

LAND & WATER CONSERVATION FUND



GRANT APPLICATION MANUAL 2010



Department of Conservation & Recreation

CONSERVING VIRGINIA'S NATURAL & RECREATIONAL RESOURCES

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**LAND AND WATER CONSERVATION FUND
(LWCF)**

The Department of Conservation and Recreation (DCR) administers a grant-in-aid program for the acquisition and/or development of public outdoor recreation areas and facilities. Grants are for public bodies only. Towns, cities, counties, regional park authorities, and state agencies may apply for 50% matching fund assistance from the Land & Water Conservation Fund. These funds are provided from a federal apportionment from the National Park Service (NPS) a subunit of the United States Department of the Interior (USDOI).

A key feature of the program is that areas assisted with funding from the program must be open and maintained in perpetuity as public outdoor recreation areas and may not be converted to other uses without prior approval by the DCR and NPS acting on behalf of the USDOI.

The program is a reimbursement program, meaning that the sponsoring agency must be capable of financing the project in its entirety while requesting periodic reimbursement.

Information herein describes highlights of the program and is designed for minimum application submission. Prospective applicants should note that additional information might be required in order to render a proper decision about individual proposals. Applications for the Land & Water Conservation Fund should be sent to:

Land & Water Conservation Program, Planning and Recreation Resources
Department of Conservation and Recreation
203 Governor Street
Suite 326
Richmond, Virginia 23219-2010

For general information, call (804) 786-4379

PRELIMINARY-APPLICATION SUBMISSION INFORMATION

Preliminary Application Deadline

4:00 pm on March 26, 2010. Four complete copies of the application plus one complete electronic version must be delivered to the Virginia Department of Conservation & Recreation (DCR) by 4:00 pm at 203 Governor Street, Suite 326, Richmond, Virginia 23219. Postmarks, faxes and email submissions will **not** be accepted. Applicants are responsible for effecting delivery by the deadline above, and late submissions will be rejected without consideration.

Grant Amounts.

Application for Grants will be considered in Grant Amounts not to exceed \$125,000 (\$250,000 total cost). The minimum grant amount is \$50,000 (minimum \$100,000 total cost).

2010 LWCF Grant Focus

The 2010 LWCF grant round will focus on awarding funds to projects that 1) increase access to state waters for recreational purposes, 2) acquire and/or protect lands for public outdoor recreation purposes, 3) enhance recreational experiences for the user.

Preliminary Application Submission Requirements

- Submit four (4) original preliminary applications
- Provide a copy of the complete preliminary application including maps on CD. Documents should be saved in the electronic file which will enable them to be copied and pasted for the purpose of moving your proposal through the review process. All photos and maps become the property of the Department of Conservation and Recreation.
- Preliminary applications must be delivered to DCR no later than 4:00pm at 203 Governor Street, Suite 326, Richmond, Virginia 23219. Postmarks, faxes and email submissions will **not** be accepted. Applicants are responsible for effecting delivery by the deadline above and late submissions will be rejected without consideration

Preliminary applications will be reviewed and scored according to the 2010 LWCF scoring criteria.

PROJECT ELIGIBILITY

Eligible Applicants

All cities, towns, counties, eligible state agencies, and other public authorities responsible for providing public recreation services under the *Code of Virginia* are eligible for funding. Private and non-profit organizations are not eligible.

Eligible Projects

LWCF assistance is available to political jurisdictions for:

- Public outdoor recreation land acquisitions.
- Public outdoor recreation development projects.
- Combination projects involving acquisition and development

Be sure to review the 2010 Grant focus for project funding above.

General Eligibility

All areas receiving LWCF assistance are required to be open and maintained and operated in ***perpetuity*** for public outdoor recreation, as outlined in the Land & Water Conservation Fund Act of 1965.

All recipients of grant funds will be required to submit *two* copies of a Section 6 (f)(3) metes and bounds map.

All recipients of grant funds will be required to ***record in the deed of the property*** that the area is protected through Section 6 (f)(3) of the Land and Water Conservation Fund Act. Please see appendices for deed wording.

Title to properties to be acquired must NOT be transferred prior to final project approval.

Eligible Cost Examples

- Swimming/ fishing facilities
- Boating Facilities
- Picnic Areas
- Trails
- Soccer fields
- Land purchase for public outdoor recreation park

Ineligible Cost Examples

- Restoration of Historic Structures
- Amusement facilities, convention facilities and commemorative exhibits
- Support facilities for public indoor activities
- Incidental costs relating to acquisition
- Condemnation of any kind of interest in property

REQUIREMENTS FOR ACQUISITION PROJECTS

Eligible Projects

Acquisition of lands and waters for public outdoor recreation including new areas or additions to existing parks, forests, wildlife areas, beaches, and other similar areas dedicated to outdoor recreation may be eligible for assistance. Areas acquired may serve a wide variety of outdoor recreation activities including but not limited to walking for pleasure, sightseeing, hiking, fishing, swimming, picnicking, nature study, boating, hunting, camping, bicycling, and other outdoor sports and activities.

Natural areas and preserves may be acquired but must be open to the general public for outdoor recreation use to the extent that the natural attributes will not be seriously impaired or lost.

Means of Acquisition

Acquisition of lands and waters or interest therein may be accomplished through purchase, transfer or by gift. *Lands may not be purchased through condemnation.*

Reservation and Rights

Reservations and rights held by others on the subject property may be permissible only if it is determined by DCR/NPS that the outdoor recreation purposes and environment could not be significantly affected. The project sponsor shall provide a description of all outstanding rights and interests, if any, held by others and identify them on the project boundary map.

Acquisition for Delayed Development

LWCF assistance may be available to acquire property for which the development of public outdoor recreation facilities is planned at a future date. In the interim, between the acquisition and development, the property must be able to be made immediately open for use by the public for those recreation purposes which the land is capable of supporting or which can be achieved with minimum financial public investment. Non recreation uses occurring on the property may continue for a specified period of time if approved by DCR/NPS during the application process.

If development will be delayed for more than one year from the date of the acquisition, the sponsor shall include the following information about the project with the preliminary application:

- Why immediate acquisition of the property is necessary.
- What facilities will be developed and when such development will occur.
- What type, if any, interim recreational use will be allowed before development occurs?

Uniform Relocation and Acquisition

All projects utilizing LWCF assistance must be made in accordance with the applicable provisions of Public Law 91-646, the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (Uniform Relocation Act). The acquisition itself does not need to be federally-funded for the rules to apply. If Federal funds are used in any phase of the project, the rules of the Uniform Relocation Act apply. The rules encourage negotiation with property owners in a prompt and amicable manner so that litigation can be avoided.

Ineligible Acquisitions

- Acquisitions of historic sites and structures will *not* receive LWCF assistance. Exceptions may be made only when it is clearly demonstrated that the acquisition is primarily for outdoor recreation purposes and that the historic aspects are secondary to the primary recreation purposes. This exclusion need not prevent the consideration of projects involving the acquisition of property interests contiguous to or near historic sites and structures which meet priority outdoor recreation needs. Compliance with the National Historic Preservation Act of 1966 is required for all acquisitions.
- Acquisition of museum and sites to be used for museums or primarily for archeological excavations will not receive LWCF assistance.
- Acquisitions of land to help meet a public school minimum size requirement will not receive LWCF assistance.
- Acquisitions of areas and facilities designed for semi-professional and professional arts and athletics will not receive LWCF assistance.
- Acquisition of areas to be used solely for game refuges or fish production purposes will not receive LWCF assistance. However, such areas and facilities may be eligible if they will be open to the public for general compatible recreation.
- Acquisition of areas to be used mainly for the construction of indoor facilities will not receive LWCF assistance.
- Areas where existing indoor recreation facilities, if left in place, will not leave sufficient area at the site for the development of public outdoor recreation facilities to justify the cost of the acquisition are ineligible.
- Acquisition of sites containing luxury lodges, hotels, motels, restaurants and similar elaborate facilities that are to be operated by the project sponsor or a concessionaire to provide food and sleeping quarters will not receive LWCF assistance.
- Acquisition of agricultural land primarily for preservation in agricultural purposes will not receive LWCF assistance.
- Acquisition of federal surplus property will not receive LWCF assistance unless legislatively authorized by Congress in a specific situation.

Required Acquisition Documentation

After a proposal has been selected by DCR for recommendation for funding but **prior to** submission to the National Park Service (NPS) for final approval, the following documentation is required on all acquisition projects:

- Appraisal to *Uniform Appraisal Standards for Federal Land Acquisition*(original and one copy)
- A copy of the written offer to purchase the property including a statement of just compensation

- Relocation Plan, advisory services program and appeals procedure where displacement occurred. (See above)
- Documentation showing that the owner or his designated representative has been given the opportunity to accompany the appraiser during his inspection of the property.
- **Two** metes and bounds maps showing the Section 6 (f)(3) boundary. The Boundary should be highlighted with a colored marker or line.
- Certification to UASFLA standards and valuation of property letter from independent appraisal reviewer

Section 6 (f) (3) Metes and Bounds Map

The purpose of a section 6 (f)(3) boundary map is to define the area being developed and/or acquired with federal LWCF grant assistance. This area will be given the protection of Section 6 (f)(3) of the LWCF Act, which states that the property acquired or developed with LWCF assistance shall not be converted to uses other than public outdoor recreation and must be maintained in perpetuity as such.

A Section 6 (f)(3) map also ensures that the area defined by the boundary line is a viable recreation unit. Normally, this will be the total area of the facility receiving assistance. In no case will it be less than the area to be developed or acquired under a given LWCF application. All projects must have a Section 6 (f)(3) boundary map.

According to LWCF rules and regulations, the project area within the Section 6 (f)(3) boundary will become encumbered as an outdoor recreation site in perpetuity. This means that it must be managed for outdoor recreation forever.

At a minimum, the 6 (f)(3) map should include:

- Title of Map
- Date Map was prepared
- Scale in feet
- A north compass point
- The words “Section 6 (f)(3) boundary” should be written on the map with an arrow pointing to the line.
- Include measurements (in feet) for at least some straight boundary lines
- The boundary line should be distinct from all other lines on the map.
- Match lines and where match lines meet should be clearly indicated.
- Whenever possible, maps should include some permanent locator—natural landmarks, road numbers, etc to aid in determining boundaries in the field during inspections.
- Maps should be as high a quality as possible.
- The number of acres being placed under Section 6 (f)(3) protection must be noted.
- Whenever possible, finished map should be submitted on ledger size paper (11 x 17). If using this size paper compromises legibility please use a larger size.
- Two copies of the map are required.

Appraisals

The LWCF program requires appraisals on all acquisition projects.

The cost of the appraisal is incurred solely by the grant recipient and is not an eligible reimbursement expense.

Appraisals are not required until applicant receives tentative grant approval from DCR.

Acquisitions and appraisals shall be in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (see above) and the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA). The UASFLA standards are online at www.usdoj.gov/enrd/land-ack .

Since professional appraisers are certified based on the Uniform Standards of Professional Appraisal Practice (USPAP), which differ from requirements for federal and federally assisted land acquisition, recipients must ensure that the appraisers appropriately follow both UASFLA and USPAP. All appraisals are to include the required certification statements by appraisers as provided for in the UASFLA and USPAP. Copies of the USPAP are unavailable online; however, they may be purchased from the Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D. C. Appraisals not meeting these standards could result in withdrawal of the project, delay in approval and the need for completion of a new appraisal and subsequent certification review.

The LWCF program requires DCR to submit all appraisals to an independent appraisal reviewer for certification. **The review of the appraisals is conducted at the expense of the grant recipient.** The cost of the appraisal review will qualify as an eligible reimbursement expense **if** the grant is awarded formal approval, the item is included in the project budget and the project is completed as outlined in the approved project agreement.

Acquisition at less than Just Compensation

Nothing in the LWCF regulations is to be construed to prevent or deter a property owner from making a full or partial donation of property.

In those circumstances involving a partial donation, documentation must include evidence that the owner has been provided with a statement of just compensation. A written statement by the owner that he is making a partial donation is also required. A written offer to purchase and a statement of just compensation are not necessary when acquisition is by full donation—the legal act of donation itself precludes the necessity for these actions. Relocation benefits as provided by these regulations must still be complied with in full under all circumstances.

To determine the amount eligible for matching, *an approved appraisal is necessary for all donations*, whether partial or in full. The cost of the appraisal for donated properties is the sole expense of the project sponsor. The independent appraiser certification review required by the program is also the responsibility of the project sponsor.

Donations required by law or regulations are ineligible as the project sponsors matching share.

No transfer of property should occur until the project sponsor has a signed LWCF grant agreement with the Department of Conservation & Recreation.

REQUIREMENTS FOR DEVELOPMENT PROJECTS

Financial assistance may be available through the LWCF program to provide most facilities necessary for the use and enjoyment of outdoor recreation areas. The LWCF act specifies that the development projects may consist of basic outdoor recreation facilities to serve the general public provided that the funding of such a project is in the public interest and in accord with the Statewide Comprehensive Outdoor Recreation Plan, which is known in Virginia as the *Virginia Outdoors Plan*. In addition, development projects are subject to all other conditions, policies, and regulations of the LWCF program and those guidelines that may be developed by the Secretary of Interior.

A development project may consist of one improvement or a group of related improvements designed to provide basic facilities for outdoor recreation, including facilities for access, safety, health and protection of the area, as well as those required for the use of the area, such as a state park or a city playground.

The project must be a logical unit of work to be accomplished within a three year time frame. Ineligible facilities to be funded through sources other than the LWCF program may be included in the development concept plan of the project. The development of such ineligible facilities on lands acquired and/or developed with LWCF assistance will be allowed only if they do not constitute a conversion of use under Section 6 (f)(3) of the LWCF act.

Funding of development project proposals may cover construction, renovation, site preparation, and similar activities essential for the proper undertaking of the project.

Plans for the development of land and/or facilities should be based on the needs of the public, the expected use, and the type and character of the project area. Facilities should be attractive for public use and consistent with the environment. Plans and specifications for the improvements/facilities should utilize sustainable and low impact designs and established engineering and architectural practices. Emphasis should be given to the protection of the natural resources of the area, the health and safety of the users and accessibility to the general public.

All facilities developed with assistance from the program must be designed in conformance with 1) the Architectural Barriers Act of 1968 and the "Uniform Federal Accessibility Standards" or 2) the Department of the Interior regulations on Section 504 of the Rehabilitation Act of 1973 and the "Minimum Guidelines and Requirements for Accessible Design" as issued by the Architectural and Transportation Barriers Compliance Board, 36 CFR Part 1190.

Facilities must be developed on land and water owned in fee simple by the participating agency.

Parks receiving LWCF assistance must be open and maintained in perpetuity as public outdoor recreation facilities in accordance with Section 6 (f)(3) of the LWCF Act.

Development projects must have a Section 6 (f) (3) Metes and Bounds Map. Please see details on the Section 6(f)(3) Metes and Bounds Map above.

HOW TO COMPETE FOR A LWCF AWARD

1. Read the *2010 Land & Water Conservation Fund Manual* which has a detailed program description covering eligibility, match requirements, program rules and regulations.
2. Carefully review both the Proposal Description and Environmental Screening Application and the Preliminary Application posted on the DCR website at www.dcr.virginia.gov/recreational_planning/vof.shtml to gain an understanding of the complete competitive process **before** you begin completing the preliminary application.
3. Read the Frequently Asked Questions
4. Complete the Preliminary Application. The Preliminary Application is a fillable document. Answer all questions on the Preliminary Application in the spaces provided. Do not exceed the required space allotment or attach pages unless specifically directed to do so.
5. Deliver 4 complete copies of the Preliminary Application plus one complete electronic version to DCR at 203 Governor Street, Suite 326, Richmond, Virginia 23219, no later than 4:00pm on March 26, 2010. Postmarks, faxes and email submissions will **not** be accepted. Applicants are responsible for effecting delivery by the deadline above, and late submissions will be rejected without consideration.

LWCF REVIEW PROCESS

- Applications are reviewed for consistency with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) known in Virginia as the *Virginia Outdoors Plan*.
- The Department of Conservation and Recreation staff reviews all applications and eliminates those applications that are clearly ineligible.
- Projects are then reviewed in accordance with the intent of the Land & Water Conservation Fund program, state and federal grant requirements, need, and the scoring criteria. Proposals best meeting the needs of the program undergo a site and field inspection for potential advancement to the Proposal Description and Environmental Screening Application (PDESA) stage.
- After the field inspections, projects advancing to the PDESA stage are given 60 days to complete the application and return it to DCR.
- After the PDESA deadline, the Director of Planning & Recreation Resources briefs the DCR Director on which projects should be presented to the Board of Conservation & Recreation for recommendation to the National Park Service for funding approval.
- When the National Park Service approval is obtained, DCR drafts the project agreement for authorization of the project and work to commence. No costs can be incurred by successful applicants until a project agreement has been authorized and signed between DCR and the grantee.

LWCF TIMELINE

March 26, 2010	LWCF Preliminary Application due no later than 4:00 pm. Deliver 4 complete copies of the Preliminary Application plus one complete electronic version to DCR no later than 4:00pm at 203 Governor Street, Suite 326, Richmond, Virginia 23219. Postmarks, faxes and email submissions will <i>not</i> be accepted. Applicants are responsible for effecting delivery by the deadline above; late submissions will be rejected without consideration.
April – May 2010	Preliminary Application review, scoring, and site inspection with selection for advancement to the Proposal Description and Environmental Screening Application stage of the competition. Applicants notified of status.
June - July 2010	PDESA deadline given to applicants selected to advance to the second stage of the competition. Failure to meet the announced deadline will remove the project from further consideration.
July – October 2010	PDESA review and selection of final projects for recommendation to National Park Service for approval.
October – December 2010	Authorization of LWCF Agreement between DCR and award recipients.

Appendices

Sample Governing Resolution

Land & Water Conservation Fund Authorizing Resolution

A resolution authorizing application(s) for federal funding assistance from the Land and Water Conservation Fund (LWCF) to the Virginia Department of Conservation & Recreation (DCR) as provided in the LWCF Act of 1965, as amended.

WHEREAS, under the provisions of LWCF, federal funding assistance is requested to aid in financing the cost of land acquisition and/or facility development; and

WHEREAS, _____ considers it in the best public interest to complete the land acquisition and/or development project described in the application;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The _____ [Mayor, Manager, County Administrator, etc.] be authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received be used for implementation and completion of (Elements to be funded) _____ within the specified timeframe ;
3. _____ hereby certifies that project funding is currently available and is committed for this project
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required.
5. We acknowledge that any property acquired and/or developed with financial aid from the Land & Water Conservation Fund must be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land & Water Conservation Fund Act of 1965, as amended;
6. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all applicable state and federal laws provided appropriate opportunity for public comment on this application
7. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval.
8. This resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation

This resolution was adopted by _____ during the meeting held:
Location Date

Signed and approved by the following authorized representative:

Signed:
Title:
Date
Attest:

Note the resolution must be signed by Board of Supervisors, County, Town or City Manager

Example Budget Estimate

Sample Letter of Commitment

Template – Letter of Commitment for Match Funds

LETTERHEAD

(of Company, individual, etc. giving donation)

DATE: (Insert Date)

TO: Department of Conservation and Recreation

FROM: (Insert name of person authorized to commit time and effort.)

RE: Commitment of matching fund

(Insert name of contributing organization / company) is pleased to support (insert name of project sponsor) in their efforts to implement the grant project, (insert title of project).

As a partner in this endeavor we commit to providing the following resources and services toward the project as match for a grant from the Department of Conservation and Recreation:

(Insert bulleted list describing the donation and the value associated with the match commitment.)

(Attach documentation that supports the dollar valuation of the donation.)

Sincerely,

(Insert name)

(Insert title)

Section 6 (F) and Deed Wording

Section 6 (f) & Restrictive Deed Wording and 6 (f) (3) Metes & Bounds Map

Section 6 (f) (3)

Section 6 (f) (3) of the Land & Water Conservation states that: “No property acquired or developed with assistance under this section shall without approval of the Secretary [of the Interior] be converted to other than public outdoor recreation uses”. The LWCF program realizes that in certain instances there is not alternative to converting a portion of a LWCF property. In those extreme cases where there is no alternative, the Project Sponsor must begin a conversion of use process with DCR. In short, the conversion of use process requires that a suitable piece of replacement property be found before a conversion occurs at a LWCF site. “Suitable” means equivalent in fair market value and can serve as a viable public outdoor recreation area without reliance upon adjoining or additional areas.

Restrictive Deed Wording

In order for the section 6 (f) (3) regulations to be enforced, the following language is to be incorporated into the deed and recorded in the city, town or county court house of the project area:

The property identified below has been acquired or developed with federal assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (170 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Virginia Department of Conservation & Recreation and the secretary of the Department of the Interior. By law, the secretary shall approve such conversion only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such condition as the substitution of other recreation properties are of at least equal fair market value and of reasonably equivalent usefulness and location.

Section 6 (f)(3) Metes and Bounds Map

The purpose of a Section 6(f)(3) metes and bounds map is to define the area being developed or acquired with federal LWCF grant money. This area will be given the protection of Section 6(f)(3) of the LWCF Act, which states that property acquired or developed with LWCF money shall not be converted to uses other than public outdoor recreation.

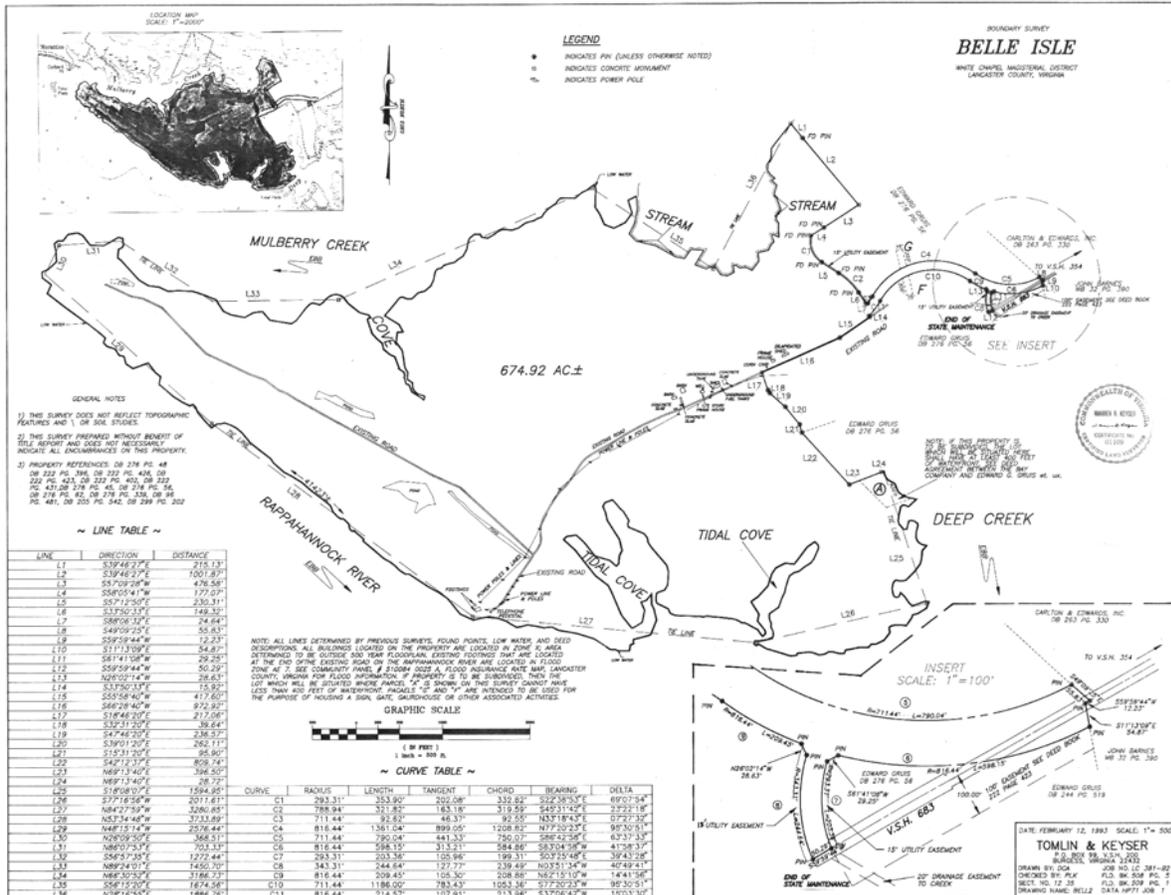
A Section 6(f)(3) metes and bounds map also ensures that the area defined by the boundary line is a viable recreation unit. Normally, this will be the total area of the facility receiving assistance. In no case will it be less than the area to be developed or acquired under a given LWCF application. All projects must have a Section 6(f)(3) metes and bounds map.

According to LWCF rules and regulations, the project area within the Section 6(f)(3) boundary will become encumbered as an outdoor recreational site in perpetuity. This means that it must be open and managed for public outdoor recreation forever.

Each project application must include a 6(f)(3) metes and bounds map unless the project is for an acquisition project.

At a minimum, the 6(f)(3) metes and bounds map should include:

- Title of Map
- Date Map was prepared
- Scale in feet
- A North Compass point
- The “Section 6 (f) (3) metes and bounds map” line should be distinct from all other lines on the map.
- Include measurements (in feet) for at least some straight boundary lines
- Boundary lines should be shown by dotted or bold lines—not colors.
- Match lines should be distinguishable and easily matched among parcels.
- Whenever possible, maps should include some permanent locator, natural landmarks, etc. to aid in determining boundaries in the field.
- Map should be as high a quality as possible.
- Finished map should be submitted to DCR on ledger-size paper 11 x 17.
- The total acreage of the site within the 6 (f)(3) metes and bounds map should be noted.



Frequently Asked Questions

What are examples of eligible LWCF projects?

LWCF assistance is available to political jurisdictions for: public outdoor recreation land acquisitions, public outdoor recreation development projects and/or combination projects involving acquisition and development.

Be sure to review the 2010 Grant focus for project funding above.

Who may apply?

Eligible grant recipients include cities, towns, counties, Native American Tribes, regional park authorities and state agencies. Private individuals and organizations, including non-profit and charitable organizations are not eligible for funding assistance. All eligible applicants compete for LWCF funds.

What is the total funding available for 2010?

The 2010 grant cycle will combine the available funding from Virginia's 2009 appropriation (\$400,000) with the anticipated funding for 2010 (\$300,000).

What are the maximum and minimum grant award funding levels?

The maximum grant award will be \$125,000 (Total project cost \$250,000). The minimum grant award will be \$50,000 (Total project cost \$100,000).

How many grants will be awarded?

It is anticipated that 3-6 awards will be made depending, of course, upon the actual 2010 apportionment amount, number of requests received and amounts requested per applicant.

Are matching funds required?

Yes, the LWCF program is a 50-50 matching reimbursement program. Project sponsors do not receive grant funds at the time of approval. The sponsor must, in essence, incur 100 percent of the total project cost; submit evidence of eligible expenditures and request reimbursement from DCR.

What is a Letter of Commitment?

The Letter of Commitment is a letter from a willing donor of property/materials that shows the intent to make the donation is real.

What is the Preliminary Application deadline?

The Preliminary Application deadline is **4:00pm, March 26, 2010**. Deliver 4 complete copies of the Preliminary Application plus one complete electronic version to DCR at 203 Governor Street, Suite 326, Richmond, Virginia 23219, no later than 4:00pm on March 26, 2010. Postmarks, faxes and email submissions will **not** be accepted. Applicants are responsible for effecting delivery by the deadline above, and late submissions will be rejected without consideration.

Are there any long-term commitments associated with this program?

Yes. Properties acquired, improved or developed with LWCF assistance must be open in perpetuity for public outdoor recreation. Other commitments include proper maintenance and operation, nondiscrimination, facilitating audits, posting of a Land & Water Conservation Fund Acknowledgement, and maintaining the integrity of the 6(f)(3) protected area boundary. More information associated with grantee compliance and commitments is available online under "Program Requirements".

What does "in perpetuity" mean?

The phrase "in perpetuity" means forever. Parkland and facilities developed with LWCF assistance must be open and remain as public outdoor recreation facilities forever. Grant recipients must place restrictive wording in the deed of the park that the property is protected in perpetuity in accordance with the Land & Water Conservation Act. Evidence that this restriction on the property has been recorded in the local court records is required prior to processing final reimbursement on the project.

What is the 6(f)(3) metes and bounds map?

The 6(f) boundary is the legal description, metes and bounds of the area that is being protected in perpetuity by Section 6 (f) (3) of the Land and Water Conservation Fund Act of 1965. Section 6(f) (3) states that the property acquired, developed or improved with LWCF assistance shall not be converted to uses other than public outdoor recreation. The 6(f) (3) boundary ensures that the area defined by the boundary is a viable recreation unit. The 6(f) boundary map goes on record with the locality, National Park Service and the Department of Conservation and Recreation showing the area being placed under protection of the Land & Water Conservation Act.

What is Section 6(f)(3) of the LWCF Act?

Section 6 (f) (3) of the Land & Water Conservation Act states that: "No property acquired or developed with assistance under this section shall without approval of the Secretary [of the Interior] be converted to other than public outdoor recreation uses". The LWCF program realizes that in certain instances there is no alternative to converting a portion of a LWCF property. In those extreme cases where there is no alternative, the Project Sponsor must begin a conversion of use process with DCR. In short, the conversion of use process requires that a suitable piece of replacement property be found before a conversion occurs at a LWCF site. "Suitable" means equivalent in fair market value and can serve as a viable public outdoor recreation area without reliance upon adjoining or additional areas. In order for the section 6 (f) (3) regulation to be enforced, the following language is to be incorporated into the deed and recorded in the city, town or county courthouse of the project area: The property identified has been acquired or developed with federal assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (170 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Virginia Department of Conservation & Recreation and the Secretary of the Department of the Interior/National Park Service. By law, the Secretary shall approve such conversion only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such condition as the substitution of other recreation properties are of at least equal fair market value and of reasonably equivalent usefulness and location. All grantees must include this language in the deed for their LWCF assisted site.

How do I know if I am ready to submit an application for competing for LWCF funds?

If the project can begin construction within 90- 120 days (4 months) of the formal grant award date and the locality has the financial resources to finance the project while seeking periodic reimbursement, you are probably ready to apply. However, DCR has observed that during past grant cycles, the planning of projects prior to submission for a grant award is of high importance.

If citizen involvement has been minimal (including a lack of, public hearings, public comment periods, surveys, media support, strategic planning, etc.), a recreation plan for the park that includes goals and objectives is non-existent, an inventory and assessment of existing facilities is not complete, and site suitability has not been investigated, then chances are an unexpected need for surveys, analysis, studies and permits during the Proposal Description and Screening Application phase may be encountered which

could cause extensive delays thereby reducing the likelihood of completing the project within the allotted time frame of the federal funding.

I want to use donated land as match - Can it be property already owned by the city, town or county?

No.

Does the local or state government have to own the land to receive a development grant?

Yes.

The county is proposing to develop an outdoor recreation site on private property. The county would lease the site from the landowner, who is committed to outdoor recreation. Can the county apply for an LWCF grant under these circumstances?

No. The sponsor must own the project site.

I am developing a park facility that may only be used during certain seasons and/or months of the year for organized activity. If funded through L&WCF, is it permissible to close and lock the facility during the non-use days or months and/or lock it up after the activity is over?

No. LWCF guidelines state that the park facility must be open during reasonable hours for public use every day of the year. Some exceptions include holidays, portions of Sundays, wet field conditions, etc. Even if it is the "off-season" for programming, the facility must remain open and accessible to the general public.

For additional questions, contact :

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