ADJOURNED REGULAR MEETING

CAMBRIA COMMUNITY SERVICES DISTRICT

Thursday, May 25, 2023 - 1:00 PM

1000 Main Street, Cambria, CA 93428

AGENDA

Copies of the staff reports or other documentation relating to each item of business referred to on the agenda are on file in the CCSD Administration Office, available for public inspection during District business hours. The agenda and agenda packets are also available on the CCSD website at https://www.cambriacsd.org/. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting or if you need the agenda or other documents in the agenda packet provided in an alternative format, contact the Administrative Analyst at 805-927-6223 at least 48 hours before the meeting to ensure that reasonable arrangements can be made. The Administrative Analyst will answer any questions regarding the agenda.

In person at:
Cambria Veterans' Memorial Hall
1000 Main Street, Cambria, CA 93428
AND via Zoom at:
Please click the link below to join the webinar:
https://us06web.zoom.us/j/85678014248?pwd=aHdVWkJicE53TXM2Rkt2SFB2VzVIUT09
Passcode: 518352
Or One tap mobile:
US: +16694449171,,85678014248# or +16699006833,,85678014248#
Or Telephone: dial *6 to mute/unmute; dial *9 to raise/lower hand Dial (for higher quality, dial a number based on your current location):
US: +1 669 444 9171 or +1 669 900 6833 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580 or +1 689 278 1000 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 931 3860
Webinar ID: 856 7801 4248
International numbers available:https://us06web.zoom.us/u/kYGwB6gjp

1. **Opening**
   - A. **Call to Order**
   - B. **Pledge of Allegiance**
   - C. **Establishment of Quorum**

D. Report from Closed Session

E. President's Report

F. Agenda Review

2. BOARD MEMBER COMMUNICATIONS

Any Board Member may make an announcement, report briefly on his or her activities, or ask a question for clarification.

3. PUBLIC SAFETY

A. Sheriff's Department Report

B. CCSD Fire Chief's Report

4. PUBLIC COMMENT

Members of the public may now address the Board on any item of interest within the jurisdiction of the Board but not on its agenda today. Future agenda items can be suggested at this time. In compliance with the Brown Act, the Board cannot discuss or act on items not on the agenda. Each speaker has up to three minutes.

5. MANAGER REPORTS

A. General Manager's Report

B. Facilities & Resources Manager's Report

C. Finance Manager's Report

D. Utilities Report

6. CONSENT AGENDA

All matters on the consent calendar are to be approved by one motion. If Directors wish to discuss a consent item other than simple clarifying questions, a request for removal may be made. Such items are pulled for separate discussion and action after the consent calendar as a whole is acted upon.

A. Consideration to Adopt the April 2023 Expenditure Report

B. Consideration to Adopt the April 13, 2023 and April 20, 2023 Regular Meeting Minutes and April 10, 2023 Special Meeting Minutes

C. Consideration of Adoption of Resolution 28-2023 Declaring Vehicles and Equipment Surplus and Authorizing Sale by the General Manager

7. REGULAR BUSINESS

A. Discussion & Consideration of Third Quarter Budget Report for FY 2022/23

B. Discussion and Consideration of Adoption of Resolution 30-2023 Updating the Sanitary Sewer Master Plan (SSMP)

C. Discussion and Consideration to Fill Vacant Seats on the PROS Commission

D. Discussion and Consideration of Land and Water Conservation Fund Grant Application for the Change Cambria Skate Park Project

8. FUTURE AGENDA ITEM(S)

This is an opportunity to request a formal agenda report be prepared and the item placed on a future agenda. No formal action can be taken except to direct the General Manager to place a matter of business on a future agenda by majority vote

9. ADJOURN

The adjourned regular meeting is being held to address item 7D only. The updated staff report is attached. The greyed out items were considered at the May 18, 2023 Regular Meeting.

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Cambria Skate Park Project

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Amended 5/23/2023

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors AGENDA NO. **7.D.**

FROM: Matthew McElhenie, General Manager
Ray Dienzo, Utilities Department Manager/District Engineer
Carlos Mendoza, Facilities & Resources Manager
Denise Fritz, Finance Manager

Meeting Date: May 25, 2023 Subject: Discussion and Consideration of Land and Water Conservation Fund Grant Application for the Cambria Skate Park Project

RECOMMENDATIONS:
Staff recommends that the Board of Directors discuss and consider the Land and Water Conservation Fund grant application for the Skate Park Project.

FISCAL IMPACT:
The District committed $178,000 towards the preliminary costs of the Skate Park project. The costs are shared with Cambria Community Council, which is documented in an MOU last updated and approved by the Board on May 11, 2023. To date, the district has spent approximately $26,000 on preliminary costs. Upon application submittal, the District is required to restrict General Fund reserves in the amount of $768,764 until construction begins. Grant funds would be reimbursed at an 80% rate during construction, and the remaining 20% would be due upon notice of completion.

DISCUSSION:
The California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) has announced the next Land and Water Conservation Fund (LWCF) Grants cycle. The creation or improvement of an existing outdoor park is eligible, along with its recreation features. Skate parks have been identified as eligible projects under this grant program.

The current cost for the Skate Park Project is estimated at $1,020,461. Since there is a likelihood that material and construction costs will escalate due to inflation, staff thought it would be prudent to provide a contingency for the project to bring the budget to $1,200,000. The District has an MOU with the Cambria Community Council (CCC) to share costs up to $178,000 for the project and holds $24,334 of the CCC funds to cover expenses already contracted for. As of the date of this report, the CCC has raised $406,882 to help support this important project, including $75,000 worth of pledges.

This type of grant program requires a 50/50 match and is a reimbursement-based grant program. This grant program also requires all project cost funding to be committed at the time of the application submission. The deadline for submitting the application is June 1, 2023. If the Board decides to apply for this grant, the District must restrict approximately $768,784 of General Fund reserves. Grant awards are expected in late 2025. Expenses would be reimbursed at an 80% rate during construction, and the remaining 20% would be due upon notice of completion. Construction is expected to take six months. As funds are spent, or more fundraising dollars are obtained, the General Fund reserves restricted for the project could be unrestricted.

After discussing this grant opportunity with then-Acting General Manager Ray Dienzo and the CCSD Board-appointed Skate Park Ad Hoc Committee, consideration of this application went before a special meeting of the PROS Commission on February 14, 2023; the Commission agreed that the District should participate in this grant program and referred it to the Finance Committee for further consideration. The Finance Committee initially discussed this item at their February 28, 2023 meeting, where they requested more information and then met again on March 28, 2023 for further discussion. Concerns raised at the Finance Committee's March 28, 2023 meeting are summarized as follows:

- Potential risks of setting aside funds for an estimated 2-3 years for the project completion.
- Potential for alternative needs for funds that could impact the feasibility of investing and committing funds for this project's lengthy period.
- Risks of cost overruns or construction overruns are always an uncertainty.
- Other projects may require additional funding sooner than later, such as modernizing the Vets Hall or emergency issues that could come up. But the possibility of borrowing funds was raised as an alternative in an emergency situation.

After discussing these issues, the Committee voted 4-1 (Cindy Steidel dissenting) to recommend to the Board that the District apply for the LWCF grant for the Skate Park Project for the grant application total of $1,200,000.

As LWCF understands that unexpected financial issues may arise through no fault of the District, staff has verified with LWCF staff that the District can withdraw its application from the grant process at any time if there is an unexpected emergency. In that event, the District would be required to send an email or letter from its authorized representative requesting to withdraw the application and explaining its reasoning. This can occur during the grant review process or when the project is recommended for funding.

The grant application is due by June 1, 2023. Staff continues to work towards completing the appropriate requirements, including fulfilling the California Environmental Quality Act (CEQA) environmental compliance requirements. If the Board approves submitting this grant application, staff will work with the granting agency regarding CEQA compliance.

Staff recommends that the Board direct staff to submit the Land and Water Conservation Fund grant application for the Skate Park Project.

Attachments: CCSD Land and Water Conservation Fund Application
Application Guide – Land & Water Conservation Fund (LWCF)
Grant Administration Guide – Land & Water Conservation Fund (LWCF)
LWCF Park Stewardship Requirements
Memorandum of Understanding Skatepark Funding
Amendment to Memorandum of Understanding Skatepark Funding
Engineering Cost Estimate as of 11/2/2022



CAMBRIA COMMUNITY SERVICES DISTRICT

CALIFORNIA NATURAL RESOURCES AGENCY
DEPARTMENT OF PARKS AND RECREATION
LAND AND WATER CONSERVATION FUND APPLICATION

Authored by: CCSD Staff

Checklist Item 1: LWCF Program Application Form

Complete and upload the Application Form into the online APPLICATION. APPLICANTS must provide all the information requested on the LWCF Application Form.

California Natural Resources Agency
Department of Parks and Recreation

Land and Water Conservation Fund Application Form

Project Name:	Cambria Skatepark	**County:**	San Luis Obispo
Total Project Cost:	$1,200,00	**Minimum Grant Request:**	$600,000
Total Pre-Award Planning Costs:		**Maximum Grant Request:**	$600,000
Project Site Address:	APN: 013-101-072		
Project Site Latitude and Longitude:	35.56524*N,121.09675*W	**Nearest Cross Streets:**	Main Street X Cambria Drive
Grant Applicant (Entity):	Cambria Community Services District		
Grant Applicant Mailing Address:	Po Box 65 Cambria, CA 93428		
Authorized Representative (as shown in the Resolution):			
Name:	Matthew McElhenie	**Title:**	General Manager
Email:	mmcelhenie@cambriacsd.org	**Phone:**	(805) 927-6230
Day-to-Day Contact (if different from the Authorized Representative):			
Name:	Carlos Mendoza	**Title:**	Facilities & Resources Manager
Email:	cmendoza@cambriacsd.org	**Phone:**	(805) 927-6220
Type of Project:	Development	**Acres to be Acquired:**	0
Total Site Acreage Currently Under LWCF Protection:	0	**Total Acreage to be Placed Under LWCF Protection:**	.92

GRANT SCOPE: I represent and warrant that this APPLICATION describes the intended use of the requested GRANT to complete the RECREATION FEATURES and MAJOR SUPPORT AMENITIES proposed through the PROJECT. I agree with the APPLICATION and procedural requirements described in the Application Guide and GRANT ADMINISTRATION GUIDE. I declare under penalty of perjury, under the laws of the State of California, that the information contained in this APPLICATION PACKET, including required attachments, is accurate.

Signature of the Authorized Representative (as shown in the Resolution)	Date
Matthew McElhenie	General Manager
Print Name	**Title**

Checklist Item 2: Authorizing Resolution

Resolution No. 31-2023
RESOLUTION OF THE CAMBRIA COMMUNITY SERVICES DISTRICT APPROVING THE APPLICATION FOR THE LAND AND WATER CONSERVATION FUND CAMBRIA SKATE PARK PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing applications by local agencies under the program; and

WHEREAS, the applicant certifies by resolution the approval of the application and the availability of eligible matching funds prior to submission of the application to the State; and

NOW, THEREFORE, BE IT RESOLVED that the Cambria Community Services Board of Directors hereby:

1. Approves the filing of an application for Land and Water Conservation Fund assistance for the proposed Cambria Skate Park Project
2. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
3. Agrees to abide by 54 U.S.C. §200305(f)(3), which requires, "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then-existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."
4. Certifies that said the agency has matching funds from eligible source(s) and can finance 100 percent of the project, which up to half may be reimbursed; and
5. Agrees to comply with all applicable federal, state, and local laws, ordinances, rules, regulations, and guidelines.
6. Appoints the General Manager as an agent of the applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned project.

Approved and Adopted on the 25th day of May 2023.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Cambria Community Services District following a roll call vote:

Ayes:
Noes:
Absent:

_____
Karen Dean, President
Board of Directors

APPROVED AS TO FORM:

_____

Timothy J. Carmel
District Counsel

ATTEST:

_____

Haley Dodson
Administrative Analyst

Checklist Item 3: Certification Letter

The certification letter is for state agency applications only. Cambria Community Services District is not required to submit a certification letter.

Checklist Item 4: Project Summary

Project Summary

1. **Provide a brief summary (up to 500 words) of the proposed PROJECT scope. List the RECREATION FEATURES and MAJOR SUPPORT AMENITIES that are proposed for the LWCF GRANT plus MATCH only.**

   This project will develop a vacant asphalt lot and adjacent dirt parking area in Cambria, California, into a skatepark facility. The site for this project has historical significance to the community as it was the location of the original unpermitted skatepark that served many generations of Cambrians. Unfortunately, in the Spring of 2020, the unpermitted skatepark was removed due to safety concerns related to the deteriorated condition of the park. Since then, the community has been fundraising to build a new skatepark.

   The project will construct approximately 6,000 square feet of undulating concrete deck designed for skateboarding. This area will feature a mix of street and transition features that will support skaters with various interests, abilities, and characteristics that welcome other skatepark-friendly activities like riding scooters, bicycles, roller skates/blades, or even specialty wheelchairs. The development will also include constructing a paved parking lot, a single-stall restroom, a retaining wall, a sidewalk/curb, and stormwater management infrastructure.

   Building a new skatepark at this location will restore a critical public asset and recreational opportunity lost when the old park was removed and is a high priority for the community of Cambria. Beyond building a skatepark, this project will create a youth-friendly space in Cambria where people of all backgrounds and skill levels can gather and connect. To support this, the park will include an area where people can gather, sit, and spectate action in the park.

2. **Explain how this PROJECT meets SCORP priorities. Cite and explain which SCORP and LWCF priorities will be met by this PROJECT.**

   This project will create a new public skatepark, which is an ideal type of project to meet SCORP and LWCF priorities. In fact, this project will satisfy aspects of all 5 of the SCORP priorities outlined for the Local Agency Competitive Program as described below:

   1. New Park Access - This project will restore access to a skatepark in Cambria. It will develop an expanded park from what previously existed with new features and amenities.
   2. Multi-Use Parks Designed for All Age Groups in New or Existing Parks - Skateboarding and other skatepark-friendly activities, including scooters, bikes, and roller skates/blades, appeal to diverse people and provide excellent opportunities for healthy exercise. While typically considered a youth sport, skateboarding has proven its ability to be a multi-generational activity, with many skaters continuing to be active in the sport into their 40s and 50s. It is not uncommon to see parents skating with their children and whole families hanging out at skateparks. Beyond serving as a recreation sports facility, skateparks are a social place where people gather, connect, and enjoy the outdoors while watching riders in the park.
   3. Health Design Goals for New or Existing Parks - Skateboarding and other skatepark-friendly activities are physically demanding sports that are excellent sources of exercise. As the youth continues to focus increasingly on “digital activities,” the skatepark will provide an outlet for movement and exercise and will help support a happier and healthier population. The Cambria Community Healthcare District has recognized this impact and has voiced support for the project. In addition, a broad representation of the public has been involved at every step of the process to ensure this project will serve their needs.

4. Safety and Beautification for New or Existing Parks - This project will transform an abandoned site into a beautiful and visually attractive modern concrete skatepark. This will create a safe area for skateboarding and other wheeled recreation and enhance the site with many additional features, including a restroom, welcoming signage, safety fencing, and improved stormwater management. The park will be tastefully landscaped and feature a monument to skatepark donors. This project will significantly improve the site's aesthetics and create a much-needed safe and healthy recreation space.
5. Preservation - If LWCF funding is received for this project, it will ensure that the land is placed under protection as defined in the LWCF Park Stewardship Requirements.

Beyond these general SCORP priorities, there are many specific items listed on the State Agency SCORP Priorities webpage for LWCF State Park projects, which this project will meet as detailed below:

- Engage and inspire younger generations - Skateparks are particularly popular with youth and inspire them to get outdoors, exercise, and build connections in their community.
- Create meaningful connections and relevancy to people - This project will create a unique space in Cambria where people of all ages can gather and connect. With Cambria's economy focused on tourism and almost no kid-focused infrastructure outside of the local school system, the skatepark will be particularly meaningful and relevant to the youth of Cambria.
- Expand park access for all Californians - This new park will be available to the general public. With Cambria being a gateway to destinations like Big Sur, Hearst Castle, and the Piedras Blancas elephant seal rookery, Cambria's downtown sees many tourists passing through, and this park will help serve those tourists and the local community. The site of this project was chosen specifically for its high visibility, central location.

Checklist Item 5: Project Selection Criteria

1. Unmet Need

Describe the need for the ACQUISITION or DEVELOPMENT by answering either A and B for ACQUISITION or C and D for DEVELOPMENT. A high-priority PROJECT will address more than one of the current SCORP priorities (as described in the Project Summary) and will meet one or more urgent unmet needs. APPLICATIONS will be scored in comparison to other statewide APPLICATIONS.

ACQUISITION: Respond to A and B below only.

A. Was this land on the open market before the purchase agreement was entered into, or was/is there any evidence or threat that it could be available for non-PARK DEVELOPMENT within the next two years?

This doesn't apply to Cambria Community Services District. The district will describe the need for development.

B. Why is this ACQUISITION a high-priority PROJECT to serve the current and future generations of the region, city-wide public, or neighborhood residents (based on the type of PARK and the SCORP/LWCF priorities described in the Project Summary)?

This doesn't apply to Cambria Community Services District. The district will describe the need for development.

DEVELOPMENT: Respond to C and D below only.

C. Why is this DEVELOPMENT a high-priority PROJECT to serve the region, city-wide public, or neighborhood residents (based on the type of PARK and the SCORP/LWCF priorities described in the Project Summary)?

For as long as the resident of Cambria, California, can remember, we have had a small, unpermitted skatepark that consisted of a wooden halfpipe and a few other rough, semi-do-it-yourself (DIY) features in an asphalt lot. The original park was primarily built with community donations. While few would argue it was a great skatepark, it provided a critical outlet for generations of skaters. The skate park was torn down three years ago under previous Board leadership. Over this period, a large void of unserved recreation needs has festered, and the community sincerely desires to rebuild the skatepark. The local skate community has been diligently fundraising since the old park was demolished, and the community has been very supportive of this project as they recognize a lack of activities for the youth of Cambria.

As one drives around Cambria, the sheer lack of recreational activities for our youth is deafening. One might think no kids live in our community, as there are few places where they can congregate, "hang out," and act like kids. Most of our communities' activities cater to tourism and an older demographic. As the days, weeks, and years pass, so do the opportunities for our youth to be active, get outside, exercise, and connect with their community. Those residents from previous eras where the skate park existed speak of fond memories of socializing and creating new friends at the old skatepark. They talk of it as if it were folklore. Additionally, it brought together children and adults from diverse backgrounds, whether ethnically, culturally, or economically. Our community wants to ensure that younger generations do not miss out on this opportunity.

D. If this proposed DEVELOPMENT is not completed in the next five years, what effect will the continued lack of this proposed recreational opportunity(s) have on the region, city-wide public, or neighborhood residents?

The continued lack of a proposed skatepark will have several effects on the residents of the region and tourists that pass through, which include:

Continued unserved need - The skateboard community in Cambria will continue to suffer from losing their park. With few safe and viable locations for skating locally, they will need to commute out of the local area to pursue this type of recreational activity.

Limited recreational opportunities - The lack of a skatepark would limit recreational opportunities for youth and community members who enjoy skateboarding or any other skatepark-friendly activity like biking and rollerblading. This may lead to decreased physical activity and overall health in the community.

Safety concerns - Without a designated skatepark, skateboarders may resort to skating in public areas, creating safety concerns for themselves and others, such as pedestrians or motorists who may not expect skateboarders on sidewalks or streets.

Social isolation - Skateboarding can be a social activity, and the lack of a designated skatepark may limit opportunities for community members to connect and engage with others who share their interest in skateboarding and other skatepark-friendly activities.

Economic impact - A skatepark can benefit the community economically, including increased tourism and local spending, showing visitors that Cambria is a family-friendly destination. The lack of a skatepark may lead to missed economic growth and development opportunities.

Overall, if the proposed development is not completed in the next five years, the community must consider the range of adverse effects when assessing the urgency for completing this project.

2. Type of Project

Identify the type of PROJECT by checking the appropriate field below based on what will be accomplished with the GRANT and MATCH.

This project is a development to create a new park.

3. New Acreage Placed Under LWCF Protection

Provide the new PARK acreage to be placed under LWCF PROTECTION (that is not currently under LWCF PROTECTION) if the GRANT is awarded.

The total developed site will be 0.92 acres with approximately 6,000 square feet of skateable area. This project will place new acreage under LWCF protection. Currently, the site is not LWCF protected.

4. Park Deficient or Economically Disadvantaged Area

PROJECT SITES that serve PARK deficient and/or economically disadvantaged areas are prioritized as part of California's OPEN PROJECT SELECTION PROCESS (OPSP). APPLICANTS will use a Park Access Tool Report and a Community FactFinder Report to show how the PROJECT SITE meets one or more of the following priorities:

1. **Community FactFinder Report**

    a. **The PROJECT creates a NEW PARK in an area with no other PARKS within a half-mile radius.**

    No, there are other parks within a half mile, but their recreation activities drastically differ from the current unserved need this project intends to fulfill.

    b. **The PROJECT area's half-mile radius has a median household income that is at or less than 80% of the state average.**

    The median income is not less than 80% of the state average. However, more than 60% of the students enrolled in the local high school are classified as economically disadvantaged. Unfortunately, due to financial and cultural barriers, most locally available recreational activities like surfing or bicycling can be inaccessible.

2. **Park Access Tool Report**

    a. **PROJECT is in a city or county that has more than the state average of residents living further than a half-mile from a PARK.**

    41% of San Luis Obispo residents live further than a half mile from a park, which is significantly higher than the average of 21% for all of California. (https://www.parksforcalifornia.org/methods/#park_access_tool_half_mile)

    b. **PROJECT is in a city or county with a higher percentage than the state average of residents living in areas with a ratio of less than three acres of parkland per 1,000 people.**

    No, only 31% of residents of San Luis Obispo live in areas with less than 3 acres of parks or open space per 1,000 residents compared with the average of 61% for all of California. (https://www.parksforcalifornia.org/methods/#park_access_tool_acres_per_thous and)

    Provide **one** Community FactFinder Report and **one** Park Access Tool Report.

    The Cambria Community Services District completed this requirement by providing one California State Parks Community FactFinder Report and Park Access Report under checklist item 10. The project meets one priority: being in a county with a higher percentage than the state average of residents living further than a half-mile from a park.

5. Population Served (Benefits for Older Adults, At Risk Youth, and/or Persons with Disabilities)

Explain how the PROJECT will benefit the health and wellness of older adults, at risk youth, and/or persons with disabilities. The response does not need to include demographic data. Rather, describe how the PROJECT design specifically includes the recreational needs of older adults, at risk youth, and/or persons with disabilities. Responses should list the specific recreation elements that will serve each group in order to score the points for each. If the PROJECT is an ACQUISITION and the specific facility DEVELOPMENT plans are pending, explain how members of the UNDERSERVED POPULATION will be involved in the DEVELOPMENT plans.

Building a skatepark will benefit the health and wellness of each of these groups in various ways beyond just the exercise associated with the physically demanding activities that occur in a skatepark.

- Older adults - The park will provide spectator seating and restroom facilities for older adults past their skateboarding days. This will allow older adults to join a multi-generational social group where they can come together to share their love of skateboarding and other skatepark-friendly activities.
- At-risk youth - Skateboarding can be a stress-relieving activity that provides a sense of accomplishment and mastery. This can be particularly beneficial for at-risk youth experiencing mental health challenges or struggling with low self-esteem.
- Persons with disabilities - The features in the skatepark will welcome all wheels, including skateboards, bikes, scooters, skates, and wheelchairs. While still a relatively new development, the usage of wheelchairs in skateparks has been growing in recent years, with the sport, now referred to as WCMX, featuring regular competitions and purpose-built equipment. This can create opportunities for people with disabilities to participate in a sport they may have otherwise thought was inaccessible and help improve their overall fitness and mobility.

For all these groups, the social interaction at skateparks can help combat social isolation, build community connections, and develop supportive relationships.

6. Public Input (Within Five Years Prior to the Application Deadline)

Describe the process that led to the development of this proposal and how the public was involved within 5 years of the APPLICATION deadline.

Since the demolition of the old skatepark, the community has been deeply involved and vocal about the need to build a skatepark. A community group of youth, parents, and other local skaters referred to as Skate Cambria has been responsible for raising the most funding for this project and rallying support from the wider community.

Skate Cambria has been doing everything possible for the last three years to fundraise and promote the project. Below are highlights of their activities:

- Hosted weekly fundraising rallies across the street from the community Farmer's Market to collect donations and raise awareness about the project.
- Organized and participated in community planning meetings to ensure the project was aligned and partnered with the local government.
- We sold over $70,000 in sponsored bricks to support park construction.
- Held a family-friendly, public "Skate Day" event on March 20th, 2022, that featured live skateboarding demonstrations, music, vendors, food, and free giveaways. More than 500 people and a line-up of almost 20 professional skateboarders attended. The event raised over $18,000 for the project (http://www.skatecambria.com/skate-day.html).
- They have consistently participated in community events such as the Cambria Lions Club's annual Pinedorado Days parade, where they won "Best Youth Entry" for a float featuring a wooden half-pipe ramp and live skating demonstrations.
- Established relationships with skate industry insiders and have received recognition, donations, and support from the wider skate industry.
- Promoted the park and sold merchandise at several local skate competitions in the 2022 and 2023 Monster Skate Contest Series, one of the main skateboarding events for Central California.
- Hosted several local fundraising events, including pancake breakfasts, Valentine's Day flower

sales, and private concerts.

- We hosted a successful benefit concert with musician, composer, and professional skateboarder Tommy Guerrero at SLO Brewing Company.

The local youth have been a driving force in Skate Cambria and have been instrumental in meeting all of the milestones the project has achieved. While their primary focus has been getting their skatepark rebuilt, this project has provided them with substantial ancillary benefits:

- The project allowed them to engage and connect with their community while they were out of school during the pandemic.
- They learned critical skills in effectively organizing change and working with the government; even their schools have recognized this by allowing them to receive credit towards their community service graduation requirements.
- The majority of merchandise sold for the project was produced through a digital arts program at Cambria's local high school, and this project has helped to fund and expand that program.

As Skate Cambria worked on the project's public awareness and fundraising side, CCSD worked to move the project forward on the government and legal side.

- In 2021 CCSD contracted the professional skatepark design and construction firm Spohn Ranch to engage the community, gather information, and develop a conceptual design, corresponding budget, and a site plan illustrating the layout and function of the project. Under this contract, they hosted a public design workshop and open meetings with the public to gather input and feedback. They also collaborated directly with Skate Cambria to ensure the skatepark would be tailored to the specific needs of our skate community.
- On December 9th, 2021, the CCSD board of directors voted to commit $178,000 in funding to the project.
- In the Spring of 2022, CCSD contracted the engineering firm Civil Design Studio to prepare the information necessary to submit the project for permitting.
- In November of 2022, the CCSD board of directors unanimously voted to move forward with submitting plans to San Luis Obispo County for permitting the park. The plans were then submitted later that month.

The process that led to the development of this proposal has truly been a community effort. Most of the matching funding for this project was raised from local donations and merchandise sales. CCSD has worked closely with the public at every step and helped guide the project through the necessary steps to bring it to the current near-build-ready state. For more details on the public effort, see http://www.skatecambria.com.

7. Project Readiness

PROJECTS that are ready to move forward quickly with the POST-SELECTION FEDERAL REQUIREMENTS and submission to NPS are prioritized through this criteria. ACQUISITION or DEVELOPMENT PROJECTS with one or more milestones completed will receive additional points, as shown in the chart below. APPLICANTS will provide the date of completion when filling out the APPLICATION. If not yet complete, APPLICANTS will provide the expected date of completion for each applicable milestone.

The project has completed many milestones and is very close to a build-ready state as outlined below:

- **Concept level site plan (COMPLETED - October 2021)** - skatepark design and

construction firm Spohn Ranch.

- **Engineer cost estimate for further design DEVELOPMENT (COMPLETED - November 2022)** - civil engineering firm Civil Design Studio.
- **Construction documents (COMPLETED - November 2022)** - civil engineering firm Civil Design Studio.
- **Construction permits (IN PROGRESS)** - the permit application was submitted to San Luis Obispo County on November 28, 2022, and is currently under review.
- **Bid package prepared or employee services for construction have been determined (PENDING)** - this process will move forward once permits and funding are available.

8. Applicant's Eligibility

For LOCAL AGENCIES that have administered a GRANT with OGALS in the last 15 years:

A. Are any of the ineligibility circumstances listed above applicable? Does the APPLICANT have any unresolved conversion or prior failure to comply with OGALS GRANT requirements?

If there is a reason to believe the ineligibility circumstances listed above are applicable, contact the COMPETITIVE PROJECT OFFICER, assigned by county, to discuss before applying.

For APPLICANTS that have not administered a GRANT with OGALS:

B. Describe recent successes from any funding source. List recent federal, state, and/or local ACQUISITION or DEVELOPMENT GRANTS successfully administered by the APPLICANT for ACQUISITION or DEVELOPMENT. Provide up to five examples that include:

- **Date of completion**
- **Funding amount**
- **Scope**
- **Funding source**

The Cambria Community Services District received the following funding sources:

Date of Completion	Funding Amount	Scope	Funding Source
2002	$220,000	• Guthrie Bianchini House Restoration • Two high school tennis courts • Fencing around Community Center • Fencing around Cambria Skatepark • Demolition of CCSD building on Center Street to make way for Pocket Park	State Parks Per Capita Grant Allocation
2003	$200,000	Purchase of Phillips House on East Ranch	Coastal Conservancy
2003	$300,000	Restoration of Santa Rosa Creek streambank and development of trail	State Parks
2003	$50,000	Community Park Concept Plan	County Parks
2005	$225,000	Community Park EIR	County Parks

2005	$300,000	Construction of Bluff Trail	Coastal Conservancy
2006	$217,000	Construction of Marine Terrace Trail	Federal Highway Administration Coastal Conservancy County of San Luis Obispo
2007	$273,000	Restoration of Guthrie Bianchini House	State Parks
2007	$2,800	Fiscalini Ranch Weed Abatement	County of San Luis Obispo
2011	$90,000	Eucalyptus Creek Bank Restoration	USFWS
2012	$20,000	Moonstone Connector Trail	County of San Luis Obispo
2012	$48,000	Fiscalini Ranch Erosion Gully Repair	USFWS
2015	$60,000	Replacement of trash/recycle containers on Main Street	Cal Recycle IWMA
2021	$20,000	Community Park Restroom Design	County of San Luis Obispo

Checklist Item 6: Detailed Budget Narrative

5/19/2023
Skatepark Sources & Uses

Funding Sources		
Multi-year Skatepark Design (Budgeted)	General Fund	21,696
Cambria Community Council	Donations	431,216
CSD Contribution	General Fund	178,000
	Community Funding Sources	**630,912**
	Grant Funds	**600,000**
	Total Funding	**1,230,912**

Estimated Project Costs		
Skatepark Design costs		41,367
Skate Park Application costs		696
Skate Park Engineering Costs		4,105
Skatepark Conceptual Plan		850,385
Additional Project Costs - Permitting, Contingencies, materials, etc)		170,077
Project Inflation & Contingency Estimates		133,370
	Estimated Project Costs	**1,200,000**
	Total Surplus/(Deficit)	**30,912**

* Additional pledges of $75,000 outstanding

GF Committed @ time of Application	$	768,784

Reserve Estimation	
General Fund Reserves Estimated 6/30/2023	2,500,000
Commitment of Reserves for Skate Park- Estimated	(768,784)
General Fund Balance - Estimated	1,731,216

** The reserve estimation is an estimate based upon information known up to this date. It is included to help inform the decision making process and will fluctuate based upon actual activites.

Funding Sources

A. Name of the Funding Source	B. Match Amount/Value	C. Type (State, Local City/County, Federal, or Private)	D. Date Secured (*before* the application deadline)
Cambria Community Services Distric	$199,696.00	Local	12/9/2021
Skate Cambria	$431,216.00	Private	4/28/2023
Total Project Cost*	$630,912.00		

*The total project cost on this tab must match the total project cost on the Detailed Budget Narrative tab.

By submitting this document, the APPLICANT understands the definition of COMMITTED FUNDS as defined in the LWCF Application Guide and the APPLICANT certifies that they have eligible MATCH sources and can cash-flow 100 percent of the Project, which will be partially reimbursed at the RATE OF REIMBURSEMENT.

Checklist Item 7: CEQA Compliance

CEQA is the California Environmental Quality Act as stated in the Public Resources Code §21000 et seq.; Title 14 California Code of Regulations §15000 et seq. CEQA is a law establishing policies and procedures that require entities to identify, disclose to decision-makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of an entity's proposed PROJECT.

Complete CEQA by the APPLICATION deadline or no later than 60 days after the APPLICATION deadline.

- **For ACQUISITION PROJECTS: The scope of the environmental review shall include the lands to be acquired. Including a future construction PROJECT is not required because the LWCF PROJECT is ACQUISITION only.**
- **For DEVELOPMENT PROJECTS: The scope of the environmental review shall include the construction as described in the APPLICATION.**

PROJECT CEQA Compliance Requirements

Upload the following documents: A Notice of Exemption filed with, and stamped by, the county clerk, *OR*

An Initial Study with a Negative Declaration and a copy of the Notice of Determination filed with, and stamped by, the county clerk, *OR*

An Initial Study and an Environmental Impact Report and a copy of the Notice of Determination filed with, and stamped by, the county clerk.

AND:

1. **The CEQA Compliance Certification Form (available on the LWCF Application Process webpage).**

2. **A State Clearinghouse Filing Receipt. For more information on filing with the State Clearinghouse, see www.opr.ca.gov and follow links for CEQA.**

Note that even if an APPLICANT'S typical CEQA process does not require CEQA be filed with the State Clearinghouse, it is required for this APPLICATION to be considered complete.

The Cambria Community Services District CEQA analysis is not completed for this project but is in process. The Cambria CSD will complete this within 60 days after the June 1, 2023, application deadline.

CEQA Compliance Certification Form

APPLICANT/GRANTEE: Cambria CSD PROJECT Name: Cambria Skate Park

PROJECT Address: APN 013-101-072, Main Street and Cambria Drive, Cambria, CA 93428

When was CEQA analysis completed for this PROJECT? Date:

What documents were completed for this PROJECT's CEQA analysis (check all that apply)?

- ☐ Initial Study
- ☐ Negative Declaration
- ☐ Notice of Exemption
- ☐ State Clearinghouse Receipt
- ☐ Environmental Impact Report
- ☐ Mitigated Negative Declaration
- ☐ Notice of Determination
- ☑ Other: In process

Please attach all checked documents.

If these forms were not completed, please attach a letter from the Lead Agency explaining why, certifying the PROJECT has complied with CEQA, and noting the date that the PROJECT was approved by the Lead Agency.

Lead Agency Contact Information:

Agency Name: Cambria CSD Contact Person: Ray Dienzo

Mailing Address: P.O. Box 65, Cambria, CA 93428

Phone: 805-927-6119 Email: rdienzo@cambriacsd.org

Certification:

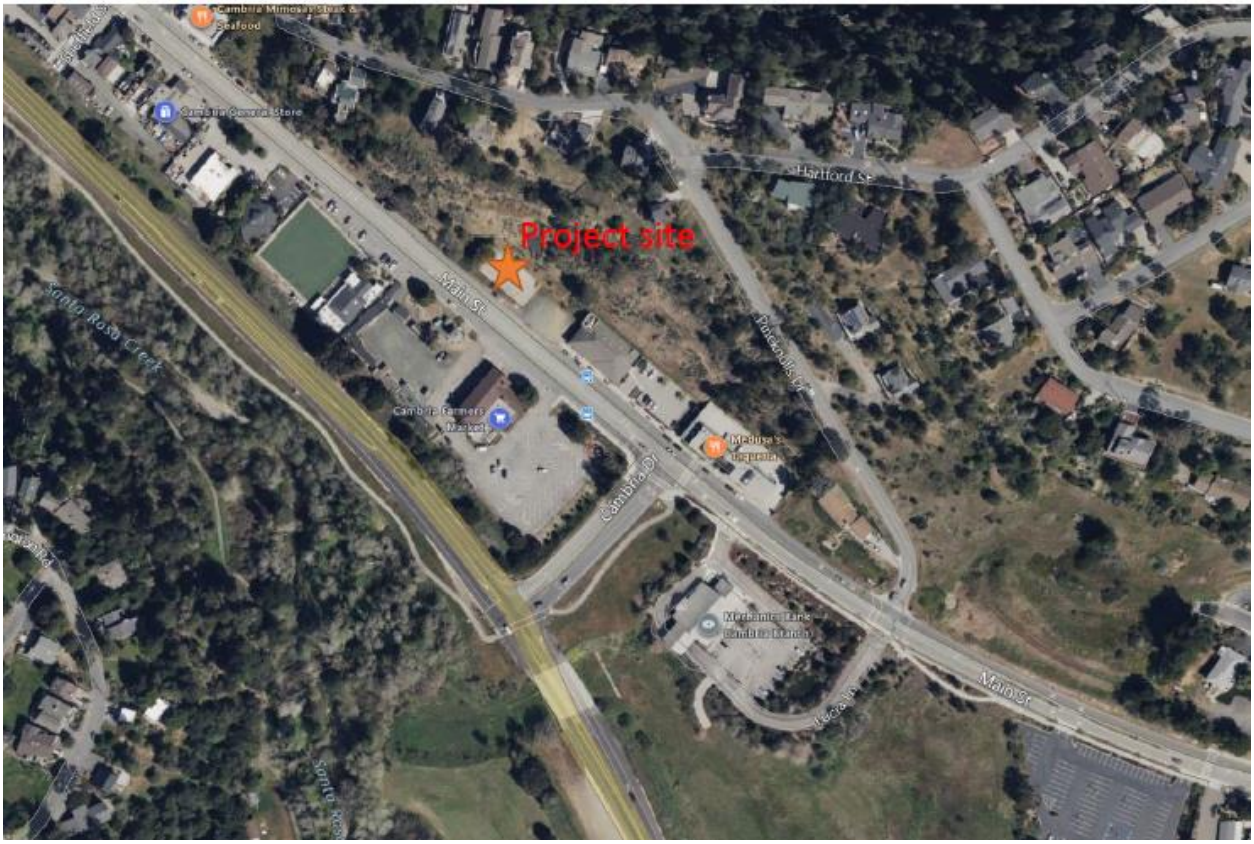
I hereby certify that the Lead Agency listed above has determined that it has complied with the California Environmental Quality Act (CEQA) for the PROJECT identified above and that the PROJECT is described in adequate and sufficient detail to allow the PROJECT'S construction or ACQUISITION.
I certify that the CEQA analysis for this PROJECT encompasses all aspects of the work to be completed with GRANT funds.

AUTHORIZED REPRESENTATIVE (Signature)	Date	AUTHORIZED REPRESENTATIVE (Printed Name and Title)

Checklist Item 8: Project Location Map(s)

APPLICANTS will upload a map showing highway and street access to the PROJECT SITE into the online APPLICATION. Provide directions from the nearest major highway to the PROJECT SITE so that a person not familiar with the area can locate it.

Directions: Heading north on Highway 1, turn right on Cambria Drive at the intersection of Cambria Drive x Main Street, and turn left on Main Street. The project site is next to 1043 Main St (Cambria Library).



Checklist Item 9: Photos of the Project Site













Checklist Item 10: Community FactFinder Report and Park Access Tool

APPLICANTS will upload one Community FactFinder Report and one Park Access Tool Report.

California State Parks

Community FactFinder Report

Project ID: 109567
Coordinates: 35.5652, -121.0967
Date: 4/24/2023

This is your project report for the site you have defined. Please refer to your Project ID above in any future communications about the project.

PROJECT AREA STATISTICS

County	San Luis Obispo
City	Unincorporated
Total Population	838
Youth Population	72
Senior Population	386
Households Without Access to a Car	22
Number of People in Poverty	59
Median Household Income	$79,556
Per Capita Income	$53,163
Park Acres	92.34
Park Acres per 1,000 Residents	110.19

PROJECT AREA MAP



REPORT BACKGROUND

The project statistics have been calculated based on half mile radius around the point location selected. Only park acres within the project area's half mile radius are reported.

Population and people in poverty are calculated by determining the percent of any census block-groups that intersect with the project area. The project area is then assigned the sum of all the census block-group portions. An equal distribution in census block-groups is assumed. Rural areas are calculated at a census block level to improve results.

Median household and per capita income are calculated as a weighted average of the census block- group values that fall within the project area.

More information on the calculations is available on the methods page.

Demographics—American Community Survey (ACS) 5-year estimates 2017-2021; Decennial 2020 Census; the margin of error (MOE) was not analyzed.

Parks—California Protected Areas Database 2022b CFF adjusted (1/2023) - more information at http://www.CALands.org. Parks and park acres area based on best available source information but may not always contain exact boundaries or all parks in specific locations. Parks are further defined in this report: parksforcalifornia.org/park_equity#parks_data.

Users can send updated information on parks to SCORP@parks.ca.gov

SCORP Community FactFinder is a service of the California Department of Parks and Recreation www.parks.ca.gov

SCORP Community FactFinder created by GreenInfo Network www.greeninfo.org in consultation with CA Dept. of Parks and Rec

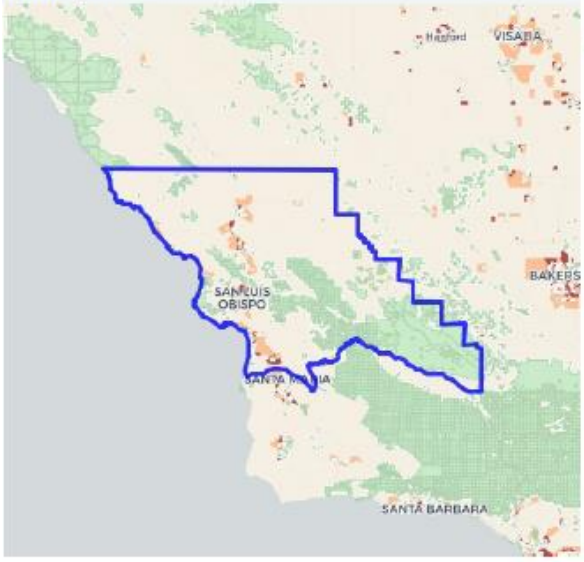
California State Parks

Park Access Report

Date: 5/22/2023

SAN LUIS OBISPO COUNTY

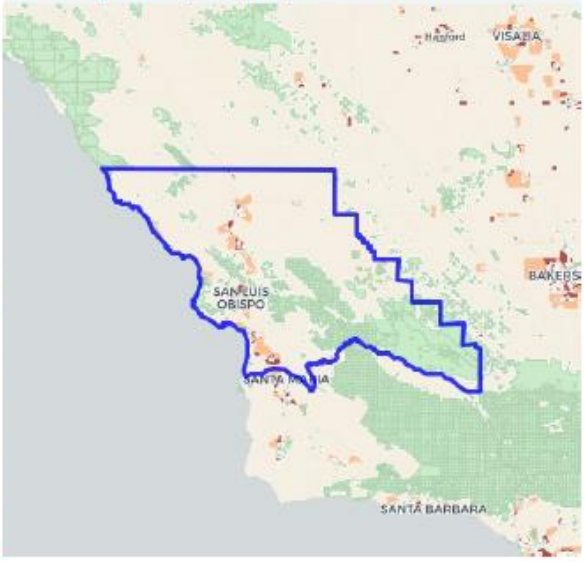
41% of the 281,455 residents live further than **a half mile** from a park



Parks and Open Space
Park or Preserved Area

No Park Access
< 200 people per sq mi
200 - 1,000 ppl per sq mi
> 1,000 ppl per sq mi

31% of the 281,455 residents live in areas with **less than 3 acres** of parks or open space per thousand residents



Parks and Open Space
Park or Preserved Area

Park acres per 1000 Residents
< 1
1 to 3
> 3

CALIFORNIA

21% of the 39,148,760 residents live further than **a half mile** from a park

61% of the 39,148,760 residents live in areas with **less than 3 acres** of parks or open space per thousand residents

REPORT BACKGROUND

Statistics have been calculated based on the selected city, county or political district.

Park Access/No Park Access—A half mile zone is added around all parks. The estimated population living within a half mile zone of a park is counted as having park access in this report. The half mile measurement standard is explained further in the 2015 SCORP (pg. 15).

Park Acres per 1000 residents—Calculated as ((park acres in tract)/(tract population)) * 1,000. Park acres and population are defined at the census tract level. Census tracts vary in population size, but average approximately 4,000 persons. In some situations, additional parkland may lie at the edge of (or very close to) a particular tract, a condition not measured by this analysis.

More information on the calculations is available on the methods page.

Demographics—American Community Survey (ACS) 5-year estimates 2014-2018; Decennial 2010 Census; the margin of error (MOE) was not analyzed.

Parks—California Protected Areas Database 2019b adjusted (11/2019). More information at http://www.CALands.org. This tool is updated for California's SCORP every five years. The next update will be released in 2024/25 to inform California's 2026-2030 SCORP. Parks and park acres area based on best available source information but may not always contain exact boundaries or all parks in specific locations. Parks are defined further in this report: parksforcalifornia.org/park_equity. Users can send updated information on parks to SCORP@parks.ca.gov

SCORP Community FactFinder is a service of the California Department of Parks and Recreation
www.parks.ca.gov

SCORP Community FactFinder created by GreenInfo Network www.greeninfo.org in consultation with CA Dept. of Parks and Rec

Checklist Item 11: Public Use Plan (Acquisitions Only)

Checklist Item 11 is required for ACQUISITION PROJECTS only.

The Cambria Community Services District skatepark is a development project.

Checklist Item 12: Purchase Agreement (Acquisitions Only)

Checklist Item 12 is required for ACQUISITION PROJECTS only.

The Cambria Community Services District skatepark is a development project.

Checklist Item 13: Land Tenure Requirement (Development Only)

For DEVELOPMENT PROJECTS, the PROJECT land must be owned by the APPLICANT at the time of APPLICATION. APPLICANTS will upload the deed or other document showing that the APPLICANT owns the PROJECT land. Other documentation could be a legal description and a letter stating the APPLICANT owns the PROJECT SITE and provides the length of time they have owned it.

RECORDING REQUESTED BY MAIL TO
NAME Cambria Comm Services Dist
STREET P.O. Box 65
CITY Cambria, CA 93428

A.P.No. 013-101-072

DOC. NO. 17271
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CA
APR 13 1977
COMPARED
WILLIAM E. ZIMARIK
COUNTY RECORDER
TIME -4:15 PM

QUITCLAIM DEED

This Quitclaim Deed made this 16th day of December, 1976, by and between Cambria Fire Protection District

036062135 000000.00CA REC

a public corporation located in the County of San Luis Obispo, State of California (hereinafter sometimes referred to as "Party of the First Part"), and CAMBRIA COMMUNITY SERVICES DISTRICT, a public corporation, located in the County of San Luis Obispo, State of California (hereinafter sometimes referred to as "Party of the Second Part"):

WITNESSETH:

WHEREAS, at an election duly called in the Cambria area, on November 2, 1976, the voters thereof duly approved the reorganization of the special districts of the Cambria area, whereby the Cambria Community Services District territory was to be expanded, and whereby Cambria County Water District, Cambria Fire Protection District, Cambria Garbage Disposal District, and County Service Area #6 were all to be dissolved, and

WHEREAS, said reorganization will become effective on or about December 29, 1976, at which time such district dissolutions and expansion will be effective, and

WHEREAS, in order to consummate such reorganization it is necessary that the dissolved districts transfer all their property to the Cambria Community Services Districts, and

BVOL 1971 PAGE 167

WHEREAS, it is in the public interest that such transfer be consummated.

NOW, THEREFORE, the Party of the First Part, for a valuable consideration the receipt of which is hereby acknowledged, does hereby remise, release, and forever quitclaim to Cambria Community Services District, all that real property located in the County of San Luis Obispo, State of California, which is more specifically described on the attached document marked "Exhibit A", which is hereby incorporated herein by reference as though herein fully set forth.

To have and to hold the above quitclaimed premises, together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining, to the Cambria Community Service District and to its assigns and successors forever.

IN WITNESS WHEREOF, the Party of the First Part has executed this Quitclaim Deed on the day and year first hereinabove written.

Cambria Fire Protection District

By: Eugene W. Briggs
President of the Governing Board
of said District

ATTEST:

Leni Bodegraven
Secretary of the Governing Board
of said District

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ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
ss
COUNTY OF SAN LUIS OBISPO)

On this 16 day of DEEMBER, 1976, before me the undersigned notary public in and for said County and State, personally appeared EUGENE W BRIGGS and LEON BORDEGARAY, known to me to be the President and Secretary respectively, of the CAMBRIA FIRE PROTECTION DISTRICT, a public corporation, and known to me to be the persons who executed the within instrument on behalf of said public corporation, and acknowledged to me that such public corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year first hereinabove in this certificate set forth.

Ken Hart
NOTARY PUBLIC in and for said County and State

KEN HART
NOTARY PUBLIC
San Luis Obispo County, California
My Commission Expires Oct. 8, 1979

[SEAL]

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* This document is rerecorded to show the addition of the acceptance by the grantee.

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This is to certify that the interest in real property conveyed by the GRANT DEED dated JAN. 23, 1974 from JENNINGS B. SHAMEL AND RUTH J. SHAMEL to Cambria Community Services District, a governmental agency authorized under the State of California Government Code, is hereby accepted by the undersigned officer on behalf of the Board of Directors of the Cambria Community Services District pursuant to authority conferred by Resolution of the Cambria Community Services District adopted on November 20, 1978, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: DEC. 17, 1981 By: Howard V. Main
Howard V. Main
General Manager

END OF DOCUMENT

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EXHIBIT "A"

SCHEDULE A

1. The title to said land is at the date hereof vested in

CAMBRIA FIRE DISTRICT OF SAN LUIS OBISPO COUNTY.

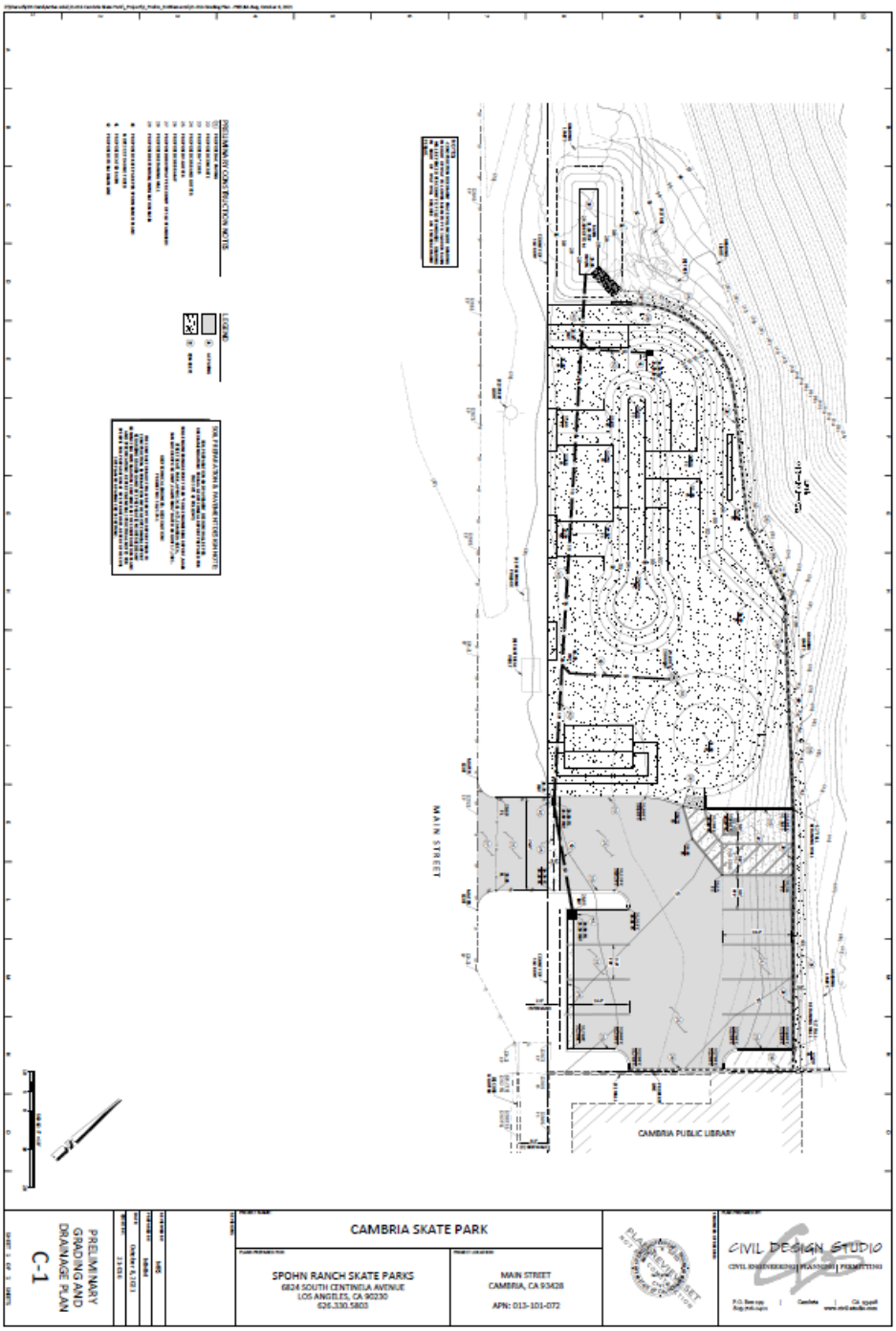
2. The land referred to in this Policy is described as follows:

All that certain real property situate in the County of San Luis Obispo, State of California, and particularly described as follows, to-wit:

Commencing at a point on the Southerly line of Lee Street, 250 feet South 16° East from the South corner of Lee and Center Streets, thence Southerly along said line of Lee Street, 50 feet, thence at right angles Westerly 95 feet to the Easterly line of Santa Rosa Lane; thence at right angles Northerly along said Easterly line 50 feet, thence at right angles Easterly 95 feet to the place of beginning, and being designated on Forresters plat of the Town of Cambria as Lot Six (6) in Block D.

EXHIBIT A

Checklist Item 14: Concept Level Site Plan (Development Only)



SPOHN RANCH
SKATECAMBRIA
CAMBRIA SKATEPARK
CONCEPT DESIGN 7.7.21
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SPOHN RANCH
SKATECAMBRIA
CAMBRIA SKATEPARK
CONCEPT DESIGN 7.7.21
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SKATECAMBRIA
CAMBRIA SKATEPARK
CONCEPT DESIGN 7.7.21
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SKATECAMBRIA
CAMBRIA SKATEPARK
CONCEPT DESIGN 7.7.21
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SPOHN RANCH SKATE CAMBRIA

CAMBRIA SKATEPARK
CONCEPT DESIGN 7.7.21

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Draft for the 2023 Application Cycle

APPLICATION GUIDE

LAND AND WATER CONSERVATION FUND (LWCF)

State of California Natural Resources Agency
Department of Parks and Recreation Office of Grants and Local Services
"Creating Community through People, Parks, and Programs"

Information about LWCF can be found at www.parks.ca.gov/lwcf

Applications are submitted through an online application system.
Questions should be directed to the competitive project officers, assigned by county.

Main Office Phone: (916) 653-7423
Grants Website: www.parks.ca.gov/grants

Department Mission

The mission of the California Department of Parks and Recreation (DPR) is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

The Office of Grants and Local Services (OGALS) Mission Statement

The mission of the Office of Grants and Local Services is to address California's diverse recreational, cultural and historical resource needs by developing grant programs, administering funds, offering technical assistance, building partnerships and providing leadership through quality customer service.

OGALS Vision Goals

- Proactive in meeting California's park and recreation needs through innovative grant programs and a commitment to quality customer service.
- Sensitive to local concerns while mindful of prevailing laws, rules, and regulations.
- Responsive to the needs of applicants, grantees, nonprofit organizations, local governments, and legislative members, who are our partners working to improve the quality of life for all Californians by creating new parks and recreation opportunities.

Why Parks Matter

Parks are unique places where people play, people exercise, families bond, older adults socialize, youth are mentored, cultures share and celebrate their differences, and everyone connects with nature. For these reasons, vibrant parks funded by this program will be a cost-effective means of creating humane, livable communities.

See page 51 for the definitions of words and terms shown in SMALL CAPS that appear throughout this guide.

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Welcome to the Land and Water Conservation Fund (LWCF) Program

This guide covers two parallel APPLICATION processes:

- The COMPETITIVE APPLICATION process for LOCAL AGENCIES (LOCAL AGENCY COMPETITIVE PROGRAM).
- The APPLICATION process for STATE AGENCIES (established in California Public Resources Codes §5099.12).

OGALS recommends that all APPLICANTS review the following resources at www.parks.ca.gov/lwcf before applying:

1. This APPLICATION Guide.
2. Additional information on POST-SELECTION FEDERAL REQUIREMENTS.
3. The GRANT ADMINISTRATION GUIDE, which contains important information about administrative requirements for GRANTEES.
4. The POST-COMPLETION PARK STEWARDSHIP REQUIREMENTS, which contain important information about the operation and maintenance requirements in PERPETUITY for land within an LWCF BOUNDARY MAP approved by the National Park Service (NPS).

Please contact the PROJECT SITE county's assigned COMPETITIVE PROJECT OFFICER with any questions or to request a pre-review of APPLICATION documents (except Checklist Item 5).

You can find more information about OGALS' grant programs at www.parks.ca.gov/grants. The website features a link to the LWCF webpage, which provides important APPLICATION information such as technical assistance materials and updates, staff contacts, and a link to the online APPLICATION.

LWCF Overview

This section provides general information about the LWCF program and APPLICATION process.

LWCF Legacy

On February 14, 1963, President Kennedy's Administration proposed legislation to establish a "Land and Water Conservation Fund" to assist states in planning, ACQUISITION, and DEVELOPMENT of recreation lands. With bipartisan support, President Johnson signed it into law on September 3, 1964, as Public Law 88- 578, 16 U.S.C.460*l*-4.

NPS administers the LWCF program at the federal level. Previously, the Bureau of Outdoor Recreation administered the LWCF program from 1964 to 1978 and the Heritage Conservation & Recreation Service administered it from 1978 to 1981. Funds allocated to California are administered by the DEPARTMENT under the provisions of the California Outdoor Recreation Resources Plan Act of 1967, (Public Resources Code §5099 et seq.). Outer Continental Shelf mineral receipts, sales of federal surplus real property, federal recreation fees, and federal motorboat fuel taxes all serve as funding sources for the LWCF. On August 4, 2020, the Great American Outdoors Act (GAOA) was signed into law, authorizing $900 million nationwide annually in permanent funding for LWCF.

When an LWCF PROJECT is completed, the land within the approved LWCF BOUNDARY MAP is placed under federal protection, preserving the public's outdoor recreational use of the site in PERPETUITY for the benefit of our nation's future generations.

This PARK protection legacy is based on the provision of 54 U.S.C. §200305(f)(3) of the LWCF Act. Thousands of PARKS throughout California will remain as perpetual monuments to the foresight of President Kennedy's Administration and the American people.

Application Deadline

- The **LOCAL AGENCY COMPETITIVE PROGRAM** deadline will be on the **first Thursday in June**.
- The **STATE AGENCY** deadline will follow three months afterward, on the **first Thursday in September**.
    - The State Coastal Conservancy must submit a letter of intent by the **first Thursday in June** to be eligible to submit a STATE AGENCY APPLICATION. Refer to the "Eligible State Agency Applicants" section for additional information.

Eligible Local Agency Applicants

- Cities and counties
- Federally recognized Native American tribes
- JOINT POWERS AUTHORITIES (JPA) where all members are public agencies. A JPA can include a STATE AGENCY if at least one member is a local (non-state) public agency or district, and the JPA was formed for the purpose of providing PARK and recreation areas.
- Non-STATE AGENCY recreation and PARK districts and special districts with authority to acquire, operate, and maintain public PARK and recreation areas

Eligible State Agency Applicants

The following eligible STATE AGENCY APPLICANTS and their LWCF allocation percentages are established through Public Resources Code §5099.12. A chart showing an example of the allocation percentages is available on the LWCF website.

- Department of Parks and Recreation
- Department of Water Resources
- Department of Fish and Wildlife/Wildlife Conservation Board
- In addition, a DIRECTOR'S CONTINGENCY FUND is first available to the State Coastal Conservancy. The State Coastal Conservancy must submit a letter of intent describing the proposed PROJECT to OGALS by the **first Thursday in June** or the funding will be made available for a DPR APPLICATION.

STATE AGENCIES may designate funds to another eligible LWCF APPLICANT:

1. The designated LWCF APPLICANT must submit an APPLICATION by the STATE AGENCY deadline of the same year.
2. If the designated LWCF APPLICANT does not submit an APPLICATION by the STATE AGENCY deadline, the funds will be moved into the reallocation process.

Reallocation Process

This process ensures LWCF funds are OBLIGATED on time and do not revert to NPS. If this reallocation process is needed, the LWCF funding is allocated to a LOCAL AGENCY COMPETITIVE PROJECT.

Reallocation to a LOCAL AGENCY COMPETITIVE PROJECT will occur for any of the following reasons:

1. If a STATE AGENCY or designee does not submit an APPLICATION by the STATE AGENCY deadline of that year.

2. If a selected APPLICATION cannot be approved due to technical reasons. Examples include, but are not limited to, loss of eligible MATCH funds; ineligible federal MATCH sources; a scope change request that would be a significant reduction of the PROJECT benefits; the POST-SELECTION FEDERAL REQUIREMENTS cannot be completed; or site control issues that negatively impact public outdoor recreation access.

3. If a selected APPLICATION has reduction in scope or increase of funding sources and a portion of the LWCF GRANT is no longer needed for the PROJECT.

4. If a PROJECT approved by NPS is later withdrawn or completed under budget and NPS moves the balance of funds to the state SPECIAL REAPPORTIONMENT ACCOUNT (SRA).

Amount of Funds Available

There are two LWCF funding sources:

1. Annual APPORTIONMENT TO CALIFORNIA.

2. SRA funds from previous APPORTIONMENTS TO CALIFORNIA.

The annual APPORTIONMENT TO CALIFORNIA is subject to change, based on annual federal budget decisions made by Congress.

California's Public Resources Code §5099.12 divides the annual APPORTIONMENT TO CALIFORNIA into approximately 60% for LOCAL AGENCY COMPETITIVE PROGRAM funding and 40% for STATE AGENCIES.

OGALS may combine multiple REGULAR APPORTIONMENT and SRA apportionments into one COMPETITIVE APPLICATION cycle.

Maximum Grant Amount per Application

Please visit the LWCF website for the current maximum GRANT request amount. APPLICANTS may also choose to establish a GRANT REQUEST RANGE. The maximum GRANT request amount cannot exceed 50% of the TOTAL PROJECT COST.

Match Requirements

- **MATCH requirement:** A minimum of 50% of the TOTAL PROJECT COST (MATCH can range from 50% to 99% of the TOTAL PROJECT COST).
    - For example, a PROJECT with a TOTAL PROJECT COST of $6,000,000 has a minimum MATCH amount of $3,000,000. Eligible MATCH sources are explained on page 34.
- All MATCH must be for ELIGIBLE COSTS (see pages 47-50).

Rate of Reimbursement and Match Calculation

LWCF is a reimbursement-only program, and APPLICANTS are reimbursed at a set RATE OF REIMBURSEMENT.

The RATE OF REIMBURSEMENT is calculated as the percentage of the LWCF GRANT amount in relation to the TOTAL PROJECT COST established by the APPLICANT at the time of APPLICATION.

For each payment request, OGALS can only reimburse the RATE OF REIMBURSEMENT percentage of the ELIGIBLE COSTS listed on a Grant Expenditure Form by the GRANTEE. For example, a TOTAL PROJECT COST with a 50% LWCF GRANT amount will be reimbursed at 50% of the total eligible expenditures.

For guidance about the RATE OF REIMBURSEMENT and MATCH, please go to www.parks.ca.gov/lwcf.

Eligible Projects

ACQUISITION PROJECTS **or** DEVELOPMENT PROJECTS are eligible for LWCF funding. Combination PROJECTS are not eligible.

All PROJECTS must meet at least one SCORP priority. See page 12 for more information.

The next two pages provide examples of eligible ACQUISITION or DEVELOPMENT PROJECTS. PROJECTS may include, but are not limited to, the listed examples.

Acquisition Examples:

- ACQUISITION to create a NEW PARK.
- ACQUISITION to EXPAND or provide a buffer for an existing PARK.
- ACQUISITION to provide a wildlife corridor that supports public viewing and outdoor recreational use (not habitat conservation for its own sake—all PROJECTS must have a primary purpose of public outdoor recreation).
- ACQUISITION to provide a recreational/active transportation trail corridor that connects neighborhoods to workplaces, schools, homes, and other recreational opportunities.

New Recreation Opportunity for Acquisitions:

ACQUISITION PROJECTS must result in at least one NEW RECREATION OPPORTUNITY for the public within three years after the completion of the ACQUISITION. The entire PARK DEVELOPMENT does not need to be completed; a phased portion is acceptable and must be completed within three years.

In some cases, the ACQUISITION property may not require DEVELOPMENT to provide a NEW RECREATION OPPORTUNITY. Examples include:

- An existing fire or safety road in the ACQUISITION property that is readily useable as a trail or walking pathway.
- EXPANSIONS: The ACQUISITION property is adjacent to an existing PARK, and can serve:
    - To protect the VIEWSHED of the PARK for current and future generations of PARK visitors. In this case, enjoying the VIEWSHED is a recreation opportunity for the PARK visitors.
    - To protect a wildlife corridor for current and future generations, where visitors of the existing PARK come to enjoy watching wildlife.

Development Examples:

DEVELOPMENT of RECREATION FEATURES must be for outdoor recreation. LWCF funds are intended to increase outdoor recreational opportunities for the health and wellness of Californians.

The following examples are not intended to show a preference from OGALS for any particular outdoor RECREATION FEATURES.

RECREATION FEATURE Examples
• Athletic courts (basketball, tennis, futsal, pickleball, etc.) • Athletic fields (soccer regulation or futbol rapido, baseball, softball, football, etc.) • Community, demonstration, and botanic gardens • Dog parks and fixed features, such as fixed obstacle courses • OPEN SPACE and natural areas • Outdoor gyms (aerobic or strength building equipment) • Outdoor performing arts venues • Picnic areas • Playgrounds and tot lots • Recreational trails • Skate parks and BMX or pump tracks • Tracks, jogging loops, and par courses • Outdoor swimming pools and aquatic features
MAJOR SUPPORT AMENITY Examples
• Restroom buildings • Parking lots • Lighting and Landscaping

Statewide Comprehensive Outdoor Recreation Plan (SCORP) Priorities

- The SCORP is updated every five years to evaluate demand, supply, and priorities to protect existing recreation resources and create new public outdoor recreation resources. Priorities identified in the SCORP drive the LWCF project selection criteria through the OPEN PROJECT SELECTION PROCESS (OPSP).

- For both the LOCAL AGENCY COMPETITIVE PROGRAM and the STATE AGENCY process, **at least one** of the current SCORP Priorities must be met for NPS to approve a PROJECT.

- For the LOCAL AGENCY COMPETITIVE PROGRAM, PROJECTS that address more than one SCORP priority will be more COMPETITIVE compared to other statewide APPLICATIONS.

- Visit https://www.parksforcalifornia.org/scorp/ to read the current SCORP and review the SCORP Priorities.

Application Process and Timeline

1. LOCAL AGENCIES and STATE AGENCIES should review this guide to understand the APPLICATION requirements.

    - Use the Eligibility Card beginning on page 16 as a guide for PROJECT selection to meet the basic federal requirements and use the APPLICATION Checklist on page 17 to submit a complete APPLICATION by the deadline.

    - LOCAL AGENCIES should use the SCORP priorities and project selection criteria to help conceptualize a COMPETITIVE APPLICATION.

2. Review the GRANT ADMINISTRATION GUIDE to understand OGALS' GRANT administration requirements. Review the POST-COMPLETION PARK STEWARDSHIP REQUIREMENTS to understand the federal requirements in PERPETUITY.

    - **A sample GRANT CONTRACT can be found in the GRANT ADMINISTRATION GUIDE**. The GRANT ADMINISTRATION GUIDE explains the requirements for GRANTEES, such as federal procurement requirements, deed restrictions, and the reimbursement process.

3. This guide provides directions and forms for both LOCAL and STATE AGENCIES.

4. Submit the APPLICATION online by or before the APPLICATION deadline. The online APPLICATION portal will close at exactly 5:00pm, which means APPLICATIONS must be submitted by 4:59pm. APPLICATIONS will not be accepted after the deadline.

5. OGALS will review the APPLICATIONS for approximately six months.

6. APPLICANTS will be notified when APPLICATIONS are selected to move forward to the POST-SELECTION FEDERAL REQUIREMENTS and recommendation to NPS.

7. Selected APPLICANTS will be notified to begin the POST-SELECTION FEDERAL REQUIREMENTS, including compliance with SECTION 106 of the National Historic Preservation Act. See www.parks.ca.gov/lwcf for more information on these requirements.

8. OGALS will submit the final federal package to NPS after APPLICANTS have completed all POST-SELECTION FEDERAL REQUIREMENTS. NPS reviews the package, requests updates as needed, and approves (OBLIGATES) the PROJECT, establishing the GRANT PERFORMANCE PERIOD.

    - All federally approved conditions and mitigation responsibilities resulting from NEPA and SECTION 106 must be adhered to before and during construction, as applicable.

9. Once NPS has OBLIGATED the PROJECT, OGALS will issue the GRANT CONTRACT. The APPLICANT officially becomes a GRANTEE when the CONTRACT is signed by the AUTHORIZED REPRESENTATIVE and OGALS.

10. OGALS will work with the GRANTEE during the PROJECT and after completion to ensure the land is protected for outdoor recreation in PERPETUITY.

Important Timeline Considerations

The following timeline is designed to ensure all funds made available to California, including REGULAR APPORTIONMENT and SRA funds are OBLIGATED on time.

APPLICANTS should plan for approximately a two-to-three-year period from the date of APPLICATION until funds are OBLIGATED, if selected, per the steps below.

LWCF Application Timeline	**Approximate Timeframe**
APPLICATION Technical Assistance	5 months
LOCAL AGENCY Deadline	1st Thursday in June
STATE AGENCY Deadline	1st Thursday in September
Selected APPLICATIONS Announced	6 months after the LOCAL AGENCY APPLICATION Deadline
POST-SELECTION FEDERAL REQUIREMENTS Once an LWCF APPLICATION is submitted, the site is subject to NEPA and SECTION 106 approval and cannot have any activities associated with PROJECT implementation (or another scope of work from other funding that overlaps with the LWCF PROJECT SITE) such as grading, demolition, construction, landscaping, etc. in the PROJECT SITE footprint until these federal requirements are complete.	1+ year, including Office of Historic Preservation Consultation for SECTION 106 and NPS NEPA Review
Submission of Complete Application to NPS	Dependent on POST-SELECTION FEDERAL REQUIREMENTS completion
NPS Review and Approval (Construction or ACQUISITION may only begin after NPS approval)	6 months – 2 years
OGALS CONTRACT Issuance and Finalization (Reimbursement requests may begin once the CONTRACT is finalized)	3 months
GRANT PERFORMANCE PERIOD	From date of NPS approval, up to 3 years to complete the PROJECT

Grant Performance Period and Eligible Costs

The GRANT PERFORMANCE PERIOD begins only when NPS approves the federal APPLICATION package and GRANTEES have up to three years to complete a PROJECT. The ACQUISITION or DEVELOPMENT must wait until SECTION 106 is complete and NPS approval is received (see exceptions below, including planning and design costs as part of the PRE-AWARD PLANNING COSTS).

In addition, typically no other construction can occur in the PROJECT footprint until SECTION 106 is complete. Please reach out to the county's assigned COMPETITIVE PROJECT OFFICER with questions on other phases or site preparation that may overlap with the PROJECT'S footprint.

The chart below summarizes when ELIGIBLE COSTS may be incurred. Also see the ELIGIBLE COSTS Chart on pages 47-50.

When ELIGIBLE COSTS may be incurred	Type of Cost and Situation
Up to three years before the APPLICATION is approved NPS.	PRE-AWARD PLANNING COSTS only.
After the APPLICATION is submitted and before NPS OBLIGATES funds to the PROJECT.	PRE-AWARD PLANNING COSTS and costs approved through a WAIVER OF RETROACTIVITY.
After NPS approves and OBLIGATES funds to the PROJECT (the GRANT PERFORMANCE PERIOD).	All ELIGIBLE COSTS. See the ELIGIBLE COSTS Chart on pages 47-50.
After the GRANT PERFORMANCE PERIOD.	No costs can be paid.

- The first two boxes above are the only circumstances when costs can be incurred before NPS approves (OBLIGATES) the funds (before the GRANT PERFORMANCE PERIOD).
    - **Submitting an APPLICATION does not guarantee funding in this program; funding is not guaranteed until NPS has approved the PROJECT.** Approval of a WAIVER OF RETROACTIVITY also does not guarantee funding.

A WAIVER OF RETROACTIVITY is a request to move forward with the PROJECT based on an urgent need, before NPS PROJECT approval. Before a waiver can be approved, all POST-SELECTION FEDERAL REQUIREMENTS must be completed. The WAIVER OF RETROACTIVITY allows the APPLICANT to incur costs and even complete the PROJECT at the APPLICANT'S own risk before NPS approves the PROJECT and OBLIGATES the GRANT funds (before the APPLICANT becomes a GRANTEE). Once approved by NPS, the APPLICANT can then incur costs and eventually request a reimbursement, if the APPLICANT becomes a GRANTEE.

Application Eligibility Card

The Eligibility Card covers significant issues that APPLICANTS and GRANTEES must be aware of to succeed in this federal program. Use it to select a COMPETITIVE PROJECT that will meet the APPLICATION, GRANT administration, and POST-COMPLETION PARK STEWARDSHIP REQUIREMENTS.

	APPLICATION Requirements	**Yes**	**No**
1	**SCORP:** Does the PROJECT meet at least one of the current SCORP Priorities?	Eligible	Ineligible
2	**ACQUISITION PROJECT:** Will the APPLICANT become the landowner through the ACQUISITION? ***Or*** **DEVELOPMENT PROJECT:** Is the APPLICANT the land owner at the time of APPLICATION?	Eligible	Ineligible
3	Will the entire PARK shown on the LWCF BOUNDARY MAP be protected, operated, and maintained according to the POST-COMPLETION PARK STEWARDSHIP REQUIREMENTS in PERPETUITY?	Eligible	Ineligible
4	Will the APPLICATION be submitted by the deadline? Will checklist items that are not ready by the APPLICATION deadline, such as CEQA, be completed and submitted to OGALS within 60 days after the APPLICATION deadline? For the LOCAL AGENCY COMPETITIVE PROGRAM, will the project section criteria be submitted by the deadline?	Eligible	Ineligible
5	Does the APPLICANT understand the MATCH and RATE OF REIMBURSEMENT requirements and have funds to "cash-flow" 100% of the PROJECT costs before reimbursement?	Eligible	Ineligible
6	Will the PROJECT be completed no later than 3 years from the start date of the GRANT PERFORMANCE PERIOD?	Eligible	Ineligible
7	Does the APPLICANT understand the construction or ACQUISITION cannot begin until NPS approval? This includes ensuring no PROJECT-related activities, or other site work from other funding sources, takes place before NPS approval (except for eligible PRE-AWARD PLANNING COSTS).	Eligible	Ineligible

Select a different PROJECT if one or more answers are "no."
A "no" means the APPLICATION/PROJECT is ineligible.

Application Packet

LOCAL and STATE AGENCIES should use the checklist below to prepare the LWCF APPLICATION.

- **If a checklist item is pending, provide a placeholder stating when it will be complete.**
    - **Exception:** Item 5, Project Selection Criteria, must be completed by all LOCAL AGENCY APPLICANTS by the APPLICATION deadline.
- Provide only the items shown in the checklist. Do not upload supplementary materials, such as power point presentations, videos, or letters of support. Letters of support are **not** requested.
- Directions for each checklist item can be found within this guide and forms can be found at www.parks.ca.gov/lwcf.

Application Checklist

Checklist Item	Page	LOCAL AGENCY COMPETITIVE PROGRAM	STATE AGENCY
General Application Items			
1. Application Form	18		
2. Authorizing Resolution	20		N/A
3. Certification Letter	22	N/A	
4. Project Summary	24		
5. Project Selection Criteria	25		N/A
6. Detailed Budget Narrative	33		
7. CEQA Compliance	36		
8. Project Location Map	38		
9. Photos of the Project Site	38		
10. Community FactFinder and Park Access Tool Report	38		N/A
Acquisition Projects			
11. Public Use Plan	40		
12. Purchase Agreement	41		
Development Projects			
13. Land Tenure	42		
14. Concept Level Site Plan	42		

Checklist Item 1: LWCF Program Application Form

Complete and **upload** the Application Form into the online APPLICATION. APPLICANTS must provide all the information requested on the LWCF Application Form shown on the next page. Use the fillable LWCF Application Form at http://www.parks.ca.gov/lwcf.

California Natural Resources Agency
Department of Parks and Recreation

Land and Water Conservation Fund Application Form

Project Name:	**County:**
Total Project Cost:	**Minimum Grant Request:**
Total Pre-Award Planning Costs:	**Maximum Grant Request:**
Project Site Address:	
Project Site Latitude and Longitude:	**Nearest Cross Streets:**
Grant Applicant (Entity):	
Grant Applicant Mailing Address:	
Authorized Representative (as shown in the Resolution):	
Name:	**Title:**
Email:	**Phone:**
Day-to-Day Contact (if different from the Authorized Representative):	
Name:	**Title:**
Email:	**Phone:**
Type of Project:	**Acres to be Acquired:**
Total Site Acreage Currently Under LWCF Protection:	**Total Acreage to be Placed Under LWCF Protection:**

GRANT SCOPE: I represent and warrant that this APPLICATION describes the intended use of the requested GRANT to complete the RECREATION FEATURES and MAJOR SUPPORT AMENITIES proposed through the PROJECT. I agree with the APPLICATION and procedural requirements described in the Application Guide and GRANT ADMINISTRATION GUIDE. I declare under penalty of perjury, under the laws of the State of California, that the information contained in this APPLICATION PACKET, including required attachments, is accurate.

Signature of the Authorized Representative (as shown in the Resolution)	**Date**
Print Name	**Title**

Checklist Item 2: Authorizing Resolution

For the **LOCAL AGENCY COMPETITIVE PROGRAM APPLICATION**.

LOCAL AGENCY APPLICANTS will **upload** the Authorizing Resolution into the online APPLICATION.

1. Fill in the blanks on the Resolution as appropriate. Ensure it is approved by your governing body. Use the same PROJECT name that appears on the APPLICATION Form**.**

2. The Resolution template may be reformatted. However, modifying the language may delay APPLICATION approval if the changes require legal office review and/or subsequent revisions.

3. For Provision 4: **Identify a position** instead of a person's name.

   - The designated position is responsible for signing all APPLICATION documents. The Application Form, Funding Sources Form, and CEQA Compliance Certification Form AUTHORIZED REPRESENTATIVE signature lines must be signed by the same designated position identified on the Authorizing Resolution – Provision 4.

   - If the AUTHORIZED REPRESENTATIVE will have another person (designee) sign a form on their behalf, include a letter or memo from the AUTHORIZED REPRESENTATIVE that identifies the designee's position and the documents they can sign. For example, indicate whether the designee is authorized to sign *all* documents or *list the specific* documents they can sign.

   - **All signatures required in this APPLICATION guide are the signature of the AUTHORIZED REPRESENTATIVE or designee.**

Resolution No. _____ RESOLUTION OF THE (*APPLICANT's Governing Body*) APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUND (*PROJECT Name*) PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing APPLICATIONS by local agencies under the program; and

WHEREAS, the APPLICANT certifies by resolution the approval of the APPLICATION and the availability of eligible MATCHING funds prior to submission of the APPLICATION to the State; and

NOW, THEREFORE, BE IT RESOLVED that the ____(*Governing Body*)_____ hereby:

1. Approves the filing of an APPLICATION for Land and Water Conservation Fund assistance for the proposed; _____(*PROJECT Name*)_____
2. Certifies that the APPLICANT has reviewed, understands, and agrees to the General Provisions contained in the CONTRACT shown in the Grant Administration Guide; and
3. Agrees to abide by 54 U.S.C. §200305(f)(3) which requires, "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."
4. Certifies that said agency has MATCHING funds from eligible source(s) and can finance 100 percent of the PROJECT, which up to half may be reimbursed; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Appoints the (*AUTHORIZED REPRESENTATIVE Designated Position Title)* as agent of the APPLICANT to conduct all negotiations and execute and submit all documents, including, but not limited to, APPLICATIONS, CONTRACTS, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned PROJECT.

Approved and Adopted on the _____day of_____, 20__.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by _____following a roll call vote:

(APPLICANT'S Governing Body)

Ayes Noes Absent

(Clerk)

_____

Checklist Item 3: Certification Letter

For the **STATE AGENCY APPLICATION** only.

STATE AGENCY APPLICANTS will **upload** the Certification Letter into the online APPLICATION.

1. Fill in the blanks on the Letter as appropriate. Ensure it is approved by the STATE AGENCY Director. Use the same PROJECT name that appears on the Application Form**.**

2. For Provision 3: **Identify a position** instead of a person's name.

   - The designated position is responsible for signing all APPLICATION documents. The Application Form and CEQA Compliance Certification Form AUTHORIZED REPRESENTATIVE signature lines must be signed by the same designated position identified on the Certification Letter – Provision 3.

   - If the AUTHORIZED REPRESENTATIVE will have another person (designee) sign a form on their behalf, include a letter or memo from the AUTHORIZED REPRESENTATIVE that identifies the designee's position and the documents they can sign. For example, indicate whether the designee is authorized to sign *all* documents or *list the specific* documents they can sign.

   - **All signatures required in this APPLICATION guide are the signature of the AUTHORIZED REPRESENTATIVE or designee.**

Alternate Process for Reallocation to an Eligible Public Agency:

If a STATE AGENCY reallocates its funding to another eligible public agency, provide a letter designating the entity, funding amount, PROJECT name, and a description how the PROJECT aligns with at least one of the STATE AGENCY'S SCORP priorities.

Certification Letter Language

Date:

To: California Department of Parks and Recreation Office of Grants and Local Services
Land and Water Conservation Fund (LWCF) Program

From: Director
Name of State Agency
Address

Re: Certification Letter
Name of LWCF Project: _____

This letter confirms that the Director has reviewed the (Name of Project): _____ LWCF application packet, approves the filing of the application, and certifies the following:

1. Agrees to place the land shown within the LWCF Boundary Map under federal protection in Perpetuity through 54 U.S.C. §200305(f)(3), which states: "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

2. Attests that there are no known issues that would delay the project's timely obligation and agrees to move forward with Post-Selection Federal Requirements quickly, in order to avoid the Reallocation Process.

3. Appoints the (Authorized Representative Position): _____ as agent of the Applicant to sign all documents, including, but not limited to application forms, Grant contracts, amendments, payment request forms, and post completion park stewardship forms.

Signed by: _____
DIRECTOR

Date: _____

Checklist Item 4: Project Summary

APPLICANTS will enter Project Summary responses directly into the online APPLICATION.

Project Summary

1. Provide a brief summary (up to 500 words) of the proposed PROJECT scope. List the RECREATION FEATURES and MAJOR SUPPORT AMENITIES that are proposed for the LWCF GRANT plus MATCH **only**.

2. Explain how this PROJECT meets SCORP priorities. Cite and explain which SCORP and LWCF priorities will be met by this PROJECT.

Checklist Item 5: Project Selection Criteria

For the **LOCAL AGENCY COMPETITIVE PROGRAM APPLICATION** only.

APPLICANTS will enter project selection criteria responses directly into the online APPLICATION.

Point Value	Project Selection Criteria Title
20	1. Unmet Need
10	2. Type of Project
15	3. New Acreage placed under LWCF protection
15	4. Park Deficient or Economically Disadvantaged Area
15	5. Population Served
10	6. Public Input
15	7. Project Readiness
Eligibility Requirement	8. Applicant Capacity
Total Points: 100	

1. Unmet Need

Describe the need for the ACQUISITION or DEVELOPMENT by answering either A and B for ACQUISITION or C and D for DEVELOPMENT.

A high priority PROJECT will address more than one of the current SCORP priorities (as described in the Project Summary) and will meet one or more urgent unmet needs. APPLICATIONS will be scored in comparison to other statewide APPLICATIONS.

ACQUISITION: Respond to A and B below only.

A. Was this land on the open market before the purchase agreement was entered into, or was/is there any evidence or threat that it could be available for non-PARK DEVELOPMENT within the next two years?

B. Why is this ACQUISITION a high priority PROJECT to serve the current and future generations of the region, city-wide public, or neighborhood residents (based on the type of PARK and the SCORP/LWCF priorities described in the Project Summary)?

The scale below shows that 20 points will be given to high priority ACQUISITIONS.

20-15	This ACQUISITION is a high priority compared to other statewide APPLICATIONS.
14-10	This ACQUISITION is an above average priority compared to other statewide APPLICATIONS.
9-1	There was/is no threat that the land could be acquired for non-PARK DEVELOPMENT within the next two years. Or, this is not a high or above average priority opportunity compared to other statewide ACQUISITIONS.
0	No response.

DEVELOPMENT: Respond to C and D below only.

C. Why is this DEVELOPMENT a high priority PROJECT to serve the region, city-wide public, or neighborhood residents (based on the type of PARK and the SCORP/LWCF priorities described in the Project Summary)?

D. If this proposed DEVELOPMENT is not completed in the next five years, what effect will the continued lack of this proposed recreational opportunity(s) have on the region, city-wide public, or neighborhood residents?

The scale below shows that 20 points will be given to high priority DEVELOPMENT.

20-15	This DEVELOPMENT is a high priority compared to other statewide APPLICATIONS.
14-10	This DEVELOPMENT is an above average priority compared to other statewide APPLICATIONS.
9-1	There is no significant effect on the region, city-wide public, or neighborhood residents if this opportunity(s) will be unavailable over the next five years compared to other proposed statewide DEVELOPMENTS. The PROJECT SITE is an existing functional PARK with adequate RECREATION FEATURES.
0	No response.

2. Type of Project

Identify the type of PROJECT by checking the appropriate field below based on what will be accomplished with the GRANT and MATCH.

A maximum of 10 points will be given to ACQUISITION PROJECTS for the creation of a NEW PARK.

10	ACQUISITION to create a NEW PARK
8	DEVELOPMENT to create a NEW PARK
6	ACQUISITION to EXPAND an existing PARK
4	DEVELOPMENT to improve an existing PARK

3. New Acreage Placed Under LWCF Protection

Provide the new PARK acreage to be placed under LWCF PROTECTION (that is not currently under LWCF PROTECTION), if the GRANT is awarded.

- For an **ACQUISITION that will EXPAND an existing PARK**, the APPLICANT can include the PARK acreage of the existing PARK, in addition to the proposed ACQUISITION of that parcel(s), only if the existing PARK is not under LWCF PROTECTION.

- For **DEVELOPMENT to improve an existing PARK**, the APPLICANT can include the PARK acreage of the existing PARK only if it is not already under LWCF PROTECTION.

PARK acreage <u>already under</u> federal LWCF PROTECTION <u>will not</u> be considered in this criteria (meaning do not report or count the number of protected acres as part of the response). As a reminder, if the GRANT is selected, the entire PARK must be placed under LWCF PROTECTION and an LWCF BOUNDARY MAP will be required.

<u>New Acreage:</u>

The scale below shows that 10 points will be given to APPLICATIONS proposing to place new acreage under LWCF PROTECTION that is not currently already under LWCF PROTECTION.

10	The APPLICATION proposes to place new acreage under LWCF PROTECTION. All or a portion of the site is not currently under LWCF PROTECTION.
5	The entire PARK is already under LWCF PROTECTION; however, the PROJECT will be a high priority PROJECT per the response to Criteria 1.
0	No information provided, or the entire PARK is already under LWCF PROTECTION, and the PROJECT will not be a high priority PROJECT per the response to Criteria 1.

<u>Ranked Percentage of New Acreage:</u>

The scale below shows that up to 5 points will be given to all statewide APPLICATIONS, regardless of the type-of-PARK, proposing to place the greatest number of PARK acres under LWCF PROTECTION that are not currently already under LWCF PROTECTION.

5	Highest 30% on the ranked statewide list of all combined PARK categories/all statewide APPLICATIONS.
3	From 31% to 70% on the ranked list of all combined PARK categories.
1	From 71% to 100% on the ranked list of all combined PARK categories.
0	The entire PARK is already under LWCF PROTECTION, or no information provided.

4. Park Deficient or Economically Disadvantaged Area

PROJECT SITES that serve PARK deficient and/or economically disadvantaged areas are prioritized as part of California's OPEN PROJECT SELECTION PROCESS (OPSP). APPLICANTS will use a **Park Access Tool Report** and a **Community FactFinder Report** to show how the PROJECT SITE meets one or more of the following priorities:

1. Community FactFinder Report:

    a. The PROJECT creates a NEW PARK in an area with **no other PARKS within a half-mile radius**.

    b. The PROJECT area's half-mile radius has a **median household income** that is at or less than 80% of the state average.*

2. Park Access Tool Report:

    a. PROJECT is in a city or county that has more than the state average* of **residents living further than a half-mile from a PARK**.

    b. PROJECT is in a city or county with a higher percentage than the state average* of **residents living in areas with a ratio of less than three acres of parkland per 1,000 people**.

**Visit the Application Process section of the LWCF webpage for the current annual median household income figure for priority 1.b. and state averages for priorities 2.a and 2.b above.*

Provide **one** Community FactFinder Report and **one** Park Access Tool Report. APPLICANTS may not submit more than one of each type of report. Technical assistance is available on page 38.

The scale below shows that a maximum of 15 points will be given to PROJECTS that meet two or more of the above priorities.

15	Two or more of the priorities listed above will be met.
10	One of the priorities listed above will be met.
0	None of the priorities listed above will be met, or no information provided.

5. Population Served (Benefits for Older Adults, At Risk Youth, and/or Persons with Disabilities)

Explain how the PROJECT will benefit the health and wellness of older adults, at risk youth, and/or persons with disabilities. **The response does not need to include demographic data.** Rather, describe how the PROJECT design specifically includes the recreational needs of older adults, at risk youth, and/or persons with disabilities. Responses should list the specific recreation elements that will serve each group in order to score the points for each.

If the PROJECT is an ACQUISITION and the specific facility DEVELOPMENT plans are pending, explain how members of the UNDERSERVED POPULATION will be involved in the DEVELOPMENT plans.

The scale below shows that 15 points will be given to PROJECTS that benefit all three groups.

15	All three UNDERSERVED POPULATIONS, older adults, at risk youth, and persons with disabilities, will benefit from the PROJECT.
10	Two groups will benefit from the PROJECT.
5	One group will benefit from the PROJECT.
0	No one from an UNDERSERVED POPULATION will benefit, or no information was provided.

6. Public Input (Within Five Years Prior to the Application Deadline)

Describe the process that led to the development of this proposal and how the public was involved within 5 years of the APPLICATION deadline.

The scale below shows that a maximum of 10 points will be given to PROJECTS that incorporated a public input process within the last 5 years.

10	The development of this PROJECT included public input within the last 5 years.
0	The development of this PROJECT did not include public input within the last 5 years (the public input cannot be older than 5 years from the APPLICATION deadline).

7. Project Readiness

PROJECTS that are ready to move forward quickly with the POST-SELECTION FEDERAL REQUIREMENTS and submission to NPS are prioritized through this criteria. ACQUISITION or DEVELOPMENT PROJECTS with one or more milestones completed will receive additional points, as shown in the chart below.

APPLICANTS will provide the date of completion when filling out the APPLICATION. If not yet complete, APPLICANTS will provide the expected date of completion for each applicable milestone.

ACQUISITION

The scale below shows that a maximum of 10 points will be given to ACQUISITION PROJECTS that are ready to proceed.

Points for completion	Milestone
5	"Yellow Book" UNIFORM APPRAISAL STANDARDS FOR FEDERAL LAND ACQUISITIONS (UASFLA)
5	Purchase Agreement between landowner and APPLICANT

The scale below shows that 5 additional points will be given to ACQUISITION PROJECTS where the land to be acquired will be readily available for PARK and recreation purposes without the need for construction.

5	The land to be acquired will be readily available for PARK and recreation purposes without the need for construction.

DEVELOPMENT

The scale below shows that a maximum of 10 points will be given to DEVELOPMENT PROJECTS that are ready to proceed.

Points for completion	Milestone
2	Concept level site plan
2	Engineer cost estimate for further design DEVELOPMENT
2	Construction documents
2	Construction permits
2	Bid package prepared or employee services for construction has been determined

8. Applicant's Eligibility

An LWCF GRANT APPLICATION **cannot be recommended to NPS** under the following ineligibility circumstances:

- The APPLICANT has an unresolved conversion as described in the LWCF PARK STEWARDSHIP REQUIREMENTS.
- The APPLICANT has a recent track record of failing to complete or otherwise comply with GRANT and PROJECT operation/maintenance requirements of GRANT-funded sites administered by OGALS.
- The APPLICANT has no track record of administering an OGALS GRANT and also has no track record of successfully administering an ACQUISITION or DEVELOPMENT GRANT PROJECT with other funding sources.

As part of the APPLICATION process and to ensure eligibility, APPLICANTS will answer either A or B below:

For LOCAL AGENCIES that have administered a GRANT with OGALS in the last 15 years:

A. Are any of the ineligibility circumstances listed above applicable? Does the APPLICANT have any unresolved conversion or prior failure to comply with OGALS GRANT requirements?

   If there is a reason to believe the ineligibility circumstances listed above are applicable, contact the COMPETITIVE PROJECT OFFICER, assigned by county, to discuss before applying.

For APPLICANTS that have not administered a GRANT with OGALS:

B. Describe recent successes from any funding source. List recent federal, state, and/or local ACQUISITION or DEVELOPMENT GRANTS successfully administered by the APPLICANT for ACQUISITION or DEVELOPMENT. Provide up to five examples that include:
   - Date of completion
   - Funding amount
   - Scope
   - Funding source

No points will be given for A or B. However, if any of the ineligibility circumstances are applicable, the APPLICATION cannot be recommended to NPS.

Checklist Item 6: Detailed Budget Narrative

NPS requires a detailed Budget Narrative that covers expected PROJECT components, number of units for each component, cost per unit, and total cost of all units, as well as which costs are PRE-AWARD PLANNING COSTS. For example, a PROJECT that includes benches would list benches as a line item, include the number of benches planned for purchase and installation, the price for each bench, and the total expected price for all benches. See the eligible and ineligible cost charts on pages 47-50 for additional information on ELIGIBLE COSTS.

APPLICANTS will **upload** a detailed Budget Narrative spreadsheet into the online APPLICATION. Instructions can be found on the first tab of the spreadsheet, available on the LWCF webpage.

The spreadsheet template for the detailed Budget Narrative is available on the LWCF Application Process Webpage.

Funding Sources

Within the Detailed Budget Narrative spreadsheet, APPLICANTS will list the PROJECT'S COMMITTED FUNDS on the Fundings Sources tab.

- LWCF is a reimbursement-only program. The APPLICANT must be able to cash-flow 100% of the PROJECT prior to reimbursement through LWCF.

- **Funds for the TOTAL PROJECT COST must be committed at the time when the APPLICATION is submitted.** This means funds must be in hand, or there is a contract or other binding agreement with another entity(s) OBLIGATING funds that will be spent on the PROJECT. Funds that are not in the APPLICANT'S possession or not OBLIGATED through a binding agreement are not COMMITTED FUNDS. A date shown as "To Be Determined (TBD)" will not be accepted.

- Identify if the source will be used as MATCH or will be reimbursed by the LWCF GRANT. Both MATCH and the funding source to be reimbursed by the LWCF GRANT must be identified to equal the TOTAL PROJECT COST. The APPLICANT must be able to cash-flow 100% of the PROJECT prior to reimbursement through LWCF.

- When identifying what source(s) will be reimbursed by the LWCF GRANT, use the highest amount of the GRANT REQUEST RANGE.

- See pages 34-35 for eligible MATCH sources and calculation.

- If the funding sources change (including MATCH) during the course of the PROJECT, a revised spreadsheet is not required. However, the funding sources must still be eligible as explained on page 34.

- The TOTAL PROJECT COST listed on the spreadsheet must equal the estimated TOTAL PROJECT COST listed throughout the APPLICATION.

Eligible Match Sources and Calculation

MATCH is subject to the same ELIGIBLE COST requirements as the GRANT. A cost that is not eligible for reimbursement cannot be included as MATCH.

Federal funds <u>are not eligible</u> for LWCF MATCH except:

- A federal GRANT program that has statutory language included that specifically allows it to be used as MATCH for LWCF.
- Examples of the MATCH allowed for LWCF from federal funds include Community Development Block Grants (CDBG) and Fixing America's Surface Transportation (FAST) Act Recreational Trail Program funds.
- Reach out to your assigned COMPETITIVE PROJECT OFFICER with additional questions on eligible federal MATCH sources.

State, local, and private sources <u>are eligible</u> for LWCF MATCH. Examples include, but are not limited to:

- Habitat Conservation Fund or other state-funded GRANT programs and/or state local assistance programs
- GRANTEE'S employee labor
- Local government general funds
- Private funds/donation
- Gifts of real property, equipment, and consumable supplies
- Volunteer services directly related to PROJECT COMPLETION furnished by professional and technical personnel, consultants, and other skilled and unskilled labor
- Free or reduced-cost use of land, facilities, or equipment
- Bequests and income from wills, estates, and trusts

For ACQUISITION PROJECTS, donated real property used as all or part of the MATCHING share must meet UASFLA requirements and must be acquired during the GRANT PERFORMANCE PERIOD.

Funding or donations required by law or regulation are <u>not eligible</u> for MATCH.

Other funding contributions used as MATCH cannot have any restrictions that might <u>limit the intended public recreation use</u>.

Calculating the value of donations used as Match:

Specific procedures for placing the value of contributions from private organizations and individuals are in the LWCF MANUAL, Chapter 5.B.

- **Volunteer Services**
    - Rates for volunteers, which can be professional and technical personnel, consultants, and other skilled and unskilled labor, should be consistent with the regular rates paid for similar work in the labor market in which the APPLICANT competes for the kind of services involved.
    - Records for volunteer services from personnel shall include timesheets containing the signatures of the person whose time is donated and of the supervisor verifying the record is accurate. The pay rate must be what the employee is normally paid and must exclude fringe benefits and overhead cost.
- **Materials**
    - Prices assessed to donated materials should be reasonable and should not exceed current market prices at the time they are charged to the PROJECT.
    - A record needs to be kept showing the fair market value by listing comparable prices and vendors.
- **Real Property (ACQUISITION Only)**
    - If an ACQUISITION involves multiple parcels, and one or more parcels are donated, the donated parcel's value can be used as MATCH. Value of donated real property shall be established by an independent appraiser in accord with UASFLA. See pages 45-46 for information on appraisals and UASFLA.
- **Equipment**
    - The hourly rate for donated equipment used on a PROJECT shall not exceed its fair rental rate.
    - Records of equipment use shall include the schedules showing the hours and dates of use and the signature of the operator of the equipment.

In addition, more information on how to value and account for in-kind funds and/or donations used as MATCH can be found in the NPS LWCF MANUAL.

Checklist Item 7: CEQA Compliance

CEQA is the California Environmental Quality Act as stated in the Public Resources Code §21000 et seq.; Title 14 California Code of Regulations §15000 et seq. CEQA is a law establishing policies and procedures that require entities to identify, disclose to decision makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of an entity's proposed PROJECT.

Complete CEQA by the APPLICATION deadline or no later than 60 days after the APPLICATION deadline.

- For ACQUISITION PROJECTS: The scope of the environmental review shall include the lands to be acquired. Including a future construction PROJECT is not required because the LWCF PROJECT is ACQUISITION only.

- For DEVELOPMENT PROJECTS: The scope of the environmental review shall include the construction as described in the APPLICATION.

PROJECT CEQA Compliance Requirements

1. Upload the following documents:

   a) A Notice of Exemption filed with, and stamped by, the county clerk, ***OR***

   b) An Initial Study with a Negative Declaration and a copy of the Notice of Determination filed with, and stamped by, the county clerk, ***OR***

   c) An Initial Study and an Environmental Impact Report and a copy of the Notice of Determination filed with, and stamped by, the county clerk.

AND:

2. The CEQA Compliance Certification Form (available on the LWCF Application Process webpage).

3. A State Clearinghouse Filing Receipt. For more information on filing with the State Clearinghouse, see www.opr.ca.gov and follow links for CEQA.

Note that even if an APPLICANT'S typical CEQA process does not require CEQA be filed with the State Clearinghouse, it is required for this APPLICATION to be considered complete.

CEQA Compliance Certification Form

APPLICANT/GRANTEE: _____ PROJECT Name: _____

PROJECT Address: _____

When was CEQA analysis completed for this PROJECT? Date: _____

What documents were completed for this PROJECT's CEQA analysis (check all that apply)?

- ☐ Initial Study
- ☐ Negative Declaration
- ☐ Notice of Exemption
- ☐ State Clearinghouse Receipt
- ☐ Environmental Impact Report
- ☐ Mitigated Negative Declaration
- ☐ Notice of Determination
- ☐ Other: _____

Please attach all checked documents.

If these forms were not completed, please attach a letter from the Lead Agency explaining why, certifying the PROJECT has complied with CEQA, and noting the date that the PROJECT was approved by the Lead Agency.

Lead Agency Contact Information:

Agency Name: _____ Contact Person: _____

Mailing Address: _____

Phone: _____ Email: _____

Certification:

I hereby certify that the Lead Agency listed above has determined that it has complied with the California Environmental Quality Act (CEQA) for the PROJECT identified above and that the PROJECT is described in adequate and sufficient detail to allow the PROJECT's construction or ACQUISITION.
I certify that the CEQA analysis for this PROJECT encompasses all aspects of the work to be completed with GRANT funds.

_____ _____ _____

AUTHORIZED REPRESENTATIVE (Signature) | Date | AUTHORIZED REPRESENTATIVE (Printed Name and Title)

Checklist Item 8: Project Location Map(s)

APPLICANTS will **upload** a map showing highway and street access to the PROJECT SITE into the online APPLICATION. Provide directions from the nearest major highway to the PROJECT SITE so that a person not familiar with the area can locate it.

Checklist Item 9: Photos of the Project Site

APPLICANTS will **upload** up to 10 high-definition JPEG or PNG photos of the PROJECT SITE and its surrounding area into the online APPLICATION. Provide a very brief description of what is in each of the photos in the photo name. Adding the direction of the view noted with each photo as "looking north, south, east, or west" is helpful to position someone not familiar with the site. Use a point of reference for the direction of the view, such as "from the center of the PROJECT SITE" or "from the corner of X and Y Streets."

Checklist Item 10: Community FactFinder Report and Park Access Tool Report

APPLICANTS will **upload** one Community FactFinder Report and one Park Access Tool Report.

Provide a Community FactFinder Report following these directions:

- Go to www.parksforcalifornia.org/communities.
- Enter the PROJECT address.
- Locate the pushpin with the needle point inside the PARK or on the PARK'S boundary. Pushpins placed outside of the PARK will be replaced in the center of the PARK by OGALS and the new statistics used for Project Selection Criteria 4.
- Select "Create Report."

Provide a Park Access Tool Report following these directions:

- Go to www.parksforcalifornia.org/parkaccess.
- Using the search bar, enter either the city or county where the PROJECT will be located. The APPLICANT must submit a report using either the city **or** county data.
- Select "Create Report."

Note: The statistics shown on the Community FactFinder and Park Access Tool reports must be the same as the statistics included in the response for Project Selection Criteria 4. Only one Community FactFinder Report and one Park Access Tool Report will be accepted per APPLICATION.

Acquisition Projects

Checklist Items 11 and 12 are required for ACQUISITION PROJECTS only. Please review the general ACQUISITION guidelines below before proceeding with Checklist Items 11 and 12.

Ownership Rights
ACQUISITION can be by fee simple title or by permanent easement to ensure the APPLICANT will be able to enforce the LWCF BOUNDARY MAP provisions in PERPETUITY. ACQUISITIONS for leasehold interests are ineligible.

Timber Management, Grazing Land, and Conservation Easements in ACQUISITIONS
ACQUISITION of properties with natural resources management practices, such as timber management or grazing, and/or conservation easements, may be funded with LWCF assistance if they are clearly described in the Project Summary (and POST-SELECTION FEDERAL REQUIREMENTS), are compatible with **and secondary to** the proposed public outdoor recreation uses, and are approved by NPS.

For Profit Agriculture or Preserves
For profit agriculture business is not permitted on acquired lands assisted with LWCF funding. NPS will not fund ACQUISITIONS of land that will be used for an agricultural preserve.

Rights Held by Other Parties to the Property
Reservations and rights held by others are permissible only if the public outdoor recreation use would not be affected. These must be identified on the LWCF BOUNDARY MAP and in the applicable POST-SELECTION FEDERAL REQUIREMENTS documents.

ACQUISITIONS that will not be approved by NPS are explained below. This list is not exhaustive and NPS has the final approval of any ACQUISITION:

- Historic sites and structures, except when it can be demonstrated clearly that the ACQUISITION is primarily for public outdoor recreation purposes and the historic aspects are secondary or complimentary to the primary purpose of providing outdoor recreation.

- Museums and sites to be used for museums or primarily for archeological excavations.

- Areas and facilities designed to be used primarily by a specific group and professional arts and athletics and which will not be used by the general public.

- Areas and facilities to be used exclusively for game refuges or fish production purposes and which are not compatible with outdoor recreation.

- Areas to be used mainly for indoor facilities, including both construction of new structures and existing indoor recreational or non-recreational facilities or buildings that, if left in place, will not leave enough space for public outdoor recreation.
- Sites containing luxury lodges, hotels, motels, restaurants and similar elaborate facilities that are to be operated by the APPLICANT or a concessionaire to provide food or

sleeping quarters.

- Federal surplus property.

See the NPS LWCF MANUAL for additional information and examples.

Checklist Item 11: Public Use Plan (Acquisitions Only)

APPLICANTS will **upload** a response (1-2 pages) to the questions below into the online APPLICATION.

ACQUISITION PROJECTS must result in a NEW RECREATIONAL OPPORTUNITY for the public within three years after the completion of the ACQUISITION. This means that a fully useable recreational opportunity must be completed and open to the public within three years after the completion of the ACQUISITION. The PARK does not need to be completely developed within that timeframe as long as at least one NEW RECREATIONAL OPPORTUNITY is made available.

1. Describe each existing building on the ACQUISITION parcel(s) and the planned use for the buildings. If the buildings will not be demolished to create a PARK/OPEN SPACE, further describe the structures and the proposed use for them. The intent of the LWCF program is to provide outdoor public recreation.

   NPS will not approve an ACQUISITION if the majority of the land includes one or more buildings that will not be demolished to create a PARK or OPEN SPACE. However, note that the cost of some buildings/structures may need to be excluded from the TOTAL PROJECT COST. The LWCF MANUAL states, "LWCF funding may be used to acquire a structure only if it will be used to support or is necessary to achieve the outdoor recreation goal for the site." Consultation with OGALS regarding the eligibility of the structure for ACQUISITION assistance is encouraged prior to APPLICATION submission.

2. Explain if the ACQUISITION parcel(s) will require DEVELOPMENT to make the parcel(s) useable by the public. If DEVELOPMENT is not necessary, provide an explanation.

   a. Examples of when an ACQUISITION may not require DEVELOPMENT include the presence of an existing fire or safety road that is readily useable as a trail or walking pathway, where the ACQUISITION will EXPAND the PARK to preserve the VIEWSHED for the public, and where the ACQUISITION will EXPAND the PARK to protect a wildlife corridor for the public to use to watch wildlife.

3. If DEVELOPMENT is necessary, provide the following:

   a. Description (up to one page) of the DEVELOPMENT necessary to make the parcels useable.
   b. Estimated cost of the DEVELOPMENT.

c. Funding source(s) to cover the estimated cost of the DEVELOPMENT.

d. DEVELOPMENT timeline starting with the ACQUISITION completion date and ending with the date the parcels will become useable by the public (must be useable by the public within three years upon the close of escrow).

Checklist Item 12: Purchase Agreement (Acquisitions Only)

Provide a document showing that the landowner will sell the property to the APPLICANT and that the purchase price will not exceed the appraised value price. The letter of intent can include the following clause: “The landowner agrees to sell to APPLICANT for the price of the appraisal. However, if the APPLICATION is not selected for funding, then this agreement is null and void.”

Development Projects

The following checklist items are only applicable to DEVELOPMENT PROJECTS.

Checklist Item 13: Land Tenure Requirement (Development Only)

For DEVELOPMENT PROJECTS, the PROJECT land must be owned by the APPLICANT at the time of APPLICATION.

APPLICANTS will **upload** the deed or other document showing that the APPLICANT owns the PROJECT land. Other documentation could be a legal description and a letter stating the APPLICANT owns the PROJECT SITE and provides the length of time they have owned it.

Checklist Item 14: Concept Level Site Plan (Development Only)

APPLICANTS will **upload** a drawing showing where each of the proposed RECREATION FEATURES and MAJOR SUPPORT AMENITIES will be located in the PARK. Clearly label each proposed RECREATION FEATURE and MAJOR SUPPORT AMENITY. To clearly distinguish proposed features and amenities from existing ones, use different colors, shading, or symbols.

LWCF assistance may be available for support facilities needed by the public for outdoor recreation use of an area, such as restroom buildings, visitor information centers, kiosks, interpretive centers, and snack bar stands. While NPS may approve visitor and interpretive centers, NPS will not approve community centers in PARKS. A center designed primarily for indoor recreation instead of supporting outdoor recreation will not be approved by NPS. APPLICANTS may send a description to OGALS for review before applying, if desired.

If the GRANT SCOPE includes any of these eligible support facilities/buildings, note the function and approximate square footage for each.

Indicate or describe where and how the public will access the PARK and where parking is currently located or will be located.

Post-Selection Federal Requirements

This section is only applicable to APPLICANTS selected by OGALS to move forward in the APPLICATION process.

APPLICATIONS selected to move forward through the LOCAL AGENCY COMPETITIVE PROGRAM or through the STATE AGENCY process are not awarded the GRANT by NPS at that time. Selected APPLICANTS instead enter the POST-SELECTION FEDERAL REQUIREMENTS process, which involves completing the federal requirements listed below. Once these requirements are complete, APPLICATIONS are submitted to NPS during an eligible submission period, or "window," for final review and approval. These windows are established by NPS and typically there are a few each FEDERAL FISCAL YEAR, although the timing may vary from year to year.

The following POST-SELECTION FEDERAL REQUIREMENTS are required for **all APPLICANTS**:

- SECTION 106
- Application and Revision Form (including NEPA requirements)
- LWCF BOUNDARY MAP

Additional Requirements for **ACQUISITION PROJECTS**:

- UASFLA appraisal **and** Independent Review Certifying the submitted appraisal meets UASFLA standards, ***or***
- Waiver Valuation

Once APPLICATIONS are selected to move forward with the POST-SELECTION FEDERAL REQUIREMENTS, OGALS will schedule technical assistance workshops to take selected APPLICANTS step-by-step through these requirements. Additional resources are also available on the LWCF Website. Please direct any questions about these requirements to the COMPETITIVE PROJECT OFFICER assigned to the county of the PROJECT SITE.

Section 106

SECTION 106 of the National Historic Preservation Act of 1966 (NHPA) is a federal requirement that mandates review of the effects a proposed PROJECT may have on historic properties (i.e., sites, districts, buildings, structures, or objects listed or eligible for listing in the National Register of Historic Places) and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. Since LWCF is a federal program, PROJECTS that receive LWCF GRANT funding must go through the SECTION 106 process.

Completing the SECTION 106 process can be a six-month to one year (or longer) process, especially for DEVELOPMENT PROJECTS involving ground disturbances. It can also be costly,

and APPLICANTS are encouraged to include the cost of completing SECTION 106 in their TOTAL PROJECT COST as a PRE-AWARD PLANNING COST in the Budget Narrative.

SECTION 106 is required **before the GRANTEE may proceed with the ACQUISITION or DEVELOPMENT of land** using LWCF funds and MATCH. For DEVELOPMENT PROJECTS in particular, carefully plan the PROJECT timeline to ensure that no PROJECT activities such as ground-disturbing activities or construction occur until the SECTION 106 process is complete. This will ensure compliance with SECTION 106 by taking into account PROJECT effects to any historic properties, given the PROJECT'S unique footprint and area of effect. Destruction of any historic property in anticipation of applying for LWCF assistance can result in denial of LWCF assistance from NPS pursuant to 54 U.S.C. 306103.

For more information on the SECTION 106 process, visit the LWCF Application Process webpage.

Application and Revision Form (including NEPA requirements)

The Application and Revision (A&R) Form requests information on the PROJECT, other rights and interests within the PROJECT SITE, and the NEPA Pathway (Categorical Exclusion, Environmental Assessment, or Environmental Impact Study).

PROJECT SITES that include waterways and/or wetlands will likely require consultation with the US Army Corps of Engineers (USACE) as part of the NEPA Pathway process. If there are protected species found within the site, APPLICANTS will likely need to consult with the US Fish and Wildlife Service (USFWS). NPS can review the NEPA Pathway section of the A&R Form and provide guidance for selected APPLICANTS on what consultations are required; however, if the proposed PROJECT clearly involves waterways/wetlands and/or the APPLICANT is aware of protected species on site, APPLICANTS should begin the consultation process as soon as possible. If a permit is required from either USACE or USFWS, NPS will not approve the GRANT until the permit is issued.

LWCF Boundary Map

The LWCF BOUNDARY MAP establishes the agreed-upon boundary of land to be protected for outdoor recreation in PERPETUITY, including how the public will access the PARK.

Prior to OBLIGATION, APPLICANTS must provide a prepared map that shows the entire PARK boundary, acres to be protected, any other rights and interests, and other information about the PARK. OGALS and NPS compliance reviews will rely on this map of record in PERPETUITY. APPLICANTS will work with OGALS and NPS on establishing that boundary as part of the POST-SELECTION FEDERAL REQUIREMENTS, although the map is not considered finalized until the PROJECT is complete.

More information on the LWCF BOUNDARY MAP is available at the LWCF Application Process webpage.

Acquisition Requirements: UASFLA Appraisal and Independent Review or Waiver Valuation

ACQUISITION PROJECTS are bound by federal law relating to the valuation of real estate because LWCF is a federal funding source.

LWCF ACQUISITIONS must have for each parcel to be acquired either:

- An appraisal that includes all parcels by a qualified appraiser that meets the "Yellow Book" UASFLA, ***and*** an independent appraiser's review certifying that the appraisal meets the "Yellow Book" UASFLA.

  OR

- Documentation for the value using the waiver valuation method when the estimated property value is less than $10,000.

For all ACQUISITIONS, the fair market value established through the UASFLA appraisal, or the value established through the waiver valuation method, will be used to establish the amount eligible for LWCF funding assistance. The TOTAL PROJECT COST for an LWCF ACQUISITION cannot be more than the fair market value, and this in turn affects the amount eligible for MATCH (including the value of ACQUISITIONS by donation for MATCH).

If there are structures on the property to be acquired that do not support the outdoor recreation use of the site, reach out to the COMPETITIVE PROJECT OFFICER assigned by the PROJECT SITE'S county to determine whether the value of these buildings is eligible to be included in the TOTAL PROJECT COST, or whether the site must be appraised, and the value of the buildings/structures removed from the GRANT.

Waiver Valuation Method:

If the ACQUISITION qualifies for the waiver valuation method, where the estimated property value is less than $10,000, reach out to the COMPETITIVE PROJECT OFFICER assigned by the PROJECT SITE'S county for guidance on next steps.

UASFLA/Yellow Book Appraisal:

Most PROJECTS will not qualify for the waiver valuation method. For these PROJECTS, it is critical to select an appraiser familiar with UASFLA to do the appraisal, and a separate appraiser also familiar with UASFLA for the independent appraiser's review.

Uniform Standards of Professional Appraisal Practice (USPAP) compliance alone will not result in UASFLA compliance. UASFLA federal standards are considered "Supplemental Standards" to

USPAP. See the NPS LWCF MANUAL for further information about the difference between appraisals conducted according to UASFLA and USPAP.

For the purpose of the UASFLA compliance, any appraisal report, whether identified by the appraiser as a self-contained report or a summary report, will be considered as meeting UASFLA requirements if it has been prepared in accordance with UASFLA.

The UASFLA Appraisal and Independent Review is required prior to submitting the payment request to OGALS.

Visit the Appraisal Unit page on the U.S. Department of Justice website for a full copy of the UASFLA/Yellow Book Standards (https://www.justice.gov/enrd/appraisal-unit).

Eligible Costs Chart

This section provides rules and examples of ELIGIBLE COSTS for ACQUISITION and DEVELOPMENT.

Acquisition Costs

The following provide examples of ELIGIBLE COSTS for ACQUISITION.

ACQUISITION COSTS (Up to 100% of GRANT Amount)	**EXAMPLES**
Purchase price of the property and relocation costs (Note: LWCF will not reimburse incidental costs. Per the NPS LWCF MANUAL: "The LWCF Act precludes using Fund assistance for incidental costs relating to ACQUISITION." These incidental costs include preliminary title reports, appraisal fees, escrow costs, and title insurance fees – all are ineligible).	• Cost of the land, as established by the UASFLA Appraisal • Relocation costs (Costs resulting in displacement of tenants (not willing sellers or GRANTEES) pursuant to Government Code §7260 – 7277). o If the GRANT is not paying for relocation costs, the GRANTEE must ensure that the seller is paying displaced tenants in compliance with Government Code §7260 – 7277. • Employee services (See accounting rules for employee services explained in the GRANT ADMINISTRATION GUIDE). • PROJECT/GRANT administration and accounting

Development Costs

The following charts provide examples of ELIGIBLE COSTS for PRE-AWARD PLANNING COSTS and CONSTRUCTION COSTS.

PRE-AWARD PLANNING COSTS	EXAMPLES
Costs incurred during the planning, design, and permit phase of the PROJECT, before construction begins. These costs may be incurred up to three years prior to OGALS sending the APPLICATION to NPS, and still be reimbursed or eligible for MATCH. See page 34.	• Public meetings, focus groups, and design workshop costs • Plans, specifications, construction documents, and cost estimates • Permits • POST-SELECTION FEDERAL REQUIREMENTS such as CEQA, NEPA, A&R Form, and SECTION 106 • Bid packages • Employee services: See accounting rules for employee services explained in the GRANT ADMINISTRATION GUIDE • PROJECT/GRANT administration (excluding GRANT writing)

CONSTRUCTION COSTS	EXAMPLES
Costs incurred during the construction phase of the PROJECT (after NPS approval), when ground-breaking activities such as site preparation, grading, or gutting begins.	• Site preparation, grading, gutting, clearing and grubbing, and demolition • Foundation work • Purchase and installation of permanent equipment: Playground equipment, benches, signs, display boards, etc. • Construction supplies and materials: May be drawn from central stock if claimed costs are no higher than supplies or materials purchased elsewhere

CONSTRUCTION COSTS (continued)	EXAMPLES
	• Construction equipment owned by GRANTEE: Equipment owned by the GRANTEE may be charged to the GRANT for each use. For audit purposes, a report or source document must describe the work performed, indicate the hours used, relate the use to the GRANT SCOPE, and must be signed by the operator or supervisor. • Construction equipment rented or purchased by GRANTEE: For purchased equipment, GRANT will pay for the total cost, if the purchase price is less than the rental equivalent (i.e., rental price equivalent in proportion to the time the equipment is used on the GRANT SCOPE). • Construction management, including site inspections. • Employee services: See accounting rules for employee services explained in the GRANT ADMINISTRATION GUIDE. • Payment of premiums on hazard and liability insurance to cover personnel and property directly connected with the PROJECT. • PROJECT/GRANT administration and accounting. • Miscellaneous costs: Other costs incurred during the construction phase, such as transporting materials, equipment, personnel, and communications.

Ineligible Costs

INELIGIBLE COSTS	EXAMPLES OF INELIGIBLE COSTS
Cannot be charged to the GRANT	• Outside the GRANT PERFORMANCE PERIOD – costs incurred before or after the GRANT PERFORMANCE PERIOD. Exception is only when PRE-AWARD PLANNING COSTS are identified on the PRE-AWARD PLANNING COSTS Form and approved by NPS. • Overhead business expenses <u>of the GRANTEE'S fixed or ordinary operating costs</u>: (rent, mortgage payments, property taxes, utilities, office supplies). • Outside PARK/PROJECT SITE boundaries – Street improvements, traffic lights, or other infrastructure not located within the PARK/PROJECT SITE. • Incidental costs relating to ACQUISITION of real property and of interests in real property, unless allowable under the Uniform Relocation Assistance and Real Property Policies Act, P.L. 91- 646." These incidental costs include preliminary title reports, appraisal fees, escrow costs, and title insurance fees – all not eligible. • **Public art, security cameras, sound systems, televisions, video equipment, and EV charging stations** • Fundraising • Food • GRANT Writing • Programming costs • Brochures • Operation and maintenance costs • Employee residences and furnishings

Definitions

Capitalized words and terms used in this procedural guide are defined below.

ACQUISITION – to obtain fee title of real property or a permanent easement, which gives rights for the GRANTEE to use the property as a public PARK and prioritize outdoor recreation access in PERPETUITY. A lease or rental is not considered ACQUISITION.

APPLICANT – an entity requesting GRANT funding through a COMPETITIVE process.

APPLICATION – the required documents listed in the Application Checklist on page 17.

APPORTIONMENT TO CALIFORNIA – the amount of LWCF GRANT funding NPS gives authority to OBLIGATE each year to PROJECTS in California, after Congress approves the nationwide LWCF appropriation for that FEDERAL FISCAL YEAR.

AUTHORIZED REPRESENTATIVE – an APPLICANT'S/GRANTEE'S designated position authorized to sign all required GRANT documents. LOCAL AGENCY APPLICANTS establish the AUTHORIZED REPRESENTATIVE in the Authorizing Resolution and STATE AGENCY APPLICANTS use the Certification Letter.

The AUTHORIZED REPRESENTATIVE may designate an alternate by informing OGALS in writing.

CEQA – the California Environmental Quality Act as stated in the Public Resources Code §21000 et seq.; Title 14 California Code of Regulations §15000 et seq. CEQA is a law establishing policies and procedures that require entities to identify, disclose to decision makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of the entities' proposed PROJECT. For more information see https://opr.ca.gov/ceqa.

COMMITTED FUNDS – at the time when the APPLICATION is sent to OGALS, the APPLICANT has possession of all funds for the TOTAL PROJECT COST (MATCH *and* the funding source to be reimbursed by the LWCF GRANT) that will be spent on the PROJECT or has a contract or other binding agreement with another entity(s) OBLIGATING funds that will be spent on the PROJECT. Funds that are not in the APPLICANT'S possession or not OBLIGATED through a binding agreement are not COMMITTED FUNDS.

COMPETITIVE – funds made available to eligible LOCAL AGENCIES pursuant to Public Resource Code §5099.12 through a selection process where all statewide APPLICATIONS are ranked using the established project selection criteria.

CONTRACT – an agreement between OGALS and the GRANTEE specifying the achievement of the GRANT SCOPE within the GRANT PERFORMANCE PERIOD, and other GRANT obligations between the GRANTEE and OGALS.

DEVELOPMENT – to construct a new RECREATION FEATURE(S) or MAJOR SUPPORT AMENITY. RENOVATION of an existing RECREATION FEATURE or MAJOR SUPPORT AMENITY is also considered DEVELOPMENT.

DIRECTOR'S CONTINGENCY FUND – 6% of the APPORTIONMENT TO CALIFORNIA available to a State Coastal Conservancy APPLICATION or a DPR APPLICATION according to Public Resources Code §5099.12.

DPR – the California Department of Parks and Recreation, which includes OGALS, is the lead entity for administration of LWCF in California.

ELIGIBLE COSTS – PRE-AWARD PLANNING COSTS and expenses incurred during the GRANT PERFORMANCE PERIOD to complete the GRANT SCOPE approved by OGALS through a fully executed CONTRACT. Costs of MINOR SUPPORT AMENITIES are combined with costs associated with RECREATION FEATURES and MAJOR SUPPORT AMENITIES.

EXPAND – the PROJECT will add new PARK acreage adjacent to an existing PARK.

FEDERAL FISCAL YEAR – October 1 through September 30. NPS announces funding availability, plans submission windows, and requires OBLIGATION of funding using the FEDERAL FISCAL YEAR calendar.

GRANT – amount of LWCF funds made available to a GRANTEE for completion of the GRANT SCOPE during the GRANT PERFORMANCE PERIOD.

GRANTEE – an entity that has a CONTRACT with the OGALS for a GRANT.

GRANT ADMINISTRATION GUIDE – a document that provides requirements and forms for GRANT administration after an APPLICANT becomes a GRANTEE. The document can be found at www.parks.ca.gov/lwcf.

GRANT PERFORMANCE PERIOD – the period of time shown on the CONTRACT, starting with the date NPS OBLIGATES the funds for the PROJECT, during which ELIGIBLE COSTS may be incurred by the GRANTEE and charged to the GRANT.

Exception: See the definitions for PRE-AWARD PLANNING COSTS and WAIVER OF RETROACTIVITY for costs that can be incurred before NPS OBLIGATES the funds for the PROJECT, and then later reimbursed after the APPLICANT becomes a GRANTEE.

GRANT REQUEST RANGE – the highest and lowest amount requested by an APPLICANT through the same APPLICATION.

- Maximum of Range: 50% of the TOTAL PROJECT COST.
- Minimum of Range: The lowest LWCF GRANT amount that the APPLICANT is willing to accept through the same APPLICATION.

GRANT SCOPE – the RECREATION FEATURES and MAJOR SUPPORT AMENITIES proposed through the PROJECT. These must be completed prior to final GRANT payment.

JOINT POWERS AUTHORITY (JPA) – an agreement between a city, county, and/or a district to perform services, cooperate with, or lend powers for the operation and maintenance of PARK land. For a JPA to be an eligible APPLICANT for the LOCAL AGENCY COMPETITIVE PROGRAM, at least one member of the JPA must be a LOCAL AGENCY and all members must be public agencies.

LOCAL AGENCIES –

- Counties, cities, recreation and park districts and special districts with authority to acquire, operate, and maintain public PARK and recreation areas.
- Federally recognized Native American tribes are also considered eligible for the purposes of the LOCAL AGENCY COMPETITIVE PROGRAM.
- JOINT POWERS AUTHORITIES (JPA) where all members are public agencies, and that can include a STATE AGENCY, if at least one member is a local (non-state) public agency or district formed for the purpose of providing public PARK and recreation areas.

LOCAL AGENCY COMPETITIVE PROGRAM – California's COMPETITIVE selection process for LOCAL AGENCIES, including project selection criteria and APPLICATION documents, where the APPLICANTS compete for an LWCF GRANT.

LWCF – Land and Water Conservation Fund GRANT program.

LWCF BOUNDARY MAP – a tool used as communication between NPS, OGALS, and GRANTEES that:

- Shows the agreed boundaries of the protected PARK site at the time of PROJECT approval pursuant to 54 U.S.C. §200305(f)(3) of the LWCF Act and Title 36, Part 59 in the U.S. Code of Federal Regulations.
- Shows key information about the site, including any other rights and interests present.
- Helps with site inspections for compliance with POST-COMPLETION PARK STEWARDSHIP STANDARDS.

When an LWCF PROJECT is completed, the land within the approved LWCF BOUNDARY MAP is placed under federal protection to preserve the public's outdoor recreational use of the site in PERPETUITY.

LWCF MANUAL – the LWCF State Assistance Program, Federal Financial Assistance Manual. This manual is regularly updated by NPS and provides the requirements for all aspects of the LWCF program nationwide. Visit https://www.nps.gov/subjects/lwcf/lwcf-manual.htm for the latest version.

LWCF PROTECTION – the area within the PROJECT SITE boundary must remain designated for outdoor public recreation use in PERPETUITY.

MATCH – amount required to make up the difference between the LWCF GRANT amount requested (the federal share) and the TOTAL PROJECT COST. The GRANTEE must cash-flow both the LWCF GRANT amount and MATCH, covering the TOTAL PROJECT COST established at the time of APPLICATION, to be reimbursed the full LWCF GRANT amount.

MAJOR SUPPORT AMENITY – a non-recreational facility located within a PROJECT SITE and necessary to support the outdoor recreation use of the PARK. Examples include parking lots, restroom buildings, lighting, landscaping, and maintenance buildings.

NEPA – the National Environmental Policy Act. Each federal agency including NPS has its own unique NEPA process and pathways. More information is available at NPS' NEPA Policy website: https://www.nps.gov/subjects/nepa/policy.htm.

NEW PARK – a PARK that did not exist before the APPLICATION deadline.

NEW RECREATIONAL OPPORTUNITY – construction of a new RECREATION FEATURE where none currently exists, or substantial RENOVATION of an existing RECREATION FEATURE to allow for new and expanded use(s).

NPS – National Park Service, federal agency that oversees LWCF.

OBLIGATE – when NPS approves a PROJECT and enters into a funding agreement with OGALS to designate the GRANT funds for the PROJECT.

OGALS – the Office of Grants and Local Services, under the California Department of Parks and Recreation, responsible for administering LWCF.

OPEN PROJECT SELECTION PROCESS (OPSP) – the use of COMPETITIVE project selection criteria as part of the LOCAL AGENCY COMPETITIVE PROGRAM, used to select California's LWCF GRANT PROJECTS for recommendation to NPS.

OPEN SPACE – a natural or landscaped portion of the PROJECT designed specifically for active or passive outdoor recreation.

PARK – public land that provides outdoor active or passive opportunities with RECREATION FEATURES for physical activities, social health, cultural enrichment, and nature appreciation.

PERPETUITY – the required POST-COMPLETION PARK STEWARDSHIP REQUIREMENTS of land to continue for all future generations within an LWCF BOUNDARY MAP approved by NPS.

PRE-AWARD PLANNING COSTS – ELIGIBLE COSTS incurred up to three years prior to NPS' PROJECT approval. Examples include site selection and planning, feasibility studies, CEQA/NEPA environmental review, SECTION 106, the Application and Revision Form, preliminary design, preparation of cost estimates, and construction drawings and specifications.

POST-COMPLETION PARK STEWARDSHIP REQUIREMENTS – additional information on NPS' operation and maintenance requirements in PERPETUITY for GRANTEES, found at www.parks.ca.gov/lwcf.

POST-SELECTION FEDERAL REQUIREMENTS – documents and processes required by NPS prior to their federal PROJECT review and approval, including SECTION 106, NEPA, and other required

federal forms. LOCAL AGENCIES will move forward with these requirements after the COMPETITIVE program review and selection. STATE AGENCIES will move forward immediately with these requirements following their APPLICATION deadline.

PROJECT – the RECREATION FEATURES and MAJOR SUPPORT AMENITIES to be developed through the GRANT.

PROJECT COMPLETION – when the RECREATION FEATURES and MAJOR SUPPORT AMENITIES proposed through the PROJECT are complete and the facilities are open and useable by the public. With approval by OGALS, PROJECT COMPLETION may occur before the facilities are open and useable by the public.

PROJECT OFFICER – an OGALS employee who acts as a GRANT APPLICATION contact for APPLICANTS or administration contact for GRANTEES.

PROJECT SITE – the entire PARK property.

RATE OF REIMBURSEMENT – the rate at which GRANTEES are reimbursed on each payment request, based on the percentage of the LWCF GRANT amount in relation to the TOTAL PROJECT COST established when the APPLICATION is approved by NPS.

RECREATION FEATURE – a facility that provides active or passive recreational use. The ACQUISITION of land is also considered a RECREATION FEATURE.

REGULAR APPORTIONMENT – the amount of LWCF funding appropriated annually by Congress for California. OGALS has three years to OBLIGATE this funding through actionable PROJECTS (PROJECTS that have completed all checklist items and POST-SELECTION FEDERAL REQUIREMENTS). However, OGALS has only one year to OBLIGATE SRA funding, and SRA funding is only available once all the REGULAR APPORTIONMENT is OBLIGATED. Therefore, to utilize the maximum amount of LWCF funding, OGALS must OBLIGATE all of the REGULAR APPORTIONMENT and all SRA funds within one year.

RENOVATION – improvements to an existing RECREATION FEATURE beyond its original condition so that it creates a NEW RECREATION OPPORTUNITY and expanded use.

SECTION 106 – a law codified at 54 U.S.C. § 306108, with implementing regulation set forth in 36 CFR Part 800, that requires federal agencies to consider the effects on historic properties (i.e., archaeological, tribal, and built environment cultural resources that are listed, or eligible for listing, in the National Register of Historic Places) for federally funded or permitted PROJECTS or for PROJECTS proposed on federal land.

STATE AGENCIES – Public Resources Code §5099.12 establishes the split of LWCF funding between LOCAL and STATE AGENCIES, as well as the STATE AGENCIES that are eligible for a direct apportionment amount. The code states:

> "60 percent shall be allocated for local governmental agency projects and 40 percent for

state agency projects. The state agency share shall be disbursed to the following state agencies in the following percentages: 60 percent to the Department of Parks and Recreation; 35 percent to the Wildlife Conservation Board or the Department of Fish and Game; and 5 percent to the Department of Water Resources. The State Coastal Conservancy established pursuant to Section 31100 is eligible to compete for grants of funds for projects of an outdoor recreational nature from the 6-percent contingency fund established by this section."

Since these amounts are established for specific STATE AGENCIES through California's Public Resources Code §5099.12, the STATE AGENCY APPLICATION process differs somewhat from the LOCAL AGENCY COMPETITIVE PROGRAM.

SPECIAL REAPPORTIONMENT ACCOUNT (SRA) – previously OBLIGATED funds that are no longer needed for the PROJECT because the PROJECT was withdrawn or completed under-budget. NPS moves these unspent, previously OBLIGATED funds into an SRA account for the next fiscal year and only makes the funds available to California for other PROJECTS if all other REGULAR APPORTIONMENT UNOBLIGATED FUNDS become OBLIGATED.

STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN (SCORP) – an analysis and report updated every five years as required by LWCF to identify California's public outdoor recreation needs and priorities. The most recent SCORP can be found at https://www.parksforcalifornia.org/scorp/.

TOTAL PROJECT COST – the estimated cost at the time of APPLICATION to complete the PROJECT, including both the LWCF GRANT plus MATCH.

UNDERSERVED POPULATION – communities that lack PARKS in their neighborhood and lack the resources to access PARKS outside their neighborhood, city, or region, including older adults, at risk youth, and persons with disabilities.

UNIFORM APPRAISAL STANDARDS FOR FEDERAL LAND ACQUISITIONS (UASFLA) – appraisal standards (also known as the "Yellow Book" standards) required for federal land ACQUISITION. Compliance with UASFLA differs from the Uniform Standards of Professional Appraisal Practice (USPAP). For a more information on the specific UASFLA policies and guidance for LWCF appraisals, see the NPS LWCF MANUAL.

UNOBLIGATED FUNDS – money made available through a REGULAR APPORTIONMENT or through SRA that NPS has not yet allocated to any PROJECT.

VIEWSHED – a particular scenic outdoor natural area deemed worthy of preservation against DEVELOPMENT.

WAIVER OF RETROACTIVITY – approval by NPS for the APPLICANT to incur costs and even complete the PROJECT at the APPLICANT'S own risk before NPS approves the PROJECT and OBLIGATES the GRANT funds (before the APPLICANT becomes a GRANTEE). Once approved by NPS, the APPLICANT can then incur costs and eventually request a reimbursement if the APPLICANT becomes a GRANTEE.

Draft – August 2021 (1/25/19) (9/16/19)

GRANT ADMINISTRATION GUIDE

LAND AND WATER CONSERVATION FUND (LWCF)

State of California
Natural Resources Agency
Department of Parks and Recreation
Office of Grants and Local Services
"Creating Community through People, Parks, and Programs"

Parks Make Life Better!®

Email Correspondence to your Administrative Project Officer

Mailing Address
California Dept. of Parks and Recreation
Office of Grants and Local Services
P.O. Box 942896
Sacramento, CA 94296-0001

OGALS Website

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

Department Mission

The mission of the California Department of Parks and Recreation is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

Community Engagement Division Mission

The mission of the Community Engagement Division is to encourage healthy communities by connecting people to parks, supporting innovative recreational opportunities, embracing diversity, fostering inclusivity, and delivering superior customer service, with integrity for the enrichment of all.

The Office of Grants and Local Services Mission

The mission of the Office of Grants and Local Services is to address California's diverse recreational, cultural and historical resource needs by developing grant programs, administering funds, offering technical assistance, building partnerships and providing leadership through quality customer service.

OGALS Vision

To be:

- A leader among park and recreation professionals.
- Proactive in anticipating public park and recreation needs and how new legislation and grant programs could best meet these needs.
- Honest, knowledgeable, and experienced grant administration facilitators.
- Sensitive to local concerns while mindful of prevailing laws, rules and regulations.
- Perceptive to opportunities for partnerships, growth, and renewal where few existed before.
- Committed to providing quality customer service in every interaction and transaction.
- Responsive to the needs of applicants, grantees, nonprofit organizations, local governments, legislative members, and department employees.

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Words and terms shown in SMALL CAPS are found in the Definitions Section.

This guide includes updated GRANT administration requirements and replaces all previous guides and references Volume 71, LWCF Financial Assistance Manual, March 11, 2021

Background

The National Park Service (NPS) Land and Water Conservation Fund (LWCF) Competitive Program provides matching grants to States and local governments for the ACQUISITION or DEVELOPMENT of public outdoor RECREATION FEATURES and areas. Funds allocated to California are administered by the Department of Parks and Recreation's (DPR) Office of Grants and Local Services (OGALS), under the provisions of the *California Outdoor Recreation Resources Plan of 1967* (Public Resources Code §5099 et seq).

Established under the LWCF Act of 1965, once a LWCF PROJECT is completed, the property is placed under federal protection to preserve outdoor recreational use in PERPETUITY. This legacy protects thousands of parks throughout California for the benefit of future generations. (*LWCF Act at 54 U.S.C. §200301 et seq., Federal Financial Assistance Manual*, *2021* (MANUAL)

PROJECT OFFICERS by City/County

Grant Process

1. APPLICANTS receive a letter from OGALS indicating an APPLICATION has been recommended to the NPS for funding.
2. If applicable, APPLICANTS resolve any remaining incomplete APPLICATION items, such as NEPA, appraisals, Section 106, etc.
3. If approved, APPLICANTS receive a letter from OGALS indicating that the NPS has selected the APPLICATION for funding. This establishes the date of federal approval, and begins the starting point for incurring ELIGIBLE COSTS.
4. APPLICANTS attend a mandatory GRANT administration workshop.
5. OGALS sends a GRANT CONTRACT to the APPLICANT
    a. The APPLICANT returns the CONTRACT signed by the AUTHORIZED REPRESENTATIVE to OGALS within 30 days of receipt. A sample contract is on page 27.
    b. OGALS returns a copy of the ENCUMBERED CONTRACT, at which point the APPLICANT becomes a GRANTEE.
6. GRANTEE completes the PROJECT as represented in the GRANT SCOPE during the three-year GRANT PERFORMANCE PERIOD.
7. GRANTEE submits GRANT Status Reports every six months.
8. GRANTEE requests payments that are reimbursed based on the RATE OF REIMBURSEMENT noted on the first page of the CONTRACT. See Payment Section beginning on page 17 for instructions.
9. GRANTEE submits PROJECT COMPLETION PACKET and final payment request.
10. OGALS conducts Final Site Inspection prior to final REIMBURSEMENT.
11. GRANTEE acts in accordance with Post Completion STEWARDSHIP requirements and future Compliance Inspections.

Acquisition Projects

Acquisition Requirements

1. ACQUISITION can be fee simple title, or by whatever lesser rights will insure the desired public use without diminishing the control and tenure of the GRANTEE'S ability to enforce the LWCF Act provisions. (MANUAL, Ch. 3, B.4.)
2. A deed restriction must be recorded on the property after the ACQUISITION is complete.
3. GRANTEE must secure Title Insurance.
4. ACQUISITION must result in a new outdoor RECREATIONAL OPPORTUNITY that is FULLY USABLE for the public within three (3) years after completion of the ACQUISITION, as detailed in "Public Use Plan" submitted with the APPLICATION. This may be accomplished by DEVELOPMENT, or without DEVELOPMENT if the acquired property already has useable recreational features, such as trails or fire roads.

   (See APPLICATION GUIDE for specific details for ACQUISITION PROJECTS – this plan is one of the APPLICATION checklist items.)

Eligible Acquisition Costs

- All costs must be incurred within the GRANT PERFORMANCE PERIOD, unless the GRANTEE submitted a request for PRE-AWARD PROJECT PLANNING COSTS with the APPLICATION, or had a request for WAIVER OF RETROACTIVITY approved by NPS during the APPLICATION process. See page 17.
- Cost of land
- IN-HOUSE EMPLOYEE SERVICES – Accounting Rules (page 18)
- GRANT administration and accounting (excluding GRANT writing)
- Public meetings/focus groups/design workshop
- Payment of premiums on hazard and liability insurance to cover personnel and property directly connected with the PROJECT

Ineligible Acquisition Costs – Cannot be charged to the grant

- Incidental costs of preliminary title reports, appraisal fees, surveys, brokerage fees, escrow costs and title insurance. (MANUAL, Ch. 5, A.3.b.)

Development Projects

Development Project Requirements

1. Contracted work must comply with the provisions of §1771.5 of the State Labor Code.
2. GRANTEE must have adequate liability insurance, performance bond, or other security necessary to protect the State and GRANTEE'S interest against poor workmanship, fraud, or other potential loss associated with the completion of the PROJECT.
3. PROJECTS must be accessible, including an accessible path of travel to the PROJECT.

Eligible Development Costs

- All costs must be incurred within the GRANT PERFORMANCE PERIOD, unless the GRANTEE submitted a request for PRE-AWARD PROJECT PLANNING COSTS with the APPLICATION, or had a request for WAIVER OF RETROACTIVITY approved by NPS during the APPLICATION process. See page 17.

Costs listed below are examples of ELIGIBLE COSTS, and is not inclusive. Contact OGALS if you have any questions regarding a PROJECT cost.

- Public meetings, focus groups, design workshops
- Plans, specifications, construction documents, and cost estimates
- Permits
- Bid preparation and packages
- IN-HOUSE EMPLOYEE SERVICES
- Grant administration and accounting (excluding GRANT writing)
- Construction – necessary labor and construction activities to complete the PROJECT, including site preparation (demolition, clearing and grubbing, excavation, grading), onsite implementation and construction supervision
- Equipment – equipment use charges (rental and in-house) must be made in accordance with GRANTEE'S normal accounting practices.
- For purchased equipment, GRANT will pay for the total cost, if the purchase price is less than the rental equivalent. (i.e., rental price equivalent in proportion to the time the equipment is used on the GRANT SCOPE.)
- LWCF signs
- Premiums on hazard and liability insurance to cover personnel or property (MANUAL, Ch. 5, C.7.a.)
- Site preparation, grading, demolition
- Foundation work
- Purchase and installation of equipment: lighting, wayfinding signs, solar panels, etc.
- Construction management: including site inspections and PROJECT administration
- Miscellaneous: other costs incurred during the construction phase, such as transporting materials, equipment, or personnel, and communications

Ineligible Development Costs – Cannot be charged to the grant

- All non-capital costs, including interpretive and recreational programming, software and software development
- Construction or improvements to facilities that are not designated to primarily support outdoor recreational purposes, such as park district offices
- Furniture or equipment not site specific *and* not necessary for the core function of a new facility (non-capital outlay)
- Indirect costs – overhead business expenses of the GRANTEE'S fixed or ordinary operating costs (rent, mortgage payments, property taxes, utilities, etc.)
- Food and beverages
- Out-of-state travel
- Repairs – activities performed to a section of a structure that are intended to allow continued use.
- Maintenance – activities intended to be performed on a regular basis to maintain the expected useful life of a structure.
- Fundraising and expenses for publicity, including payments for lobbying
- Interest expenses, *except* those awarded by the court as part of just compensation for ACQUISITION in eminent domain situations
- Consequential damages to adjoining property owned by other persons, which are caused by noise, lights, vibrations, etc.

Special Requirements

- Grant Project Status Reports (page 9)
- LWCF Acknowledgment Sign (pages 10-11)
- Deed Restriction (pages 12-16)
- Approved Pre-Award Project Planning Costs Rules (page 17)
- Approved Waiver of Retroactivity Rules (page 17)
- Scope Change Requests (page 22)
- Project Liquidation Extensions (page 22)
- Post Completion STEWARDSHIP (page 25)
- OGALS Compliance Inspections (page 25)
- Single Audit Act (page 26)

Grant Project Status Report

OGALS sends the GRANTEE a Status Report form every six months until receipt of a PROJECT COMPLETION PACKET. Payment requests will not be processed if Status Reports are overdue.

Sample Grant Progress Status Report – Due XX/XX/20XX (30 days from Mail Date)

Grantee:
Project Number:
Project Name:
Project Scope:
Project Phase: □ Pre-Construction/Pre-Acquisition □ Acquisition and/or Construction

When will you submit your next payment request? For how much?

Estimated date of project completion:

Potential obstacles affecting completion:

Is the PROJECT: On Time? yes/no Within Budget? yes/no Within Scope? yes/no If no, explain:

Describe grant-funded work completed since last status report submitted on (DATE):

Provide construction photos, including a photo of the applicable sign at the PROJECT site showing work completed since (DATE)

Describe grant-funded work expected to be completed by (Mail Date + 6 mos)

If there have been any changes to the proposed funding for this PROJECT, attach a revised Funding Sources Form.

I represent and warrant that I have full authority to execute this Grant Progress Status Report on behalf of the Grantee. I declare under penalty of perjury, under the laws of the State of California, that this status report, and any accompanying documents, for the above-mentioned Grant is true and correct to the best of my knowledge.

_____ _____ _____
Authorized Representative* Title Date
(*Certification to above information requires a signature by a person authorized in the resolution)

LWCF Sign

A sign acknowledging the Land and Water Conservation Fund program as a funding source for the PROJECT must be installed. These signs are an eligible cost during the GRANT PERFORMANCE PERIOD. Replacement costs for the LWCF sign, as part of subsequent PROJECT operation and maintenance, are *not* allowed.

LWCF logo guidelines

Types of Signs

1) Construction – An acknowledgment sign with the LWCF logo is required during construction if the total PROJECT cost is $500,000 or more. (MANUAL Ch. 7, C.)
   a. Must be on or near the affected site, to the extent feasible, so as to indicate that the project is the result of funding through LWCF.
   b. Must indicate percentage and dollar amounts financed by federal and non-federal funds.
   c. Must be at least 2 feet by 3 feet.
   d. Suggested language and format:

(Agency Name)
Public Outdoor Recreation Site Development
Aided by the Federal
THE LAND AND WATER CONSERVATION FUND
Administered by the
National Park Service
U.S. Department of Interior

Funding

LWCF	50%	$250,000
State of XX	25%	$125,000
City of XXXX	25%	$125,000
Total Project		$500,000

Source of funding includes monies derived from Outer Continental Shelf Federal Receipts

2) Post Completion – All GRANTEES are required to post an acknowledgement sign at the PROJECT site upon completion. The sign must be available for the final inspection and *must* remain in place in PERPETUITY.

   a. The LWCF logo must be at least 1.25 inches in overall width. It can be scaled to any larger size.

   b. All signs must contain the following language: "**This project was partially funded by the Land and Water Conservation Fund through the U.S. Department of Interior and the California Department of Parks and Recreation**."

The same sign can be used during construction and at completion as long as it contains the required language.



Sign Composition
All materials used shall be durable and resistant to the elements and graffiti.

State Approval
Final payments will not be processed until post completion signage has been approved and installed.

Deed Restriction

The Deed Restriction is a restriction on the title to the property. This requirement defends the property for purposes consistent with the GRANT for the duration of the PROJECT PERFORMANCE PERIOD.

A Deed Restriction *is required* if the GRANTEE owns the PROJECT land. A Deed Restriction must be recorded on the title to the property before OGALS will approve any GRANT payments.

A Deed Restriction *is not required* if a Deed Restriction or Memorandum of Unrecorded Grant Agreement involving an LWCF PROJECT has already been recorded on the property.

Deed Restriction Instructions

1. Before filing the Deed Restriction, the GRANTEE must own the PROJECT land, and have an ENCUMBERED CONTRACT for the GRANT amount.
2. The PROJECT OFFICER will send the Deed Restriction to the GRANTEE. *Do not alter the Deed Restriction.* The GRANTEE takes the following steps:
   - Add ownership information to **Paragraph I of the Deed Restriction:** [formal name of GRANTEE] *Insert grantee / owner name as it appears on the deed.*
   - *Create 3 copies (GRANTEE copy, OGALS copy and recorder's copy) of the Deed Restriction and the required attachments:*

     (1) Exhibit A: Label this attachment "Exhibit A (Legal Description of Property)" and include a formal legal description of each parcel of property to which grant funds will be used for the development and/or acquisition thereof. This information can be obtained from the grant deed or title policy. (The assessor's parcel number or a street address is NOT a valid legal description.) and,

     (2) Exhibit B: Label this attachment "Exhibit B (Grant Contract)" and include a complete copy of the Grant Contract and provisions signed by the AUTHORIZED REPRESENTATIVE and the State of California.

   3. *Notarize it:* Take the following documents to a notary. OGALS recommends submitting these documents to your OGALS PROJECT OFFICER for review prior to notarizing.
      - Unsigned and undated Deed Restriction with Notary Acknowledgement
      - Exhibit A (Legal Description of Property)
      - Exhibit B (Grant Contract)

      The AUTHORIZED REPRESENTATIVE dates and signs the Deed Restriction signature page in the presence of a notary. The notary will complete a Notary Acknowledgement (Civil Code §1189).
   4. *Record it:* Take the notarized documents bulleted above to the County Recorder's Office of the county in which the property is located. Ask the County

Clerk to record the Deed Restriction with Notary Acknowledgement, Exhibit A, and Exhibit B, on the title to the property.

5. *Send it:* Send a copy of the notarized and recorded documents bulleted above to the OGALS PROJECT OFFICER.

RECORDING REQUESTED BY:
California Department of Parks and Recreation
Office of Grants and Local Services

WHEN RECORDED MAIL TO:
Office of Grants and Local Services
PO Box 942896
Sacramento, CA 94296-0001
Attn: [Project Officer]

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

DEED RESTRICTION

I. WHEREAS, Enter GRANTEE/owner name as it appears on the deed (hereinafter referred to as "Owner(s)") is/are recorded owner(s) of the real property described in Exhibit A, attached and incorporated herein by reference (hereinafter referred to as the "Property"); and

II. WHEREAS, the California Department of Parks and Recreation (hereinafter referred to as "DPR") is a public agency created and existing under the authority of section 5001 of the California Public Resources Code (hereinafter referred to as the "PRC"); and

III. WHEREAS, Owner(s) (or Grantee) applied to DPR for grant funds available pursuant to the Land and Water Conservation Fund, Competitive Program, for [PROJECT name] on the Property; and

IV. WHEREAS, on [FEDERAL AWARD DATE], DPR's Office of Grants and Local Services and the National Park Service approved Grant [PROJECT number], (hereinafter referred to as "Grant") for improvements on the Property, subject to, among other conditions, recordation of this Deed Restriction on the Property; and

V. WHEREAS, but for the imposition of the Deed Restriction condition of the Grant, the Grant would not be consistent with the public purposes of the Land and Water Conservation Fund, Competitive Program and the funds that are the subject of the Grant could therefore not have been allocated; and

SAMPLE

VI. WHEREAS, Owner(s) has/have elected to comply with the Deed Restriction of the Grant, so as to enable Owner(s), to receive the Grant funds and perform the work described in the Grant;

NOW, THEREFORE, in consideration of the issuance of the Grant funds by DPR, the undersigned Owner(s) for themselves and for their heirs, assigns, and successors-in-interest, hereby irrevocably covenant(s) with DPR that the condition of the Grant (set forth at paragraph(s) 1 through 5 and in Exhibit B hereto) shall at all times on and after the date on which this Deed Restriction is recorded constitute for all purposes covenants, conditions and restrictions on the use and enjoyment of the Property that are hereby attached to the deed to the Property as fully effective components thereof.

1. DURATION. This Deed Restriction shall remain in full force and effect and shall bind Owner(s) and all their assigns or successors-in-interest for the period running from [FEDERAL AWARD DATE] through PERPETUITY.

3. TAXES AND ASSESMENTS. It is intended that this Deed Restriction is irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, section 8, of the California Constitution; and b) section 402.I of the California Revenue and Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property within the meaning of section 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

4. RIGHT OF ENTRY. DPR or its agent or employees may enter onto the Property at times reasonably acceptable to Owner(s) to ascertain whether the use restrictions set forth above are being observed.

5. REMEDIES. Any act, conveyance, contract, or authorization by Owner(s) whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of this Deed Restriction will be deemed a violation and a breach hereof. DPR may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction up to and including a lien sale of the property. In the event of a breach, any forbearance on the part of DPR to

SAMPLE

enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding such breach, or any subsequent breach.

6. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be affected or impaired.

Dated: _____, 20 ____

Business Name (if property is owned by a business):

_____

Signed: _____ Signed:_____
Authorized Representative Additional signature, as required

_____ _____
Print/Type Name & Title of Above Print/Type Name & Title of Above

SAMPLE

Grant Payments

Payments may be requested from OGALS once a PROJECT is approved and the CONTRACT is encumbered.

Payments are mailed to the GRANTEE approximately six to eight weeks from the date the request is approved by OGALS.

Match

The LWCF Act prohibits the use of other federal financial assistance to pay the state or local matching share of a LWCF GRANT. However, in those instances where the statutory provisions of a subsequent federal grant-in-aid program explicitly allow recipients to use such assistance to MATCH LWCF funds, as in Community Development Block Grants (CDBG) and through the Recreational Trail Program (RTP), those funds may be used as MATCH. (MANUAL, Ch. 5, A.5.)

In-kind funds and/or donations used as MATCH cannot have restrictions that might limit the intended public recreation use. Information on how to value and account for such MATCH, is found in the MANUAL, Ch. 5, B.1. and 2.(a-h).

Approved Pre-Award Project Planning Costs

GRANTEE may seek REIMBURSEMENT for approved PRE-AWARD PROJECT PLANNING COSTS, if a PRE-AWARD PROJECT PLANNING COSTS Form was submitted with the APPLICATION. (MANUAL, Ch. 5, A.3.b.)

Approved Waiver of Retroactivity Costs

GRANTEE may seek REIMBURSEMENT for ACQUISITION or DEVELOPMENT costs if NPS approved a request for a WAIVER OF RETROACTIVITY during the APPLICATION phase. (MANUAL, Ch. 5, A.3.a.(1) and (2))

Accounting Rules for In-House Employee Services

GRANTEES must follow these accounting practices for services performed by its employees to be eligible for reimbursement:

- Maintain time and attendance records as charges are incurred, identifying the employee through a name or other tracking system, and the employee's actual time worked on the PROJECT.
- Time estimates/percentages, for work performed on the PROJECT are *not* acceptable.
- Time sheets that do not identify the specific employee's actual hours worked on the PROJECT are *not* acceptable.
- Costs of the salaries and wages must be calculated according to the GRANTEE'S wage and salary scales, and may include benefit costs such as vacation, health insurance, pension contributions and workers' compensation.
- Overtime costs may be allowed under the GRANTEE'S established policy, provided that all of the regular work time was devoted to the same PROJECT.
- May not include overhead or cost allocation. These costs are generally associated with supporting an employee, such as rent, personnel support, IT, utilities, etc.

Reimbursement Requirements

1. The GRANTEE must submit a Grant Expenditure Form of ELIGIBLE COSTS to cover both the LWCF GRANT amount and MATCH in order to receive payment at the RATE OF REIMBURSEMENT in the CONTRACT.
2. GRANT payments before the final payment may not exceed 80% of the GRANT amount. 20% of the GRANT amount is retained for the final REIMBURSEMENT.
3. A deed restriction is required prior to processing any reimbursements.
4. Group costs together to avoid frequent payment requests – requests greater than $10,000 are encouraged.
5. Provide construction progress photos, including a photo with applicable LWCF sign visible on the PROJECT site, with all payment requests.
6. Payment may be withheld by OGALS if the GRANTEE has outstanding issues, such as:
    - Breach of any other CONTRACT with OGALS
    - Violation of the Single Audit Act
    - An outstanding CONVERSION
    - Park sites closed or inadequately maintained
    - Overdue Project Status Reports
    - Other unmet GRANT requirements

THIS FORM HAS BEEN UPDATED
VISIT THIS WEBLINK FOR CURRENT FORMS

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Payment Request – Land and Water Conservation Fund

See Instructions on reverse.

1. PROJECT NUMBER	2. CONTRACT NUMBER	3. EMPLOYEE IDENTIFICATION NO.

4. GRANTEE

5. PROJECT TITLE

6. TYPE OF PAYMENT
☐ Reimbursement ☐ Final

7. PAYMENT INFORMATION

Expenditures since last billing: $ _____

Rate of Reimbursement: _____ %

8. SEND WARRANT TO:

Grantee Name: _____

Street Address: _____

City/State/Zip Code: _____

Attention: _____

CERTIFICATION

I certify that the billing is correct and just and is based upon actual payment(s) of record by the participant or political subdivisions; that payment from the Federal Government has not been received; that the work and services are in accordance with the State of California Land and Water Conservation Fund grant Contract including amendments thereto; and, that the progress of the work and services under the grant Contract is satisfactory and is consistent with the amount paid.

I further certify that the participant, political subdivision or public agency is not involved in any court litigation or law suits wherein it is alleged by private parties of the United States that persons were, on the grounds of race, color, or national origin, excluded from participation in, denied benefits of, or otherwise subject to discrimination in the outdoor recreation program or Facilities of the political subdivision or public agency.

9. SIGNATURE OF PERSON AUTHORIZED IN RESOLUTION	TITLE	DATE
✍		

FOR DEPARTMENT OF PARKS AND RECREATION USE ONLY

ITEM	THIS BILLING	CUMULATIVE
1. Total Eligible		
2. Surcharge_____ %		
3. Total		
4. Less Federal Share		
5. Less Surcharge		
6. Total Due Participant		

DPR PAYMENT APPROVAL SIGNATURE	DATE
✍	

Payment Request Instructions

1. **Project Number** – The number assigned by the State to this PROJECT.

2. **Contract Number** – As shown in Certification of Funding section of the GRANT CONTRACT.

3. **Employee Identification No.** – Federal Identification Number assigned by Internal Revenue Service.

4. **Grantee** – GRANTEE name as shown on the GRANT CONTRACT.

5. **Project Title** – Title of PROJECT for which payment is requested.

6. **Type of Payment** – Check the appropriate box:
   - ***Reimbursement*** – The GRANTEE has periodically spent funds to implement the PROJECT, and is requesting REIMBURSEMENT. Up to 80% of the GRANT amount may be reimbursed prior to PROJECT COMPLETION; or,
   - ***Final*** – The GRANTEE has completed the PROJECT, and is requesting the final payment.

7. **Payment Information:**
   - ***Expenditures since last billing*** – Enter all ELIGIBLE COSTS (GRANT + MATCH) since last payment request. See "Grand Total of Column (5)" on the Grant Expenditure Form.
   - ***Rate of Reimbursement*** – Enter the RATE OF REIMBURSEMENT percentage located on the GRANT CONTRACT.

8. **Send Warrant To** – GRANTEE name, address and Attn: contact person

9. **Signature and Title of person authorized in resolution.**

THIS FORM HAS BEEN UPDATED
VISIT THE WEBLINK BELOW FOR CURRENT FORMS

Grant Expenditure Form
An electronic Grant Expenditure Form is available at the LWCF webpage, under LWCF Local Agency Administration Information. GRANTEES may use their own spreadsheet if it contains the required information shown below.

All payment requests require a summary of costs incurred. OGALS reserves the right to require the submission of any or all invoices or warrants for which payments are made. Only provide the following information to OGALS.

PROJECT Number_____

Warrant/Check # (1)	Date (2)	Recipient (3)	GRANT SCOPE Item/ Purpose (4)	Amount Paid to Recipient (5)

_____

Grand Total of Column (5) $_____

Less RATE OF REIMBURSEMENT ____% $_____

Amount due to GRANTEE **$_____**

Match Sources: _____

List only ELIGIBLE COSTS charged to the GRANT.

Column (1) Electronic payment numbers/electronic funds transfer numbers in the "Warrant/Check Number" column is acceptable. Include an "EP" next to the electronic payment numbers/electronic funds transfer numbers.
If IN-HOUSE EMPLOYEE SERVICES or GRANTEE'S own equipment was used, a work order or other tracking number can be used instead of a check/warrant number.
Column (2) Date payment was made to recipient. If IN-HOUSE EMPLOYEE SERVICES were used, the date that the work was performed may be used.
Column (3) Name of Contractor, IN-HOUSE EMPLOYEE SERVICES, or other entity performing services and/or materials.
Column (4) GRANT SCOPE item related to expenditure and a brief description, such as "playground design", "permits", "walkway materials", "sport field construction."
Column (5) List total amount of eligible costs paid (see ELIGIBLE COSTS, pages 5 and 6).

Scope Change Requests

GRANTEES must contact their PROJECT OFFICER if any changes to the GRANT SCOPE are being considered. The removal or addition of, or significant modification to, the RECREATION FEATURES and MAJOR SUPPORT AMENITIES listed in the GRANT SCOPE/Cost Estimate Form constitutes a scope change. Scope change requests must be:

- submitted to the OGALS PROJECT OFFICER in writing
- signed by the AUTHORIZED REPRESENTATIVE
- fully explain the need for a SCOPE change

OGALS discourages proposals that eliminate or greatly reduce a PROJECT'S recreational capacity or use. No changes will be considered 30 days prior to the end of the GRANT PERFORMANCE PERIOD. (MANUAL, Ch. 5, A.4.)

Project Liquidation Extensions

GRANTEES must contact their PROJECT OFFICER if the PROJECT cannot be completed within the GRANT PERFORMANCE PERIOD. A one-year extension request must be:

- submitted to the OGALS PROJECT OFFICER in writing
- signed by the AUTHORIZED REPRESENTATIVE
- fully explain the need for an extension
- include a revised timeline to demonstrate that the PROJECT will be complete and FULLY USABLE if the one-year extension is granted

All extensions must be approved by OGALS and NPS. Projects cannot be extended beyond five years from the date the PROJECT was approved by NPS.
(MANUAL, Ch. 5, A.3.d.)

Completing the Project

GRANTEES must complete the PROJECT and demonstrate the PROJECT to be FULLY USABLE within the GRANT PERFORMANCE PERIOD.

The final payment (no less than 20% retention of the GRANT amount) will be processed after PROJECT COMPLETION and the following is approved by OGALS:

- The PROJECT COMPLETION PACKET

  OGALS recommends that GRANTEES send the PROJECT COMPLETION PACKET at least six months prior to the end of the GRANT PERFORMANCE PERIOD. Six months provides adequate time for OGALS review and to receive revisions, if necessary.

- The Final Site Inspection to verify PROJECT COMPLETION

Project Completion Packet

PROJECT COMPLETION PACKETS must be submitted by March 31, of the year the PROJECT liquidates, as shown on the CONTRACT.

To request the final payment and complete the PROJECT, the GRANTEE must submit the following documents:

1. Payment Request Form (page 19)
2. Grant Expenditure Form (page 21)
3. PROJECT COMPLETION Certification Form (page 24)
4. Photo of the LWCF sign and location (page 10)
5. Recorded Deed Restriction, if not already provided (page 12)
6. Signed and dated LWCF BOUNDARY AREA MAP (54 U.S.C. §200305(f)(3) (See APPLICATION Guide)
7. Site Plan indicating the type and location of LWCF GRANT SCOPE items, along with official name of PARK, unless previously submitted or evident on the signed and dated LWCF BOUNDARY AREA MAP.
8. Final Funding Sources Form (See APPLICATION Guide)

For ACQUISITION PROJECTS, the GRANTEE must submit these additional documents:

1. Copy of the Escrow Closing Statement
2. Copy of the recorded deed to the property
3. Copy of title insurance policy
4. Confirmation of, or update to Public Use Plan – planned development for public outdoor recreation. (MANUAL Ch. 3 B.7.b.(1) through (6)) (See APPLICATION Guide)

Final Site Inspection

Once OGALS is in receipt of a *complete* PROJECT COMPLETION PACKET, the PROJECT OFFICER will schedule a final inspection with the GRANTEE to confirm and photograph the following:

- PROJECT was carried out in accordance with the CONTRACT and GRANT SCOPE
- The LWCF acknowledgement sign(s) is/are posted, including a description of its location for future Compliance Inspections

Next, OGALS notifies NPS to review and approve the final LWCF BOUNDARY AREA MAP before the final payment is authorized. This map can be amended, up until NPS' approval of the final payment. Once approved, it becomes the LWCF BOUNDARY AREA MAP OF RECORD. See the APPLICATION Guide for more information on the LWCF BOUNDARY AREA MAP.

Project Completion Certification

GRANTEE: _____PROJECT Number: _____

GRANTEE contact for audit purposes

Name: _____

Address: _____

Phone: (___) _____ **Email: _____**

PROJECT COMPLETION – list the RECREATION FEATURES and MAJOR SUPPORT AMENITIES developed and/or the property acquired (use additional pages, if needed):

Did the GRANTEE file a "Notice of Completion" with the county recorder? Yes __ No __

Certification:
I hereby certify that all GRANT funds were expended on the above named PROJECT and that the PROJECT is complete and we have made final payment for all work charged to the GRANT.

I have read California Penal Code §118 and understand that every person who testifies, declares, deposes, or certifies under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury, which is a felony punishable by imprisonment is State prison for two, three, or four years.

Furthermore, I have read California Penal Code §72 and understand that every person who, with the intent to defraud, presents for allowance or for payment to any State board or officer, or to any county, city, or District board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is guilty of a felony-misdemeanor punishable either by imprisonment in county jail for a period of not more than one year, by a fine not exceeding one thousand dollars, or both, or by imprisonment in State prison, by a fine not exceeding ten thousand dollars, or both.

I represent and warrant that I have full authority to execute this PROJECT COMPLETION Certification on behalf of the GRANTEE. I declare under penalty of perjury that the foregoing certification of PROJECT COMPLETION for the above-mentioned GRANT is true and correct.

_____ _____
GRANTEE'S AUTHORIZED REPRESENTATIVE Title of the position authorized in the Resolution
(Printed or typed name)

_____ _____
GRANTEE'S AUTHORIZED REPRESENTATIVE Date
(Signature)

Post Completion Stewardship

OGALS is responsible for compliance and enforcement of the LWCF Act at 54 U.S.C. §2003301 et seq., 36 C.F.R. Part 59, and 2 C.F.R. §200.316 to confirm PROJECTS supported with LWCF GRANTS remain FULLY USABLE (i.e., operated and maintained, open and accessible) for public outdoor recreation in PERPETUITY. (MANUAL, Ch. 8)

LWCF STEWARDSHIP is firm. PROJECTS acquired or developed with the assistance of a LWCF GRANT can only be used for public outdoor recreation. **All proposed changes within the LWCF BOUNDARY AREA MAP OF RECORD are subject to NPS approval and must be reported to OGALS**. (CONTRACT Part II Continuing Assurances B.)

Contact your PROJECT OFFICERS BY CITY/COUNTY regarding stewardship requirements and responsibilities.

Items not allowed to be constructed within a PROJECT'S LWCF BOUNDARY MAP OF RECORD:

- Commercial signage

OGALS must be notified before any of the following are considered within the LWCF BOUNDARY AREA MAP OF RECORD:

- Widening a road or highway
- Changing any portion of the protected land's property interest for private or non-public outdoor recreation use
- Constructing an above or underground utility facility
- Building or expanding a public indoor facility or restroom
- Changing a RECREATION FEATURE (e.g. changing a tennis court to a basketball court)
- Removing a FEATURE or SUPPORT AMENITY
- Temporarily or permanently terminating or restricting public outdoor recreation use

Any CONVERSION in land-use takes planning and can be uniquely complex. Comprehensive review and evaluation of key issues impacting recreation access and use, can take more than a year for approval. (MANUAL, Ch. 8, set forth in Title 36 Part 59, Code of Federal Regulations)

Public Use Plan Compliance

Within three years of ACQUISITION, a NEW OUTDOOR RECREATIONAL OPPORTUNITY must be FULLY USABLE to the public. OGALS will monitor the completion of this requirement. GRANTEE must submit a letter signed by the AUTHORIZED REPRESENTATIVE along with dated photographs to demonstrate the PROJECT'S Public Use Plan requirement has been met. (MANUAL, Ch. 3, B.7.a. and b.)

OGALS Compliance Inspections

OGALS will conduct periodic compliance inspections to ensure that PROJECTS protected within the LWCF BOUNDARY AREA MAP OF RECORD are in accordance with LWCF STEWARDSHIP requirements. Compliance inspections confirm the LWCF sign is posted and that PROJECTS are open and accessible and being operated and maintained for public outdoor recreation use. (MANUAL, Ch. 8, C.)

Single Audit Act

Federally-funded GRANTS are subject to the Single Audit Act of 1984 (Public Law 98-502), and the Office of Management and Budget (OMB) Circular A-133, "Audit Requirements for State and Local Governments." These requirements have been incorporated into DEPARTMENT OF THE INTERIOR regulations at Code of Federal Regulations, Part 12, Subpart F.

Prior to approving a payment, OGALS will verify on the State Controller's Office website that the GRANTEE is compliant with the Single Audit Act. GRANTEES not in compliance will be notified.

Single Audit Act website

Audit Exceptions

An audit exception is a determination that an item questioned by the auditor is not properly chargeable to the GRANT CONTRACT and should be disallowed. NPS determines the allowance or disallowance of items questioned by the auditor. NPS will advise OGALS, who in turn will inform the GRANTEE of the audit findings, along with recommendations and suggestions for overcoming the deficiencies disclosed by the audit, including the disallowance of any costs. For more information, contact the DPR Single Audit Act Officer. (MANUAL, Ch. 7, F.)

Record Retention

Financial records, supporting documents, statistical records, and all other records pertinent to the GRANT, shall be retained for a period of three years after final payment on the PROJECT. The records shall be retained beyond the three year period if audit findings have not been resolved. (MANUAL, Ch. 7, D.6.a.)

Grant Contract

Department of Parks and Recreation
Sample Grant Contract
Land and Water Conservation Fund

GRANTEE_____

PROJECT TITLE_____PROJECT NUMBER_____

GRANT PERFORMANCE PERIOD is from_____

The GRANTEE agrees to the terms and conditions of this contract, hereinafter referred to as AGREEMENT, and the State of California, acting through its Liaison Officer pursuant to the program named above, and agrees to fund the total State grant amount indicated below. The GRANTEE agrees to complete the GRANT SCOPE as defined in the GRANT SCOPE/Cost Estimate Form of the APPLICATION filed with the State of California referenced by the application number indicated above.

PROJECT DESCRIPTION:

The General Provisions attached are made a part of and incorporated into the Contract.
Code of Federal Regulations, Title 2, Subtitle A, Ch. II, Part 200 – Grant Agreements – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards is made part of and incorporated into this Contract as Exhibit A.

Total State Grant not to exceed _____ (or 50% of the total Project, whichever is less. The federally approved surcharge will be deducted at the time of billing.)

Rate of Reimbursement _____%

_____
Grantee

By_____
Typed or printed name of Authorized Representative

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

_____
Signature of Authorized Representative

Title_____ By_____

Date_____ Date_____

CERTIFICATION OF FUNDING

AMOUNT OF ESTIMATE	CONTRACT NUMBER	PROJECT NO.			FUND Land and Water Conservation Fund
ADJ. INCREASING ENCUMBRANCE	APPROPRIATION				
ADJ. DECREASING ENCUMBRANCE	CALSTARS VENDOR NO.				
UNENCUMBERED BALANCE	LINE ITEM ALLOTMENT	CHAPTER	STATUTE	FISCAL YEAR	
T. B. A. NO.	B. R. NO.	INDEX	OBJ. EXPEND	PCA	PROJECT/WORK PHASE
I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.					
SIGNATURE OF ACCOUNTING OFFICER					DATE

State of California — The Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION
Land and Water Conservation Fund
Grant Contract Provisions

Part I - Definitions

A. The term “NPS” or “Service” as used herein means the National Park Service, United States Department of the Interior.

B. The term “Director” as used herein means the Director of the National Park Service, or any representative lawfully delegated the authority to act for such Director.

C. The term “Manual” as used herein means the Land and Water Conservation Fund State Assistance Program Manual, Volume 71 (March 11, 2021).

D. The term “project” as used herein means a Land and Water Conservation Fund grant which is subject to the grant agreement and/or its subsequent amendments.

E. The term “State” as used herein means the State, Territory or District of Columbia that is a party to the project agreement, and, where applicable, the political subdivision or public agency to which funds are to be transferred pursuant to this agreement. Wherever a term, condition, obligation, or requirement refers to the State, such term, condition, obligation, or requirement shall also apply to the recipient political subdivision or public agency, except where it is clear from the nature of the term, condition, obligation, or requirement that it is to apply solely to the State. For purposes of these provisions, the terms “State,” “grantee,” and “recipient” are deemed synonymous.

F. The term “Secretary” as used herein means the Secretary of the Interior, or any representative lawfully delegated the authority to act for such Secretary.

G. The term “Land and Water Conservation Fund” or “LWCF” as used herein means the Financial Assistance to States section of the LWCF Act (Public Law 88-578, 78 Stat 897, codified at 54 USC §2003), which is administered by the NPS.

Part II - Continuing Assurances

The parties to the project agreement specifically recognize that accepting LWCF assistance for the project creates an obligation to maintain the property described in the agreement and supporting application documentation consistent with the LWCF Act and the following requirements.

Further, it is the acknowledged intent of the parties hereto that recipients of LWCF assistance will use monies granted hereunder for the purposes of this program, and that assistance granted from the LWCF will result in a net increase, commensurate at least with the Federal cost-share, in a participant's outdoor recreation.

It is intended by both parties hereto that the LWCF assistance will be added to, rather than replace or be substituted for, State and local outdoor recreation funds.

A. The State agrees, as recipient of the LWCF assistance, that it will meet the LWCF General Provisions, and the terms and provisions as contained or referenced in, or attached to, the NPS grant agreement and that it will further impose these terms and provisions upon any political subdivision or public agency to which funds are subawarded pursuant to the grant agreement. The State also agrees that it shall be responsible for compliance with the terms and provisions of the agreement by such a political subdivision or public agency and that failure by such

political subdivision or public agency to so comply shall be deemed a failure by the State to comply.

B. The State agrees that the property described in the grant agreement and depicted on the signed and dated project boundary map made part of that agreement is being acquired or developed with LWCF assistance, or is integral to such acquisition or development, and that, without the approval of the Secretary, it shall not be converted to other than public outdoor recreation use but shall be maintained in public outdoor recreation in perpetuity or for the term of the lease in the case of property leased from a federal agency. The Secretary shall approve such conversion only if it is found to be in accord with the then existing statewide comprehensive outdoor recreation plan and only upon such conditions deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location (54 U.S.C. 200305(f)(3)). The LWCF post-completion compliance regulations at 36 C.F.R. Part 59 provide further requirements. The replacement land then becomes subject to LWCF protection. The approval of a conversion shall be at the sole discretion of the Secretary, or designee.

Prior to the completion of this project, the State and the Director may mutually alter the area described in the grant agreement and depicted in the signed and dated project boundary map to provide the most satisfactory public outdoor recreation unit, except that acquired parcels are afforded LWCF protection as Fund reimbursement is provided.

In the event the NPS provides LWCF assistance for the acquisition and/or development of property with full knowledge that the project is subject to reversionary rights and outstanding interests, conversion of said property to other than public outdoor recreation uses as a result of such right or interest being exercised will occur. In receipt of this approval, the State agrees to notify the NPS of the potential conversion as soon as possible and to seek approval of replacement property in accord with the conditions set forth in these provisions and the program regulations. The provisions of this paragraph are also applicable to leased properties developed with LWCF assistance where such lease is terminated prior to its full term due to the existence of provisions in such lease known and agreed to by the NPS; and properties subject to other outstanding rights and interests that may result in a conversion when known and agreed to by the NPS.

C. The State agrees that the benefit to be derived by the United States from the full compliance by the State with the terms of this agreement is the preservation, protection, and the net increase in the quality and quantity of public outdoor recreation facilities and resources which are available to the people of the State and of the United States, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the United States by way of assistance under the terms of this agreement. The State agrees that payment by the State to the United States of an amount equal to the amount of assistance extended under this agreement by the United States would be inadequate compensation to the United States for any breach by the State of this agreement.

The State further agrees, therefore, that the appropriate remedy in the event of a breach by the State of this agreement shall be the specific performance of this agreement or the submission and approval of a conversion request as described in Section II.B above.

D. The State agrees to comply with the policies and procedures set forth in the Manual. Provisions of said Manual are incorporated into and made a part of the project grant agreement.

E. The State agrees that the property and facilities described in the grant agreement shall be operated and maintained as prescribed by Manual requirements and published post-completion compliance regulations (36 C.F.R. Part 59).

F. The State agrees that a notice of the grant agreement shall be recorded in the public property records (e.g., registry of deeds or similar) of the jurisdiction in which the property is located, to the effect that the property described and shown in the scope of the grant agreement and the signed and dated project boundary map made part of the agreement, has been acquired or developed with LWCF assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the Secretary as described in Part II.B. above.

G. Nondiscrimination

1. By signing the LWCF agreement, the State certifies that it will comply with all Federal laws relating to nondiscrimination as outlined in Section V of the Department of the Interior Standard Award Terms and Conditions.

2. The State shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence as set forth in 54 U.S.C. §200305(i) and the Manual.

Part III - Project Assurances

A. Project Application

1. The Application for Federal Assistance bearing the same project number as the Grant Agreement and associated documents is by this reference made a part of the agreement.

2. The State possesses legal authority to apply for the grant, and to finance and construct the proposed facilities. A resolution, motion or similar action has been duly adopted or passed authorizing the filing of the application, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the State to act in connection with the application and to provide such additional information as may be required.

3. The State has the capability to finance the non-Federal share of the costs for the project. Sufficient funds will be available to assure effective operation and maintenance of the facilities acquired or developed by the project.

B. Project Execution

1. The project period shall begin with the date of approval of the project agreement or the effective date of a waiver of retroactivity and shall terminate at the end of the stated or amended project period unless the project is completed or terminated sooner in which event the project shall end on the date of completion or termination.

2. The State shall transfer to the project sponsor identified in the Application for Federal Assistance all funds granted hereunder except those reimbursed to the State to cover eligible expenses derived from a current approved negotiated indirect cost rate agreement.

3. The State will cause work on the project to start within a reasonable time after receipt of notification that funds have been approved and assure that the project will be implemented to completion with reasonable diligence.

4. The State shall secure completion of the work in accordance with approved construction plans and specifications, and shall secure compliance with all applicable Federal, State, and local laws and regulations.

5. The State will provide for and maintain competent and adequate architectural/ engineering supervision and inspection at the construction site to ensure that the completed work conforms

with the approved plans and specifications; that it will furnish progress reports and such other information as the NPS my require.

6. In the event the project covered by the project agreement, cannot be completed in accordance with the plans and specifications for the project; the State shall bring the project to a point of recreational usefulness agreed upon by the State and the Director or designee in accord with Section “Project Termination” of this agreement.

7. As referenced in the DOI Standard Terms and Conditions, the State will ensure the project’s compliance with applicable federal laws and their implementing regulations, including: the Architectural Barriers Act of 1968 (P.L. 90-480) and DOI’s Section 504 Regulations (43 C.F.R. Part 17); the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), and applicable regulations; and the Flood Disaster Protection Act of 1973 (P.L. 93-234).

8. The State will comply with the provisions of: Executive Order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement or water pollution, and Executive Order 11990 relating to the protection of wetlands.

9. The State will assist the NPS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (54 U.S.C. §306108) and the Advisory Council on Historic Preservation regulations (36 C.F.R. Part 800) by adhering to procedural requirements while considering the effect of this grant award on historic properties. The Act requires federal agencies to take into account the effects of their undertaking (grant award) on historic properties by following the process outlined in regulations. That process includes (1) initiating the process through consultation with the State Historic Preservation Officer and the other on the undertaking, as necessary, by (2) identifying historic properties listed on or eligible for inclusion on the National Register of Historic Places that are subject to effects by the undertaking, as necessary, by (3) assessing the effects of the undertaking upon such properties, if present, and by (4) resolving adverse effects through consultation and documentation according to 36 C.F.R. §800.11. If an unanticipated discovery is made during implementation of the undertaking the State in coordination with NPS shall consult per provisions 36 C.F.R. §800.13.

10. The State will assist the NPS in its compliance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. §4321 et seq.) and the CEQ regulations (40 C.F.R. §1500-1508), by adhering to procedural requirements while considering the consequences of this project on the human environment. This Act requires Federal agencies to take into account the reasonably foreseeable environmental consequences of all grant-supported activities. Grantee and subrecipients are required to provide the NPS with a description of any foreseeable impacts to the environment from grant-supported activities or demonstrate that no impacts will occur through documentation provided to the NPS. The applicant must submit an Application & Revision Form in order to assist the NPS in determining the appropriate NEPA pathway when grant-assisted development and other ground disturbing activities are expected. If a Categorical Exclusion (CE) is the appropriate pathway, the NPS will confirm which CE, according to NPS Director’s Order 12, applies.

D. <u>Construction Contracted for by the State Shall Meet the Following Requirements</u>:

1. Contracts for construction shall comply with the provisions of 43 CFR Part 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs, Department of the Interior).

2. No grant or contract may be awarded by any grantee, subgrantee or contractor of any grantee or subgrantee to any party which has been debarred or suspended under Executive

Order 12549. By signing the LWCF agreement, the State certifies that it will comply with debarment and suspension provisions appearing at Part III-J herein.

E. Retention and Custodial Requirements for Records

1. Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained in accordance with 43 C.F.R. Part 12 for a period of three years; except the records shall be retained beyond the three-year period if audit findings have not been resolved.

2. The retention period starts from the date of the final expenditure report for the project.

3. State and local governments are authorized to substitute copies in lieu of original records.

4. The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments and their subgrantees which are pertinent to a specific project for the purpose of making audit, examination, excerpts and transcripts.

F. Project Termination

1. The Director may temporarily suspend Federal assistance under the project pending corrective action by the State or pending a decision to terminate the grant by the NPS.

2. The State may unilaterally terminate the project at any time prior to the first payment on the project. After the initial payment, the project may be terminated, modified, or amended by the State only by mutual agreement with the NPS.

3. The Director may terminate the project in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The Director will promptly notify the State in writing of the determination and the reasons for the termination, together with the effective date. Payments made to States or recoveries by the NPS under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

4. The Director or State may terminate grants in whole, or in part at any time before the date of completion, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The NPS may allow full credit to the State for the Federal share of the noncancelable obligations, properly incurred by the GRANTEE prior to termination.

5. Termination either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by the State and the Director or that all funds provided by the NPS be returned.

G. Lobbying with Appropriated Funds

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

The undersigned certifies, to the best of their knowledge and belief, that:

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

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

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

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

H. Provision of a Drug-Free Workplace

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

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

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

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

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

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

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

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

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

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

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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

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

I. Hold Harmless

The Grantee shall indemnify the State of California and its officer, agents and employees against and hold the same free and harmless from any and all claims, demands, damages, losses, costs, and/or expenses of liability due to, or arising out of, either in whole or in part, whether directly or indirectly, the organization, Development, construction, operation, or maintenance of the Project.

J. Civil Rights Assurance

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

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

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

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

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

K. Debarment and Suspension

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

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

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

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

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

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

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

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

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

(1) The prospective lower tier participant certifies, by submission of this application that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

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

Definitions

Capitalized words and terms used in this procedural guide are defined below.

ACQUISITION – to obtain fee simple title of real property or a permanent easement, which gives permanent rights to use the property for the purposes of the GRANT SCOPE. A lease or rental is not considered ACQUISITION.

APPLICANT – an eligible entity which does not yet have an ENCUMBERED CONTRACT with DPR.

APPLICATION – the APPLICATION Form and attachments submitted by an APPLICANT to OGALS to request GRANT funding through a competitive process and to describe the proposed use of the GRANT as required by the "APPLICATION GUIDE for the Land & Water Conservation Program."

APPLICATION GUIDE – the OGALS procedural guide that explains the requirements to propose a LWCF GRANT PROJECT. The current APPLICATION GUIDE can be found at the LWCF website.

AUTHORIZED REPRESENTATIVE – the APPLICANT'S/GRANTEE'S designated *position* authorized in the Resolution to sign all required GRANT documents. The AUTHORIZED REPRESENTATIVE may designate an alternate by informing OGALS in writing.

CEQA – the California Environmental Quality Act as stated in the Public Resources Code §21000 et seq.; Title 14 California Code of Regulations §15000 et seq. CEQA is a law establishing policies and procedures that require entities to identify, disclose to decision makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of the entities' proposed PROJECT. For more information refer to the CEQA website.

CONSTRUCTION COSTS – costs incurred when ground-breaking construction activities such as site preparation, grading, or gutting begins, and continuing to the end of the GRANT PERFORMANCE PERIOD.

CONTRACT – an agreement between the DPR and the GRANTEE specifying the performance of the GRANT SCOPE within the GRANT PERFORMANCE PERIOD, and other GRANT obligations between the GRANTEE and DPR.

CONVERSION – occurs when the LWCF assisted PROJECT within the LWCF BOUNDARY AREA MAP OF RECORD is wholly or in part converted to other than outdoor public recreation use.

DEPARTMENT OF THE INTERIOR – the Federal agency with oversight over the National Park Service.

DEVELOPMENT – the physical improvement of real property including the construction of facilities or structures and support amenities.

DPR – the California Department of Parks and Recreation.

ELIGIBLE COSTS – expenses incurred during the GRANT PERFORMANCE PERIOD to complete the GRANT SCOPE approved by OGALS through an ENCUMBERED CONTRACT.

ENCUMBERED – when the CONTRACT is signed by the AUTHORIZED REPRESENTATIVE and DPR. At this point the funds are designated by the State for the purpose of funding PROJECT related costs and the CONTRACT is fully executed between the GRANTEE and the DPR.

FULLY USABLE –

- For ACQUISITION PROJECTS means the property acquired with LWCF funds will be open and accessible for the public within three years of its being acquired by the GRANTEE.
- For DEVELOPMENT PROJECTS means GRANT SCOPE is open and accessible for the public.

GRANT – funds made available to a GRANTEE for completion of the GRANT SCOPE during the GRANT PERFORMANCE PERIOD.

GRANT PERFORMANCE PERIOD – the period of time that GRANT SCOPE ELIGIBLE COSTS may be incurred, and the work described in the GRANT SCOPE must be completed, billed and paid by the State. The GRANT PERFORMANCE PERIOD begins when the CONTRACT is approved by the National Park Service and ends on the date specified in the CONTRACT.

GRANT SCOPE – the RECREATION FEATURES and MAJOR SUPPORT AMENITIES listed in the GRANT SCOPE/Cost Estimate Form that must be completed prior to final GRANT payment.

GRANTEE – an entity having an ENCUMBERED CONTRACT with DPR.

IN-HOUSE EMPLOYEE SERVICES – GRANTEE's employees working on the PROJECT.

LWCF – the Land and Water Conservation Fund State Assistance Program was established by the LWCF Act of 1965 and is the federal funding source for MATCHING GRANTS to State and local governments for recreation planning, ACQUISITION or DEVELOPMENT.

LWCF BOUNDARY AREA MAP OF RECORD – serves as the map of record between NPS, OGALS, and GRANTEES that:

- Provides the agreed boundaries of the protected PARK site at the time of PROJECT approval pursuant to Title 54 U.S.C. §200301 et seq of the LWCF ACT and Title 36, Part 59 in the U.S. Code of Federal Regulations.
- Allows PROJECT inspectors to identify and evaluate the site and its compliance with post-completion PARK STEWARDSHIP standards.

When a LWCF PROJECT is completed, the land within the approved LWCF BOUNDARY AREA MAP OF RECORD is placed under federal protection to preserve the public's outdoor recreational use of the site in PERPETUITY.

MAJOR SUPPORT AMENITY–

1. A parking lot, restroom building, or other *non-recreational facilities* intended to support RECREATION FEATURES at the PROJECT site.
2. An improvement to the *appearance of the general PROJECT site* such as landscaping when estimated to cost $50,000 or more.

MANUAL – NPS guidelines found in the LWCF State Assistance Program Federal Financial Assistance Manual, Volume 71. Effective Date: March 11, 2021 used to govern the LWCF program.

MATCH – amount required to make up the difference between the LWCF GRANT amount requested (the federal share) and the TOTAL PROJECT COST. The GRANTEE must submit ELIGIBLE COSTS to cover both the LWCF GRANT amount and MATCH (TOTAL PROJECT COST established at the time of APPLICATION) in order to be reimbursed the full LWCF GRANT amount.

MINOR SUPPORT AMENITY – a permanent single purpose stand-alone item that is not a FEATURE, such as a sign, bench, or drinking fountain estimated to cost less than $50,000.

NEW OUTDOOR RECREATIONAL OPPORTUNITY – development or construction of a new RECREATION FEATURE where non currently exists. Or renovate an existing RECREATION FEATURE that allows for expanded operation hours or additional recreational use beyond its original condition.

NPS – The National Park Service, the Federal agency that administers LWCF under the Secretary of the Department of the Interior.

OGALS – The California Department of Parks and Recreation, Office of Grants and Local Services.

PARK – land for the general public's physical and social health that provides RECREATION FEATURES for outdoor or indoor athletic activities, cultural enrichment, nature appreciation, or other active or passive recreational activities, and which includes a portion of OPEN SPACE. Under this definition, a greenway or linear PARK is also a PARK. A school is not a PARK and a community center on land that does not include an adjacent portion of OPEN SPACE is not a PARK.

PERPETUITY – the required STEWARDSHIP of land for eternity within a LWCF BOUNDARY AREA MAP OF RECORD approved by the NPS. The LWCF Act at 54 U.S.C. §200301 et seq, 36 C.F.R. Part 59, and 2 C.F.R. §200.316 provide the requirements of the land to be used for outdoor public recreation in PERPETUITY. The land under obligation of is described by the LWCF BOUNDARY AREA MAP OF RECORD and all of the LWCF APPLICATION documents.

The LWCF Act at 54 U.S.C. 200305 (f) Payments (3) – *No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use. The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with then-existing comprehensive statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of the recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. Wetland areas and interests therein as identrified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.*

PRE-AWARD PROJECT PLANNING COSTS – costs incurred prior to NPS' PROJECT approval necessary for PROJECT preparation. Examples include site investigation and selection, site planning, feasibility studies, CEQA/NEPA environmental review, Section 106, and the A & R Form, preliminary design, preparation of cost estimates, construction drawings and specifications.

PROJECT – the FEATURES and MAJOR SUPPORT AMENITIES listed in the GRANT SCOPE/Cost Estimate Form.

PROJECT COMPLETION – when the FEATURES and MAJOR SUPPORT AMENITIES listed in the GRANT SCOPE /Cost Estimate Form are complete and the facilities are open and useable by the public.

PROJECT COMPLETION PACKET – The documents listed on page 23 that are required in order to request final GRANT payment following PROJECT COMPLETION.

PROJECT OFFICER – an OGALS employee who acts as a GRANT administration contact for APPLICANTS and GRANTEES.

RATE OF REIMBURSEMENT – The "**RATE OF REIMBURSEMENT**" is based on the percentage of the LWCF GRANT amount in relation to the TOTAL PROJECT COST established at the time of APPLICATION. This percentage will be reimbursed to the GRANTEE out of the TOTAL PROJECT COST when the ELIGIBLE COSTS are incurred and listed on the GRANT Expenditure Form submitted by a GRANTEE to OGALS.

RECREATION FEATURE – A facility or open space area for public recreation as defined in the LWCF APPLICATION GUIDE.

REIMBURSEMENT – GRANT payment made to the GRANTEE after the GRANTEE incurred costs by making a payment to a contractor or vendor.

STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN (SCORP) – a tool for statewide outdoor recreation leadership and action, which includes the State's assessment and policy plan required by the LWCF ACT.

STEWARDSHIP – operation and maintenance requirements of property within the approved LWCF BOUNDARY AREA MAP OF RECORD established by NPS based on the LWCF ACT described in Chapter 8 of the MANUAL.

TOTAL PROJECT COST – the combined dollar amount of all funding sources used to complete the RECREATION FEATURES and MAJOR SUPPORT AMENITIES listed in the GRANT SCOPE/Cost Estimate Form.

WAIVER OF RETROACTIVITY – approval by NPS for the APPLICANT to incur costs, at the GRANTEE's own risk, prior to NPS approval of the PROJECT and obligation of the funds. See the LWCF APPLICATION GUIDE for more information.

LWCF Park Stewardship Requirements

LWCF outdoor recreation parks must remain accessible and protected for public outdoor recreation within the LWCF Boundary Area Map (boundary area) – formally the *LWCF 6f3 Boundary Map of Record.* The land within this boundary is considered to be under federal protection. *LWCF Act at 54 U.S.C. §200301 et seq.*

To verify that LWCF parks remain open, accessible, and maintained, OGALS conducts periodic compliance inspections. The location of the park's LWCF acknowledgement sign is recorded. If any operation and maintenance concerns are discovered, OGALS contacts the grantee.

Keep in mind, changes to the or within the boundary area may require converted property be replaced with non-park property of equal or greater recreational utility and value.

A conversion is the changing of the use of public park land to non-recreational purposes. Changes may need to be reviewed and approved by the National Park Services.

Contact your **Grant Administration Project Officer** if any of the following has occurred, or is being considered, for a park acquired or developed with LWCF funds. While some of these changes may not be considered a "conversion", National Park Service does require a process to review and document these types of proposed changes:

- Change to the NPS boundary area. Most commonly, this takes the form of nearby roadway expansion that encroaches on to park property, but also includes construction of new buildings within the park, and any other changes that impact the amount of land available for outdoor public recreation use.
- Change the use of any portion of the park to private, commercial, or non-public outdoor recreation use
- Construct utilities (above and underground), rights of way and easements
- Construct or install any kind of indoor facility, other than restrooms, within the park, including structures such as community centers, schools and pre-schools, gymnasiums, housing, police substations, and libraries

LWCF Park Stewardship Requirements

- Close (permanently or temporarily) any portion of the park
- Remove or replace a facility, obsolete or otherwise, developed with LWCF funds, from the park

Changes that do not need to be reported to OGALS:

- Removal, renovation or replacement of any pre-existing outdoor recreation facility NOT developed with LWCF funds
- Renovate any facility developed with LWCF funds
- Changes to landscaping, lighting, walkways
- Expand parking lots that serve the park
- Expand interior roads that serve the park
- Other **outdoor** recreation infrastructure improvements such as developing new **outdoor** recreation features

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MEMORANDUM OF UNDERSTANDING

SKATEPARK FUNDING

This Memorandum of Understanding ("MOU") is made this 28th day of March, 2022 by and between the Cambria Community Services District (the "District"), a California special district, and the Cambria Community Council (the "Council"), a nonprofit 501(c)3 organization, collectively referred to herein as the "Parties."

WITNESSETH:

WHEREAS, the District has a public works project underway to design and develop a new skatepark for the community (the "Skatepark," "Skatepark Project" or "Project") and contracted with the firm Spohn Ranch to create a conceptual design for the Skatepark; and

WHEREAS, a local community group, Skate Cambria, has been formed with the mission of raising the funds necessary to build the new Skatepark as a modern concrete facility that will last for generations of skaters to come; and

WHEREAS, based upon Spohn Ranch's conceptual design, the estimated cost for the Skatepark Project is currently $661,000. On December 9, 2021 the District Board of Directors reaffirmed its commitment to the Skatepark Project and voted to allocate $178,000 in funding. Skate Cambria has committed to raising the additional funding needed, so that the Skatepark Project can move forward and be constructed; and

WHEREAS, since Skate Cambria is an unincorporated association, the Cambria Community Council, which is a 501(c)(3) non-profit organization, is acting as the entity managing the donations for the Skatepark Project; and

WHEREAS, based upon the Council's relationship with Skate Cambria, and with Skate Cambria's concurrence, the District and the Council desire to enter into this Memorandum of Understanding to set forth the manner in which the funds raised for the Skatepark

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Project will be disbursed by the Council to the District as the various phases, which include design, permitting, bidding and construction, and operation and maintenance, are undertaken.

NOW THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **UNDERSTANDING OF SKATE CAMBRIA AND THE PARTIES REGARDING FUNDING, OWNERSHIP AND OPERATION.** The parties hereby expressly acknowledge the following underlying facts and understandings regarding the Skatepark Project:

a. Skate Cambria, by and through its representatives, has indicated that while it has a commitment to raise the funds necessary for the design, permitting, construction, and operation and maintenance of the Skatepark, it is not otherwise going to become a formal legal entity. Its only role is fundraising and providing observations and input to the District for the Skatepark Project. Otherwise, it has acknowledged that the Skatepark Project will be constructed by the District on District property, and the District has the ultimate authority regarding its design, construction, operation, and maintenance.

b. Other than the $178,000 that has been committed to the Skatepark Project by the District, and the funds raised by Skate Cambria, as administered by the Council, there are no other funding sources currently available for the Skatepark Project.

c. The representatives of Skate Cambria have agreed that the costs of the design and permitting phases of the Skatepark Project shall be shared equally between the funds committed by the District and the funds raised by Skate Cambria. Skate Cambria also understands that the bidding and construction phase of the Skatepark Project is contingent upon, and will not commence until, all of the funds necessary to construct the Project have been raised and have been deposited with the Council. This shall include funds sufficient to create a reserve fund for operation, maintenance and repair of the Skatepark, in an amount determined by the District's Board of Directors, as recommended by District staff. The reserve funds may be held by the District or the Council, allowing for agreements to meet the needs of the determined reserves.

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2. **DISBURSEMENT OF FUNDS TO DISTRICT: DESIGN, PERMITTING AND CONSTRUCTION PHASES.**

Design Phase: the District will seek proposals for the preparation of construction documents for the Project, which include costs related to structural and civil engineering. The estimated cost by Spohn Ranch for this phase is approximately $51,000; however, the actual cost may be different once proposals have been solicited and received. Once actual costs have been determined, the Council shall transfer and deposit 50% of the cost with the District.

Permitting Phase: The Skatepark Project will require discretionary permitting approval by San Luis Obispo County ("County"), which will require additional studies and site evaluation, as well as environmental review. Although Spohn Ranch's estimate for permitting and inspections is $15,000, it is unknown how much additional costs will be incurred for additional studies, site evaluations and environmental review. Initially, the Council will transfer and deposit 50% of the permit fee costs, as determined by the County, with the District. Upon any determination that additional studies or site evaluations are required, the District shall notify the Council of the cost for such studies or site evaluations and Council shall thereupon transfer and deposit 50% of the costs with the District.

Bidding and Construction Phase: As set forth in Section 1 above, the bidding and construction phase of the Skatepark Project is contingent upon, and will not commence until, all of the funds necessary to construct the Project have been raised and have been deposited with the District. Once the required permits have been secured from the County, the District will follow public project bidding requirements as required by law. Prior to the District seeking bids, the Council shall transfer and deposit the full amount of the engineer's final cost estimate to construct the Skatepark Project, including necessary construction reserves, with the District. After bids have been received and a low bidder determined, as provided by law, the District shall inform the Council of the actual construction cost and if the bids are higher than the amount of the engineer's estimate, any additional amounts necessary to award the construction contract and proceed with the Project shall be deposited by the Council with the District. If, during the course of

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construction, changes are required that increase the cost of construction of the Project, the District will notify the Council of the additional funds necessary, and the Council will transfer and deposit the additional funds with the District.

In addition, as set forth in Section 1, prior to putting the Project out to bid, there shall be funds sufficient to create a reserve fund for operation, maintenance and repair of the Skatepark, in an amount to be determined by the District's Board of Directors. These funds may be held by the District or the Council, allowing for agreements to meet the needs of the determined reserves.

As set forth in Section 1.b. above, the District's total commitment to the Project is $178,000. In addition, the District will provide in-kind services needed to bring the project to completion, including the services of the District Engineer and the District Counsel. Therefore, if any additional costs are incurred to fund any phases of the Project, payment for such costs will be provided by the Council from the funds raised by Skate Cambria.

At the end of each of the above phases of the Project, the District will provide to the Council an accounting of all monies spent to-date and a determination of the estimated funding needed to complete the next phase.

3. **AMENDMENT.** This MOU may be amended by the mutual consent of the Parties if such amendment is in written form and executed by the Council and by the District.

4. **ENTIRE MOU.** This MOU supersedes any and all other agreements, either oral or in writing, between and of the parties herein with respect to the subject matter hereof and contains all the agreements between the Parties with respect to such matter. Each party acknowledges that no representations, inducements, promises or agreements, oral or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement or promise not contained in this MOU shall be valid or binding.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed the day and year first above written.

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CAMBRIA COMMUNITY SERVICES

DocuSigned by:
By: Donn Howell
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Donn Howell, President of the Board of Directors

ATTEST:
DocuSigned by:
Ossana Terterian
DC3E1DD1C7A84D1...
Ossana Terterian, Board Secretary

Approved As To Form:
DocuSigned by:
B64D40A50AA141E...
Timothy J. Carmel, District Counsel

CAMBRIA COMMUNITY COUNCIL

DocuSigned by:
By: Dick Clark
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Dick Clark, President of the Board of Directors

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AMENDMENT TO MEMORANDUM OF UNDERSTANDING

SKATEPARK FUNDING

This Amendment to Memorandum of Understanding ("Amendment") is made this 11th day of May, 2023 by and between the Cambria Community Services District (the "District"), a California special district, and the Cambria Community Council (the "Council"), a nonprofit 501(c)3 organization, collectively referred to herein as the "Parties."

WITNESSETH:

WHEREAS, the District has a public works project underway to design and develop a new skatepark for the community (the "Skatepark," "Skatepark Project" or "Project"); and

WHEREAS, the Council is acting as the entity managing the donations for the Skatepark Project; and

WHEREAS, the District and the Council entered into a Memorandum of Understanding ("MOU") on March 28, 2022 to set forth the manner in which the funds raised for the Skatepark Project will be disbursed by the Council to the District as the various phases, which include design, permitting, bidding and construction, and operation and maintenance, are undertaken; and

WHEREAS, the District and Council desire to amend the MOU to address issues related to potential grant funding for the Project.

NOW THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Section 1.c. of the MOU is hereby amended in its entirety to read as follows:

   The representatives of Skate Cambria have agreed that the costs of the design and permitting phases of the Skatepark Project shall be shared equally between the funds committed by the District (until they are

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exhausted) and the funds raised by Skate Cambria. Skate Cambria also understands that the bidding and construction phase of the Skatepark Project is contingent upon, and will not commence until, all of the funds necessary to construct the Project have been raised and have been deposited with the Council. This shall include funds sufficient to create a reserve fund for operation and maintenance of the Skatepark, in an amount determined by the District's Board of Directors, as recommended by District staff. The reserve funds may be held by the District or the Council, allowing for agreements to meet the needs of the determined reserves. Should the District apply for and obtain grant funding for the Skatepark Project, as determined by the District Board of Directors, said grant funds shall be used to develop the Project, consistent with the grant terms and conditions. If the grant requires matching funds from the District, those funds may be appropriated from either Skate Cambria funds transferred and deposited with the District by the Council or from any remaining unexpended District funds previously committed to the Project or a combination of both, as determined by the District Board of Directors.

2. All other provisions of the MOU shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed the day and year first above written.

CAMBRIA COMMUNITY SERVICES

DocuSigned by:
Karen Dean
41DFC83456B4446...

By: _____
Karen Dean, President of the Board of Directors

ATTEST:

DocuSigned by:
Haley Dodson
A9BEC4CBA9044B3...

_____
Haley Dodson, Administrative Manager

Approved As To Form:

CAMBRIA COMMUNITY COUNCIL

DocuSigned by:
Dick Clark
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By: _____
Dick Clark, President of the Board of Directors

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DocuSigned by:
Timothy Carmel
B64D40A50AA141E...

Timothy J. Carmel, District Counsel

CIVIL DESIGN STUDIO
CIVIL ENGINEERING | PLANNING | PERMITTING
P.O. Box 199
Cambria, CA 93428
805.706.0401

Date: 11/2/2022
Job Number: 21-016
Job Name: Cambria Skate Park - Preliminary

PRELIMINARY Engineers Estimate

CAT.	ITEM	QUANT	UNIT	$/UNIT	% REMAIN.	$	DESCRIPTION
GENERAL PROJECT COSTS							
	MOBILIZATION / OVERHEAD	1	LS	15000.00	100	$15,000	
	TRAFFIC CONTROL	1	LS	5000.00	100	$5,000	
	SURVEYING	1	LS	8000.00	100	$8,000	
	SPECIAL INSPECTION (WALL/SOILS)	1	LS	8000.00	100	$8,000	
	ENGINEERING	1	LS	7000.00	100	$7,000	
	OTHER						
			GENERAL PROJECT COSTS		**SUBTOTAL:**	**$43,000**	
DEMO & EARTHWORK							
	CLEARING & GRUBBING	0.3	AC	7490.00	100	$2,247	LIGHT DENSITY
	DEMO CONCRETE	550	SY	10.00	100	$5,500	
	OVEREXCAVATION AND GRADING	1	LS	25000.00	100	$25,000	
	OTHER						
			DEMO & EARTHWORK		**SUBTOTAL:**	**$32,747**	
OFFSITE IMPROVEMENTS							
	SAWCUT	460	LF	5.00	100	$2,300	
	PAVEMENT REMOVAL AND DISPOSAL	2,000	SF	2.00	100	$4,000	
	CURB AND GUTTER - 18"	290	LF	60.50	100	$17,545	
	COMMERCIAL DRIVEWAY	230	SF	26.40	100	$6,072	
	SIDEWALK	660	SF	16.50	100	$10,890	
	ASPHALT PAVING	96	TN	250.00	100	$24,000	
	AGGREGATE BASE	123	CY	150.00	100	$18,450	
	SUBGRADE OVEREXCAVATION	173	CY	50.00	100	$8,650	
	RELOCATE STREET LIGHT	1	EA	8500.00	100	$8,500	
	4" SEWER LATERAL	1	EA	4420.00	100	$4,420	
	1" WATER SERVICE LATERAL	1	EA	3000.00	100	$3,000	
	STORM DRAIN INLET	1	EA	10000.00	100	$10,000	
	PREVAILING WAGE RATES	1	EST	30000.00	100	$30,000	
			OFFSITE IMPROVEMENTS		**SUBTOTAL:**	**$147,827**	

PRELIMINARY Engineers Estimate

CAT.	ITEM	QUANT	UNIT	$/UNIT	% REMAIN.	$	DESCRIPTION
ONSITE IMPROVEMENTS							
	PREMANUFACTURERED BATHROOM	1	EA	150000.00	100	$150,000	MANUFACTURER ESTIMATES $130-150K
	CLASS 2 AGGREGATE BASE	160	CY	150.00	100	$24,000	INCLUDES SKATE PARK AREA PREPARATION
	A.C. PAVING	34	TN	250.00	100	$8,500	PARKING LOT
	CONCRETE PAVING	325	SF	16.50	100	$5,363	ACCESSIBLE PARKING SPACE
	CURB AND GUTTER - 18"	18	LF	60.50	100	$1,089	
	CURB - 6"	144	LF	45.00	100	$6,480	
	CONCRETE V GUTTER	24	LF	85.00	100	$2,040	
	ROCK LINED SWALE	220	LF	60.00	100	$13,200	
	ACCESSIBILITY FEATURES	1	EA	2500.00	100	$2,500	
	RETAINING WALL - 4 FT MAX	60	LF	500.00	100	$30,000	
	SKATE PARK ALLOWANCE	1	EA	350000.00	100	$350,000	
	OTHER						
				ONSITE IMPROVEMENTS	**SUBTOTAL:**	**$593,172**	
WATER							
	1" WATER PIPE SCHEDULE 80	43	LF	40.00	100	$1,720	
	OTHER						
				WATER	**SUBTOTAL:**	**$1,720**	
STORM DRAIN							
	STORM DRAIN INLET 18"	1	EA	750.00	100	$750	
	STORM DRAIN INLET 12"	1	EA	500.00	100	$500	
	STORM DRAIN PIPE						
	8" SDR 35 PVC	140	EA	80.00	100	$11,200	
	6" SDR 35 PVC	18	LF	60.00	100	$1,080	
	OTHER						
				STORM DRAIN	**SUBTOTAL:**	**$13,530**	

PRELIMINARY Engineers Estimate

CAT.	ITEM	QUANT	UNIT	$/UNIT	% REMAIN.	$	DESCRIPTION
SEWER							
	SEWER CLEANOUT	1	EA	250.00	100	$250	
	SEWER LINE						
	4" PVC - SDR 35	43	LF	73.00	100	$3,139	
	OTHER						
				SEWER	**SUBTOTAL:**	**$3,389**	
MISCELLANEOUS:							
	EROSION CONTROL MEASURES	1	LS	15000.00	100	$15,000	
	OTHER						
				MISCELLANEOUS:	**SUBTOTAL:**	**$15,000**	
					SUBTOTAL:	**850,385**	
	CONTINGENCIES & INFLATION %:				20	170,077	
	ENGINEERING ADMINISTRATION %:						
				TOTAL:		**1,020,461**	

AC	ACRE
CY	CUBIC YARD
EA	EACH
LF	LINEAR FOOT
LS	LUMP SUM
SF	SQUARE FOOT
HR	HOUR
TN	TON



NOTES:

1 This estimate has been prepared for public works bonding purposes only. The contractor / owner is responsible for providing independent cost and quantities.

2 The unit prices in this estimate are derived using the 2020 BNI Public Works Cost Book.

3 In the event that additional items are encountered during the bidding process, contact the engineer for clarification.