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UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

## GUIDELINE TRANSMITTAL SHEET

GUIDELINE NUMBER NPS - 34	TITLE <u>Land and Water Conservation Fund Grant Manual</u> - Reapportionment Process; Boating and Fishing Access Policy; Environmental Categorical Exclusions; Instructions for SF 424; E.O. 12372 and other technical revisions.	RELEASE NO. 145	
OFFICE OF ORIGIN Recreation Grants Division (775)		AMENDMENT NO.	
		DATE May 13, 1986	

## Explanation of material transmitted:

Chapter 600.3.7. contains a new paragraph outlining the Reapportionment Process; from the State's request for funds, to processing the Reapportionment Certificate.

Chapter 640.3.5. and 640.3.6. E. & F. contain revisions to Dingell-Johnson boating and fishing access policy coordination. The State Liaison Officer must certify that coordination has taken place to assure which program is deemed appropriate for assisting the specific project. This change is a revision of Manual Release 144 which established new policy.

Chapter 650.2, Attachment G has been revised to include the most recent NPS categorical exclusions under the Departmental Manual 516 DM 6 for environmental documents.

Chapter 660.3, Attachment A has been revised to correspond to instructions for completing the most recent Standard Form 424, which reflects the substitution of the E.O. 12372 Intergovernmental Review Process in place of the A-95 process.

Several pages throughout the Manual have been revised to delete reference to the A-95 process, and add the E.O. 12372 Intergovernmental Review Process.

Other pages have been corrected for typographical errors.

PAGE CHANGES are indicated on page 2 of this Transmittal Sheet.

PUBLIC DOCUMENTS  
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PAGE CHANGESRemove Old Pages

Preface, pp. v, ix, x  
600.3., pp. 1 & 2  
600.7., Attachment A  
600.8., Attachment A, pp. 1 & 2  
630.1., pp. 9 & 10  
630.2., pp. 3 & 4, 7 & 8  
640.1., pp. 1-4  
640.3., pp. 1-4  
650.2., Attachment G, pp. 1-6  
650.3., pp. 3-6  
650.4., pp. 3-10  
660.1., pp. 1-4  
660.2., pp. 3 & 4, 9 & 10  
660.3., Attachment A, pp. 9-14  
660.3., Attachment A, p. 17  
660.3., Attachment B, p. 13  
660.3., Attachment E  
660.5., pp. 3 & 4, 7-10  
670.2., pp. 1 & 2  
670.3., pp. 5 & 6  
675.2., pp. 7 & 8  
675.3., p. 7  
675.5., pp. 1-4  
675.9., pp. 3 & 4

Insert New Pages

Preface, pp. v, ix, x (typos &  
675.6.E-1 added to p. x)  
600.3., pp. 1 & 2  
(Reapportionment Process & typos)  
600.7., Attachment A (sample updated)  
600.8., Attachment A, pp. 1 & 2  
(Hometown plan deleted)  
630.1., pp. 9 & 10 (E.O. 12372)  
630.2., pp. 3 & 4, 7 & 8 (typos)  
640.1., pp. 1-4 (typos)  
640.3., pp. 1-4 (boating & fishing  
access policy - Dingell-Johnson)  
650.2., Attachment G, pp. 1-8  
(categorical exclusions updated)  
650.3., pp. 3-6 (typos)  
650.4., pp. 3-10 (typos)  
660.1., pp. 1-4 (typos)  
660.2., pp. 3 & 4, 9 & 10 (typos)  
660.3., Attachment A, pp. 9-14  
(revisions for SF 424)  
660.3., Attachment A, p. 17 (typo)  
660.3., Attachment B., p. 13 (line  
missing)  
660.3., Attachment E (clarify #6.)  
660.5., pp. 3 & 4, 7-10 (typos &  
E.O. 12372)  
670.2., pp. 1 & 2 (typo)  
670.3., pp. 5 & 6 (typo)  
675.2., pp. 7 & 8 (typo)  
675.3., p.7 (typo)  
675.5., pp. 1-4 (Archives retention  
8.E. & typo)  
675.9., pp. 3 & 4 (E.O. 12372 & typos)

650      ENVIRONMENTAL IMPACT

1. Environmental Policy and Assessment (650.2)
2. Environmental Impact Statement (650.2)

660      PROJECT ACTIVATION

1. Procedures for Submission of Proposals (660.1-660.3)
2. Project Evaluation (660.5)
3. Service Action on Proposals and Amendments (660.1-660.5)
4. Project Agreement and General Provisions (660.3)

670      ALLOWABLE COSTS

1. Basis for Assistance (670.1-670.3)

675      PROJECT ADMINISTRATION

1. General (675.1)
2. Acquisition Project Performance (675.2)
3. Development Project Performance (675.3)
4. Accounting, Records and Reports (675.5)
5. Payments (675.6)
6. Audits (675.7)
7. Project Termination and Settlement (675.8)

685      RESPONSIBILITIES FOLLOWING PROJECT COMPLETION

1. General (675.9)
2. Retention, Operation, Maintenance and Use (675.9)
3. Post Completion Inspection (675.9)
4. L&WCF Project Acknowledgement (675.4)

Location of Regional Offices and their State Areas (600.1 Attachment A)



List of Attachments

600.1A	NPS Regional Offices with Responsibility for L&WCF Grant
600.7A	Annual Report Print Out
600.8A	Checklist for Project Compliance
600.8B	Checklist for Compliance with P.L. 91-646
630.1A	Summary of Legislation Requiring Coordination between SCORP and other Federal Programs
640.3A	Normal Daily Average Temperature, January
640.3B	Mean annual total snowfall
640.3C	Normal Daily Average Temperature, June
650.2A	Environmental Certification
650.2B	Finding of No Significant Impact
650.2C	CEQ Regulations for Implementing NEPA
650.2D	National Environmental Policy Act of 1969
650.2E	Department of Interior Manual - 516 DM 4
650.2F	Department of Interior Manual - 516 DM 2
650.2G	Categorical Exclusions
650.3A	Relocation Index and Department of Interior Manual
650.3B	Claim for Payment (PL 91-646)(DI-380)
650.3C	Example computation of payment for increased interest costs
650.5A	Notice of Reequirement for Affirmative Action
650.5B	Standard Federal Equal Employment Opportunity Construction Contract Specifications
650.5C	Equal Employment Opportunity Clause
650.5D	Certification of Nonsegregated Facilities
650.8A	Excerpts from E.O. 12372 Regulations (43 CFR Part 9)
650.8B	Excerpts from Department of Interior Manual - 511 DM 7
660.3A	Federal Assistance Application for Construction Program (new SF424) and OMB Form 80-R0184 (Project Approval Information)

660.3B	L&WCF Project Agreement and General Provisions
660.3C	L&WCF Amendment to the Project Agreement
660.3D	L&WCF Description and Notification Form
660.3E	L&WCF Grant Documentation sent to WASO from Regional Office
675.4A	L&WCF Sign
675.5A	Annual Report on Relocation and Real Property Acquisition (GSA 2997)
675.5B	Residential Relocation Displacement Statistics
675.6A	Request for Advance or Reimbursement (SF 270)
675.6B	Federal Cash Transaction Report (SF 272)
675.6C	Authorized Signature Card for letter of Credit (SF 1194)
675.6D	Letter of Credit (SF 1193A)
675.6E	Request for Funds on Letter of Credit (TFS 8505)
675.6E-1	Classification of Amount Requested - NPS Supplement to TFS 5805
675.6F	Outlay Report and Request for Reimbursement for Construction Programs (SF 271)
675.6G	Rejection of a Request for Funds using TFS 5805

STATE APPORTIONMENT FORMULA

1. Apportionment Percentage to States. The Act creates a Fund consisting of certain earmarked revenues from which the Congress may annually appropriate money for public outdoor recreation purposes. As provided in the annual appropriation act, funds shall be made available for State and Federal purposes with not less than 40 percent appropriated for Federal purposes.
2. The Amount Apportioned is Essentially a Reserve. Apportionment of funds to the States does not confer absolute entitlement to such funds. The apportionment is evidence of a commitment by the Federal Government to withhold from other uses a specified amount for a State for a given period of time. The amounts apportioned are subject to Office of Management and Budget quarterly apportionments to the Land and Water Conservation Fund (L&WCF) monies which set legal limits on the amounts which can be obligated each fiscal quarter for all purposes under the L&WCF. To receive apportioned funds, the States must (a) prepare and maintain a comprehensive statewide outdoor recreation plan that has been found by the Service to be adequate for the purposes of the Act; (b) submit and receive approval of projects requiring the use of apportioned funds; and (c) request the Federal Government to obligate apportioned funds for use on approved projects.
3. Basis for Apportionment. Apportionment of the appropriation is made by the Secretary in accord with the legislative mandate states in Section 6(b) of the L&WCF Act. The amount apportioned to each State is the amount of new authority for obligation each State will have in the fiscal year unless Congress or the President decides later to defer or rescind some portion of the amount.
4. Notice of Apportionment. The Secretary will notify each State of its apportionment following an appropriation of funds by the Congress.
5. Reports on Status of States Apportionment. The Service will notify each State periodically, of the status of each fiscal year's apportionment. This financial report shall include for each fiscal year: the total amount of current apportionments (including adjustments), the total obligations, and the total expenditures. The report will also notify the State of the balance remaining available in each apportionment. The State is expected to maintain its own accounting records on the status of apportionments.
6. Life of State Apportionments. The funds apportioned to a State will remain available for obligation during the fiscal year in which notification is given and for two fiscal years thereafter. Any portion of an apportionment that remains unobligated at the expiration of this 3-year period shall revert to the Secretary for reapportionment among the several States on the basis of need as determined by the Secretary.

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Manual Release 145

Replaces: MR 125            12/14/73

MR 140                    3/22/83

7. Disposition of Unexpended Balances of Obligated Funds. Funds obligated for an approved project will remain available for expenditure by the project sponsor until the project is completed or terminated. All projects should be completed within 5 years (see 660.2.7.B.). When the total project expenditures are less than the obligated amount and the 3-year period for obligation availability has expired (see 600.3.6.), the unexpended balance will revert to a special account which may be reappportioned to the State. This special account, containing previously apportioned but unexpended funds, does not confer entitlement to such funds by the State (see 600.3.2.). The special account policy was established to allow States the opportunity to utilize monies saved from good management of the program (projects completed for less-than-anticipated funds), and in 1981 the special account was revised to include all deobligated monies with no restrictions as to whether or not deobligation occurred within or after the 3-year period for obligation availability. The Secretary, may, at his/her discretion reappportion such unexpended balances back to the respective State from which it came on the basis of need. The determination of need for each State will reflect the efficient management of their obligations and outlays, the demand for additional funding, and satisfactory compliance with all L&WCF program requirements.

The procedure for the issuance of a Certificate of Reapportionment will include a review of each State's request for reapportionment funds available. The State's identification and justification of need, their obligation and outlay rate, and compliance with all program requirements will be considered in the review. The authority to review and approve each State request for reapportionment has been delegated to the Chief, Recreation Grants Division, Washington Office. Upon approval, Regional Directors are authorized to issue the Certificate of Reapportionment. Any funds not so reapportioned back to a State within six months from the end of the fiscal year in which the reapportionment funds become available will revert to the Secretary's Contingency Reserve Fund.

#### Reapportionment Process:

- (1) State requests funds from Region. Region reviews State request.
- (2) Regional recommendation and copy of State request sent to WASO.
- (3) WASO reviews request, assigns Certificate Number or rejects.
- (4) Region receives WASO approval memo with Certificate Number and prepares Reapportionment Certificate.
- (5) Original Certificate signed by Regional or Acting Regional Director and sent to WASO Finance Division.
- (6) One copy of Certificate with transmittal letter sent to State. One copy of Certificate sent to WASO Recreation Grants (optional).
- (7) Finance posts Certificate, after which State may proceed with fund requests (usually during same month).

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Manual Release 145

Replaces: MR 140      3/22/83  
          MR 143      7/24/85

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE *** TABLE 18: ANNUAL REPORT OF GRANT PROJECTS FOR FY 1985										LMCF-A-18 PAGE 127 SW REGION--LOUISIANA	
PROJECT/ELEM A.FUND OBLIG	TITLE B.OTHER FEDERAL	C.STATE	SPONSOR	D.LOCAL	TYPES E.LAND DONATION	FACILITY CODES F.OTHER DONATION	ACRES	FUND-ACQ#	G.TOT GRNT COST		
00704-XXX	O'BANION PARK DONATION		VERNON PARISH		C	B00 B01 C00 C02 C03 Q00 Q02 Q06 Q09 Q10	35.0				
A. 99,514.00	B.	C.		D. 99,514.00	E.	F.			0. 199,028.00		
00705-XXX	PLAQUEMINE TENNIS COMPLEX		IBERVILLE PARISH		D	B00 B01 C00 C05 Q00 Q04 Q07 F.					
A. 73,553.95	B.	C.		D. 73,553.95	E.	F.			0. 147,107.90		
00706-XXX	EIGHT BREC PARKS		EAST BATON ROUGE PARISH		D	B00 B01 C00 C02 C04 C05 C06 Q00 Q02 Q04 Q05 Q06 Q08 F.			0. 200,000.00		
A. 100,000.00	B.	C.		D. 100,000.00	E.						
00707-XXX	DUSON DEVELOPMENT		LAFAYETTE PARISH	POLICE JURY	D	Q00 Q07 Q08 Q09 Q10					
A. 41,884.00	B.	C.		D. 41,884.00	E.	F.			0. 83,768.00		
00708-XXX	GRAHAM BROWN MEMORIAL PARK		LAFAYETTE CITY		D	B00 B01 B02 C00 C02 C04 Q00 Q02 Q03 Q04 Q07 Q09 F.			0. 200,000.00		
A. 100,000.00	B.	C.		D. 100,000.00	E.	F.					
00709-XXX	BRUSLY HIGH SCHOOL PARK		WEST BATON ROUGE PARISH		D	Q00 Q06 Q07					
A. 37,906.00	B.	C.		D. 75,812.00	E.	F.			0. 75,812.00		
00710-XXX	NORTH TOLEDO BEND SP EXTENSION		LA. OFFICE OF STATE PARKS		A	A00			90.0 100,000.00		
A. 101,154.74	B.	C. 101,154.74		D.	E.	F.			0. 202,309.48		
00711-XXX	BONART PLAYGROUND		NEW ORLEANS RECREATION DEPT.		B	E00 E01			0. 126,000.00		
A. 63,000.00	B.	C.		D. 63,000.00	E.	F.					
1,700,390.48 --TOTAL NEW LMCF OBLIGATION											
169,153.87 --TOTAL INCREASE BY 43 AMENDMENTS											
.00 --TOTAL CONTING. AMT. FOR CONSOLID. PROJ											
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1,869,524.35 --STATE TOTAL LMCF OBLIGATION											



CHECKLIST FOR PROJECT COMPLIANCEDocuments in State File

Project Title \_\_\_\_\_  
Project No. \_\_\_\_\_ Date \_\_\_\_\_  
Review Officer \_\_\_\_\_

(yes/no/not applicable)

1. Project Application (OMB No. 80-R0184)..... \_\_\_\_\_  
SF 424..... \_\_\_\_\_  
Intergovernmental Review comments if applicable  
(Item 22. on SF 424) - E.O. 12372..... \_\_\_\_\_  
Statewide Plan concurrence  
(some form of State review documentation)..... \_\_\_\_\_  
Environmental Assessment..... \_\_\_\_\_  
Copies of applicable leases, easements  
and special use permits..... \_\_\_\_\_  
Location map..... \_\_\_\_\_  
Site plan..... \_\_\_\_\_  
Applicable floor plans..... \_\_\_\_\_  
Cost Estimate Breakdown..... \_\_\_\_\_
2. Project Agreement and Amendment forms..... \_\_\_\_\_
3. Description and Notification Forms  
(Element sheets for Consolidated Projects)..... \_\_\_\_\_
4. Waiver of Retroactivity..... \_\_\_\_\_
5. Assurances of Compliance (Title VI,  
Civil Rights Act DI 1350..... \_\_\_\_\_
6. Site Inspection Reports-preaward, annual,  
final, post..... \_\_\_\_\_
7. State's Review for Technical and Financial  
Adequacy..... \_\_\_\_\_
8. Competitive Use Determination (marinas,  
campgrounds, etc.)..... \_\_\_\_\_
9. Billings/Progress Reports (at least 1 per  
year after project approval..... \_\_\_\_\_

Manual Release 145

Replaces: MR 140 3/22/83

MR 144 11/29/85

10. Special Requests - waivers, etc.....
11. Permits (Coast Guard, COE).....
12. PL 91-646 date of acquisition for  
development projects.....
13. Compliance with Federal laws and regulations.....
  - Flood Disaster Protection Act effective  
March 2, 1975.....
  - Clean Air and Water Acts.....
  - Uniform Relocation Assistance and  
Real Property Acquisition Policy Act  
(See Attachment 600.8B).....
  - Architectural Barriers Act of 1968.....
  - Historic Preservation-National  
Register Site or eligible site.....
  - Endangered Species.....
  - EEO Contract compliance.....

REMARKS:

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Manual Release 145  
Replaces: MR 144 11/29/85

Agreement is to be signed by the S.L.O. and the NPS Regional Director. (The initial Planning Agreement should provide for the transition period for change from previous Manual directions to the process contemplated in this revised Part.) Two signed copies of the Planning Agreement are to be submitted to NPS.

The Planning Agreement is to be kept current by amendment, as necessary, to reflect the SCORP process of the State, and commitments made by NPS Regional Office.

The Assessment and Policy Plan, the Action Program and revisions thereto are to be submitted in final form to the NPS Regional Director in 10 copies each, of which 6 copies of each are to be sent to Division of Recreation Resource Development, Washington, D.C. They must be accompanied by transmittal letters signed by the Governor indicating approval and certifying that ample opportunity for public participation in the planning process has been accorded. (See Section 630.1.5A(4)). The letter must also state that the requirements of E.O. 12372 (Intergovernmental Review), for State and regional review, have been met.

In addition, submission of the Assessment and Policy Plan, the Action Program, and revisions thereto must be accompanied by review comments from the State agency responsible for preparing the land use element of the State Comprehensive Plan and is to provide assurance that the SCORP and such land use elements are consistent.

States must provide copies of the Assessment and Policy Plan and Action Program to those State, Federal and local agencies and Indian Tribes which provide recreation opportunities within the State. In addition, States are required to make adequate provisions for the public to have access to the Assessment and Policy and Action Program. A reasonable fee for copies of the Assessment and Policy Plan and Action Program may be charged if the State so chooses.

The Assessment and Policy Plan is to be submitted to NPS at least every five years and the Action Program at least every two years. Amendments may be submitted at any time following the same approval and review procedures as for the original Assessment and Policy Plan and Action Program.

8. Determination of Eligibility for Participation in the Land and Water Conservation Fund Act.

Current commitments of NPS to the individual States regarding eligibility will be honored. The States are encouraged to develop planning processes in accord with this Part as rapidly as possible and to make such changes in their planning programs as necessary to conform with this Part. As current eligibility expires, a State will be deemed eligible for participation in the Fund when its SCORP program meets the requirements of

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Manual Release 145

Replaces: MR 138 4/11/80  
MR 140 3/22/83

the Land and Water Conservation Fund Act and is found to sustain an ongoing SCORP process (see Section 630.1.4).

Evidence of an adequate program is the maintenance of a current and complete Assessment and Policy Plan, which must be published at least once every five years, progress toward implementation of an Action Program, and the implementation of an Open Project Selection Process as outlined in Chapter 660.4. Failure to maintain an adequate continuing planning process implementation program in accord with the written planning agreement with NPS will be considered sufficient justification for termination of eligibility for participation in the Fund. Upon finding by NPS that the planning process or implementation program is inadequate, a State may be placed on probation for a period of 90 days within which time it must initiate action to correct the deficiencies. If a State fails to take corrective action within this 90 day probation period, the Regional Director will suspend eligibility and specify to the State those scheduled actions required to regain eligibility. Appeals of the State may be submitted to the Director within 30 days following placement on probation. Appeals will be considered by the Director within 60 days prior to termination of eligibility. The decision of the Director will be final.

9. Financial Assistance. NPS is authorized to provide financial assistance from the Fund to the State for preparation and maintenance of eligible components of the SCORP. The Chapter 630.2 provides guidance for arranging financial assistance through planning grants.
10. National Park Service Guidance of Plans and the Planning Process. An effective working partnership is necessary between the States and the National Park Service (NPS). NPS Regional Offices shall maintain a close working relationship with the State and provide necessary technical planning assistance to the State in the development and implementation of its SCORP process.
11. National Park Service Technical Assistance Guide. A nonmandatory and frequently updated Technical Assistance Guide will be developed, maintained and distributed by NPS to the States to provide assistance and guidance in preparing the various elements of the SCORP. The Technical Assistance Guide will include, in addition to other material, information on public participation, inventory techniques, and demand analysis.

Through its technical assistance clearinghouse functions, NPS may include sample Action Programs and extracts of portions of approved Assessment and Policy Plans showing examples of how a State determines needs, coordinates planning efforts, issues special studies, etc.

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Manual Release 145

Replaces: MR 138      4/11/80  
          MR 140      3/22/83

- (5) Responsibility for the overall project, as well as its different elements, must be clearly identified if more than one agency is to be involved.
  - (6) When public land protection measures are proposed, the study must include an examination of the feasibility of any alternatives to fee simple acquisition of the resources to be protected.
- D. Studies or other investigations which are primarily aimed at promoting tourism, or other State and local economic activities or the promotion of private recreation expenditures through recreation development are not eligible for planning grant assistance. However, studies aimed at analyzing or documenting the contributions of outdoor recreation resources to a State's economy or environment or at improving State decisions on the appropriate public and private roles in the management of various recreation resources may be eligible for funding when they meet other appropriate criteria for eligibility as outlined elsewhere in this section (630.3.5).
- E. Detailed plans for capital projects, sketch or site plans, individual area master plans, economic feasibility studies, landscape designs, or architectural and engineering studies are not eligible for planning grant assistance.
- F. Planning proposals must take into account past studies of the same or similar resources or programs to ensure that the proposed efforts do not duplicate earlier research. They must consider any relevant Federal resources, plans, or programs and be correlated, so far as practicable with other State, regional and local plans.
- G. Two or more planning projects may be carried out concurrently providing they do not duplicate one another. Work items funded under an L&WCF planning grant must not overlap with work items assisted by another L&WCF grant, or financially-assisted under other Federal programs, or otherwise accomplished with Federal personnel or resources.
- H. When a grant proposal involves funding of outdoor recreation work elements as part of a larger, "consolidated and simplified" State plan, as authorized by Executive Order 12372, particular assurance must be provided by the grantee that the L&WCF grant will be used for direct support of outdoor recreation planning work items and not, either directly or indirectly, of non-recreation planning items related to such areas as housing, transportation, or general economic development.
- I. Planning grants may not encompass any costs for acquisition of land or interests in land or for development of new facilities. Nor may land acquisition or development costs be used as any part of a grantee's matching share of eligible planning costs.
6. Available Funding. Up to 50% of the total cost of an eligible planning project is available to a State, on a reimbursement basis, from its Land and Water Conservation Fund apportionment account. However, grants to

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Manual Release 145

Replaces: MR 140 3/22/83  
MR 144 11/29/85

the Insular Areas may be made available on a 100% basis (see Section 600.1.8). While there is no dollar limit on the amount of a State's apportionment which can be used for planning grants, the Service reserves the right to limit the size of specific projects based upon each State's planning needs and the relationship of planning costs to overall funding resources. For this reason, Regional Directors should consult with Washington program offices (as part of the Pre-Application consultation process, see 630.2.3) before approving any planning grant or amendment for which the total L&WCF obligation will exceed \$100,000 or 5 percent of a State's most recent apportionment, whichever is greater.

7. Allowable Costs. Project costs incurred to sustain an ongoing outdoor recreation planning process are reimbursable as part of an approved planning project. These include the preparation, publishing and distribution of appropriate documents, such as the Assessment and Policy Plan, Action Program or related studies. Costs of data collection and processing, public participation activities, special studies, etc. are also eligible for assistance (see Part 670). Contracted professional services for eligible planning activities may be allowed, if, in the Service's judgement, overall responsibility for planning policies and action recommendations is clearly retained by the State Liaison Officer or other designated State agency. All contracts awarded by a grantee must be in accord with the procurement standards and procedures of OMB Circular A-102, Attachment O for non-construction contracts, as outlined in Section 675.3 of this Manual.
8. Acknowledgement of Assistance. When assistance from the Land and Water Conservation Fund is provided for a project, the resulting document shall include the following acknowledgement:

"The preparation (updating, revision) of this plan (study, analysis, etc.) was financed in part through a planning grant from the National Park Service, Department of the Interior, under the provisions of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578, as amended)."

This statement may be expanded at the State's discretion to reflect the manner in which the non-Federal share of the total cost was financed.

9. Intergovernmental Review - E.O. 12372. A copy of the planning grant application must be submitted to a State's Single Point of Contact (SPOC or State Clearinghouse) in accordance with the intergovernmental review requirements of Executive Order 12372 (see Chapter 650.8). L&WCF planning grant applications should include assurances that the recreation planning objectives and products of the grant are in accord with comprehensive State planning goals, as determined by the Governor or State agency designated to coordinate overall planning. Comment by way of the E.O. 12372 process is usually the best way to accomplish this, although other types of assurance may be provided if appropriate.

Submissions to the SPOC should normally consist of copies of the material provided to NPS in the application package (described in 630.2.10 below), but a notice of intent including a description of project purpose, scope, cost, beneficiaries may be used if it contains sufficient detail to allow the SPOC to provide potentially interested agencies with an opportunity

Manual Release 145

Replaces: MR 140 3/22/83

MR 144 11/29/85

- D. The requirements of Executive Order 12372 relating to review and comment by the State Clearinghouse must have been completed.
- E. There must be no duplication of Federal assistance for work items funded under the project.
12. Amendments. Changes which materially alter the scope, change the cost or the completion time of a project must be approved by the Service. When a State wishes to change its project it should discuss the proposed changes with Regional Office personnel prior to submitting an amendment to the project agreement. (see Attachment 660.3C) Amendments will be reviewed and processed following the same procedures used for a complete planning project. Only those changes considered to be major and substantive will be required to receive E.O.12372 clearinghouse review. Planning projects should normally cover a period of two years or less to ensure timely completion and close-out of complex work efforts and reduce audit problems. In no case should a single planning grant include elements from more than one complete SCORP cycle (Policy Plan to Policy Plan), except where costs of publication and distribution of a SCORP document from a previous cycle may be reasonably included as a public participation element in the next SCORP cycle.
13. Regional Action. The Regional Director shall act to approve or disapprove all planning projects and amendments within the limits of his authority, and shall notify the project sponsor in writing regarding his action on the project or amendment.
14. Financial Procedures. Adequate financial records must be maintained to support all the costs involved in a project. A documentation "trail" adequate to withstand audit should be maintained. Generally accepted accounting and auditing principles will apply to project records, accounts and documentation. Such records must be in accord with the principles established in OMB Circulars A-102 and A-87 for prevention of fraud, waste and abuse in Federal programs. Particular attention should be paid by the grantee to good records of in-house personnel costs attributable to the planning grant. Time distribution records must be maintained for each individual for whom L&WCF grant costs are to be claimed. Careful records of time spent on SCORP elements are especially important when personnel are splitting their time between one or more SCORP projects and other planning or administrative duties. To guard against fraud, waste and abuse or possible disallowance of legitimate grant costs, it is recommended that grantees establish a separate tracking account for each planning grant and perform updates of staffing and other charges to such accounts on a regular (e.g., biweekly or monthly) basis. For the same reasons, at-least-annual billings on planning projects of more than one year's duration are recommended. No grantee billings, letter-of-credit drawdowns (including electronic fund transfers) will be processed without prior Service review of a billing progress report covering expenditures and accomplishments under the grant (see Part 630.2.15, below.)
15. Reimbursements. Because of the special features of L&WCF planning grants as compared to capital grants for acquisition or development, it is essential to ensure adequate project tracking and cost documentation on a

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Manual Release 145

Replaces: MR 140      3/22/83  
          MR 144      11/29/85

periodic basis throughout the life of each planning project. All reimbursement requests for planning grants must be accompanied by a billing progress report. States, whether on direct billings or using the Letter of Credit (TFCS) drawdown method must obtain Service approval of their progress report BEFORE payments are requested from the Treasury. When requesting planning grant reimbursements, States will submit to their NPS Regional Office the Progress Report described in Part 630.2.16, below. NPS will review and approve such reports, then process direct billings or provide the grantee with a letter authorizing a Letter of Credit drawdown for the approved reimbursement amount.

16. Progress Reports. Reports of progress toward the completion of a planning project must be submitted with each billing for the costs incurred. Progress Reports must include:
- (a.) a list of the major work items (elements) agreed to in the project scope of the grant contract;
  - (b.) a narrative description of the status of work for each item in the project;
  - (c.) identification of any elements that are behind schedule and of what problems have caused delay;
  - (d.) actual or projected completion dates for each work item;
  - (e.) if appropriate, evaluations of the success or failure to date of the planning approaches used and of any effects of project work to date on State policies or improved management of State programs;
  - (f.) estimated costs incurred during the billing period for each work item; and,
  - (g.) total costs incurred and total costs previously billed for all parts of the project to date.

For planning grants with a project period of more than one year and for which no billings or drawdowns have been requested during the past year, a report of this type must be submitted to NPS by March 31 of each year, as covered in Part 675.5. Notwithstanding the provisions of Part 675.5.C. on alternative consolidated performance reports, a separate report is required on each active planning grant for which no reimbursement has been requested within the preceding twelve months.

In addition to reports of project progress, work accomplished as a part of a planning grant should be included in the planning evaluation required as a part of each State's Annual Report on Land and Water Conservation Fund activities (see Part 600.7). Progress evaluations are not required, but may be included when timely, as a part of a State's annual or biennial SCORP Action Program submission.

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Manual Release 145

Replaces: MR 140            3/22/83  
          MR 144            11/29/85

GENERAL PROJECT CRITERIA

1. Purpose. The L&WCF Act authorizes the Secretary of Interior to provide financial assistance to States for the acquisition and/or development of public outdoor recreation areas and facilities found to be in accord with the Statewide Comprehensive Outdoor Recreation Plan. Such assistance shall be on a matching basis to a maximum fifty (50) percent of the total project related allowable costs. However, grants to the Insular Areas may be made available on a 100% basis. (see Section 600.1.8). The States are encouraged to share the benefits derived from the L&WCF program among all State and local agencies responsible for providing public outdoor recreation opportunities.
2. Project Sponsors. Only States may apply directly to NPS for L&WCF assistance, however, funds may be made available through the States to political subdivisions of the State and other appropriate public agencies. Proposed projects may be sponsored by a State agency or a public agency of a subordinate unit of government. All project proposals submitted to the Service must be recommended by the State Liaison Officer or by the State agency acting for the State Liaison Officer.
3. Relation to State Plan. Only project proposals in accordance with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) may be considered. Project proposals may be submitted for approval only during the time in which the State sustains its eligibility for participation in the L&WCF program. Projects received during a period of ineligibility will be returned to the State as inactionable. This does not mean that the projects have been disapproved nor prevents them from being resubmitted by the State as soon as eligibility has been regained.
4. Project Proposals. The State has the initial prerogative and responsibility for determining the scope and effort involved in a project proposal. A project can be designed as follows: 1) Acquisition and/or development work at one site, 2) acquisition and/or development work, sponsored by a single State agency and/or local unit of government, at several sites, or 3) a particular type of facility, such as swimming pools or miniparks, sponsored by State agencies and/or local units of government and located at several sites.

The Service reserves the right to require the segmenting of project proposals into smaller projects or the combining of small related projects into a larger one when, in the judgement of the Service, such proposals do not lend themselves to effective and economical management and costing.

A project proposal, except in the most unusual circumstances, should embrace only those efforts that can be accomplished within a five-year period.

5. Types of Projects.

- A. Acquisition. These include the acquisition of land and waters or partial rights to them.

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Manual Release 145

Replaces: MR 125 12/14/73

MR 140 3/22/83

- B. Development. These include the development of certain outdoor recreation activity and support facilities needed by the public for recreation use of an area.
  - C. Combined. When it is advantageous to do so, a State may submit projects which combine acquisition and development.
6. Multiple-Purpose Projects. Multi-purpose projects which involve uses other than outdoor recreation may be eligible for assistance under the Act. The State must include a careful and complete justification and explanation with each proposal. Two general types of multiple-purpose projects are eligible for assistance:
- A. Projects in which a specifically designated portion of the multiple-purpose area or facility will be used primarily for outdoor recreation and/or outdoor recreation support, such as picnicking facilities adjacent to a new public reservoir. Fund assistance is limited to the designated outdoor recreation area and/or facility and support facility.
  - B. Projects which will provide identifiable outdoor recreation benefits as a whole, as opposed to specific segments of it. For example, a water impoundment constructed primarily for flood control might also have important recreation benefits. In such a case, at the Service's discretion, assistance might be made available only for the portion of the cost, on a prorata basis, of the facility which is clearly attributable to outdoor recreation above and beyond the facility's cost for its non-recreation function.
- The proposal must fully disclose the nature and extent of other uses and the relationship of the proposed outdoor recreation project to the total area and development. Additionally, if the project is located in a floodplain, the project proposal must evaluate the flood hazard to the Fund-assisted facility. (see Chapters 650.6 and 650.7).
7. Assistance from Other Agencies. Project proposals submitted to the Service for L&WCF assistance may also be submitted to other public agencies for aid. The State or local matching share of an approved project may consist of other Federal financial assistance only where the statutory provisions of the subsequent Federal grants program explicitly allows recipients to use such assistance to match other Federal Funds (see Section 670.1.5). The application to the Service should describe any such submissions, and the Service should immediately be notified if these result in assistance or the promise of assistance by another organization. Information regarding any previous Federal assistance to the project area should be indicated in Item 10, Part II, Section A of the OMB Form 80-R0184. (see Attachment 660.3A).
8. Control and Tenure. For lands included in a project proposal, the project sponsor must have title or adequate control and tenure of the project area in order to provide reasonable assurances that a conversion under Section

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Manual Release 145

Replaces: MR 125      12/14/73  
          MR 140      3/22/83

6(f)(3) of the L&WCF Act will not occur without Service approval. Copies of the property titles, leases, easements, or other appropriate documents must be on file at the State level and available for Federal inspection.

- A. Property that is proposed for acquisition and/or development and which is subject to reversionary interests upon discontinuation of the recreation use may be eligible to receive Fund assistance. The Service's determination in this regard will rest on the compatibility of uses proposed by the project sponsor with that stipulated in the reversionary clause and receipt of satisfactory assurances from the State that the property so assisted will be replaced in accord with specific Section 6(f)(3) provisions applicable to such future conversion should the reversionary interest be exercised.

Such assurances are contained in the General Provisions of the Project Agreement and may also apply to termination provisions included in leases and special use permits, provided such revocation is not at the sole discretion of the lessor except in the case of Forest Service Term Special Use Permits. (see Section 640.3.4)

- B. Properties subject to outstanding interests, such as mineral rights that, if exercised, may not be compatible with the continued viable use of the area for outdoor recreation, may also be agreed to under certain specific conditions. The Service will agree to such a future conversion based upon a State's present agreement that these lands will be replaced in accord with Section 6(f)(3) provisions. This specific assurance provision is contained in the General Provisions of the Project Agreement (i.e. Attachment 660.3B).

It should be noted the above paragraphs A and B are only concerned with those reversionary rights or outstanding interests that, should they occur or be exercised, would result in the project area not being viable for continued public outdoor recreation use as determined by NPS at the time of project submission and where the State certifies and the Service agrees that the possibility of the reversionary interest or outstanding rights being exercised is remote. These decisions will be made on a case by case basis. When significant outstanding rights are involved, the project application will also contain an opinion of Counsel from the State and if appropriate, an opinion from local Counsel, that the State or recipient has the authority to enter into a grant contract which may require the provision of replacement land. Other rights and interests which, if exercised, will not adversely affect the recreation utility or viability of the area can be excepted from Section 6(f)(3) purview upon recommendation of the State and concurrence by the Service (see Sections 660.2.6 and 660.5.2C(2)).

9. Leasing of Lands Acquired and/or Developed with L&WCF Assistance. A project sponsor may provide for the operation of a L&WCF assisted facility by leasing the facility to a private organization or individual. As the principal grantee, the State is ultimately accountable for assuring compliance with the applicable Federal requirements and therefore the delegation or transfer of certain responsibilities to subgrantees or

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Manual Release 145

Replaces: MR 125 12/14/73

MR 140 3/22/83

leases does not relieve the State of its compliance burden. Accordingly, the State must irrevocably agree to provide suitable replacement property should the public use of the leased facility be restricted or the outdoor recreation resource be compromised.

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

- A. In order to protect the public interest, the project sponsor must have a clear ability to periodically review the performance of the lessee and terminate the lease if its terms and the provisions of the grant agreement, including standards of maintenance, public use, and accessibility are not met.
- B. The document should clearly indicate that the leased area is to be operated by the lessee for public outdoor recreation purposes in compliance with provisions of the Land and Water Conservation Fund Act and implementing guidelines.
- C. The document should require that the area be identified as being publicly owned and operated as a public outdoor recreation facility in all signs, literature and advertising and that the lessee be identified as such as not to mislead the public into believing that the area is private. Signs should also be posted identifying the facility as being open to the public in accord with Chapter 675.4.
- D. The document should require that all fees charged by the lessee to the public must be competitive with similar private facilities.

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Manual Release 145

Replaces: MR 125 12/14/73  
MR 140 3/22/83

CRITERIA FOR DEVELOPMENT

1. General. Financial assistance may be available through the L&WCF program to provide most facilities necessary for the use and enjoyment of outdoor recreation areas. The L&WCF Act specifies that 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 (SCORP). In addition, development projects are subject to all other conditions, policies, and regulations included in the L&WCF Act and this Manual.
2. Project Scope. A development project or consolidated project element 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. Furthermore, a project may consist of the complete or partial development of one area, such as a State park or a city playground, or it may consist of a series of developments on a number of geographically separated areas such as picnic facilities in a number of parks, or the construction of fishing piers on a number of lakes in the State (see Section 640.1.4). In all cases, the project must be a logical unit of work to be accomplished in a specific time frame. Ineligible facilities to be funded through sources other than the L&WCF program may be included in the development concept plan of a project. The development of such ineligible facilities on lands acquired and/or developed with L&WCF assistance will be allowed only if they do not constitute a conversion under a Section 6f(3) of the Act. (see Section 675.9.3).

Funding of development project proposals may cover construction, renovation, site planning, demolition, site preparation, architectural services, and similar activities essential for the proper conduct of the project.

3. Design Criteria. 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 generally be consistent with the environment. Plans and specifications for the improvements/facilities should be in accord with established engineering and architectural practices. Emphasis should be given to the health and safety of users, accessibility to the general public, and the protection of the recreation and natural values of the area.

All facilities developed with assistance from the Fund must be designed in conformance with: 1.) the Architectural Barriers Act of 1968 (ABA) (P.L. 90-480) and the "Uniform Federal Accessibility Standards" as published in the Federal Register of August 7, 1984; or 2.) the Department of the Interior regulations of July 7, 1982 on Section 504 of the Rehabilitation Act of 1973 (43 CFR Part 17) and the "Minimum Guidelines and Requirements for Accessible Design" as issued by the Architectural and Transportation Barriers Compliance Board (ATBCB), 36 CFR Part 1190. The "Uniform Federal Accessibility Standards" meet or exceed the requirements in the ATBCB's Minimum Guidelines.

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Manual Release 145

Replaces: MR 142 6/27/84

MR 144 11/29/85

4. Ownership or Control of Project Lands. Facilities may be developed on land and water owned by the participating agency or leased to the project sponsor provided that control of such property is commensurate with the proposed development. (see Section 640.1.8). This control must be adequate in two regards:
- A. The time remaining on the lease will be a term sufficient, in the Service's judgment, to insure a period of public use and enjoyment commensurate with the expenditure of money. On Federal land, the original lease must have been for at least 25 years, although some of that time may have elapsed.
  - B. The lease cannot be revocable at will by the lessor. In the case of Forest Service Term Special Use Permit, the Forest Service reserves the right to revoke the use permit at its discretion. For such projects, the grant agreement between the Service and the State will expressly recognize the possible termination of the permit by the Forest Service and the State should nonetheless obligate itself to provide substitute lands in that event (see Attachment 660.3c).
5. Development Project Selection. In selecting development projects for submission to the Service, the States should carefully review and evaluate the project applications to filter out ineligible proposals. A special effort should be made to eliminate questionable, elaborate or borderline projects which raise serious questions concerning the project's cost, use, priority, competition with the private sector, or inclusion of ineligible facility types (see Chapter 660.4). In addition, boat and fishing access facilities and related support facilities which are eligible for funding under both L&WCF and the Dingell-Johnson Act (also known as the Federal Aid in Sport Fish Restoration Act and "Wallop-Breaux"), as amended, must meet the following provision: L&WCF funding will not be provided for facilities also eligible under Dingell-Johnson (D-J) unless the State Liaison Officer has undertaken an effort to coordinate all requests for such facilities with the State official designated to administer D-J projects. Any application for L&WCF assistance on impacted facilities must include a statement from the State Liaison Officer certifying that such coordination has taken place. The result of such effort would be that the application would be directed or redirected toward which ever program is deemed more appropriate for assisting the specific project considering cost, availability of funds, other project components and additional factors deemed pertinent. D-J funds may not be used in meeting the State matching share requirement of L&WCF.

6. Guidelines for Eligible Recreation Facilities. Development projects may include but are not limited to the following facility types:
- A. Sports and Playfields. L&WCF assistance may be available for fields, courts and other outdoor spaces used in competitive and individual sports. This includes fields for baseball, softball, soccer and football, tennis courts, playgrounds and tot lots, golf courses, rifle/pistol ranges, trap/skeet fields, archery ranges, rodeo arenas, running tracks, and other similar facilities. (see 640.3.6M and 640.3.8A)
  - B. Picnic Facilities. L&WCF assistance may be available for tables, fireplaces, shelters, and other facilities related to family or group picnic sites.
  - C. Trails. L&WCF assistance may be available for the development and marking of overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, motorized vehicles and other trail activities.
  - D. Swimming Facilities. L&WCF assistance may be available for swimming beaches, outdoor pools, wavemaking pools, wading pools, spray pools, lifeguard towers, bathhouses and other similar facilities.
  - E. Boating Facilities. L&WCF assistance may be available for most facilities related to motorboating, sailing, canoeing, kayaking, sculling and other boating activities. These facilities include, but are not limited to, docks, berths, floating berths secured by buoys or similar services, launching ramps, breakwaters, mechanical launching devices, boat lifts, boat storage, sewage pumpout facilities, fuel depots, water and sewer hookups, restrooms, showers, electricity and parking areas. Assistance will not be provided for operational equipment such as buoys, ropes, life jackets, or boats. Marinas are also eligible for assistance and are subject to the following provisions regardless of when L&WCF assistance was provided:
    - (1) An equitable method of allocating berth space shall be used in all marinas. Allocation methods shall include: (a) annual or multi-year lotteries, or (b) posted waiting lists where berth space is filled in the order of receipt of applications, or (c) another method selected by the applicant that responds to local conditions and equitably allocates space among all parties. In each instance, adequate public notice shall be provided announcing the availability of berth space and describing application procedures. The project sponsor shall determine the most equitable method under which leaseholders may compete for future berth space vacancies. For new marinas the project narrative shall describe the allocation system to be used.

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

New marinas receiving L&WCF assistance shall also be subject to the following provisions:

- (3) Berth lease terms shall not be transferable to any other party.
- (4) Berth space for transient boaters shall be provided.
- (5) Marinas located in urban areas shall include specific design provisions for non-boater public access. Such access, which expands water-based recreation opportunities, may be met by providing walkways, observation points, fishing piers and/or related facilities. Limited access to the actual marina berths may be retained.

Refer to 640.3.5 for requirement of seeking Dingell-Johnson coordination prior to applying for L&WCF assistance for certain boating facilities.

- F. Fishing/Hunting Facilities. L&WCF assistance may be available for trails, fishing piers and access points, initial clearing and planting of food and cover, stream improvements, wildlife management areas, fish hatcheries and other facilities necessary for public fishing or hunting. In developing and evaluating fish hatchery proposals, States shall give priority to hatcheries which provide urban fishing opportunities. (see 640.2.10E). Refer to 640.3.5 for requirement of seeking Dingell-Johnson coordination prior to applying for L&WCF assistance for certain fishing facilities.
- G. Winter Sports Facilities. L&WCF assistance may be available for facilities such as ski trails, jumps, lifts, slopes and snowmaking equipment used in downhill skiing, cross country skiing, tobogganning, sledding, snowmobiling, and other winter sports. Outdoor ice skating and ice hockey rinks are also eligible.
- H. Camping Facilities. L&WCF assistance may be available for tables, fireplaces, restrooms, information stations, snackbars, utility outlets and other facilities needed for camping by tent, trailer or camper. Cabins or group camps of simple austere design and accessible to the general public in an equitable manner are eligible. Group camps designated for specific groups or for which specific groups will be given priority access are not eligible. Lodges, motels and luxury cabins are not eligible.

Categorical Exclusions516 DM 2 Appendix 1

## DEPARTMENTAL CATEGORICAL EXCLUSIONS (3/18/82 #2244)

The following actions are categorical exclusions pursuant to 516 DM 2.3A(2). However, environmental documents will be prepared for individual actions within these categorical exclusions if the exceptions listed in 516 DM 2.3A(3) apply.

- 1.1 Personnel actions and investigations and personnel services contracts.
- 1.2 Internal organizational changes and facility and office reductions and closings.
- 1.3 Routine financial transactions, including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, and audits.
- 1.4 Law enforcement and legal transactions, including such things as arrests; investigations; patents; claims; legal opinions; and judicial proceedings including their initiation, processing and/or settlement.
- 1.5 Regulatory and enforcement actions, including inspections, assessments, administrative hearings, and decisions; when the regulations themselves or the instruments of regulations (leases, permits, licenses, etc.) have previously been covered by the NEPA process or are exempt from it.
- 1.6 Non-destructive data collection, inventory (including mapping), study, research and monitoring activities.
- 1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance, and replacement.
- 1.8 Management, formulation, and allocation of the Department's budget at all levels. (This does not exempt the preparation of environmental documents for proposals included in the budgwet when otherwise required.)

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Manual Release 145  
Replaces: MR 140 3/22/83

516 DM 6 Appendix 7

NATIONAL PARK SERVICE CATEGORICAL EXCLUSIONS.

7.4 In addition to the actions listed in the Departmental categorical exclusions outlined in Appendix 1 of 516 DM 2, many of which the Service also performs, the following NPS actions are designated categorical exclusions unless the action qualifies as an exception under 516 DM 2:

A. Actions Related to General Administration

- (1) Changes or amendments to an approved action when such changes would cause no or only minimal environmental impact.
- (2) Land and boundary surveys.
- (3) Minor boundary changes.
- (4) Reissuance/renewal of permits, rights-of-way or easements not involving environmental impacts.
- (5) Conversion of existing permits to rights-of-way, when such conversions do not continue or initiate unsatisfactory environmental conditions.
- (6) Issuances, extensions, renewals, reissuances or minor modifications of concession or permits not entailing new construction.
- (7) Commercial use licenses involving no construction.
- (8) Leasing of historic properties in accordance with 36 CFR 18 and NPS-38.
- (9) Preparation and issuance of publications.
- (10) Modifications or revisions to existing regulations, or the promulgation of new regulations for NPS-administered areas, provided the modifications, revisions or new regulations do not:
  - (a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
  - (b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

- (c) Conflict with adjacent ownerships or land uses; or
  - (d) Cause a nuisance to adjacent owners or occupants.
- (11) At the direction of the NPS responsible official, actions where NPS has concurrence or coapproval with another bureau and the action is a categorical exclusion for that bureau.

B. Plans, Studies and Reports

- (1) Changes or amendments to an approved plan, when such changes would cause no or only minimal environmental impact.
- (2) Cultural resources maintenance guides, collection management plans and historic furnishings reports.
- (3) Interpretive plans (interpretive prospectuses, audio-visual plans, museum exhibit plans, wayside exhibit plans).
- (4) Plans, including priorities, justifications and strategies, for non-manipulative research, monitoring, inventorying and information gathering.
- (5) Statements for management, outlines of planning requirements and task directives for plans and studies.
- (6) Technical assistance to other Federal, State and local agencies or the general public.
- (7) Routine reports required by law or regulation.
- (8) Authorization, funding or approval for the preparation of Statewide Comprehensive Outdoor Recreation Plans.
- (9) Adoption of approval of surveys, studies, reports, plans and similar documents which will result in recommendations or proposed actions which would cause no or only minimal environmental impact.
- (10) Preparation of internal reports, plans, studies and other documents containing recommendations for action which NPS develops preliminary to the process of preparing a specific Service proposal or set of alternatives for decision.
- (11) Land protection plans which propose no significant change to existing land or visitor use.
- (12) Documents which interpret existing mineral management regulations and policies, and do not recommend action.

C. Actions Related to Development

- (1) Land acquisition within established park boundaries.
- (2) Land exchanges which will not lead to significant changes in the use of land.
- (3) Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails.
- (4) Routine maintenance and repairs to cultural resource sites, structures, utilities and grounds under an approved Historic Structures Preservation Guide or Cyclic Maintenance Guide; or if the action would not adversely affect the cultural resource.
- (5) Installation of signs, displays, kiosks, etc.
- (6) Installation of navigation aids.
- (7) Establishment of mass transit systems not involving construction, experimental testing of mass transit systems, and changes in operation of existing system (e.g., routes and schedule changes).
- (8) Replacement in kind of minor structures and facilities with little or no change in location, capacity or appearance.
- (9) Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc., on existing roads.
- (10) Sanitary facilities operation.
- (11) Installation of wells, comfort stations and pit toilets in areas of existing use and in developed areas.
- (12) Minor trail relocation, development of compatible trail networks on logging roads or other established routes, and trail maintenance and repair.
- (13) Upgrading or adding new overhead utility facilities to existing poles, or replacement poles which do not change existing pole line configurations.
- (14) Issuance of rights-of-way for overhead utility lines to an individual building or well from an existing line where installation will not result in significant visual intrusion and will involve no clearance of vegetation other than for placement of poles.

- (15) Issuance of rights-of-way for minor overhead utility lines not involving placement of poles or towers and not involving vegetation management or significant visual intrusion in an NPS-administered area.
- (16) Installation of underground utilities in previously disturbed areas having stable soils, or in an existing overhead utility right-of-way.
- (17) Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas.
- (18) Construction or rehabilitation in previously disturbed or developed areas, required to meet health or safety regulations, or to meet requirements for making facilities to the handicapped.
- (19) Landscaping and landscape maintenance in previously disturbed or developed areas.
- (20) Construction of fencing enclosures or boundary fencing posing no effect on wildlife migrations.

D. Actions Related to Visitor Use

- (1) Carrying capacity analyses.
- (2) Minor changes in amounts or types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations.
- (3) Changes in interpretive and environmental education programs.
- (4) Minor changes in programs and regulations pertaining to visitor activities.
- (5) Issuance of permits for demonstrations, gatherings, ceremonies, concerts, arts and crafts shows, etc., entailing only short-term or readily mitigable environmental disturbance.
- (6) Designation of trailside camping zones with no or minimal improvements.

E. Actions Related to Resource Management and Protection

- (1) Archeological surveys and permits, involving only surface collection or small-scale test excavations.
- (2) Day-to-day resource management and research activities.
- (3) Designation of environmental study areas and research natural areas.

- (4) Stabilization by planting native plant species in disturbed areas.
- (5) Issuance of individual hunting and/or fishing licenses in accordance with State and Federal regulations.
- (6) Restoration of noncontroversial native species into suitable habitats within their historic range, and elimination of exotic species.
- (7) Removal of park resident individuals of non-threatened/endangered species which pose a danger to visitors, threaten park resources or become a nuisance in areas surrounding a park, when such removal is included in an approved resource management plan.
- (8) Removal of non-historic materials and structures in order to restore natural conditions.
- (9) Development of standards for, and identification, nomination, certification and determination of eligibility of properties for listing in the National Register of Historic Places and the National Historic Landmark and National Natural Landmark Programs.

F. Actions Related to Grant Programs

- (1) Proposed actions essentially the same as those listed in paragraphs A-E above.
- (2) Grants for acquisition of areas which will continue in the same or lower density use with no additional disturbance to the natural setting.
- (3) Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical or cultural resources of the area; or the integrity of the existing setting.
- (4) Grants for construction of facilities on lands acquired under a previous NPS or other Federal grant provided that the development is in accord with plans submitted with the acquisition grant.
- (5) Grants for the construction of new facilities within an existing park or recreation area, provided that the facilities will not:
  - (a) conflict with adjacent ownerships or land use, or cause a nuisance to adjacent owners or occupants; e.g., extend use beyond daylight hours;

- (b) introduce motorized recreation vehicles;
  - (c) introduce active recreation pursuits into a passive recreation area;
  - (d) increase public use or introduce noncompatible uses to the extent of compromising the nature and character of the property or causing physical damage to it; or
  - (e) add or alter access to the park from the surrounding area.
- (6) Grants for the restoration, rehabilitation, stabilization, preservation and reconstruction (or the authorization thereof) of properties listed on or eligible for listing on the National Register of Historic Places, at their same location and provided that such actions:
- (a) will not alter the integrity of the property or its setting;
  - (b) will not increase public use of the area to the extent of compromising the nature and character of the property; and
  - (c) will not cause a nuisance to adjacent property owners or occupants.

## 516 DM 2.3A(3)

## EXCEPTIONS TO CATEGORICAL EXCLUSIONS

- (3) The following exceptions apply to individual actions within categorical exclusions. Environmental assessments must be prepared for actions which may:
- (a) Have significant adverse effects on public health or safety.
  - (b) Adversely affect such unique geographic characteristics as historic or cultural resources, park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.
  - (c) Have highly controversial environmental effects.
  - (d) Have highly uncertain environmental effects or involve unique or unknown environmental risks.
  - (e) Establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.

- (f) Be related to other actions with individually insignificant but cumulatively significant environmental effects.
- (g) Adversely affect properties listed or eligible for listing in the National Register of Historic Places.
- (h) Affect a species listed or proposed to be listed on the List of Endangered or Threatened Species.
- (i) Threaten to violate a Federal, State, or local or tribal law or requirements imposed for the protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.

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Manual Release 145  
Replaces: MR 140 3/22/83

4. Assurances. The Service will not approve any project which will result in the acquisition of real property and/or the displacement of any person unless the State is able to provide the assurances required by Sections 210 and 305 of the Act and the regulations in this Chapter 650.3. These assurances specify that:

- A. Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided under Sections 202, 203, and 204 of the Act (see Part 114-50, Attachment 650.3A).
- B. Relocation assistance programs offering the services described in Section 205 of the Act shall be provided to displaced persons (see Subpart 114-50.4 Attachment 650.3A).
- C. A survey and analysis of available replacement housing has been made in accordance with Department of the Interior Regulations, and that within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with Section 205(c)(3) of the Act (see Subpart 114-50, Attachment 650.3A).
- D. In acquiring real property, the State agency will be guided, to the greatest extent practical under State law, by the land acquisition policies set forth in Sections 301 and 302 of the Act (Subsection 114-50.313(b) and Section 114-50.1004 of Attachment 650.3A).
- E. Property owners will be paid or reimbursed for necessary expenses as specified in Sections 303 and 304 of the Act (Sections 114-50.306 and 114-50.310 of Attachment 650.3A).
- F. The affected persons will be adequately informed of the benefits available under Title II of the Act and the policies and procedures relating to the payment of such benefits (Section 114-50.311 of Attachment 650.3A).

Terms for compliance with these assurances are contained in the general provisions of the project agreement.

5. Responsibility of the State.

- A. The State has the responsibility for implementing the provisions of the Act and the regulations contained in this chapter. The official who has authority to represent and act for the State as the State's Liaison Officer for the Land and Water Conservation Fund program must keep participating State agencies advised on, and assure compliance with, all relocation and acquisition matters as they relate to the Act and these regulations.
- B. Project applications will contain an estimate of the number of individuals, families, businesses, and farms being displaced (see

Part II, Section A, item 9 and Part III, Section B, item 9 of Attachment 660.3A).

- C. The following documentation will be needed for each project which involves acquisition unless waived by the Service.
  1. Appraisal documentation including review material and written approval of the appraisal report;
  2. A copy of the written offer to purchase including a statement of just compensation (See Subsection 114-50.303 Attachment 650.3A);
  3. Relocation Plan, advisory services program and appeals procedure where displacement occurred;
  4. A statement of difference in value if the purchase price is greater than the approved appraisal of fair market value (see 675.2.6);
  5. Documentation showing that the owner or his designated representative has been given an opportunity to accompany the appraiser during his inspection of the property;
  6. Evidence that occupants of property acquired were furnished at the time of initiation of negotiations adequate information explaining their eligibility to payments under Title II of the Act (Section 114-50.311 of Attachment 650.3A);
  7. Copies of waivers where applicable (see Section 650.3.10);
  8. Appropriate claims forms and supporting documentation; and
  9. Evidence of purchase price and of title.
6. Service Action on Relocation and Acquisition Documents. Except for statements of difference in value and waivers to benefits, the Service will not generally require the documentation under 650.3.5C to be submitted at the time of billing unless otherwise requested. Waivers of documentation requirements will be requested by the State in accordance with 675.2.5. All required documentation should be kept on file in the office of the State Liaison Officer for purposes of audit and State inspections.
7. Relocation Plan. As outlined in Sections 114-50.402, and 114-50.500 of Attachment 650.3A, a relocation plan shall be developed for all areas or projects where land acquisition activities will cause displacement of persons from their dwellings, business, or farm operations. The relocation plan shall be undertaken during the planning phase of the project prior to the initiation of land acquisition negotiations for the project. Based on this plan, the State agency will proceed with a project only after it has been determined that within a reasonable period of time,

prior to displacement, decent, safe and sanitary housing will be available.

8. Appeals. Situations may occur when an applicant for payments under the Act will be aggrieved by a displacing agency's determination as to the applicant's eligibility for payment or the amount of payment. Each State shall establish procedures that provide for adequate review by the involved State agency of the concerns of the person aggrieved. The procedures should assure that a person aggrieved may have his application reviewed by the head of the State agency. The procedures should also provide for an appeals process that can be followed should decisions remain disputed following review by the head of the State agency. Each State Liaison Officer shall furnish to NPS a description of the review and appeal procedures established by the State.

The State should provide for possible resolution of an appeal by the displacing agency with a final appeal to the State. The procedures shall insure that:

- A. Each appellant applicant has the opportunity to present the basis of disagreement with the displacing agency's determination of eligibility for payment or the amount of payment.
  - B. Each appeal will be decided promptly.
  - C. Each appeal decision will include a statement of the reasons upon which it is based and a copy of such decision will be furnished the appellant.
  - D. Each appellant applicant has a final appeal to the State.
  - E. All eligible relocatees shall be furnished a written notice of their right to appeal. Such notification may be provided by brochure if the right to appeal is adequately described therein.
9. Appraisals.

- A. Reference is made in Section 114-50.305 of Attachment 650.3A to the current Uniform Appraisal Standards for Federal Land Acquisition. Copies of these standards are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402--price 35 cents.

Policies respecting methods of acquisition and appraisal as set forth in Section 675.2.1 conform with these standards and are to be followed. The abbreviated appraisal as set forth in Section 675.2.6B., will be acceptable for use for projects which involve acquisition with a value estimated between \$5,000 and \$25,000. Where a parcel has a value of less than \$5,000 the Service will accept a written finding of value as set forth in Section 675.2.6C.

- B. Except for projects involving donations, the State will have responsibility for reviewing and approving project-related appraisals prior to initiation of negotiations (see Section 675.2.5). NPS reviews will be limited to spot checking and post audit program reviews. NPS reviews shall include an evaluation of the adequacy of the appraisal in terms of thoroughness, reasonableness, impartiality and conformance to the Uniform Appraisal Standards for Federal Land Acquisition. Where the review results in substantive concerns as to the adequacy of the approved appraisal, the State Liaison Officer will be responsible for providing NPS with supplemental appraisal documentation or a new appraisal in accordance with the review findings. The value established by the revised or new appraisal will be used as the basis for determining just compensation and for matching assistance.

10. Acquisition at less than Just Compensation. Only in unusual circumstances will real property be acquired at less than established just compensation as determined, at the minimum, by an approved appraisal.

Nothing in these regulations is to be construed to prevent or deter a property owner from making a full or partial donation of property. In the case of donations, full compliance is not practicable with regard to making a prompt offer to acquire the property for the full amount so established as just compensation.

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. This documentation relates only to acquisition. 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 partial or full, as required by Section 675.2.5E.

11. Annual Report. Section 114-50.1200 of Attachment 650.3A requires each Bureau and Office within the Department having responsibilities for federally assisted programs that come within the purview of P.L. 91-646 to prepare and submit an annual report on its activities by not later than December 1 of each year to the Assistant Secretary--Management and Budget. In order to accumulate the required statistical data, copies of Annual Report on Relocation and Real Property Acquisition Activities; and the Residential Relocation Displacement Statistics Form will be submitted in accordance with Section 675.5.7 of this Manual.

12. State Agency. For purposes of this part and its appendices, State agency shall include any department, agency, or instrumentality of a State or of

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Manual Release 145

Replaces: MR 142 6/27/84  
MR 140 3/22/83, PD 11/1/77  
MR 125 12/14/73

- A. General. The provisions of this Chapter shall apply to the areas of impact (see Section 650.4.2 H) within active and proposed Land and Water Conservation Fund-assisted actions. The procedures contained within this Chapter shall be incorporated and carried out as an integral component of the NEPA process. Use of the environmental certification procedure for categorical exclusions (see Chapter 650.2) does not exempt the project from compliance with this Chapter. States are responsible for carrying out these procedures as early as possible during project formulation stages and prior to project submission to NPS in order to ensure that cultural resources are considered in project planning and so that unnecessary delays are avoided. Further guidance is provided in Section 650.4.10.
- B. Development Projects. Compliance with this Chapter must be complete prior to submission of the project application to NPS.
- C. Acquisition Projects. Whenever possible, the State shall comply with these procedures prior to undertaking and Fund-assisted acquisition by utilizing one of the following options:
- (1) Prior to final billing or the commencement of development if it precedes the final billing, the State shall comply with the procedures of this Chapter within the area of impact. Necessary compliance will be Fund-assisted with the exception of mitigation costs.
  - (2) Alternatively, the State may defer compliance until after final billing but prior to actual development. At such time, the State shall comply with the procedures of this Chapter within the proposed project's area of impact. In this instance, compliance will not be Fund-assisted unless the development occurs as part of a L&WCF project.
- D. Assurance. By submitting a project application the State is making the following assurance. The State shall also require that this assurance be provided by the project sponsor if it has not been otherwise included with the State/sponsor agreement:

The State shall assist the NPS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 et seq.), Executive Order 11593, and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.), as amended, by (a) consulting with the State Historic Preservation Office and with the State on the conduct of any necessary investigations to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are within the proposed area of impact of the proposed action (see 36 CFR Part 800), to conduct such investigations and to notify the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties. The State further agrees to acquire this assurance from local project sponsors.

E. Interim Use. Until such time as compliance with this chapter is completed, project sponsors will assure the protection of cultural resources on lands under their control acquired or proposed for development with Land and Water Conservation Fund assistance. Interim use may include only non-land disturbing activities or the replacement or renovation of existing structures which do not meet National Register criteria. Failure to protect cultural resources constitutes grounds for denial of Land and Water Conservation Fund assistance.

5. Cost Sharing.

A. Acquisition Projects. Cost for mitigation actions related to an acquisition project shall not be eligible for Fund assistance. All other costs incurred as a result of compliance with this Chapter, including preagreement costs of undertaking identification and evaluation measures, are eligible project costs and may be reimbursable in accordance with part 670 and Section 650.4.3C.

B. Development Projects.

- (1) All costs incurred as a result of compliance with this Chapter, which do not involve costs for mitigation, are eligible project costs and may be reimbursable in accordance with Part 670 and Section 650.4.3C.
- (2) Costs incurred for mitigation undertaken as a result of a memorandum of agreement entered into pursuant to 36 CFR 800 or mitigation for resources discovered during L&WCF project development may be reimbursable through the L&WCF on a 50-50 matching basis provided that sufficient and timely funding is unavailable under the provisions of the Archeological and Historic Preservation Act of 1974 (P.L. 93-291), as amended. Mitigation, whether Fund-assisted or not, shall be the responsibility of the State and shall be conducted in a manner consistent with Department of the Interior guidelines for recovery of scientific data (36 CFR 66), and the Secretary of the Interior's Standards for Historic Preservation Projects (36 CFR 68). Since destruction of cultural resources constitutes an irreplaceable loss, failure to provide for necessary mitigation constitutes grounds for denial of L&WCF assistance.

5. Compliance Procedures.

A. NPS Responsibility. The NPS, in consultation with the SHPO, is responsible for determining whether a project proposed for L&WCF assistance will affect a property in or eligible for listing in the National Register.

- B. State Responsibility. It shall be the responsibility of the State to implement, or cause to be implemented, the provisions of this Chapter on behalf of and with the concurrence of NPS.
- C. Identification of National Register and Eligible Properties. The State shall identify or cause to be identified, any National Register or eligible property located within the area of impact of a project proposed for assistance under the provisions of the Land and Water Conservation Fund Act, as amended, and which may be affected by the proposed project.
- (1) As a first step, the State will consult the State Historic Preservation Officer, published lists of current and eligible National Register properties, published records, and individuals or organizations with historical and cultural expertise, to determine whether historic and cultural properties are known or suspected to be within those portions of the project area which may be affected. Should the SHPO not respond within 30 days (or a longer, previously agreed upon review period) to a request for information and/or a recommendation as to the need for a survey and survey methods to be employed, the State may continue with these procedures. Information and recommendations provided by the SHPO shall be based on existing information in accordance with the responsibilities of the SHPO as provided for in 36 CFR 61.

The requirement to consult with the SHPO is independent of the State's intergovernmental review system. In addition, the State must assure that the SHPO is provided sufficient information (such as maps, project descriptions, environmental data) to permit a determination as to the need for, as well as the extent and intensity of, a survey.

- (2) After due consideration of the information obtained pursuant to Section 650.4.5C(1) and prior to project approval, the State shall, in consideration of SHPO recommendations, take appropriate action. Such action may include the undertaking of a professional survey of all or part of the project area which may be impacted by the project if the area has not previously been adequately surveyed (see Section 650.4.10.).
- (3) In consultation with the SHPO, the State shall apply or cause to be applied, the National Register eligibility criteria as specified in 36 CFR 60 to all properties that may possess any historical, archeological, architectural, engineering or cultural value within those portions of the project area which may be affected. Should the SHPO not respond to a request for consultation within 30 days, the State may proceed in carrying out the requirements of this Chapter.

- D. Consideration of Effect. If properties are identified which are on the National Register or appear to meet National Register eligibility criteria, the State shall, in consultation with the SHPO, apply or cause to be applied, the criteria of effect in accordance with 36 CFR 800.3(a). Should the SHPO fail to respond within 30 days (or a longer previously agreed upon time) to a request for consultation, the State, with the concurrence of the NPS Regional Director, may proceed in carrying out the requirements of this Chapter.
- (1) If it is determined that the project will not have an effect on the National Register or potentially eligible properties, the State shall retain such documentation and the State may proceed in accordance with 36 CFR 800.4(b)(1).
  - (2) If it is determined that the project will not have an adverse effect on the National Register or potentially eligible properties, the State and project sponsor shall, in consultation with the SHPO, determine whether the project can be modified or relocated at little or no cost to avoid the effect. Wherever possible, such modification/relocation should be implemented.
- E. Determination of Eligibility. Should any unlisted property which may be affected by a project as defined in 36 CFR 800 be identified as being potentially eligible for listing on the National Register, the NPS Regional Director, in consultation with the SHPO, shall request a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR (to be reissued as part of 36 CFR 60). A Determination of Eligibility may be requested prior to applying the criteria of effect.
- F. Determination of Effect. If it is determined that the project will have an effect on properties in or eligible for inclusion in the National Register, the State, in consultation with the SHPO, shall apply or cause to be applied the Criteria of Adverse Effect in accordance with 36 CFR 800.3(b). Should the SHPO fail to respond within 30 days (or a longer previously agreed upon time) to a request for consultation, the NPS Regional Director may make such a determination in consultation with the applicant.
- (1) If it is determined that the proposed project will not have an adverse effect on properties listed on or eligible for inclusion on the National Register, NPS shall forward adequate documentation, as provided by the State, to the SHPO and to the Executive Director of the Advisory Council on Historic Preservation in accordance with 36 CFR 800.4(c) and 36 CFR 800.6(a). Unless the Executive Director objects within 30 days after receipt of an adequately documented determination, the project may be approved.
  - (2) If the NPS in consultation with the State determines that the effect on a property on or eligible for inclusion in the National Register

will be adverse, the State shall prepare or cause to be prepared a Preliminary Case Report in accordance with 36 CFR 800.13(b). NPS shall submit the report to the Advisory Council with a request for comments, and notify the SHPO of this request. Consultation shall proceed in accordance with 36 CFR 800.6.

- (3) NPS shall not approve a proposed project until comments have been received from the Advisory Council on Historic Preservation, if it has been determined that the proposed project will have an adverse effect on a property in or eligible for inclusion in the National Register.
  - (4) If any project may have an adverse effect on any site listed or eligible for listing in the National Register, it may not be submitted to the NPS under the consolidated grant procedures (see Chapter 660.1).
6. Resources Discovered During Construction. If cultural resources are discovered during project construction on lands acquired or being developed with L&WCF assistance, the following actions shall take place:
- A. The project sponsor shall suspend construction activities which may affect the resources and immediately notify the State.
  - B. The State will notify the appropriate NPS Regional Office and the State Historic Preservation Officer. Telephone notification followed by a telegraphic abstract of the situation and request for appropriate action shall constitute notification.
  - C. The NPS Regional Director will immediately notify the Department Consulting Archeologist (DCA). Within forty-eight hours of notification, the DCA, in consultation with the Regional Director, will investigate the situation and recommend appropriate actions pursuant to P.L. 93-291 and 36 CFR 800.
7. Data Recovery. When it is determined that the project will have an adverse effect on a property in or eligible for listing in the National Register, all feasible and practicable alternatives to avoid or beneficially incorporate the cultural resources into the project should be considered. If NPS, in consultation with the ACHP and the SHPO, determines there is no alternative but to recover the scientific, prehistoric, historical or archeological data, such recovery shall be conducted in accordance with 36 CFR 800.6 and pursuant to a Memorandum of Agreement and be consistent with the Department of Interior "Statement of Program Approach" for implementation of P.L. 93-291 (44 FR 18117). In the event that timely funding under P.L. 93-291 is unavailable, such data recovery costs may be assisted in accordance with Section 650.4.4.
8. Categorical Exclusions. The following types of projects are exempted from compliance with the requirements of this Chapter:

- A. Planning projects.

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Manual Release 145

Replaces: MR 142 6/27/84

- B. Development projects which entail only the replacement, renovation or rehabilitation of existing facilities when such facilities do not meet the criteria for listing in the National Register and when such facilities will not be relocated or enlarged in area dimensions.
9. Destruction of Cultural Resources Prohibited. Destruction of any site or property on or eligible for inclusion on the National Register prior to or in anticipation of applying for L&WCF assistance shall constitute grounds for denial of L&WCF assistance.
10. Further Guidance. This Section is intended to provide further guidance to States and project sponsors. The following are not rigid requirements, but should be viewed as performance standards. Users should consult the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation for additional information.
- A. Determining the Need for a Survey

The decision regarding the need for, and extent of an identification survey should reflect consideration of a professional judgement by the SHPO and the nature of the proposed L&WCF project. In the event that the SHPO does not provide assistance or comments, the decision should reflect the judgement of qualified professionals within the appropriate disciplines of history, architectural history, and/or archeology (refer to 36 CFR 61, for guidance in selecting qualified professionals). The decision whether or not to undertake the survey will ordinarily require an interdisciplinary appraisal to ensure that properties of potential cultural significance are fully considered.

Key factors in determining the necessity for an identification survey are 1) the probability of encountering historic and cultural sites as determined by an evaluation of existing data, (i.e., literature, geology/geography), and 2) whether the proposed project may affect a historic or potentially historic site (Criteria of Effect are defined in 36 CFR 800.3(a)).

- (1) A survey will normally be necessary when a literature search, geographic location, comments from the SHPO, or evidence from a previous reconnaissance survey indicate that there is a probability of encountering archeological or historic resources in the project area. A survey will be required if archeological and historic sites are known to be present but the area has not been adequately surveyed. If evidence from a previous reconnaissance survey indicates there is a likelihood of locating cultural resources in the project area, an intensive survey will be necessary prior to development.
- (2) A survey will not normally be necessary for projects under the following circumstances:
- (a) When the proposed project area has been adequately surveyed by professionals within the appropriate discipline.

- (b) When there is substantive evidence that the probability of encountering cultural resources in a proposed project area is highly unlikely. Examples of such evidence would include, but are not limited to: 1) evidence from a previous reconnaissance survey, which indicates that there is little likelihood of locating cultural resources in the project area, or 2) documentation or other evidence that the area has been previously impacted by land-altering or other activities to such an extent as to preclude the presence of cultural resources.

When considering archeological resources, disturbed areas should be accorded the same thought and attention as undisturbed areas and not necessarily be categorically excluded from being surveyed. This is because experience has demonstrated that disturbances are often superficial and that important historic and prehistoric archeological sites may exist beneath the disturbed surface.

- (c) When no land-altering actions are involved in the project; e.g., when it includes only the replacement or renovation of existing non-historic facilities.

#### B. Conducting the Survey

For acquisition projects it is recommended that, when feasible, any necessary surveys take place prior to project approval or prior to final billing. The exact nature of the survey activities will vary depending on the planning stage, the nature of the undertaking, the area of project impact, and the natural and cultural setting. The following process will usually be appropriate.

##### (1) Background Research and Evaluation of Existing Data

Very few areas of the Nation have as yet been systematically surveyed for historic and archeological properties. Hence, documentary research alone will seldom be adequate. Still, this is normally the most useful starting point. Such research will yield information about both known historic resources and the level of knowledge about the resources of an area.

Because of its specialized nature, this research should be undertaken by professionals. Historians, architectural historians, historical architects, and/or archeologists may be required, depending in the particular situation. The work will, at a minimum, involve consultation of the current list of National Register-eligible properties maintained by the State Historic Preservation Officer (SHPO), and consultation with local specialists and other knowledgeable individuals. It will also involve examination of published and unpublished documentary sources.

The background research should provide data about: (a) the presence of known historic and archeological properties, (b) the probability of the existence of as yet undiscovered resources within the project area, and their probable nature and distribution and (c) the preservation and research needs and priorities in the particular region. Finally, (d) this background evaluation should determine if a further historic resource survey will be needed to provide the agency with adequate planning data.

## (2) Field Inspection

If background research and evaluation of existing data fail to produce information sufficient for project planning and historic resource management purposes, then it should be conducted by qualified personnel using a systematic research approach, and maintaining adequate records. In general, the nature of the field inspection will be affected by the level of project planning and results of previous studies.

Many different types of field inspection may be appropriate in different situations. For example:

- (a) Architectural resources can often be located through walk-or drive-through inspections: in some cases, particular areas may be adequately characterized by spotchecks.
- (b) In cases where it seems unlikely that cultural resources will be encountered but no documentation is available to support this prediction, a reconnaissance survey may be the only survey necessary to verify the presence or absence of cultural resources within the project boundaries.
- (c) When project areas are small and reconnaissance surveys indicate that cultural resources are not likely to occur, projects may proceed with this level of investigation.
- (d) If the probability of encountering cultural resources is high and the project area is relatively small, it would be more cost effective and less time consuming to proceed with a single survey, while combining the features of both the reconnaissance and the intensive survey.

## (2) Reconnaissance Survey

A reconnaissance survey is designed to provide a general impression of an area's historic properties and their values, and involves small-scale field work relative to the size of the area which may be impacted. A reconnaissance survey is not designed to provide sufficient data to insure identification of all historic properties in an area. Rather, it would aid the project administrator to:

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Manual Release 145

Replaces: MR 142 6/27/84

TYPES OF APPLICATIONS

1. General. There are three types of applications to be used by the States in requesting L&WCF Assistance from the Service: the Complete Single Project, the Consolidated Grant, and the Streamlined Single Project. These application types vary in the amount of documentation required for submittal to the Service and in the extent of review by the Service for compliance with program requirements.
2. Complete Single Project. This application requires the States to submit to the Service all information which has a significant bearing on the project for complete review by the Service in determining compliance with program requirements. This type of application must be used by all SCORP Planning projects and by proposals for the Secretary's Contingency Reserve Fund.
  - A. Documentation to be submitted to the Service for a Complete Single Project application includes the following:
    - (1) Project Agreement (original and one hand-signed copy plus one other copy);
    - (2) A Description and Notification Form (DNF) (original);
    - (3) E.O. 12372 comments (one copy);
    - (4) Environmental information in accord with Chapter 650.2 requirements (one copy);
    - (5) A Standard Form 424 (OMB Form 29-R0218) and OMB 80-R0184 Form (one signed copy);
    - (6) A dated project boundary map in accordance with Section 660.2.6 and a location map (one copy each);
    - (7) Parcel maps and/or development plan including floor plans as appropriate (one copy each);
    - (8) DI 1350 - Title VI Assurance of Compliance (one copy with original signature);
    - (9) Acquisition schedule which identifies parcel(s) to be acquired, acreage, and estimated value (one copy);
    - (10) On-site inspection report in accord with the on-site inspection agreement (one copy);

- (11) A SCORP reference to indicate how the project meet priority outdoor recreation needs as identified in the Statewide Comprehensive Outdoor Recreation Plan and Action Program (one copy);
  - (12) All other information which has a significant bearing on the project.
3. Consolidated Grant. A consolidated grant may encompass a number of project elements (i.e. single projects) under one application and agreement. Each element of a consolidated grant may consist of acquisition and/or development projects sponsored by State and/or local public agencies. A State may include all or a portion of its available apportionment during a fiscal year under one consolidated grant. A consolidated grant must contain at least five (5) project elements.
- A. Documentation to be submitted to the Service for a consolidated grant will be limited to the following:
- (1) Project agreement covering the consolidated grant as a whole (original and one hand-signed copy plus one other copy);
  - (2) A Description and Notification Form for each project element (original);
  - (3) E.O. 12372 comments for each project element, (one copy);
  - (4) Environmental information in accord with Chapter 650.2 requirements for each project element of the consolidated grant (one copy);
  - (5) A Standard Form 424 for the consolidated grant as a whole (original);
  - (6) A dated project boundary map in accordance with Section 660.2.6 for each project element (where the map does not adequately show project location, a location map will be provided.); and
  - (7) A SCORP reference for each project element to indicate how the project meet priority outdoor recreation needs as identified in the Statewide Comprehensive Outdoor Recreation Plan and Action Program (one copy);
- B. Documentation to be retained by the State for a consolidated grant is as follows:
- (1) One Project Approval Information Form, Parts II - V (OMB 80-R0184) will be completed for the consolidated grant as a whole;

- (2) All documents required for a Complete Single Project Application (see Section 660.2.A.) will be completed for each project element; and
  - (3) All other information required by the L&WCF Manual.
- C. Flexibility. The consolidated grant allows the State to adjust funding levels and to add or withdraw project elements in accord with the following guidelines:
- (1) The State may shift funds between project elements to increase an element's L&WCF assistance (as indicated in the Description and Notification Form) by no more than 50 percent of the original L&WCF assistance level. Increases beyond this limitation will require an amendment approved by the Service. Amendments will be required for changes to the L&WCF Fund amount indicated on the consolidated grant agreement. L&WCF assistance for any one project element may not exceed 50 percent of that element's total cost. Where a project element's funding is reduced, the State is responsible for assuring completion of a viable recreation project as agreed upon in the project scope.
  - (2) The State may include in the total cost of the consolidated grant a contingency fund not to exceed 10 percent of the sum of the cost of all project elements. The withdrawal of an element will not affect the original contingency amount. The amount included as a contingency will be indicated on the bottom of the first page of the project agreement.
  - (3) Project elements may be added by amendment to the consolidated grant only in the fiscal year in which the consolidated grant is approved.
  - (4) Project elements may be withdrawn from a consolidated grant unilaterally by amendment prior to the first billing for that project element. After the first payment and prior to project element completion, project elements may be terminated upon agreement of both the State and the Service by amendment. However, the provisions of Section 6(f) of the Land and Water Conservation Fund Act will apply to any lands acquired or developed with Fund assistance, even if the project element is terminated. (see Chapter 675.8).
- D. Exclusions. The following conditions will disqualify a project element for inclusion in a consolidated grant application.
- (1) The project element involves supplemental funding (see Section 670.1.5.).

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Manual Release 145  
Replaces: MR 140 3/22/83  
MR 144 11/29/85

- (2) The project element involves staged acquisition or development plans.
  - (3) The project element is funded from the Secretary's Contingency Reserve Fund.
  - (4) The project element involves a property eligible to be listed on the National Register of Historic Places (see Chap. 650.4) unless its inclusion in the consolidated grant is approved by the Service in consultation with the Advisory Council on Historic Preservation.
  - (5) The project element is a SCORP Planning project.
4. Streamlined Single Project. Under this option, the State will be required to submit only limited documentation for a single project. This option will be available for acquisition and development projects not exceeding \$100,000 in L&WCF assistance. (see Section 660.1.5).
- A. Documents to be submitted by the State to the Service for a Streamlined Single Project application include:
- (1) A Standard Form 424;
  - (2) Project agreement (original and one hand-signed copy plus one other copy);
  - (3) Environmental information in accord with Chapter 650.2 guidelines;
  - (4) A dated project boundary map in accordance with Section 660.2.6. (Where the map does not adequately show project location, a location map will also be provided);
  - (5) A Description and Notification Form; and
  - (6) A SCORP reference to indicate how the project meets priority outdoor recreation needs as identified in the Statewide Comprehensive Outdoor Recreation Plan and Annual Action Plan (one copy).
- B. All other documentation required for a Complete Single Project Application listed under Section 660.1.1A and pertinent information relating to other L&WCF Manual requirements will be retained by the State.
- C. Use of the Streamlined Single Project Application with unlimited funding may be allowed by the Regional Director (see Section 660.1.5).

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Manual Release 145

Replaces: MR 140 3/22/83  
MR 144 11/29/85

in the "scope narrative" and "fund amount" sections of the Description and Notification Form (see Section 660.2.7) will be part of the official project agreement for consolidated grants. Also the amount of contingency funds (see Section 660.1.3C(2)) included in the consolidated grant should be indicated at the bottom of the first page of the agreement form.

(2) For staged projects, the agreement form will indicate the amount of funding being requested for the first stage. Approval of additional funds for future stages will be handled as amendments to the project agreement.

C. Notification to the State. A signed copy of the approved agreement will be returned by NPS to the State Liaison Officer and will constitute necessary notification of project approval.

D. Local Sponsor Responsibilities. The agreement binds the Federal Government and the State to certain obligations. When the project sponsor is a local unit of government or an Indian Tribe, the State Liaison Officer will make such arrangements with the sponsor as necessary for the successful completion of the project and the enforcement of Federal laws and regulations.

6. Dated Project Boundary Map. In applying for L&WCF assistance the State will submit to the Service a dated project boundary map which clearly delineates the area to be included under the conversion provisions of Section 6(f)(3) of the L&WCF Act. (see 675.9.3.). For a consolidated grant, one dated project boundary map will be prepared for each project element.

A. Project Area. At a minimum, this area must be a viable public outdoor recreation area which is capable of being self-sustaining without reliance upon adjoining or additional areas not identified in the scope of the project. Except in unusual cases where it can be shown that a lesser unit is clearly a self-sustaining outdoor recreation resource, this area will be the park, open space, or recreation area being developed or added to. Exceptions will be made only in the case of larger parks where logical management units exist therein. In no case will the areas covered by Section 6(f)(3) of the Act be less than that acquired with L&WCF assistance.

B. Requirements. The project boundary map and/or attachments thereto will identify the following:

(1) The title and number of the project or project element.

(2) The date of map preparation.

(3) The area(s) under lease and term remaining on the lease(s).

(4) All known outstanding rights and interests in the area held by others. Known easements, deed/lease restrictions, reversionary interests, etc. are to be included. Those outstanding rights and interests which, in the opinion of the State, would not adversely impact the utility and viability of the recreation area if exercised and not intended to be included under the conversion provisions of Section 6(f)(3) of the Act should be specifically identified (see Sections 640.3.4 and 660.5.2C).

(5) The project area in sufficient detail so as to be legally sufficient to identify the lands to be afforded protection under Section 6(f)(3) of the Act. The following methods of identification are acceptable:

- Deed references.
  - Adjoining ownerships.
  - Adjoining easements of record.
  - Adjoining water bodies or other natural landmarks.
  - Metes and bounds.
  - Government survey.
- Where one or more of the above methods are not readily suited for area identification, measurements from permanent locators may be used. A formal survey is not required, however.

C. Review. Prior to final approval of a project, the Service will review and accept the dated project boundary map's identification of the area to be protected by Section 6(f)(3) of the Act as well as any land or rights in land excluded from that protection.

D. Alteration to Project Area. Prior to the date of final billing for the project or project element, the State and the Director may mutually agree to alter the project area to provide for the most satisfactory unit intended to be administered under the provisions of Section 6(f)(3), except that acquired parcels are afforded Section 6(f)(3) protection as L&WCF reimbursement is provided.

7. Description and Notification Form (DNF). The Description and Notification Form (see Attachment 660.3D) will be used to provide data input for the Service's automated project information system. Also, facility codes and target dates indicated on this form by the State will provide additional detail on the project.

The State will submit a Description and Notification Form for each single project or project element.

The Description and Notification Form will serve added functions for consolidated grants. The project scope for each project element listed in the consolidated grant agreement will be set forth in the "scope

9. Amendments. An amendment form (see Attachment 660.3C) is required to add to or alter the signed agreement. When the amendment is signed by the Service it becomes part of the agreement and supercedes it in the specified matters.

A. Amendments are required in the following situations:

- (1) To activate a qualified stage of a staged project (see Section 660.2.4). In this case, an amendment will be necessary each time funding is requested for the activation of another stage. The amendment will indicate the stage to which it applies and the amount of the new obligation.
- (2) To add or delete a project element of a consolidated grant.
- (3) To increase or decrease the total L&WCF assistance for a single project or consolidated grant.
  - (a) Unless a new element is added to a consolidated grant or an increase to an existing element exceeds the allowed flexibility provided in (4) below, added funds will be placed in the project's contingency (see 660.1.3C).
  - (b) Decreases in L&WCF assistance will be taken from a consolidated project's contingency or individual elements as specified by the State.
- (4) To increase the L&WCF assistance for a project element when it exceeds 50 percent of the element's original funding level, and for every increase thereafter. (see Section 670.1.4).
- (5) To add or delete a Primary Facility Group of the project scope (see Section 660.2.7A and 670.1.4).
  - To increase or decrease the acreage to be acquired by more than 10 acres or 20 percent whichever is greater (see Section 660.2.7A). Any major change in the location of the project site to be acquired shall require approval by NPS.
- (6) To extend the project period.
- (7) To amend the project area due to a Section 6(f)(3) conversion that involves off site replacement land, replacement at a later date, or a significant number of acres to be converted (see Chapter 675.8).

B. Documentation. The following items should be submitted by the State to the Service when requesting an amendment:

- (1) An Amendment to the Project Agreement Form (see Attachment 660.3C) (3 copies, the original and one copy must be hand signed);

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Manual Release 145  
Replaces: MR 140 3/22/83  
MR 144 11/29/85

- (2) Standard Form 424 (one copy);
- (3) Letter explaining the changed conditions and how they affect the project;
- (4) Environmental information in accord with Chapter 650.2 (required only for amendments which may have an affect on the environment);
- (5) If an amendment to the project agreement, for both staged and non-staged projects, changes or adds to any information included in the initial application (OMB Form 80-R0184), the State shall prepare revised parts of the above form for those parts that are affected by the amendment. (see Attachment 660.3A).

The Service will complete the Description and Notification Form unless the Regional Office requests the State to do so.

When more than one project element of a consolidated grant is amended, only one Standard Form 424 for the consolidated grant will be required. The Service will attach a revised project element Description and Notification Form to the Standard Form 424 for notification purposes.

- C. Time Extensions. An amendment to extend the ending date of the project period cannot be made for less than one year [see also 660.2.7.B.(3)].
  - D. Unexpended Balance. Amendments are not necessary to return the unexpended balance, at the time of project completion, to the State's apportionment.
  - E. Consolidated Contingency Amount. When a consolidated project element is amended to increase the L&WCF amount, the increase will be taken from the consolidated grant contingency amount unless the State amends the consolidated grant's total L&WCF assistance to allow for the increase or indicates reductions to other elements. When a consolidated project element is deleted, the L&WCF assistance allocated to that element will be placed in the project contingency unless deobligated from the consolidated grant by amendment.
10. Withdrawal or Changes in Project Application. Prior to approval, an application may be altered or withdrawn by a letter from the State Liaison Officer to the Regional Office. The new material pertaining to a suggested change will be made a part of the application and will be evaluated in conformance with the criteria found in Chapter 660.5. A new project agreement may be required if the change is significant.

An approved project or project element can be withdrawn unilaterally by the State at any time before the first payment on the project or element is made. A project element must be withdrawn from a consolidated grant by amendment. Project elements can be added to a consolidated project only in the fiscal year in which the project is approved [see also 660.1.3.C.(3)].

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Manual Release 145

Replaces: MR 140 3/22/83

MR 145 11/29/85

INSTRUCTIONS FOR COMPLETING THE  
APPLICATION FOR FEDERAL ASSISTANCE FOR CONSTRUCTION  
PROGRAMS: FORMS SF 424 and OMB FORM 80-RO184

This form is used for development, acquisition and planning project applications. For consolidated grants, one application should be prepared for the grant request in its entirety. Description and Notification Forms will supplement the SF424 for consolidated grants and will contain site specific information for certain items, as identified in the following instructions.

## COVER SHEET (Standard Form 424)

1. Mark appropriate box. (The Service will use the "Report of Federal Action" box when reporting action on the application.)
2.
  - a. Applicant's own control number, if desired.
  - b. Date the section is prepared.
3.
  - a. Enter the control number assigned by the office of the State Single Point of Contact as part of the E.O. 12372 intergovernmental review (formerly A-95) process. If no number has been assigned, enter "SAI not available." If the reported action is exempt from E.O. 12372 coverage in the applicable State, enter "SAI exempt." If the State has no E.O. 12372 process, enter "N/A."
  - b. Enter date notified of SAI number, when applicable.
4.
  - a. Enter State name only. Example: Idaho.
  - b. Enter name and address of the applicant State agency. Example: Idaho Department of Parks and Recreation.
  - c. Enter address of the State agency/applicant.
  - d. Enter the name of the city in which the applicant described in 4.a. is located. Also enter the GSA four-digit numeric city code as it appears in column 10 of FIPS Publication No. 55 which may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, or by calling (703) 487-4650.
  - e. Enter the name of the county in which the applicant is located. Then enter the three-digit numeric county code as it appears in column 3 of FIPS Publication No. 55.
  - f. Enter the name of the state in which the applicant is located. Then enter the two-digit numeric state code as it appears in FIPS Publication No. 55.
  - g. Enter the five-digit Postal Service numeric code for the city in which the applicant described in 4.a. is located.

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Manual Release 145Replaces: MR 142 6/27/84  
MR 144 11/29/85

h. Contact Person                      Name and telephone number of person who can provide further information about this request.

5. Not applicable, write "N/A."

6. a. The Federal Catalog No. is 15.916 for all projects including comprehensive statewide outdoor recreation planning projects. If additional Federal assistance will be provided through a supplemental grant, enter the amount in item 13e and identify the supplemental grant program in item 21.

b. Enter "Outdoor Recreation-Acquisition, Development, and Planning."

7. Title and Description of Sponsor's Project. Care should be taken to assure that no more than 145 characters are used in item 7. The title refers to the individual project proposal rather than the grant name (L&WCF). It should be limited to 36 characters. Because of the character limitation, the description following the project title should begin with the most relevant information. Include key words indicating major elements of project, such as "campground," "picnic areas," "bicycle trail," etc.

Enter Project Sponsor's Name and Address (after the Title and Description) in the lower part of Item 7. Example: Seattle Department of Parks and Recreation, 210 Municipal Building, Seattle, Washington 98104.

8. The State is always the applicant. Enter letter "A" in the box and "00" to the immediate left of "Enter appropriate letter."

9. Enter the name of the governmental unit (State, county, or city) where the project's most significant unit of impact will be observed. Beneath the name, enter a seven character code structured as follows:

a. The first two characters represent the State's two-digit FIPS code.

b. If the principal project location (area of impact) is in a city or town, the final five characters should represent the five-digit numeric "Place Code" appearing in column 1 of FIPS Publication No. 55. (Do not enter the GSA city code used in 4d.) For example, Wrangell, Alaska, would be "0286380," and Sublimity, Oregon would be "4170700."

c. If the principal project location is considered to be a county rather than a city or town, the final five characters should be structured as follows:

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Manual Release 145

Replaces: MR 142      6/27/84  
            MR 144      11/29/85

- i. Characters 3 and 4 should be asterisks ("\*\*").
- ii. Characters 5-7 should represent the three-digit numeric county code as it appears in column 3 of FIPS Publication No. 55.

As an example, Caribou County, Idaho, would be coded "16\*\*029," and Walla Walla County, Washington, would be coded "53\*\*071."

- d. For Statewide projects, enter the two-digit State code followed by five asterisks. For example, a Statewide project in Idaho would be coded "16\*\*\*\*\*."
10. Not applicable, write "N/A."
11. Two letters are entered unless the action is a time extension. See note below 11.b.
- a. Enter only "A" in the first box.  
  
"A" Basic Grant - an original request for Federal funds.
  - b. Enter the appropriate code letter for the Federal Assistance Award Data System (FAADS) above the box. Note that the FAADS alpha codes do not necessarily represent the same actions denoted by the alpha code printed on the 424. Use one of the following codes:  
  
"A" - New assistance award  
  
"C" - Revision (change in Federal financial obligation)  
  
"D" - Funding adjustment to a completed project  
  
Note: Actions not involving financial assistance (such as amendments to extend the grant expiration date) do not require a FAADS entry.
12. Amount requested or to be contributed during the initial project by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation under item 14.) indicate only the amount of change. For a decrease in dollar amount enclose the amount in parenthesis. If both basic and supplemental amounts are included, break them out in the remarks Section IV. Item definitions:
- 12.a. - amount requested from Federal Government;
  - 12.b. - will not be used because the State is always the applicant;
  - 12.c. - amount applicant (State) will contribute;
  - 12.d. - amount from local government;
  - 12.e. - amount from any other sources - explain in remarks.
- (For consolidated projects, these amounts will reflect the sum of all elements.)

13. a. Enter Congressional District in which State agency listed in 4.b. is located. Must be a two digit code.  
Example: "03". Enter "00" for district at-large.
- b. Enter Congressional District of project location. Must be a two digit code, as above. If the project covers more than four districts, enter "see attached," and attach a sheet listing all Congressional districts in which the project is located.
14. Complete only for revisions or augmentations. When an element is added to a consolidated project, type "new element" under "E."  
Use only:
  - C - Revision. A modification to project nature or scope which may result in funding change ( increase or decrease).
  - E - Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period.  
Project nature and scope unchanged.
15. Approximate date project expected to begin (usually associated with estimated date of availability of funding).
16. Estimated number of months to complete project after Federal funds are available.
17. Enter appropriate letters which apply to the type of change if 14C or 14E.
18. Estimated date application will be submitted to the National Park Service. (use "yy mm dd" format - see item 29.)
19. Indicate name, city, State, and zip code of applicable National Park Service Regional Office to which this request is sent.
20. Indicate previously assigned Land and Water Conservation Fund grant number for amendments, withdrawals, cancellations, etc. Otherwise write "N/A."
21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached. To indicate that no Federal funds other than L&WCF Funds are included in the project proposal, check "yes," and type "See Below" in item 21. Then, in the space on the bottom of the form, add the phrase "There are no other Federal funds involved." (If other Federal funds are included in the proposal, they should be identified in item 12e.)
22. Enter the intergovernmental review information appropriate for the State.
23. a. Name and title of authorized representative of legal applicant (State Liaison Officer or designee).
- b. Self explanatory.

SECTION III (Items 24-33) will be completed by the National Park Service as follows:

24. Self-explanatory.
25. Enter N/A.
26. Federal Grant Identification. Enter the appropriate unique grant number minus hyphens. For amendment to existing grants, enter the grant number followed by a decimal point and the applicable sequential amendment number. For instance, enter ".3" after the grant number for the third amendment to a grant.
27. Self-explanatory.
28. Funding. For new awards, enter the amount to the nearest dollar contributed from each applicable source. For amendments reducing funding, enter a minus sign "(-)" in parentheses followed by the appropriate amount rounded to the nearest dollar. Funding changes must be discussed in item 7 within the 145 characters for FAADS data.
29. Action Date. Enter the date of the applicable action in a "yy mm dd" (last two digits of the year; the numeric month; and the day) format. If the month or day is less than the tenth, the first digit should be a zero. Therefore, January 9, 1984, would appear as "84 01 09." Refer to the statement following instructions for box 32. for further information on change in dollar amount following ending date as the result of an audit.
30. Starting Date. Enter the date (in a "yy mm dd" format) that funds will become/became available for use (frequently the date that the grantee may begin to incur costs). The starting date may precede the action date if retroactive costs may be incurred.
31. Contact. National Park Service project officer and FTS telephone number.
32. Ending Date. Enter the date (in a "yy mm dd" format) beyond which no costs under the grant may be incurred (grant expiration date).  
  
If occasions arise where, after the ending date, an audit is conducted and a change in dollar amount results, the ending and action date (box 29.) should be changed accordingly. In addition, item 7. (project description) should indicate that the dollar change is due to an audit finding.
33. Check appropriate box as to whether Section IV of form 424 contains Federal remarks and/or an attachment of additional remarks.

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Manual Release 145

Replaces: MR 142 6/27/84

PART II - SECTION A

Note: Shaded areas of the OMB 80-R0184 are not applicable to the  
Land and Water Conservation Fund Program

1. Not applicable.
2. Not applicable.
3. Complete in regard to E.O. 12372 requirements instead of A-95.
4. Not applicable.
5. Self explanatory.
6. Not applicable.
7. Self explanatory. (For consolidated projects, enter project element number as appropriate.)
8. Check yes. (See Chapter 650.2 for instructions for preparing environmental information.)
9. Self explanatory. (For consolidated projects, identify elements which may cause displacement.)
10. If yes is checked, list prior, pending or anticipated assistance. (For consolidated projects, identify elements as appropriate.)
11. Self explanatory. (For consolidated projects, identify elements as appropriate.)

PART II - SECTION B

11. Check attached as exhibits and include copies of State, county or city maps showing geographic location of project or project element. For acquisition projects and project elements, include a schedule listing the parcels to be acquired, estimated acreage of each, the estimated value of land and improvements of each parcel and the estimated date of acquisition of each parcel. (For consolidated projects, only location maps will be submitted.)
12. Check applicant.
13. Self Explanatory. (Identify elements in a consolidated project where fee simple title is not held by the sponsor.)

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Manual Release 145

Replaces: MR 140 3/22/83,  
MR 142 6/27/84

- 22. Same as Item 20.
- 23. Self Explanatory.
- 24. Self Explanatory.
- 25. Total of Items 22, 23 and 24.

## PART III - SECTION C

Not applicable.

## PART III - SECTION D

Self Explanatory. For consolidated projects, the amounts entered should reflect the sum of the elements. Note that grantee share will reflect local sponsor's share only when a consolidated project includes State and local elements. For all projects, the amount and specific type of funds used to match or supplement L&WCF assistance shall be specified.

## PART IV

Program narrative - Self explanatory for projects other than planning and consolidated projects.

For planning projects, applicants should respond to Item 3C in addition to those items not shaded. Item 5a should be expanded to show the relationship of the proposed project to other State comprehensive planning completed, underway or proposed. The information given under this part should provide a description of the proposed accomplishments with the funds involved, showing how the project will contribute to the development or maintenance of the statewide outdoor recreation plan.

For consolidated projects, applicants should respond to all items not shaded in an overview manner for the project as a whole. Individual project elements need not be specifically addressed unless the applicant wishes to do so. However, the narrative should indicate the types of work to be accomplished by the project elements.

## NOTE

Part V (assurances) of the standard OMB 80-R0184 is also referenced in the L&WCF Project Agreement General Provisions. (See 660.3, Attachment B).

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Manual Release 145  
Replaces: MR 142 6/27/84



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 noncancellable 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 National Park Service be returned.

K. Lobbying with Appropriated Funds

Land and Water Conservation Fund moneys will be used in conformance with 18 USC 1913 which states that: "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriations; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business." For some cost items, grantees may need to comply with OMB Circular A-122 (Cost Principles for Nonprofit Organizations)(45FR 46022, July 8, 1980) and OMB Circular A-122 (Cost Principles for Nonprofit Organizations "Lobbying" Revision (49 FR 18260, April 27, 1984). (see also Chapter 670.3.4.G. Information and Interpretation Costs.)

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Manual Release 145  
Replaces: MR 140 3/22/83  
MR 144 11/29/85



Documentation Sent to Washington  
Office from Regional Office

L&WCF grant documentation sent for WASO action after Regional approval is to be submitted in the following order:

New Grants and all Amendments:

1. Processing Control Sheet (Blue)
2. Processing Control Sheet (White)
3. Grant Agreement (Original)
4. Grant Agreements (2 Duplicate)
5. Standard Form 424 for FAADS data entry
6. Standard Form 424 (8 copies, plus one additional copy for each extra Congressman listed on blue Processing Control Sheet (8 copies already include 2 for Senators and 1 for 1 Congressman-extra Congressmen need extra copies)
7. D.N.F. (Original)
8. D.N.F. (Duplicate)

For Consolidated grants there are to be a total of 9 duplicate copies of the D.N.F. which are collated into sets - (F.Y.I.-each Senator and appropriate Representative(s) involved in an element receives a set of the D.N.F. in the formal Congressional Notification).

9. Press Release (in DRAFT) for grants of \$1 million or more.

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Manual Release 145  
Replaces: MR 144 11/29/85



- F. COMPETITION WITH THE PRIVATE SECTOR. The extent to which a development project conflicts with private facilities will be considered. Public projects which would create a competitive situation with private enterprises generally should not be considered for L&WCF assistance where the private sector is already providing similar facilities of the type and quality needed to meet identified recreation demands. However, the fact that a public facility may place competitive pressures on a private facility does not necessarily remove the responsibility of State and local governments to provide such facilities when the private sector cannot meet existing demands in terms of the quantity or quality of needed facilities.

In situations where privately managed facilities are providing identical or similar recreation opportunities to those proposed for public sponsorship and there is potential for competitive pressures on the private operations, the State Liaison Officer will prepare a written review which discusses the need for the proposed public investment in light of the private sector's presence in the market. The primary consideration which must be addressed is whether the private sector is providing a similar type of outdoor recreation activity or experience and in sufficient quantity and quality to satisfy identified outdoor recreation needs. The following questions should be addressed in making this determination:

- (1) Does the Statewide Comprehensive Outdoor Recreation Plan identify a need for the facilities in the planning Region for which they are proposed? Is the need also identified in Regional or local plans?
- (2) Are similar private facilities, that would be affected by the proposed public facilities, operating at or above their normal capacity?
- (3) Are similar private facilities available at a reasonable fee and adequately maintained and managed so as to provide a quality outdoor recreation experience which will meet existing and projected demand?
- (4) Do the proposed public facilities provide a different type of experience or service from that provided by similar private facilities? For example, destination or vacation facilities as opposed to overnight or day use facilities; basic or rustic as opposed to convenience or luxury facilities?
- (5) Do existing physical factors (topographical, climatic, location, etc.) limit the potential for private investment in the type of facilities that the public sector intends to provide? Does the special nature of the resource dictate public ownership and development?

In addition, factors which would lend support to a conclusion that public facilities should be provided would include a history of such public involvement in the area affected; the existence of a State legislatively mandated program for the development of such facilities; and the existence of local zoning ordinances or other land use controls that would preclude or limit private investment.

The State will utilize its review to evaluate the need for proposed public facilities and the requested investment of L&WCF moneys. The Service reserves the right to request from the State the narrative statement for review if in its judgement one is considered necessary.

Marinas, ski facilities, campgrounds, and golf courses are among the types of competitive facilities to be considered under this criteria.

- G. **HANDICAPPED ACCESS.** The extent to which buildings and other design features account for the needs of the physically handicapped (in accordance with the Architectural Barriers Act of 1968, Public Law 90-480) will be considered. Facilities will include design features to accommodate the physically handicapped, including the use of ramps, extra wide doors, and special parking facilities. It will be the State's responsibility to insure that all L&WCF assisted development projects are in conformance with accepted handicapped design criteria as described in Chapter 640.3.3.
- H. **NEPA.** The impact, both positive and negative, of the project on the environment will be considered. This information shall be covered in the environmental information submitted by the State to the Service (see Chapter 650.2). On the basis of the environmental information and other information available to the Service, a determination will be made by the National Park Service whether or not to prepare an environmental impact statement on the project or the consolidated project element in accordance with the National Environmental Policy Act of 1969 (Public Law 91-190) and other pertinent regulations. The final environmental impact statement and the comments pertaining thereto shall be considered by the Service in deciding whether or not to approve a project which the Service believes is a major Federal action significantly affecting the environment.
- I. **PROJECT DESIGN.** Structures should be designed with sensitivity to the natural surroundings and developed areas should be landscaped to harmonize with the natural environment. Roads, trails and parking areas should be designed to blend and harmonize with existing surroundings. Unsightly areas should be screened from view.
- (1) Noise. Exterior sources of noise, such as highways, airports, railways, or factories, should be considered in the acquisition of land and in the design and location of facilities. Steps should be taken to minimize the disturbing effects of noise by

- P. EEO CONTRACT COMPLIANCE. All projects shall be in compliance with procedures required by Executive Order 11246, as amended, and by the Office of Contract Compliance Programs of the Department of Labor (41 CFR 60-4). States will actively cooperate with NPS in obtaining compliance of project sponsors, construction contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders. (see Chapter 650.5).
- Q. FLOOD INSURANCE. The purchasing of flood insurance for all insurable acquisition or development projects located in flood hazard areas of communities participating in the National Flood Insurance Program as required by the Flood Disaster Act of 1973 will be considered (see Chapter 650.6).
- R. DREDGE AND FILL. The effect of dredge and fill operations on marshes, wetlands, estuarines areas, and other areas of unique wildlife or marine habitat will be considered. Proposals involving dredge and fill operations must be reviewed and evaluated by the U.S. Fish and Wildlife Service for the effects on marine and wildlife habitat. A permit from the appropriate Federal agency (Corps of Engineers, Coast Guard, etc.) is required for development proposals involving any of the above activities in navigable waters prior to approval of a Land and Water Conservation Fund development project.
- S. CONTROL AND TENURE. The degree of control and tenure over areas to be acquired or developed will be considered. Reasonable assurances must be provided that conversion under Section 6(f)(3) of the Act will not occur without Service approval (see Section 640.1.8).
- T. PROFESSIONAL SERVICES. The quality of engineering and supervision on a project will be considered. States must provide all engineering services necessary for design and construction, provide internal technical review, and insure that construction plans and specifications meet applicable health and safety standards (see Chapter 675.3.).
- U. COASTAL ZONE MANAGEMENT. All actions significantly effecting the coastal zone are subject to the Federal consistency requirements of the Coastal Zone Management Act of 1972, as amended. To fulfill the requirements of Federal consistency, applicants should complete the Intergovernmental Review System (E.O. 12372) process (see Chapter 650.8).
- V. ENERGY CONSERVATION. All projects approved beginning in fiscal year 1981 shall be designed, constructed, operated and maintained in an energy efficient manner.
- (1) Power systems for heating, cooling, lighting and operation shall minimize or eliminate the facility's use of petroleum and natural gas through solar, wind, wood, coal or other power systems, to the extent possible.

- (2) All projects shall meet the thermal insulation standards of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc. Standard 90A-1980, Energy Conservation in New Building Design, or the "Cost Effective Energy Conservation Standards" of HUD, or other equivalent standards.
  - (3) State project selection systems shall give priority to the most energy efficient projects, including but not limited to projects using energy efficient design methods and materials for the site and buildings; the use of alternative power systems to minimize the use of petroleum and natural gas; the adaptive reuse of existing structures over new construction where appropriate; projects that are located close to populated areas and are accessible by foot, bicycle or public transportation; the retrofitting to improve the energy efficiency of existing recreation facilities; projects resulting from an energy audit or energy efficiency plan; or projects which help minimize energy development impacts.
4. Development Project Criteria. In evaluating development project proposals, the State and the Service should give special attention to the degree to which the project is in keeping with the original intent of the L&WCF Act.
- A. A development project is considered to be questionable, elaborate, or borderline with respect to the basic intent of the L&WCF Act if serious questions arise concerning some of the following eligibility issues and their interrelationships:
- (1) **PROJECT COST.** Consideration should be given to the degree to which a significant portion of the State's annual apportionment is requested for one project, for one project sponsor or for one facility that does not serve the full range of the general public; or when the cost of a facility significantly exceeds the comparable price for similar facilities.
  - (2) **LIMITED USE.** Consideration should be given to the degree to which participation is limited by a facility's single purpose, short season, cost of equipment, fee for participation or its limited accessibility to the general public.
  - (3) **LOW PRIORITY.** Consideration should be given to a project's priority in the State's Comprehensive Outdoor Recreation Plan and Action Program, especially when the need for a particular facility in a certain planning region is not fully supported.
  - (4) **COMPETITION WITH THE PRIVATE SECTOR.** Consideration should be given to the degree to which the private sector is already providing similar facilities of the type and quality needed to

meet identified recreation demands and the user fee is low enough to undercut private business, or the income is sufficient to justify private investment, or the facility is located in a tourist market area.

- (5) INELIGIBLE FACILITY TYPES. Consideration should be given to the degree to which the project involves questionable support, spectator or exhibit facilities or does not clearly comply with the other eligibility criteria outlined in Chapter 640.3.

B. In the situations where a proposal raises serious questions in regard to the above eligibility issues, the State Liaison Officer will review the project to determine if it meets the original intent of the Act. In this review, special consideration should be given to the following questions:

- (1) Is the project's cost comparable to other facilities of its type and justifiable in terms of the quantity and quality of recreation the facility will provide?
- (2) Does the project require only a reasonable portion of the State's L&WCF monies rather than a significant portion which precludes the funding of more urgent recreation needs?
- (3) Will the project serve a reasonably large number of people in its service area? Will it provide close-to-home recreation and be accessible by public transportation?
- (4) Will the project serve a wide range of recreation interests and abilities including the elderly and handicapped as well as the more active and highly skilled recreationists?
- (5) Does the project establish a reasonable fee structure that allows for broad public participation perhaps by including free days or reduced rate days if necessary? Is project income to the sponsor being directed to recreational purposes? (see Section 675.1.8).
- (6) Does the project meet priority recreation needs as defined in the Statewide Comprehensive Outdoor Recreation Plan and Annual Action Program?
- (7) Can it be shown that the project does not compete unfairly with the private sector? (see Section 660.5.3.F).
- (8) Does the project involve only eligible outdoor recreation facilities? (see Chapter 640.3).

C. The above questions should be used as a general guide in evaluating a questionable, elaborate or borderline proposal in relation to the original intent of the Act. Essentially, to be eligible, one must be

able to conclude that L&WCF funds are being used "in the public interest" and "in accord with the Statewide Comprehensive Outdoor Recreation Plan" for the development of "basic outdoor recreation facilities to serve the general public." The Service reserves the right to request from the State a written justification of eligibility based on the above, if in its judgement one is considered necessary.

5. Approval. Any project submitted to the Service for consideration and found to be in accord with the project evaluation criteria and other current requirements, may be considered for approval.
  - A. Approval. When a project has been judged adequate and the State desires funding, a project agreement is signed by an authorized National Park Service (NPS) representative, thereby approving the project. This approval, or funding, means that the amount of money stated on the agreement is obligated for expenditure from the Fund on this project, and will be paid to the State as acceptable billings are presented to NPS or as a request for payment on letter of credit is submitted to a Treasury Regional Disbursing Office.
  - B. Staged Projects. Acquisition and/or development projects may be accomplished in stages. The purpose of staging is to schedule logical units of accomplishment and to defer obligations from the Fund for other projects. When a staged project is submitted to the Service, funding may be requested for only one stage. The Service reviews all the stage of such projects as if for complete approval. If found adequate, an agreement is signed, thus approving the first stage and qualifying the remaining stages. When the project sponsor is ready to proceed with one or more of the subsequent qualified stages, approval is requested by means of an amendment to the project agreement. Staged projects will not be included in a Consolidated Grant application.
6. Certification. When utilizing the Consolidated Grant or the Streamlined Single Project applications, the State Liaison Officer by signing the project agreement certifies that the individual project or the project elements which are part of the consolidated grant are eligible for assistance under the Land and Water Conservation Fund Act of 1965, as amended; that they are in accord with the State's Comprehensive Statewide Outdoor Recreation Plan and the provisions of the current L&WCF Grants Manual; and that all required documentation is in the State's official case file. These assurances are part of the consideration for the grant contract and the contract is made in reliance on the representation of the State.

Included in this certification is the State Liaison Officer's assurance that the project is not located on or near any site presently listed, or eligible for listing in the National Register of Historic Places (see Chapter 650.4). If the project is located on or near such a site, the

SPONSOR'S FINANCIAL OBLIGATIONS

1. Matching Share. L&WCF assistance shall not exceed 50% of the total eligible costs (except as provided for the Insular Areas in Section 600.4.7) and is provided primarily on a reimbursement basis. In most cases the project sponsor will initially pay in full all costs accrued during the project period. Reimbursement for the federal share is made through the State Liaison Officer in accord with procedures outlined in Chapter 675.6.

When the sponsor lacks the financial resources to initially finance approved projects in a timely manner, the sponsor may request an advance of monies to cover the Federal share of anticipated costs. An advance of funds can be requested through the use of OMB SF-183, Request for Advance, or through the use of a letter of credit by authorized States. In no case shall both methods be used. (see Chapter 675.6).

When an advance is requested, the State shall include a financial plan which outlines the reason for the request and a schedule of disbursements by months or other payment intervals. Similar documentation must be on file with the State Liaison Officer in those cases where advances are made under the letter of credit. All advances received must be expended within a thirty day period in accord with Department of Treasury requirements.

2. Applicability of Donations. The Service encourages the donation of cash and in-kind contributions including real property to project sponsors by private parties. The value of the in-kind contributions may be used as all or part of the project sponsor's share of the project cost. The method of valuation and charges for volunteer services, material, and equipment must be documented and approved by the State prior to the donations being applied to reimbursement requests in order for such contributions to be considered as part of the sponsor's matching share. Specific procedures for placing the value on in-kind contributions from private organizations and individuals in accord with OMB Circular A-102, Attachment F, are set forth below:

- A. Valuation of Volunteer Services. Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Each hour of volunteered service may be counted as matching share if the service is an integral and necessary part of an approved project. Records of in-kind contributions of personnel shall include time sheets containing the signatures of the person whose time is contributed and of the supervisor verifying that the record is accurate.

- (1) Rates for Volunteer Services. Rates for volunteers should be consistent with those regular rates paid for similar work in other activities of the State. In cases where the kinds of skills required for the federally-assisted activities are not found in the other activities of the grantee, rates used should be consistent with those

paid for similar work in the labor market in which the grantee competes for the kind of services involved. The time of a person donating services will be valued at the rate paid as a general laborer unless the person is professionally skilled in the work being performed on the project (i.e., plumber doing work on pipes, mason doing work on a brick building). When this is the case, the wage rate this individual is normally paid for performing this service may be charged to the project. A general laborer's wages may be charged in the amount of that which the city or cities in the immediate area pay their city employees for performing similar duties.

- (2) Volunteers Employed by Other Organizations. When an employer other than the grantee furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.
- B. Valuation of Materials. Prices assessed to donated materials included in the matching share should be reasonable and should not exceed current market prices at the time they are charged to the project. Records of in-kind contributions of material shall indicate the fair market value by listing the comparable prices and vendors.
- C. Valuation of Donated Real Property. The value of donated real property shall be established by an independent appraiser in accord with commonly accepted appraisal practices (see Section 675.2.6). Upon completion of the appraisal, at the project sponsor's expense, it will be submitted to the Service through the State for final review and acceptance. The State will be expected to review the appraisal before it is submitted to the Service. In extreme cases or to resolve disputes as to the fair market value, the applicable Regional Office will contract for necessary appraisals with another Federal agency or a private appraiser.
- The Regional Director may authorize the State Liaison Officer to review and accept donation appraisals when the value of the property to be donated is \$100,000 or less. When the Service takes final action on the appraisal, the State may choose to submit the appraisal after project approval but prior to the first billing for that project or element.
- D. Valuation of Donated Equipment. The hourly rate for donated equipment used on a project shall not exceed its fair-rental value. Hourly rates in the annual edition of Rental Compilation or Rental Rate Guide or similar publications which provide the national or regional average rates for construction equipment may be used. Such publications are usually available from contractor associations. Records of in-kind contributions of equipment shall include schedules showing the hours and dates of use and the signature of the operator of the equipment.

be distributed on a rate per mile, per hour, per day, or any other standard unit. Depreciation and O&M also may be segregated to arrive at a rate to recover each cost factor through its own rate. For example, an automobile may have a rate per day to recover depreciation and a rate per mile to recover O&M. Though the initial rate may be derived from estimated costs, these estimates must ultimately be adjusted to actual costs.

- ii. Depreciation--Depreciation is a means for recovering the initial acquisition cost of an asset over its expected useful life. Any generally accepted method of computing depreciation may be used. The methods used, however, must be consistently applied for any specific items of equipment or class of equipment and must result in equitable charges. In lieu of depreciation, an annual use allowance may be used, computed at an annual rate not exceeding  $6 \frac{2}{3}$  percent of acquisition costs of the equipment. Acquisition costs may also include such items as rehabilitation or modification which increases the value of the equipment. The computation of depreciation, or the application of the use allowance, will be based on acquisition cost plus other costs which increase its value less estimated salvage value. Where actual cost records have not been maintained, a reasonable estimate of the original cost may be used in the computation. Depreciation schedules may be based on experience factors such as estimated useful life, replacement schedule, hours or months of use or miles driven.
- iii. No depreciation may be included in the rate for a piece of equipment which was acquired at no cost or which has been fully depreciated. For example, equipment acquired at no cost from another State agency may not be depreciated. An exception could be made for the cost of transportation of the equipment and fix-up or modification costs. Those costs would be recovered through the depreciation schedule. Also, if a three-year depreciation schedule is used for a vehicle, no depreciation may be included in the rate computation after the third year. The entire cost of the vehicle has been recovered in the first three years. An exception is if the vehicle is rehabilitated; those costs may then be recovered through depreciation.
- iv. Operation and maintenance--All normal costs for operating equipment and keeping it operational are recovered in this portion of the overall use rate. The

recovery of operation and maintenance expenses will be based on actual costs and may include gas, oil, grease, repairs, tires, insurance, etc., and may also include costs of operating a maintenance facility. Use rates covering operation and maintenance may be established by classes of vehicles and equipment.

Example: sedans, panels, carryalls, pick-ups, etc., may be computed at one rate for each class if cost records show comparability. The cost for an operator may be part of this factor or the operator may be direct costed to the user on an hourly rate based on actual costs. This same principle could be applied to such items as gasoline and oil consumed on that job. If these costs are charged directly to a project they may not be included in the computation of a use rate. Operation and maintenance costs incurred and recorded for an item or class of equipment are generally recovered in the succeeding year (if the rate is established on annual basis). To establish the initial rate, O&M costs may be estimated for the first year and adjusted to actual during the next year.

- v. Charges must be substantiated by records of payments and/or payments and/or records of hours, days, etc., when equipment was used.
  - vi. Local units of government that lack the accounting procedures necessary to adequately document operation and maintenance expenses on force account equipment may utilize State highway rates (with adjustments) unless accounting records show that materially lower rates can be developed.
- (c) Lease or rental charges on equipment are allowable when it is determined that such an arrangement is most efficient and economical. Equipment that is rented to the sponsor by other State agencies or by private contractors may be charged to the L&WCF program on a cost basis--provided, however, that these rates are equal to those charged to any other users. Adequate cost records must be maintained to support these billings.
- (2) Purchase Price of Equipment Required to Make A Facility Initially Operational. Such equipment includes pumps, sprinkling systems, or tows, standby power plants, etc., necessary to provide for the recreation uses for which the proposal is approved. As a general rule equipment to be used for maintenance is not eligible for assistance (670.3.4.D.). However, certain smaller items of equipment (but not operational and maintenance supplies, i.e.,

E. Acquisition by Donation. An appraisal report is required for all projects involving the donation of real property or interests therein. (see Section 670.2.2C). Prior to project approval or the first reimbursement request:

- (1) The State Liaison Officer shall ensure that the project sponsor secures adequate appraisal services.
- (2) The project sponsor will then, at its own expense, have an appraisal made in accord with commonly accepted appraisal practices and Section 675.2.6. The cost of the appraisal is not reimbursable.
- (3) Upon completion of the appraisal, it shall be submitted to the State for review and the Service for acceptance. The Regional Director may authorize the State Liaison Officer to review and accept donation appraisals where the value of the property to be donated is \$100,000 or less.
- (4) If the appraisal is found acceptable, the estimated fair market value will be the basis for L&WCF assistance.

In extreme cases or to resolve disputes as to the fair market value, the Service, through the Regional Office, will attempt to contract for any necessary appraisals with Federal agencies. If all Federal agencies that normally provide appraisal service to NPS cannot provide such service within a reasonable time period, then the Region, with the permission of the Director, may contract with private appraisers (the cost to be borne by the Service) and the result of this appraisal will be applied to all projects involving donations of land. This includes land as the only element of the donation, combinations of land and cash, and those instances where a portion of the acquisition price is donated.

A finding of value will be acceptable when the land to be donated has a value less than \$5,000 and the cost of an appraisal would be disproportionate to its benefit.

7. Statement on Differences in Value. An appraisal, if competently compiled by a qualified person, should be an acceptable estimate of property value; it cannot be assumed, however, to be an absolute statement of value. The approved appraisal value is the floor value for establishing the amount of just compensation offered to the owner (seller) at the initiation of negotiations. The negotiation between a willing seller and a willing buyer will often set a price that is higher than the appraisal, and this market place value must be considered with the appraised value in establishing the reasonable limits of L&WCF assistance.

When the State believes that the negotiated price is an adequate indication of market value, yet it is higher than the approved appraised value, a detailed and well documented statement on this difference with

all pertinent appraisal documents must be submitted before reimbursement is requested. This statement should explain why the appraisal may not reflect the market value and what steps the project sponsor took to establish the value and include adequate market data to substantiate the value conclusion. If the Service agrees that the negotiated price represents a reasonable estimate of the property, that amount will be eligible for assistance.

The requirements pertaining to negotiated purchases at less than the approved appraised value are found in Section 650.3.10.

8. Reservations and Outstanding Rights. In an effort to stretch the dollars spent, the project sponsor might wish to purchase less than fee simple title. This would be permissible when fee simple title is excessively expensive, and a lesser control of the area will not detract from the recreation use of the land and not have significant impact on the environment.
9. Government will not obtain a legal right or title to any area or facility acquired with L&WCF assistance. The State must have on file satisfactory evidence of the purchase price and a description of the character and nature of the title received by the project sponsor before requesting reimbursement from the Service.

Evidence of title, such as a written statement by the State Attorney General, title insurance, or other means considered reasonable and adequate, must also be available to the SLO before requesting reimbursement from the Service.

Requests for payment certified by the SLO will be acceptable evidence of the purchase price and that the State has on file all the required documents, including those required by P.L. 91-646. (see Section 650.3.5.).

A survey may be required by the Service when there is reasonable doubt about the exact location of the boundary or of the size of the tract being acquired.

10. Responsibility for Quieting Title or for Replacement of Properties Acquired with Defective Title. The State is responsible for quieting claims against title and for replacing property found to have defective title with other properties of equivalent value, usefulness and location acceptable to the Director.
11. Acquisition of Interest in Real Property. The acquisition of leases, easements, rights-of-way, etc., will be viewed in the same light as full takings. Documentation of value by appraisals will be the same. All leases are subject to the terms described in Chapter 640.3.4. The project proposal should adequately explain why lesser interests are to be acquired.

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Manual Release 145

Replaces: MR 125 12/14/73  
MR 140 3/22/83

normally required by the State or local units of government shall not be imposed.

A. A State or local unit of government receiving a grant from the Service which requires contracting for construction or facility improvement shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding \$100,000. For contracts exceeding \$100,000 the Service may accept the bonding policy and requirements of the grantee provided the Service has made a determination that the Government's interest is adequately protected. If such a determination is not made, the minimum requirements shall be as follows:

- (1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
  - (2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
  - (3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.
  - (4) Additional conditions governing construction contracts are contained in the General Provisions of the Project Agreement (see 660.3. Attachment B, General Provisions).
4. Retention. All construction plans, specifications, contracts, and change orders shall be retained by the project sponsor for a period of three years after final payment on a project is made by the Service, or for a longer period of time if so requested by the Service. Plans and specifications requested by the Service for review purposes will be returned to the State for retention upon completion of Service review. (see Section 675.5.8).



FINANCIAL MANAGEMENT AND REPORTING

1. Purpose. This chapter generally covers accounting, records, and reporting requirements.
2. Financial Responsibility. The State shall be responsible for the financial management of approved projects. Appropriate internal controls must, therefore, be adopted and installed to insure that the project is accomplished in the most efficient and economical manner.
3. Pre-award Surveys. The Director may conduct pre-award surveys before qualifying a project proposal to determine the adequacy of financial and administrative management practices and procedures as they may relate to the execution of the proposed project. Periodic surveys may also be undertaken during the project period to assure the continued effectiveness of the financial and administrative management and to provide assistance where necessary or requested. The scope of such surveys shall include the review of the internal systems of financial and administrative controls, planning techniques and procedures.
4. Standards for Grantee Financial Management Systems. State and local government systems for the financial management of L&WCF assisted activities shall be in accordance with OMB Circular A-102, Attachment G, and provide for:
  - A. Accurate, current, and complete disclosure of the financial results of each project grant.
  - B. Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.
  - C. Effective control over and accountability for all funds, property, and other assets. The grantee shall adequately safe-guard all such assets and shall assure that they are used solely for authorized purposes.
  - D. Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government.
  - E. Procedures for determining the allowability and allocability of costs in accordance with the provisions of OMB Circular A-87 and this Manual.
  - F. Accounting records which are supported by source documentation. Separate project accounts shall be established and identified by the number assigned to the project by the Service.

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Manual Release 145

Replaces: MR 142 6/27/84  
MR 144 11/29/85

- G. Audits to be made by the State in accordance with OMB Circular A-128 to determine, at a minimum, the fiscal integrity of financial transactions and reports, and compliance with laws, regulations, and administrative requirements. The State will schedule such audits with the required frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity. (see Chapter 675.7).
- H. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

The State shall require all project sponsors to adopt all the standards in paragraph 4 above.

5. Monitoring and Reporting of Program Performance. In accordance with OMB Circular A-102 Attachment I the following sets forth the procedures for monitoring and reporting program performance (reporting authority approved by OMB No. 1024-0032 09/30/84):

- A. States shall constantly monitor the performance under approved projects to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. (see Chapter 675.1)
- B. Performance reports shall be submitted with each project billing or drawdown unless a report had been submitted within the previous three months. Performance reports shall be submitted annually on March 31 for all active projects approved more than one year previously but for which no billings or drawdowns have been submitted during the past year.
- C. States have the option of submitting an annual (calendar year) consolidated performance report for all active projects and project elements approved more than one year previously. The Service will provide each State with a listing of active projects that fall within this category.

Sufficient space will be provided on the listing of projects for the State to briefly report project status. The list will include, for each project or consolidated project element, the amount expended to date and the target dates. The State report must be submitted to the Service by March 31 for the previous calendar year.

- D. Regardless of the approach used, the report will present the following information:
  - (1) The status of the work required under the project scope including the percent of work completed and percentage of costs billed and whether the project will meet established target dates for completion.

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Manual Release 145

Replaces: MR 142      6/27/84  
          MR 144      11/29/85

- (2) Other pertinent information including when appropriate analysis and explanation of cost overruns, time schedule delays and other similar problems encountered and their expected impact on the project, etc.
- E. If any performance review conducted by the State discloses the need for change in the Project Agreement, the State shall submit a request for an amendment in sufficient time to be processed before expiration of the project period.
- F. The Service shall make site visits as frequently as practicable on a spot check basis to:
- (1) review project accomplishments and management control systems, and
  - (2) provide such technical assistance as may be required.
6. Report of Federal Cash Transactions. When Funds are advanced through the use of the OMB Form No. 80-R0183, the State shall submit a Report of Federal Cash Transactions (OMB Form No. 80-R0182) (see Attachments 675.6A and B). The Service shall use this report to monitor cash advanced to the State. States shall submit the original and two copies of the Report of Federal Cash Transactions no later than 15 working days following the end of each quarter.
7. Annual Relocation Report. The head of each agency having responsibilities for federally assisted programs that come within the purview of P.L. 91-646 is required to prepare and submit an annual report to the President. (see Attachment 650.3A). In order to accumulate the required statistical data, for each billing draw down against the Letter of Credit, which includes payments and expenses under Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the State shall tabulate and retain the statistical data as shown on the following forms beginning October 1, of each year and retain the data for an end of the fiscal year consolidation report.
- A. GSA-2997 Annual Report on Relocation and Real Property Acquisition Activities. (see Attachment 675.5A).
- B. Residential Relocation Displacement Statistics. (see Attachment 675.5B).

At the end of each Federal fiscal year each State shall consolidate and tabulate the statistics collected during the fiscal year into one set of the above forms. One copy of the consolidated report will be forwarded to the NPS Regional Office by November 1, and one copy will be retained in the State files.

No later than November 15 of each year each Regional Office shall consolidate the State reports into a Regional report. Two copies of the

Regional report should be prepared with one copy provided to the NPS Washington office responsible for the L&WCF program, and one copy retained in the Regional files. The Washington office will consolidate the Regional reports into a Service report and provide the necessary copies to the Department.

8. Retention and Custodial Requirements for Records. In accordance with OMB Circular A-102 Attachment C the following policies will apply to records maintenance:
- A. Financial records, supporting documents, statistical records, and all other records pertinent to a grant program shall be retained for a period of three years after final payment on a project or element. The records shall be retained beyond the 3 year period if audit findings have not been resolved.
  - B. The retention period starts from the date of the submission of the final expenditure report.
  - C. State and local governments are authorized to substitute microfilm copies in lieu of original records.
  - D. 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 audits, examinations, excerpts and transcripts.
  - E. The Service shall submit, after project closeout and microfilming, all copies of significant maps and records (particularly oversize items) to the Federal Archives Records Center for retention into perpetuity and for compliance with Section 6(f)(3) of the L&WCF Act. Plans and specifications requested by the Service for project review purposes will be returned to the States for retention (see also 675.3.4.).

(5) Exceptions.

- (a) Underground utility easements that do not have significant impacts upon the recreational utility of the park will not constitute a conversion.
- (b) Proposals to construct public facilities where it can be shown that there is a gain or increased benefit to public recreational opportunity will not constitute a conversion. Final review and approval of such cases shall be made on a case by case basis in the NPS Washington office.

B. Prerequisites to Consideration of Conversions. The Service will only consider conversion requests if the following prerequisites have been met:

- (1) All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
- (2) The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a State approved appraisal.
  - (a) Generally, this will necessitate a review of appraisals prepared in accord with Chapter 675.2 for both the property proposed to be converted and that recommended for substitution. However, at the discretion of the Regional Director, a State certification that appraisals of both properties are acceptable and reveal that the replacement property is of at least equal fair market value as that of the property to be converted can be accepted. Exercising this authority should be consistent with the State's review responsibilities with respect to donation appraisals. (see 675.2.6.E.).
  - (b) Property improvements will be excluded from all fair market value consideration for properties to be substituted. Exceptions are allowable only in those cases where property proposed for substitution contains improvements which directly enhance its outdoor recreation utility.
- (3) The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. It must, however, be administered by the same political jurisdiction as the converted property.

- (4) The property proposed for substitution meets the eligibility requirements for L&WCF assisted acquisition (see Part 640.1). The replacement property must constitute or be part of a viable recreation area.
  - (a) Public land may not be used for substitution on acquisition projects unless it meets the acquisition criteria of Section 670.3.4K. However, in the case of development projects for which the State match was not derived from the cost of the purchase or value of a donation of the land to be converted, public land not currently dedicated to recreation/conservation use may be used as replacement land even if this land is transferred from one public agency to another without cost.
- (5) All necessary coordination with other Federal agencies has been satisfactorily accomplished.
- (6) The guidelines for environmental evaluation have been satisfactorily completed and considered by the Service during its review of the proposed 6(f)(3) action (see Chapter 650.2). In cases where the proposed conversion arises from another Federal action, final review of the State's proposal shall not occur until the Region is assured that all environmental review requirements related to that other action have been met.
- (7) Intergovernmental Review System (E.O. 12372) review procedures have been adhered to if the proposed conversion and substitution constitute significant changes to the original Land and Water Conservation Fund project. (see Chapter 650.8).
- (8) The proposed conversion and substitution are in accord with the SCORP.
- (9) Staff consideration of the above points reveals no reason for disapproval and the project files are so documented.
- (10) It should also be noted that the acquisition of one parcel of land may be used in satisfaction of several approved conversions. However, previously acquired property can not be used to satisfy substitution requirements except in the case of development projects in 675.9.3B(4)(a) noted above.

4. Amendments for Conversion. Conversions require amendments when the property to be substituted is off-site or when replacement of property is deferred. Amendments should be submitted concurrently with conversion requests. Section 6(f)(3) project boundary maps shall also be submitted at this time to identify the changes to the original area caused by the proposed conversion and to establish, as appropriate, a new "project area" pursuant to the substitution. (see Section 660.2.6). Once the conversion

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Manual Release 145  
Replaces: MR 142 6/27/84