

Frequently Asked Questions

What are examples of eligible LWCF projects?

LWCF assistance is available to political jurisdictions for land acquisitions and/or development of public outdoor recreation areas. *For the 2020 grant cycle, DCR will only be accepting proposals for acquisition.*

Who may apply?

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

What are the maximum and minimum grant award funding levels?

The minimum grant award request amount is \$250,000 (minimum total project cost \$500,000). There is no maximum award request amount for the 2020 grant cycle.

Are matching funds required?

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

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

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

What does "in perpetuity" mean?

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

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

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

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

Section 6 (f) (3) of the Land & Water Conservation Act states that: “No property acquired or developed with assistance under this section shall without approval of the Secretary [of the Interior] be converted to other than public outdoor recreation uses”. The LWCF program realizes that in certain instances there is no alternative to converting a portion of a LWCF property. In those cases where there is no feasible alternative, a conversion of use process must be initiated with DCR. In short, the conversion of use process requires that a suitable piece of replacement property be found before a conversion occurs at a LWCF site. “Suitable” means equivalent in fair market value and can serve as a viable public outdoor recreation area without reliance upon adjoining or additional areas. In order for the section 6 (f)(3) regulation to be enforced, the following language is to be incorporated into the deed and recorded in the city, town or county courthouse of the project area:

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

I want to use donated land as match - Can it be property already owned by applicant?

No.

Must the environmental review and public commenting requirements be completed to submit an application?

Public commenting and environmental analysis should be a part of the normal planning processes for any land activity. Applicants are encouraged to review the public commenting and environmental review requirements in the *2020 Land and Water Conservation Application Manual* before selecting which projects to compete for funding. Formal coordination for purposes of Section 106 of the Historic Preservation Act, Section 7 of the Endangered Species Act, etc. are not required to submit an application to compete for LWCF funding. However, the coordination is required prior to approval and issuance of any LWCF grant. It is important to start this process as soon as possible.

I am acquiring/developing a park facility that may only be used during certain seasons and/or months of the year and by appointment. If funded through LWCF, is it permissible to close the facility during the non-use days or months or after the appointment is over?

No. LWCF guidelines state that the park facility must be open during reasonable hours for public use. Some exceptions include wet field conditions, during lightning storms, etc. dependent upon recreation facility type. Even if it is the "off-season" for programming, the park must remain open and accessible to the general public.

Is the applicant required to place the property in perpetuity for public outdoor recreation to be eligible to submit an application to compete for funding?

No. However, projects selected for funding are required by law to record a deed containing the LWCF Act 6(f)(3) restriction in the locality's land records. A copy of the recorded deed with the accompanying 6(f)(3) metes and bounds map is required as part of the project close out documentation in order to be reimbursed.

Are any other costs incurred during the acquisition process eligible for LWCF reimbursement?

No. All costs associated with legal fees, environmental review, appraisal, etc are the responsibility of the applicant.