Benches</td>
<td>2,000.00</td>
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<tr>
<td>6. Habitat Restoration, Native plantings, Wildlife plantings</td>
<td>15,500.00</td>
</tr>
<tr>
<td>7. Interpretive Signage</td>
<td>5,000.00</td>
</tr>
<tr>
<td>8. Group Shelter</td>
<td></td>
</tr>
<tr>
<td>Grading</td>
<td>5,000.00</td>
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<tr>
<td>Shelter kit</td>
<td>12,000.00</td>
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<tr>
<td>6 benches post-consumer recycled materials</td>
<td>5,000.00</td>
</tr>
<tr>
<td>4 picnic tables post-consumer recycled materials</td>
<td>3,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$500,000.00</strong></td>
</tr>
</tbody>
</table>
Information Needed to Conduct NEPA Coordination


Purpose: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

NEPA aims to foster excellent decision-making based on an understanding of potential environmental consequences, gather relevant information from a wide variety of sources, provide opportunities for public input, and allow public scrutiny of agency actions. The NEPA process is used to evaluate potential impacts of proposed actions specifically related to LWCF §6(f)(3) protected areas. NEPA is a required “process” to obtain the best information needed to make a good decision. NEPA is required for any project—federal, state, or local—that involves a federal action, including; federal funding, work performed by the federal government, or permits issued by a federal agency. **NEPA may not be required for certain projects in existing parks with no environmental impacts and that qualify for a CE.**

As soon as LWCF grantees receive State approval they should initiate the NEPA process. Most LWCF grant projects are considered small-scale and thus do not usually require the formal NEPA process that a complex, large-scale project would require. The information received from NEPA coordination must be incorporated into the Environmental Assessment by the grantee and provided to DNR Division of Outdoor Recreation for submittal to the NPS.

Several agencies must be coordinated with as part of the NEPA process. For LWCF projects these are typically:

- DNR (current/previous Early Coordination review or submit request to: environmentalreview@dnr.in.gov)
- U.S. Fish and Wildlife Service (coordinate with the local office for your area; if no response in 30 days then no impacts are expected)
- NRCS (Farmland review; submit USDA Form AD-1006 to NRCS)
- IDEM (request environmental review letter by filling out form for submittal at: http://www.in.gov/idem/5283.htm)
- USACE (only coordinate if impacts to waterways/permitting are expected): http://www.lrl.usace.army.mil/Missions/Regulatory/Contact.aspx

Information to provide when coordinating and not using a form includes: a formal letter containing information from the 106 Checklist below Step 1, Sections A-E, a location map with site boundaries, a site map (aerial with current features and planned features/development), and photos of the site (if available). Also, include any ecological/wetland/waters reports if they have been completed for the project area.

Each agency will coordinate with grantees on additional steps or items needed; if no action is needed or there are no issues some agencies will not respond. If no response is received within 30 days then you can assume there are no issues/impacts to the resource form your project. Ultimately, you will use any responses or “non-responses” to update the Environmental Assessment (EA). The updated EA and coordination documentation for each agency, including clarifications for “no response” must be submitted to the DNR Division of Outdoor Recreation for inclusion in the NPS application submittal.
Information Needed to Begin the Section 106 Review Process

A review process for actions proposed to taken by, funded, permitted, or licensed by a Federal agency is mandated by Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f) and is spelled out in regulations of the Advisory Council on Historic Preservation at 36 C.F.R. Part 800). To begin the Section 106 review process, an official of the Federal agency must establish whether there is an undertaking that has the potential to affect historic properties and, if so, identify properties (buildings, structures, objects, sites, or districts) that are either listed in the National Register of Historic Places or eligible for listing. Under many of the funding programs of the U.S. Department of Housing and Urban Development (“H.U.D.”), by Federal law a state or local government (often referred to as the “Responsible Entity”) has been delegated the environmental responsibilities that H.U.D. otherwise would have to fulfill. In such cases, the appropriate official of the Responsible Entity is the Federal agency official for Section 106 purposes. The Federal agency may authorize its applicant for funding or licensing or a consultant to begin the Section 106 process with the State Historic Preservation Officer (or “SHPO”), but formal findings and determinations must be made by the Federal agency.

The Section 106 process, as governed by 36 C.F.R. Part 800, typically has up to five steps:

- Step 1: Initiate the Section 106 process
- Step 2: Identify historic properties
- Step 3: Assess adverse effects
- Step 4: Resolve adverse effects
- Step 5: Implement any agreement reached to resolve adverse effects

Because the process is designed to be followed systematically, it is generally not advisable to try to cover all of the steps in the initial submission. However, it is usually reasonable and productive to deal with Step 1 and much of Step 2 in the initial submission to the SHPO. The checklist below identifies the kinds of information and materials that we recommend the Federal agency or its authorized applicant or consultant mail or deliver to the SHPO at the following address:

State Historic Preservation Officer  
Indiana Department of Natural Resources  
Division of Historic Preservation and Archaeology  
402 West Washington Street, Room W274  
Indianapolis, Indiana 46204-2739

Telephone number 317-232-1646

Website: https://www.in.gov/dnr/historic/8152.htm

The SHPO or staff at the DHPA will notify the Federal agency or its authorized applicant or consultant if basic elements needed in the submission for SHPO review are missing. The SHPO will attempt to send such notifications within 30 days after receipt of the submission.
Section 106 Review Checklist

Checklist

Step 1: Initiate the Section 106 process

The initial letter to the local historical groups and SHPO should include as much as possible of the following information about the undertaking:

___A) The formal name of the undertaking (if any) or a short-hand characterization of the undertaking (e.g., acquisition of 40 acres and development of a trail and playground).

___B) The name of the Federal agency and program that is being asked to provide funding or otherwise to approve the undertaking (National Park Service and DNR Division of Outdoor Recreation—indicate you are applying for a grant from the Land and Water Conservation Fund).

___C) The name, mailing address, and other contact information for the applicant/grantee for Federal funding.

___D) A written description of the location of the undertaking (i.e., street or road; address, if any; city of town-or township, if in a rural area; and county.)

___E) If possible, a detailed scope of work for the undertaking, or if such detail is not yet available, then as complete a description as possible of all major elements of the undertaking (e.g., excavation, filling, grading, paving, partial or total demolition of a building or structure, or new construction. Include approximate dates of construction.)

Step 2: Identify historic properties if known

The initial letter also should include as much as possible of the following kinds of information:

Determine the scope of identification

___A) Propose the area or areas of potential effects (i.e., the geographic area or areas within which an undertaking may cause changes in the user or character of historic properties, if any such properties exist; this includes effects that are direct or indirect, cumulative, later in time, or at a distance); and provide a map or a good quality photocopy of a map containing the following:

i) The boundaries of the area of potential effects clearly outlined in dark ink (highlighter and pencil do not photocopy well) on a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map. Usually for LWCF projects this is the park boundaries that will be encumbered under 6(f)3.

ii) The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes).

Document historic properties

___B) If applicable, using the same map, show the precise location of any known historic buildings, structures, objects, sites (other than archaeological sites), and districts or parts of districts within
the area of potential effects (e.g., addresses and a site map with properties keyed to it) that may be affected by the project;

___C) If applicable, provide information on any known cultural resources, historical buildings, sites….

___D) Describe the existing condition of any vacant land within the project area; in particular, state whether or not the ground is known to have been disturbed by construction, excavation, grading, or filling, and, if so, indicate the part or parts of the project area that have been disturbed; agricultural tilling generally does not have a sufficiently severe impact on archaeological sites to constitute a disturbance of the ground for this purpose.

___E) Document the sources checked (e.g., correspondence, bibliographical citations [e.g., title, author, page number], or copies of relevant materials obtained from oral history interviews, sample field investigations, field surveys, background research, consultation with a county historian, a local historical or historic preservation organization, or reference materials such as the interim report of a local historic sites and structures inventory);

Step 2: Identify cultural resources if known

Provide a copy of any previous archaeological surveys on the project site.

Depending on the nature of the undertaking and the kinds of properties it could affect, the SHPO may request additional information, such as the report of an archaeological investigation of a parcel of land. However, it is advisable to wait until the SHPO has commented on the initial submission of information before expending additional time and funds on preparing such information.

If no historic properties are found within the area of potential effects, or if there clearly will be no effect on any historic properties that have been identified, then SHPO could issue a finding of “no historic properties affected” and will provide the federal agency with documentation of the basis of that finding.

Similarly, the SHPO might request additional information about the effect of the undertaking on an historic property or about the feasibility of avoiding or minimizing an adverse effect (e.g., a structural report on a building to be demolished or photographs of work areas and detailed plans and specifications of proposed rehabilitation work).
Information for All Base Maps & the 6(f)3 Boundary Map

1. Title Square including:
   a. Name of project
   b. Scale of Map
   c. Name of person/agency preparing map
   d. Date
   e. County, Township, Range, and Section number

2. North orientation arrow

3. Names of water bodies - lakes, rivers, streams, etc.

4. Acreage of any water impoundments

5. If applicable, show corporation limits

6. Identify all roads and highways including any rights-of-way on park property. Give proper name and road number.

7. Show total boundary of existing park and include the acreage. The project area should be shown in sufficient detail so as to be legally identifiable. Acceptable methods of identification include:
   a. Deed references
   b. Adjoining owners, easements, water bodies, or other natural land marks
   c. Metes and bounds, or Government surveys. Note: if the park is very large and the project includes only one segment of the park, include a general map that shows the total park and location of the project site. The base map can be an enlargement of the project site and its immediate surroundings.

8. Identify any unique or significant natural features on the site.

9. Locate all existing improvements including:
   a. Structures
   b. Park Roads
   c. Parking Lots
   d. Recreation activity areas (ball fields, picnic areas)

10. Locate all utility lines.
    a. Specify whether they are overhead or buried.
    b. Specify which overhead wires are proposed for burial as part of this project.
    c. Locate any high voltage transmission lines which cannot be buried.
    d. Locate any transformers or substations on the site.

11. Locate any other outstanding rights and interests such as:
    a. Gas lines
b. Water or sewer lines
c. Dedicated drainage ways
d. Railroad tracks
e. Billboards
f. Deed/lease restrictions, reversionary interests, road setbacks

12. Identify any other improvements or features such as:
   a. Wells
   b. Septic systems
c. Water towers
d. Transmission towers

Base Map Information for Acquisition Projects

In addition to the general information above, the following items should be included. Color coding referenced to a Legend is advisable to differentiate between land already acquired for park use, land to be acquired as part of this projects, or land proposed for future acquisition.

1. Identify all parcels proposed for acquisition in this application. Provide name of owner, acreage, and parcel number that corresponds to those listed on the Supplemental Acquisition Form.

2. As applicable, identify the location and acreage of existing park land and/or any parcels proposed or future acquisition.

3. Indicate present zoning/use of the site and surrounding area.

4. Locate any public roads on the site which are vacated or scheduled to be abandoned as part of this project.

Base Map Information for Development Projects

In addition to the general information above, the following items should be included. Color coding referenced to a Legend is advisable to differentiate existing facilities, those proposed for development as part of this project and any future development on the park site (create a Legend for features to avoid clutter on the map).

1. Locate all facilities proposed for development in this project such as:
   a. Structures
   b. Roads and parking lots
c. Bridges
d. Utility services (sewer, water, electrical)
e. Activity areas - ball fields, swimming pool, golf course, tennis courts. Each facility should be drawn to scale to fit into the project boundaries.

2. Locate any existing future facility development

If the project includes both acquisition and development, include both types of base maps.
SUPPLEMENTAL ACQUISITION FORM

Project name: ____________________________ Project number: ____________________________ Date: ____________

List each parcel that will be acquired in the project and complete all information as indicated.

If more space is needed, use copies of this form and number them sequentially.

<table>
<thead>
<tr>
<th>code</th>
<th>tract #</th>
<th>landowner</th>
<th>acreage</th>
<th>acquisition date</th>
<th>land value</th>
<th>value of improvements</th>
<th>Total, land and improvements</th>
<th>purchase price</th>
<th>donated land value</th>
<th>relocation costs</th>
</tr>
</thead>
<tbody>
<tr>
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TOTAL

TOTALS

Codes: 1 = negotiated purchase
       2 = condemnation
       3 = donation
       4 = bargain sale

Note: Submit an appraisal or statement of value for each of the parcels.

All appraisals must meet requirements as outlined in the grant manual.

page_____ of _____
LWCF Sign

INDIANA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OUTDOOR RECREATION

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

LOCAL AGENCY NAME
Support conservation through the Natural Resources Foundation. Donations of money or property are accepted to promote the work of the IDNR.

Support the President Benjamin Harrison Conservation Trust Fund! Buy an Environmental License Plate. Your donation will purchase natural areas for preservation and recreation.

For more information about the heritage trust or the Natural Resources Foundation contact:

Natural Resources Foundation 402 West Washington Street Indianapolis, Indiana 46204-2212 (317) 233-4020.

Under Title VI of the 1964 Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, the U.S. Government prohibits discrimination on the basis of race, color, national origin, age, sex, or disability. If you believe that you have been discriminated against in any program, activity, or facility as described above, or if you desire further information please contact the Department of Natural Resources, Executive Office, Indianapolis, Indiana.