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This is to be used as a guideline for grant-writing purposes only. It is not a full, complete manual.

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Chapter One

A Partnership for Parks: Summary of the Land and Water Conservation Fund Program

THE PROGRAM

The Land and Water Conservation (L&WCF) Act was established in 1965 under Public Law 88-578; 78 Stat. 897, to continue for a period of 25 years through 1989. The program was extended through the year 2015 by Public Law 100-203. The Act established a grant fund to assist state and federal agencies in meeting present and future outdoor recreation needs. The act accomplished this purpose by:

1. Providing funds for the acquisition of land for recreation on federal fish and wildlife areas, national parks, national forests, recreation areas, and for the operation and development of national parks.
2. Authorizing federal assistance to states for planning, acquisition, and development of outdoor recreation facilities through a grants program. In turn, the states may transfer the funds to local political subdivisions to acquire land or develop outdoor recreation facilities.

Through state law, the Kansas Department of Wildlife and Parks (KDWP) has the authority to administer the program in Kansas. This manual sets forth the guidelines, conditions, and terms of the local program.

For purposes of more generic identification, local political subdivisions will be referred to as *project sponsors* or *sponsors* throughout the remainder of the manual.

SOURCE OF FUNDS

Revenue to finance the L&WCF program comes from three sources:

1. Net proceeds from the sale of surplus federal real property
2. Federal tax on motor boat fuels
3. Receipts from oil drilling leases under the Outer Continental Shelf Lands Act

FEDERAL ALLOCATION OF FUNDS

The L&WCF program is authorized to receive up to \$900 million per year from the above sources. Each year Congress appropriates funds for the program, usually well below the authorized level.

The annual appropriation is divided between federal agencies and the states. Federal agencies receive not less than 40% of the appropriation with the remainder going to the states. The states' allocation is divided among the 50 states and the three territories based on need, with each state guaranteed a minimum amount. As in Kansas, most states share their allocation with local political subdivisions.

Kansas' State and Local Shares

The annual state allocation is divided between state projects and local requests. Since 1965, Kansas has received over \$40 million, of which about 75% has been awarded to local sponsors and 25% has been invested in state projects. The ratio of money reserved for state and local projects is determined by KDWP.

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

Over 9,000 acres of land have been acquired for local and state parks through the program and hundreds of public recreation facilities have been built or improved. Since the federal funds are matched equally by local or state contributions, the L&WCF program has generated a total investment of over \$80 million in Kansas since 1965.

Since grant funds are made available through an annual appropriation from Congress, the funding amount varies each year. The exact amount Kansas will receive is not known until the allocation is announced, which may be one to two months into the federal fiscal year. The federal fiscal year begins on October 1, so the amount of the allocation is not usually known until late fall or early winter.

FEDERAL ADMINISTRATION

The National Park Service (NPS), within the U.S. Department of the Interior, administers the program at the federal level. NPS is the federal agency ultimately receiving all project applications and amendments for final approval. L&WCF projects from Kansas are submitted to the Midwest Regional Office in Omaha, Nebraska.

All project sponsor contacts will be made with the state grant coordinator, rather than NPS. Local project sponsors will rarely see a federal officer except during occasional site inspections. All NPS correspondence and directives are sent to the state for transmittal to the local agencies. Federal correspondence will not be sent directly to a local agency.

The major responsibilities of the NPS within the L&WCF Act are:

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

In addition to the L&WCF, NPS handles several other federal programs, including: Historic Preservation, Surplus Federal Property, Urban Park and Recreation Recovery Act, Natural Heritage Resource Program, and portions of the National Wild and Scenic Rivers and National Trails Systems. For information about these various programs, the NPS should be contacted directly at:

National Park Service
Midwest Regional Office
1709 Jackson Street
Omaha, NE 68102

STATE ADMINISTRATION

The Secretary of the Kansas Department of Wildlife and Parks is designated as the State Liaison Officer (SLO) for Kansas. The SLO serves as the overall administrator of the L&WCF program and provides liaison between NPS and the State for all official matters. The Division of Parks and the Planning/Federal Aid Section of KDWP assist the SLO in the administration of this program.

Statewide Outdoor Recreation Plan

The Seventh Edition of *State Comprehensive Outdoor Recreation Plan: Kansas 2003 (SCORP)* is part of the state's continued commitment to plan for outdoor recreation and natural resources management and is to serve as a guide for the period of 2003-2008.

Development of the plan involved the creation of committees assigned to specific outdoor recreation and natural resources topics. To address these topics the committees established goals and objectives compiled from supply and demand information and projections, reasonable management targets, and public input. National and state surveys were also used to project outdoor recreation data and trends.

Ample opportunity for public participation in identifying the issues and strategies of this plan was

provided. KDWP has conducted several statewide surveys on participation in outdoor recreation activities. In addition, several public scoping meetings and KDWP Commission meetings were held statewide to obtain public input. Draft copies were made available for public review.

This plan identifies natural resources and outdoor recreation issues of statewide importance. The issues in each chapter of the plan are grouped together by topic and do not necessarily reflect a priority.

The plan was prepared with the understanding that it is a dynamic, working document representing the direction of the state and ongoing outdoor recreation planning.

Grants Administration

The grant coordinator, within the State Parks Division, is responsible for the daily administration of L&WCF projects including:

1. Reviewing project applications
2. Rating projects to determine ranking for funding
3. Preparing and submitting applications to NPS for final approval
4. Inspecting project sites
5. Monitoring compliance with federal regulations
6. Processing federal reimbursements to project sponsors
7. Keeping project sponsors current on any changes in regulations or procedures
8. Following up with post-completion visits to insure project sites are properly operated and maintained

All questions regarding the L&WCF program should be directed to the grant coordinator by calling 620-672-5911 or by writing:

Department of Wildlife & Parks
Attn: L&WCF Coordinator, Parks Division
512 SE 25th Avenue
Pratt, KS 67124

NONDISCRIMINATION

Project sponsors must comply with the nondiscrimination obligations imposed by federal laws upon states, communities, and organizations who acquire and/or develop facilities for general public use. The major acts concerning nondiscriminatory practice, for which compliance guidelines have been issued by the Interior Department, are Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, the Architectural Barriers Act of 1968 as amended, and the Americans with Disabilities Act of 1990 as amended. A summary of these laws can be found in the Appendix.

**STATE COMPREHENSIVE OUTDOOR RECREATION PLAN
KANSAS 2003
(SCORP)**

Click on the SCORP link on this website or go to this SCORP web address for further information: http://www.oznet.ksu.edu/dp_hfrr/stevenson/scorp/welcome.htm

Chapter Two

How to Apply for Funding: Eligibility and Project Selection

ELIGIBILITY

Project sponsors participating in the L&WCF program are required to provide matching funds for the project application, administer the project through completion, and operate and maintain the site after completion.

Park and Recreation Master Plan

Long and medium range park and recreation planning is a major responsibility of every project sponsor. To this end, sponsors are required to complete a five-year park and recreation strategic plan.

Types of Projects

A grant may be used for the acquisition of land or development and construction of outdoor recreation facilities. Only acquisition or development done after federal approval of a grant is eligible for funding. The project must provide a site or facilities for public outdoor recreation. Indoor facilities are generally **not** eligible for L&WCF funding.

Support facilities (roads, lighting, utilities, restrooms, parking areas, etc.) are eligible for assistance, but have a lower priority for funding. Support facilities are evaluated according to the recreation activities or facilities served.

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

ANNUAL ALLOCATION OF FUNDS

KDWP will determine the state and local shares of Kansas' annual allocation. The determination is based on the estimated amount of funds the state will receive at the start of the federal fiscal year that begins on October 1st.

Generally, the amount Kansas receives is divided between KDWP projects and local park and recreation projects.

PROJECT FUNDING

Grant Amounts

The L&WCF program is a 50% matching, reimbursing federal assistance program. Local applicants may submit one application per year for L&WCF assistance up to a maximum of 10% of the total state allocation.

Potential project sponsors should check the funding outlook with the grants staff in late spring prior to preparing an application.

Local Matching Share

The federal funds are matched equally with local funds for the completion of a project. The project sponsor must have the local share available at the time of application. The local share may include tax sources, bond issues or any applicable local programs. The donated value of cash, labor and land may also be used.

To be eligible, all project expenditures, including donations, must take place after the project is approved.

Presubmission Procedures

Prior to the submission of a grant application, the project sponsor must prepare all maps, preliminary plans, cost estimates, and other information necessary for the application. The sponsor must provide public notification and opportunity for public input on the project through public meetings and/or surveys.

Before submitting the application, the project sponsor should discuss the project with the grants staff.

Application Deadline: May 1

The deadline for submitting two (2) copies of the application for this fiscal year's funding consideration is **May 1, 2004**.

Reimbursement

The project sponsor will not receive a cash grant at the time of project approval. Instead, the sponsor must pay the bills and then request reimbursement for up to half of the expenses incurred, but not more than the total grant award. Reimbursement requests may be periodically submitted during the project period to return funds for work completed.

Grant Application Process

An application for a L&WCF grant progresses through several steps. These steps may be summarized as follows:

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

State Review: May - June

All projects are reviewed and additional information is requested if necessary. Site inspections by the grants staff along with representatives of the project sponsor may also be conducted during this time period.

The grants staff will review each application to confirm that it is in accord with the eligibility requirements specified in the L&WCF guidelines. The staff will also verify that the proposed project is included in the project sponsor's five-year plan and meets a need in the current strategic plan: *State Comprehensive Outdoor Plan: Kansas 2003 (SCORP)*.

Project sponsors will be reviewed for their operation and maintenance capabilities and previous grant performance. A sponsor's project will be given low priority for funding if poor maintenance conditions are observed. Site inspections may be conducted before grants are awarded, while projects are under construction, and during regular intervals following completion.

Similarly, previous project sponsors will be evaluated on their past performance in administering grants. Examples of poor past performance may include:

1. Grants requiring time extensions due to the inability of the project sponsor to get the project done
2. Cost overruns caused by the sponsor's inability to get the project started after project approval

3. Sponsor's unwillingness to follow bidding, purchase, and construction requirements
4. Sponsor's continued non-compliance with the program's rules and regulations

The intent is not to penalize project sponsors encountering unavoidable construction and land acquisition problems. The evaluation of past performance is directed at sponsors having inadequate administrative capabilities that have caused project delays or poor maintenance schedules.

Project sponsors encountering difficulties will be requested to correct the problems prior to submitting new grant applications. New applicants having never received previous grants are presumed to have adequate administrative and operational capabilities.

Project Rating: June

Usually, the total project requests exceed the amount of funds available, and project applications must be rated for funding priority. Project sponsors may be asked to withdraw a project that is inadequately prepared or has too many unresolved issues.

The scoring system used to rank projects is explained in this chapter. Exhibit 2-A, found at the end of this chapter, is an example of the scoresheet. The system is composed of a series of categories. Projects with the highest scores are recommended by KDWP for submittal to NPS for approval. Projects not rating high enough for funding are, at the sponsor's request, carried forward to the next federal fiscal year for a maximum of two years. Unfunded applications may be revised prior to the next funding cycle.

Reviews and Preparation for Federal Submittal: June/July

Selection of projects for funding at the state level means that KDWP will reserve funds for those projects pending final approval by the federal government. The grant coordinator will submit L&WCF applications to the Kansas State Historical Society and other appropriate state agencies for review and comment. Issues may surface requiring resolution prior to submission to NPS. The grants staff may request additional documentation from project sponsors in order to complete the applications for federal submittal. Projects are sent to the NPS when all reviews have been completed and additional information has been received.

Federal Approval: Late Summer

The approval announcement may be made by the U.S. Senators or Representatives for your district. KDWP will issue a news release on the approval of each grant. The grant coordinator also will notify the project sponsor of the approval. The Local Project Agreement, along with other contract documents will be sent to the project sponsor for execution.

Project approval in late summer generally enables the sponsor to buy land, finalize project plans and specifications, and advertise for bids during the fall. **Acquisition of land or construction of facilities may not begin until federal approval is obtained and land appraisal plans have also been approved.** If a project is started prior to federal approval, it may be declared ineligible for funding and the grant will be terminated.

MINIMUM PROJECT CRITERIA

1. The deadline for submission of two (2) copies of the project application to KDWP is May 1. Applications must be postmarked no later than this date.
2. Additional information requested by the grants staff concerning the application must be received prior to rating the project.
3. The project sponsor must have the matching share of the project available prior to project rating.
4. Operation and maintenance procedures and previous grant administration performance of the applicant

must be adequate.

5. The project must be eligible to receive L&WCF funding according to the federal and state criteria for the program.

6. The project must meet a need or goal documented in both the sponsor's five-year park and recreation plan and *State Comprehensive Outdoor Recreation Plan: Kansas 2003 (SCORP)*

OPEN PROJECT SELECTION PROCESS

Rating Factors and Their Values

The rating system is based on the Issues and Goals identified in *State Comprehensive Outdoor Recreation Plan: Kansas 2003 (SCORP)*. A website link can be found in Exhibit 1-A at the end of Chapter 1 for information.

This plan represents outdoor recreation goals and objectives on a statewide level. To be considered for a L&WCF grant, a local project must address at least one goal or objective identified in the *SCORP* plan. Local demand or need for a particular land acquisition or outdoor recreation facility must be determined by the project sponsor based upon their five-year park and recreation plan. The grants staff scores the project against its direct relation to the *SCORP* plan and the sponsor's park and recreation plan.

Projects meeting other scoring criteria based on the goals of the *SCORP* plan may rank higher. These criteria include: public participation in the formulation of the project proposal; projects serving the needs of special populations; projects involving protection of greenways, open-space, natural areas, riparian areas, wetlands and river corridors; or projects removing barriers from existing recreation areas and facilities. In addition, projects that address one or more of the following: trails, water access, environmental learning facilities or flexible multi-use/multi-purpose facilities may receive extra points.

**Kansas Department of Wildlife and Parks
Land and Water Conservation Fund Scoring System
Local Project Priority
2003**

Type of Project _____

Total Score _____

Project Title _____

Government Unit _____

Completeness of Application

_____ Project documentation complete

_____ Project documentation incomplete

(Incomplete projects will be disqualified from further consideration)

SCORP Plan Related Categories

1. Is this project justified by the SCORP assessment in facility needs, outdoor recreation issues or trends increasing for local communities?
 - a. This project is recognized as a most needed facility, outdoor recreation issue or a rapid growing trend. (15)
 - b. This project is recognized but not as a high priority of needed facilities. (10)
 - c. Weak relationship with needs identified in the SCORP. (5)

2. Relation to a local park and recreation plan.
 - a. Strong relationship with a need for identified in a local recreation plan. (10)
 - b. Moderate relationship with a need identified in a local recreation plan. (5)
 - c. Weak relationship with a need identified in a local recreation plan. (3)
 - d. No relationship with a need identified in a local recreation plan. (0)

3. Project proposing new recreation opportunities in the area otherwise not available.
 - a. New project that does not duplicate similar facilities within close proximity. (10)
 - b. Project will renovate or expand existing facilities to address local needs. (5)
 - c. Project will provide support facilities only. (3)

4. Public participation in formulation of project proposal (Example: Public hearings, surveys, citizen advisory committee, circulated petitions)
 - a. Evidence of strong public input. (15)
 - b. Evidence of some public input. (10)
 - c. No evidence of public input. (0)
 - d. Evidence of no public input. (-10)

5. Project will provide new accessible facilities.
 - a. This project will be completely accessible and provide new facilities. (15)
 - b. This project will provide some but not all accessible facilities. (10)
 - c. This project will improve an existing facility to be accessible. (5)

6. Open-space, greenways, natural and riparian areas, wetlands.
 - a. Acquisition of wetlands, shore lands and riparian areas. (5)
 - b. Acquisition of open-spaces in urban areas experiencing rapid population growth and development. (5)
 - c. Acquisition of stream corridors, lakes, and reservoirs. (5)
 - d. Increase accessibility of currently existing open-spaces and greenways and stream corridors. (5)

7. Special categories (10 points for two or more, 5 points for one category)
 - a. Trails
 - b. Water Access
 - c. Environmental learning and nature study facility
 - d. Flexible use/multi purpose facility

Sponsor-Related Categories

8. Project financing
 - a. Funds have been committed and are budgeted and authorized for this project. (20)
 - b. Half of the funds have been raised and commitments for the other half are pledged. (10)
 - c. Funds are depending on the grant approval or questionable. (0)

9. Certified donations of land or cash from private sources as a percentage of local share.
 - a. 6% - 100% (10)
 - b. 50% - 75% (5)
 - c. 25%- 49% (3)
 - d. 1% - 24% (2)
 - e. 0 (0)

10. Maintenance of existing park and recreation facilities and areas.
 - a. Excellent (10)
 - b. Good (7)
 - c. Fair (4)
 - d. Poor (0)

11. Sponsor's past project administration record.
 - a. Sponsor without previous project record. (10)
 - b. Sponsor completed project (s) within two years. (6)
 - c. Sponsor completed project (s) within three years. (3)
 - d. Sponsor did not complete project (s) within reasonable amount of time. (0)

12. Sponsor's SCORP inventory.
 - a. Sponsor has current inventory in the SCORP database. (20)
 - b. Sponsor does not have current inventory in the SCORP database. (0)

13. Sponsor's preparation for beginning project.
 - a. Preliminary engineering and other pre-construction requirements are detailed and complete, cost estimates are well documented and reasonable. (20)
 - b. Cost estimates seem reasonable, but are not well documented. (10)
 - c. Cost estimates are not well documented. (0)

Project Evaluation Categories

16. Project scope.
 - a. Acquisition (10)
 - b. Development (5)

17. Site location analysis
 - a. Good (10)
 - b. Average (6)
 - c. Poor (0)

18. Compliance with land use capabilities
 - a. Good (10)
 - b. Average (0)
 - c. Poor (-10)

Total Score

Tie Breaker

In the case of a tie at the funding cutoff point, projects will be ranked according to their need based on a board selected to review the projects.

Chapter Three

Preparing and Submitting the Grant Application and Supporting Documentation

This chapter includes instructions for filling out the forms, plus a description of the support documents that must be submitted with the application. Two (2) copies of the application materials must be submitted. **Be sure to keep a copy for your files of the grant documents exactly as they were submitted.** A checklist of items needed for all project applications can be found at the end of this chapter. Applicants are encouraged to call the grant coordinator as questions arise when preparing an application.

COMPREHENSIVE PLAN, COMPLIANCE FORMS, AND SUPPORT DOCUMENTS

1. Any City or County Comprehensive Plan containing a park/recreation element is acceptable, provided that the plan reflects the need for the land or facilities in the project application. In lieu of the park element of the Comprehensive Plan, the sponsor should prepare and submit a Park and Recreation Plan thoroughly addressing all of the items in the Outline for a Comprehensive Recreation Plan (Exhibit 3-A). All exhibits referenced in the Chapter 3 narrative can be found at the end of the chapter.

The requirement for a five year projection of how the Comprehensive Plan is to be implemented, Item V in the outline, is to provoke the thinking of the sponsor to plan for future needs rather than only responding to a perceived current need.

2. The application form is to be completed and submitted with the information as illustrated in the sample application shown in Exhibit 3-B. As part of the application form process, a program or project narrative statement must be included. Guidelines for a program statement can be found in Part IV "Program Narrative" of the application form. The statement should provide basic information relative to the needs for assistance, expected results, sponsor's approach to accomplishing the project, and a general description of the location of the project.

3. If the project is an acquisition, a Willingness to Sell Form (Exhibit 3-C) must be included.

4. If the project for development, a Cost Breakdown Sheet (Exhibit 3-D) detailing the various cost items is required.

5. The Local Funding Statement, as shown in Exhibit 3-E, should indicate the sponsor's source of matching funds, the amount, and the date of availability. The Statement is to be certified by the Mayor, Commission Chairman, or Board President (as applicable).

6. Include documentation that identifies and describes any contemplated or current agreements the sponsor may have with other agencies, individuals, or other organizations participating in the application process; and involved in the maintenance of the completed project.

COMPLIANCE AND ASSURANCES

1. Civil Rights Compliance (Exhibit 3-F) and Handicapped Accessibility Assurances (Exhibit 3-G) are to be executed (original signature) by the appropriate local official. The signing of these documents assure that the sponsor will uphold and enforce the intent of the respective laws as they apply to the local sponsor's project. Site and building floor plans submitted with the proposal must illustrate the adaptations for the physically handicapped.

2. The adoption of an Assurance Resolution is needed to document the sponsor's commitment to comply with various regulations and requirements of the program- An example of an Acquisition Assurance

Resolution is found in Exhibit 3-H and an example of a Development Assurance Resolution is shown in Exhibit 3-I.

3. A Maintenance Statement, similar to Exhibit 3-J, is to be prepared and executed to indicate the sponsor's financial and personnel commitment to the future operation and maintenance of the park area and facilities.

4. Proof of flood insurance may be required if the project area falls under the Flood Disaster Protection Act; a copy of which can be found in the Appendix. This act will have an impact on certain L&WCF projects located in special flood hazard areas identified by the Secretary of Housing and Urban Development. Examples of facilities that would require insurance include permanent toilet buildings, bathhouses, buildings for interpretive exhibits, and administration or maintenance buildings.

LAND OWNERSHIP, CONTROL & TENURE

1. Sponsor control of the land is a prerequisite to receiving project approval, therefore, a Certified Title Opinion containing a legal description of the park land is required. The Opinion shall include a description of all rights, including adverse, held by others to the property.

2. A necessary support document to the Title Opinion is a copy of the recorded deed to the property illustrating sponsor ownership.

3. In lieu of a title opinion and deed, copies of a lease agreement (25 year minimum), existing or proposed, should be submitted with the application.

SITE RELATED DOCUMENTATION

1. A geographic location map (schematic) as illustrated in Exhibit 3-K must be submitted with the proposal. A simple, but descriptive, map with section, range and township is an important document for state and federal project inspectors.

2. Site Plan(s) of the park area site to be acquired, or .developed, must be submitted. The site plan must include such considerations as existing structures, items to be developed with L&WCF assistance, park boundary, property rights, handicapped accessibility, surrounding streets/roads. The site plan must be drawn in a professional manner, and be of sufficient size. A more detailed listing of site plan(s) requirements can be found in the "NOTES" section of the sample site plan in Exhibit 3-L.

3. Floor plans of enclosed structures, such as a bathhouse, restroom or maintenance building, are required to illustrate the preliminary architectural concept and the provisions for the physically handicapped.

ENVIRONMENTAL INFORMATION & ENERGY CONSERVATION MEASURES

1. The Environmental Assessment Statement is required and must contain essential information for a determination of the necessity for a comprehensive environmental impact statement. The assessment should contain sufficient environmental data to determine the impact of the proposed action. An outline for an Environmental Assessment Statement is shown in Exhibit 3-M.

2. An Energy Conservation Statement detailing the theories or elements of energy efficiency that will be incorporated into the project must be submitted. The sponsor is referred to the Energy Conservation material in Exhibit 3-N.

3. Overhead power and telephone lines constitute an environmental and aesthetic intrusion to the park atmosphere and are therefore required to be buried or removed. An Overhead Power and Telephone Line Statement, prepared and certified by the sponsor's engineer, must address the feasibility and cost estimates of removing or burying of the lines. The feasibility statement shall include the size and a description of lines and the justification for requesting the lines to remain. All lines must also be

illustrated and identified on the site plan. NOTE: In most cases funds may be available to assist in the cost of removal or burial.

4. Park sites are often subject to flooding by existing water courses and the existing or proposed facility development may cause or add to existing water polluting problems. For these reasons a Certified Flood Hazard and Water Pollution Statement is required. The Statement shall address the frequency of flooding, a basic description of anticipated damage, flooding duration (time), and the water polluting probabilities caused by the development of facilities. (Examples of facilities potentially causing pollution would be restrooms, trash receptacles, asphaltic materials (roads), camper dumping stations, etc.)

PUBLIC INPUT AND SUPPORT

1. The project sponsor is strongly encouraged to establish mechanisms for citizen participation in the selection of project site (s) and facilities proposed in the application. Such mechanisms include public hearings; neighborhood meetings, citizen advisory panel, public notices inviting public input, etc. The sponsor is required to submit copies of public notices and minutes of the official governing body meetings when the proposed project was discussed.

2. Submit copies of letters from individuals, civic groups, and other organizations demonstrating support of the proposed project. **Most projects will generate some negative comments; these should be mitigated or it should be shown that the negative comments were taken into consideration when planning the project.**

AFFIRMATIVE ACTION - EQUAL OPPORTUNITY PLAN

1. Affirmative action is a requirement, and as such the sponsor shall submit a copy of its affirmative action plan and grievances procedures. If the sponsor does not have an adopted plan in place, the necessary documentation for developing an affirmative action plan can be found in Exhibit 3-0. The basic purpose of the affirmative action plan is for the sponsor to declare that it is their policy to provide equal opportunity in employment and advancement, and to administer its employment practices without regard to race, color, national origin or ancestry, religion, sex, age, sexual orientation, mental or physical handicap, or political affiliation.

OUTLINE FOR A COMPREHENSIVE RECREATION PLAN

- I Background
 - A. Evaluation of existing recreation programs.
 - B. Evaluation of existing recreation financing.
 - C. Evaluation of those agencies or groups responsible for outdoor recreation and their responsibilities.

- II Supply
 - A. An inventory of presently existing outdoor recreation resources, areas and facilities with an evaluation of each resource area and its facilities. Include a map of the city or county locating all existing recreation areas corresponding with the inventory.

- II Demand
 - A. An evaluation of the present demand on the existing recreation resources and facilities and a projection of the demand for future outdoor recreation areas and facilities. This can be accomplished by:
 - 1. Visitor counts.
 - 2. Use of area and facility standards.
 - 3. Estimated use if counts are not available.
 - 4. Providing a relationship of 1, 2 and 3 to the projected population of the area served.

- IV Need
 - A. An analysis and evaluation of the above Section II. Supply; and Section III. Demand; to establish the need to upgrade existing facilities or to establish additional areas or facilities.
 - B. From the evaluation of existing programs under Section I. Background, provide if established, a need for upgrading existing programs or establishing new recreation programs.

- V. Implementation of the Plan
 - A. Provide a five-year projection of implementation to complete the plan by including:
 - 1. The estimated acreage and general location of lands or waters to be acquired. This should correspond with the inventory, map and Section IV.
 - 2. An estimate of needed facilities, such as picnic or camping areas, etc.
 - 3. An estimated listing, by year, of financial requirements and a recommended or anticipated source of financing.
 - 4. How the local unit expects to carry out its implementation.

Chapter Four

Grant Approval and Subsequent Processes

THE APPROVAL PROCESS

State Approval

The project sponsor will be notified after the grant coordinator has reviewed the applications and recommended to KDWP those that will be sent on for Federal approval. Projects that are not selected for funding will be returned at the sponsor's request, or carried over for the next two fiscal year's consideration.

After State approval, project sponsors will be requested to send additional information as noted on the checklist in the previous chapter. The additional information is needed to meet the Federal grant application requirements for complete applications.

Federal Approval

The sponsor will be notified after the National Park Service has approved the grant. As part of the notification process, the contact person for the project will receive copies of the project agreement that will include several attachments.

PROJECT AGREEMENT

The agreement will provide information required for project correspondence and will describe the responsibilities of the State and of the sponsor. The project agreement is filled out as follows:

1. The sponsor with whom the project agreement was made.
2. Project number, given for federal/state identification purposes. This 7 digit code number has a 20-00 prefix.
3. The project title is to be used on all project correspondence.
4. The approval date is when NPS approved the project. Any work begun before this date, other than those identified as preagreement costs, will not be reimbursed.
5. The expiration date is when the project must be completed. All work must be finished by this time to be eligible for reimbursement.
6. The **project scope** identifies the elements included in the project proposal as approved by the federal agency. Only those items will be eligible for reimbursement. If the project sponsor needs to make revisions, the grant coordinator should be contacted before those revisions are made. State and sometimes federal approval must be granted before revised work can be started if L&WCF reimbursement will be requested.
7. Project costs identify the total cost of the project, the project sponsor's share and the L&WCF grant share. The L&WCF grant amount may not exceed 50% of the total project cost.
8. This section identifies specific elements incorporated into the project agreement, such as the General Provisions, Project Proposal Assurances, Assurance of Compliance, the project application and all attachments.
9. This section will identify any special agreement provisions.

10. The project agreement will be signed by the Secretary of the Department of Wildlife and Parks, and the mayor, committee chairman or school board president and their secretary.

General Provisions

The General Provisions are divided into three major parts. Part I gives the definitions for the abbreviated terms used in the provision assurances. Parts II and III are the provision assurances for acquisition, development and maintenance of projects. These assurances incorporate maintenance of property for public outdoor recreation use, nondiscriminatory practices, federal regulations for bidding and contract compliance, project processing, record maintenance, eligible project costs and many other requirements. A copy of these provisions will be sent to project sponsors along with the Project Agreement for approved projects. The provisions are an integral part of the project agreement and must be followed throughout project administration. The General Provisions may be found at the end of this chapter.

PROJECT SEQUENCE

Once the project has federal approval, the sponsor can complete negotiations and purchase the land or advertise for bids, sign contracts and start construction. Donations of land for the project may be accepted after the grant is approved. Cash gifts may be received both before and after project approval.

Progress billings may be submitted after the project is approved and eligible costs are incurred. During the project period, the grants staff may make periodic inspections to insure that the development is consistent with the project. In the case of adding an item to the project, construction on that item cannot begin until the amendment is approved.

The amount of federal assistance specified on the Project Agreement may not be increased for that particular project. Costs incurred above this amount must be paid by the local agency.

During the project period, various situations may result in changes or deviations from the Project Agreement. If changes occur or problems are encountered during the project period, your grant coordinator should be contacted immediately. Changes may result in a need to amend the project in order to reimburse the sponsor for changes in the project which were not in the initial grant application. An amendment is necessary to alter the signed agreement. Changes that commonly necessitate an amendment are increases or decreases in the project scope or an extension of the project period.

AMENDMENTS

Project Agreement Amendments

The project sponsor initiates an amendment by submitting a request for the change to the grants staff at KDWP. This request should include all project revisions desired, including cost estimates, maps or design plans, and justification of the need for the changes. It is recommended that the grant coordinator be contacted prior to submittal of the amendment request. The staff member will be able to provide advice on the feasibility of an amendment approval.

An amendment for a change in project scope can be requested anytime prior to the construction of the added item or acquisition of the added tract. An amendment for an extension of time should be submitted at least sixty days before the project is scheduled to expire. If approved, two copies of the Amendment to the Project Agreement will be sent to the project sponsor for signature. Both must be reviewed, approved, signed, and returned for KDWP signature. One copy of the executed amendment will be returned to the sponsor so that both parties will have signed amendments for their files.

It is essential that amendment requests be kept to a minimum. Amendments may cover items that could not be anticipated in the original project. Major deviations from the original project will not be accepted.

Project Period Extensions

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

Changes in Project Scope

Only those items approved for the project are eligible for federal assistance. Similarly, facilities must be constructed in the same location as designated on the site plan submitted with the application. Due to unforeseen changes in project costs or revisions in the plans for the park, certain items may have to be added or deleted from the project after it is approved. All changes to the project should be consistent with the intent of the original application. If the application specified picnic area development, a swimming pool could not be added by an amendment; however, additional picnic tables, grills, or a shelter may be added. All changes must be justifiable and the need for the change must be documented by a letter, accompanied by revised cost estimates, construction drawings, and site plans.

PROJECT COMPLETION

After completion of the L&WCF project, the grants staff will conduct a final inspection. The NPS may also make a final inspection, but this inspection may not take place until later. A project officer from NPS usually notifies the project's primary contact person prior to these inspections and invites that person to accompany the inspecting officer(s).

If the project has been completed in accord with the Project Agreement, the final billing can be processed. In order for a project to be considered completed and ready for final billing, a permanent Land and Water Conservation Fund sign must be displayed on the site as described in Chapter Eight. The final billing should be submitted within forty-five days of the date of completion or expiration date, whichever comes first. This procedure will enable both the sponsor and the grant coordinator to complete the final project data and terminate administrative procedures as soon as possible.

Chapter Five

Criteria for Land Acquisition Projects

Site Selection for a Grant Application

An acquisition project would include the purchase of a specified parcel of land for outdoor recreation purposes. *Once acquired, this land must remain in public outdoor recreation use forever.* A project may involve the acquisition of land to create a new park or expand an existing park.

In determining the boundaries of a project, the sponsor should take into account human considerations, including the socioeconomic effects of the acquisition and subsequent development on owners and tenants in the adjacent area, in addition to other factors. If a partial taking would leave an owner with an uneconomic remnant, the sponsor must offer to acquire the entire property.

State and Federal Acquisition Policies

All acquisitions must conform to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prescribes policies and procedures to insure fair, equitable, and uniform treatment of persons whose land is acquired by federal and federally assisted programs. The provisions of the Act apply to the acquisition of all real property for, and the relocation of all persons displaced by projects which received L&WCF assistance. The Act applies regardless of whether L&WCF assistance is used for acquisition or development. For example, a project sponsor cannot knowingly circumvent the federal law by acquiring the land with local funds and not follow the regulations of the Act and then apply for development funds in a later project.

There are two major sections to the law: policies regarding the acquisition of land, and relocation benefits to landowners. Each section will be discussed separately in this chapter. The acquisition procedures explained in this chapter, should be read with extreme care. If the procedures are not followed, the sponsor could encounter severe problems in being reimbursed regardless of the method of acquisition. A copy of this law can be found in Appendix 2 at the end of this manual. Contact your grant coordinator for supplemental guidelines and forms.

Eligible Types of Acquisition

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

1. Water-Oriented Recreation Sites- These sites can be frontage on rivers, streams, lakes, estuaries, water bodies themselves, and land for creating water impoundments.
2. Natural and Scenic Areas - Natural areas, preserves and outstanding scenic areas, areas of physical or biological importance, and wildlife areas. Areas must be open to the general public for outdoor recreation use to the extent that the natural attributes of the areas will not be seriously impaired or lost.
3. Community Parks - Land within cities and towns for day-use picnic areas, neighborhood playgrounds, and competitive nonprofessional sports facilities, as well as more generalized parklands.
4. County Parks - Areas serving county and regional recreational uses.
5. Linear Parks - Land which forms a greenbelt corridor for recreational use, such as an abandoned railroad line for a multipurpose trail.
6. Existing Recreational Facilities -Privately owned facilities, such as swimming pools, golf courses and

youth camps. Project sponsors considering the acquisition of land and/or facilities which are in recreation use should determine the nature and intent of that use. The acquisition of an area or facility which is operated for public recreation is only eligible for L&WCF assistance if it can be documented that the facility will be lost to recreation use if it is not acquired by the sponsor.

7. Structures - The acquisition of structures on property for outdoor recreation, support of outdoor recreation activities or the structures have no value and are demolished to enable recreational development to take place. L&WCF assistance may be used to acquire modest structures to be used as park ranger's or manager's residences provided the cost of the structure is incidental to the total acquisition cost. Project proposals must list all improvements and their proposed use or disposition.

Ineligible Types of Acquisition

Generally, L&WCF assistance will not be made available for:

1. Museums - Sites to be used for museums or primarily for archaeological excavations.
2. School Sites - Land to help meet a public school's minimum site size requirement, as established by State or local regulations.
3. Historic Sites and Structures - Exceptions may be made only when it is demonstrated clearly that the acquisition is primarily outdoor recreation purposes and that the historic aspects are secondary to the primary recreation uses.
4. Indoor Facilities - Areas to be used mainly for the construction of indoor facilities and areas where existing indoor recreation facilities, if left in place, will leave insufficient area at the site for the development of outdoor recreation facilities to justify the cost of the acquisition.
5. Professional Facilities - Areas and facilities to be used primarily for semiprofessional and professional arts and athletics.
6. Fish and Wildlife Sites - Areas and facilities to be used solely for game refuges or fish production purposes will not receive L&WCF assistance.
7. Railroads - Railroad hardware, trestles, stations, yards, and the like if they are to be used for the commercial operation of railroad trains. Some railroad hardware is reimbursable when it is necessary for a recreation; for instance, a trestle may be used as a bridge for the trail.
8. Lodging Structures - Sites containing luxury lodges, motels, cabins, and similar elaborate facilities which are to be operated by the park board or a concessionaire to serve retreators with food and sleeping quarters.
9. Farmland - Agricultural land primarily for preservation in agricultural purposes. Limited agricultural land use is eligible, if it supports outdoor recreation such as demonstration farms, wildlife management or hunting.

Chapter Six

Developing Sites and Facility Construction

SELECTING DEVELOPMENT PROJECTS FOR A GRANT APPLICATION

A development project may consist of new construction or the renovation of a facility or group of related facilities designed to provide facilities for public outdoor recreation on lands or waters owned by or leased to the sponsor. A project may include the complete or partial development of one area such as a neighborhood park, or it may include a series of identical developments on several separate areas such as development of picnic facilities in several parks.

L&WCF assistance may be used to develop outdoor recreation or support facilities as follows:

Once developed, a project must remain in public outdoor recreation use for the life of the facility. In addition, the land on which the facilities were constructed falls under the jurisdiction of the Land and Water Conservation Fund Act which specifies that **the land must remain an outdoor recreation site in perpetuity**. Any proposed changes in the use of the site or facility must receive prior approval from the KDWP and in some cases, NPS.

SITE LOCATION, CONTROL, AND TENURE

Facilities may be built on park sites under the control and tenure of the sponsor. Project sites may be leased to the sponsor for a minimum of 25 years and may be renewable. After the lease is terminated, the sponsor must assure that the land will remain in public outdoor recreational use, forever, as required by the L&WCF Act. If the development will have a longer period of service, the lease must extend for a time equal to or greater than the expected useful life of the facilities.

1. Public School Grounds - Facilities for coordinated use by the general public and by public schools are eligible for L&WCF assistance, provided such facilities are not part of the normal and usual program and responsibility of the educational institution. Facilities needed to meet the physical education and athletic program requirements of a school will not receive L&WCF assistance. This policy does not preclude exclusive school use of certain facilities such as athletic fields, tennis courts, or swimming pools at certain times for instruction or competition, provided there is adequate public use at other times. The grant application must include a schedule of the times when the facility will be available to the public, which must be not less than 50% of the usable time. **Additionally, signs must be installed at the site, prior to final payment on the project, indicating when the outdoor recreation facilities are available to the public.**

2. Tourist Areas - Facilities may be located in primary or potential tourist market areas, provided their primary purpose is for public outdoor recreation as opposed to entertainment or economic development.

3. Historic Sites - Outdoor recreation and support facilities may be located on historic sites or in conjunction with historic structures. Recreational use of the site must be compatible, rather than detrimental to the historical aspects.

ELIGIBLE TYPES OF DEVELOPMENT

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

1. Boating - Facilities for motorboating, sailing, canoeing, kayaking, rowing, and other boating activities. These facilities may include docks, berths, launching ramps, breakwaters, mechanical launching devices, boat lifts, storage spaces, sewage pumpout facilities, fuel depots, and excavated boat basins and channels.

2. Camping - Tent and trailer sites, tables, fireplaces, restrooms, information stations, snackbars, and utility outlets.

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

4. Exhibit Facilities - Arboretums, outdoor nature exhibits, nature interpretive centers, community gardens, certain types of zoo facilities, and other similar developments. Exhibit facilities will not be funded if the primary function is for academic, historic, economic, entertainment or other nonrecreation purposes. This restriction includes fairgrounds, archaeological research sites and others. recreation area which serves the general public. The emphasis for any facility should be to provide recreational access for users of all abilities.

5. Fishing and Hunting - Trails, fishing piers and access points, initial clearing, planting of forage and cover, and stream improvements.

6. Access for Handicapped Users · Adaptation of new or existing outdoor recreation facilities and support facilities for users of all abilities. **Outdoor recreation facilities to be used exclusively by handicapped people are not eligible unless the facilities are available to the general public or are part of an outdoor recreation area which serves the general public.** The emphasis for any facility should be to provide recreational access for users of all abilities.

7. Picnicking - Family and group picnic shelters, tables, fireplaces, grills, and trash receptacles.

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

9. Spectator Facilities - Amphitheaters, bandstands and modest seating areas related to playfields and other eligible facilities. Spectator facilities may not be primarily for professional, semi-professional or interscholastic events. Bleachers or modest seating areas are encouraged (near recreation facilities) for handicapped people, elderly citizens, and general public.

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

11. Sport Shooting - Examples include rifle/ pistol ranges, trap/skeet fields and archery ranges.

12. Swimming - Swimming beaches, outdoor pools, wading pools, spray pools, wavemaking pools, lifeguard towers, bathhouses, and other similar facilities.

13. Trails - Funds are available for development and marking of overlooks, turnouts and trails for naturewalks, hiking, bicycling, horseback riding, exercising, skiing, snowmobiling, and other trail activities.

14. Winter Sport Facilities - Such as cross country ski trails, downhill ski runs, jumps, lifts, slopes, and snowmaking equipment. Also included are facilities for ice skating, tobogganing, iceboating, sled runs, ice hockey rinks, and warming shelters.

15. Support Facilities for Outdoor Recreation - Includes entrance and circulation roads, fences, utilities, sanitation systems, dams, erosion control works, maintenance structures, parking areas, restroom buildings, concession stands, walkways, operation and maintenance facilities and others. Some landscaping costs and equipment to make a recreation facility operational are eligible. Roads outside the boundaries of the park which provide access to the recreation site and are not part of a state, county, or local road system are eligible. The access corridors must be owned or adequately controlled by the project sponsor. The principle objective must be to serve the park and visitors. Relocation of power lines, dredging, and restoration of publicly owned lakes are also eligible. Support facilities must serve eligible recreation facilities. **Projects which consist only of support facilities are eligible for funding but carry a low priority.**

INELIGIBLE TYPES OF DEVELOPMENT

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

1. Amusement Facilities - Such as carousels, Ferris wheels, children's railroads, pioneer towns, livestock and produce exhibits, commemorative exhibits, and convention facilities.
2. Facilities for Handicapped Individuals - Development of outdoor recreation facilities and/ or support facilities to be used exclusively by handicapped persons.
3. Housing - Construction of, and/or furnishings for, employee residences. Construction or renovation of lodges, motels, luxury cabins, or non-austere cabins.
4. Historic Preservation - Restoration or preservation of historic structures.
5. Interpretive Facilities - Development of facilities which go beyond interpreting the project site and its immediate surrounding area.
6. Mobile Recreation - Such as playmobiles, swimmobiles, showwagons, puppet wagons, and portable bleachers.
7. Professional Activities - Development of areas and facilities to be used primarily for semiprofessional or professional arts and athletics, such as professional types of outdoor theaters or performance areas.
8. Sheltered Facilities - Enclosures which convert an outdoor facility such as a basketball court or picnic shelter into an indoor facility.
9. School Athletic Facilities - Development of school athletic facilities, such as stadiums or running tracks for interscholastic athletics. Athletic fields with grandstands, grandstands or more bleacher seating than would normally be required for park and recreation department athletic programs. Facilities needed to meet the physical education and athletic program requirement of a school or facility that will be used more than 50% of the time by the schools.
10. Support Facilities - Facilities such as roads and sewer systems developed to exclusively serve ineligible facilities. Roads which are part of local road systems extending beyond or through the boundaries of the project area.
11. Zoo - Facilities at a zoo for indoor displays, or interpretive areas, and permanent housing which are not displayed in an outdoor setting.

In general, the construction of ineligible recreation facilities on land purchased with L&WCF assistance will not be permitted unless all of the following conditions are met:

- 1. They are financed by other than L&WCF monies.**
- 2. They are compatible with the outdoor recreation uses of the area.**
- 3. Approval is obtained from the Kansas Department of Wildlife and Parks and the Federal Government prior to construction.**

ELIGIBLE DEVELOPMENT COSTS

Professional Services

Consultants for L&WCF projects may be hired through the competitive bidding process. A scope of services desired by the project sponsor needs to be prepared and normal advertisement procedures followed. The sponsor should request proposals from firms and select several of those submitting proposals for an interview. Firms should be selected based on their professional qualifications, experience, and quality of past performance. Hiring the lowest bidder is not required; however, a written explanation of the process used in hiring a consultant must be submitted to the grants section with the contract. During the negotiation process, all bidders must be treated equally and given the same opportunities to revise their bids.

Federal regulations will not allow payment of consulting fees on a percent of the construction contract basis. The consultant may be paid according to: (1) fixed price, (2) hourly basis, (3) daily basis, or (4) actual expenses incurred. The contract must specify the payment method. Consulting fees may not be paid to federal, state, or project sponsor's employee unless such a payment is specifically agreed to by KDWP and NPS.

Typical eligible consultant costs include: feasibility studies, site planning, Environmental Assessment preparation, cost estimates, archaeological work, and construction plans and specifications. Costs incurred for designing facilities not developed in the project are ineligible. Preagreement costs necessary to prepare the application are eligible and must be identified in the application. If a consultant is hired after the application is submitted, the project sponsor must notify the grants staff.

Construction

Allowable construction costs include all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a facility. Construction may be carried out through a contract with a private firm, by use of the sponsor's own personnel and equipment (force account).

Contract Construction Wages

Wage rates established for construction project employees must equal the prevailing wage rate for the area. Since those rates change periodically, a new State Wage Rate Scale must be requested and included in the specifications when construction is bid in a L&WCF project. The L&WCF program is not subject to the *Davis Bacon Act*, so contractors are not bound to construction wage rates established by the U.S. Department of Labor, unless other federal funds subject to the *Davis Bacon Act* are used as the local share. To obtain the current prevailing wage rate scale for an area, please contact:

U.S. Department of Labor
Wage & Hour Office
Federal Building
444 SE Quincy
Topeka KS 66683
Telephone: (913) 295-2526

Materials

Materials may be purchased for a specific project. The former should be charged to a project at their actual price, less discounts, taxes, rebates, etc. and the latter should be charged at cost under any recognized method of pricing which is consistently applied. Incoming transportation charges are a part of these costs.

Equipment

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

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

Information and Interpretation

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

METHODS OF DEVELOPING FACILITIES

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

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

The Federal Government requires that competitive, open bidding be undertaken for all federally assisted contracts in excess of \$25,000, unless this requirement is waived by the federal agency. All construction associated with a Land and Water Conservation Fund project which exceeds \$25,000 must be competitively bid, as required by federal law. Please note that the total contract, rather than the amount of federal assistance, shall be the governing factor in determining whether contracts or subcontracts exceed \$25,000.

Project sponsors must inform bidders that Land and Water Conservation Fund monies will be used to assist in the park development, and that all relevant requirements will apply. It is preferable to include this information in the bid invitations or in notices released prior to bid invitations. The federal government requires that certain information be included in the specifications for and as part of all contracts, and that certain documents be filed, on projects for which federal reimbursement will be requested.

There are three sections to the L&WCF Contract Requirements: (1) the first section explains the procedures and responsibilities of the sponsor with regard to these federal requirements; (2) the second section is an explanation for the prime and subcontractors of how they can meet the federal requirements and which documents they must execute and retain on file. This section may either be included as part of the specifications or given to the successful bidder at the preconstruction meeting. **(3) the third section must appear verbatim in the specifications for any contract or purchase for over \$25,000.** If these

pages are not included in the specifications given to the bidders prior to bidding, the cost of the resulting construction contract will not be eligible for reimbursement.

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

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

A copy of all plans and construction specifications, including addenda must be submitted to the grants staff for approval prior to advertising for bids. In addition, copies of the bid tabulation summary sheet and all construction contracts must be submitted within fifteen days after award of the contract. Change orders to the contract should first be cleared with the grant coordinator before the change order is negotiated.

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

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

Force account cannot be used to circumvent a competitive bidding process. Federal law requires that all construction over \$25,000 be competitively bid. The Federal Government does not limit the amount of work which can be done by force account, so in accordance with State law, all force account work on L&WCF projects must cost no more than \$25,000. If information is needed about state bidding regulations or federal procurement procedures, contact the grant coordinator.

If a sponsor plans to claim force account costs, this intent must be stated in the application documentation and in the explanation of any subsequent project amendment requests.

Adaptation of Facilities for Handicapped Persons

NPS requires that facilities developed with assistance from the L&WCF must be designed in conformance with the Architectural Barriers Act of 1968 as amended. The Act insures that structures financed with federal funds are designed and built to be accessible to handicapped people. The Uniform Federal Accessibility Standards give acceptable designs for making park and recreation facilities accessible. Some examples include:

1. Curb cuts or ramps which provide easy access to sidewalks.
2. Gradually-sloped, hardsurfaced walkways leading to all park facilities visited by park users.
3. Playground equipment designed to accommodate handicapped children.
4. Picnic sites with tables designed for persons in wheel chairs.
5. Water fountains, public telephones, and similar facilities designed to permit use by all users.
6. Hard surfaced, signed parking spaces for handicapped persons.

Chapter Seven

Obtaining Reimbursement

REIMBURSEMENT

After the NPS has approved the project and reserved L&WCF monies, the project sponsor may take title to the land or begin development. The grant funds will be made available to the sponsor on a reimbursement basis.

In order to receive the money reserved, the project billing must be submitted to the grants staff. The staff will process this information and transmit the billing request to the NPS. It takes approximately four to six weeks for a reimbursement check to be sent to the sponsor.

Cash Flow

Since the grant program is administered as a reimbursement process rather than an immediate grant, project sponsors must first pay the bills and then request 50% reimbursement. During the more active periods of the project work, the project sponsor may encounter times when the cash flow for expenses increases and the reimbursement checks are not returned in time to assist in the bill payments.

Incurred Costs

To be eligible for matching assistance, the costs must be incurred within the project period. The sponsor may not take title to land or begin development until after the project has been approved by NPS. The only costs incurred before project approval that are eligible for reimbursement are professional services, archaeological literature search, and grant application preparation fees which were documented as preagreement costs in the project application. Other preagreement costs are not eligible for matching assistance.

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

Income Generated on Project Sites

Income earned by the project sponsor during the project period from sources other than the intended recreation use will either be used to reduce the total project cost (thus reducing the grant by 50% of the earned income), or to do additional acquisition or development at the site. Examples of such income include the sale or rental of structures, the sale of timber or crops, and the lease or rental of the land. Income from user fees or concessionaire operations related to the recreational facilities is not included.

An explanation of all anticipated types of income must accompany the project application.

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

BILLING SUBMITTAL

Separate billings must be submitted on each project for which a sponsor has a L&WCF grant. These billings should be numbered consecutively, beginning with number one. Billings may be submitted monthly; however, project sponsors are encouraged to submit billings on a quarterly basis. The federal amount of each billing should total at least 25 percent of the L&WCF grant amount, with the exception of the final billing.

Final Billings

Billings may be submitted for up to ninety-five percent of the project costs prior to final billing. Reimbursement for five percent of the project costs is withheld until the project is completed and a final inspection is made by the grants staff. One copy of the signed Post Construction Certificate, Exhibit 7-A, must accompany the final billing for development projects. This form is completed by the supervising architect or engineer on the project. If the project did not involve a consulting architect or engineer, then the sponsor's engineer should inspect the project and sign the Post Construction Certificate. The final billing should be submitted to your grant coordinator within 45 days of the project completion or expiration, whichever comes first.

Project sponsors should expect the final billing to take longer to process than progress billings, and should arrange their financing accordingly. An "as built" or "as acquired" site plan which clearly delineates the completion date, property dimensions, and location of the L&WCF scope items or parcels of land acquired must be submitted with the final billing. This site plan will serve as a permanent part of the record of L&WCF assistance at the park, and thus must be agreed to by KDWP and NPS. The grants staff will work with the sponsor in documenting the final site plan. When the plan is mutually satisfactory to NPS, the state, and the project sponsor must file the "as built/acquired" site plan and the form entitled Federal Protection Conditions for Outdoor Recreation, Appendix 4, with the deed (plat map) records for the project maintained by the county in the courthouse/office building. This statement explains the permanent federal protection afforded the site. **Evidence that these items have been recorded must be received by the grants staff before the final reimbursement check will be issued.**

BILLING DOCUMENTATION

There are several types of documentation which must be submitted with each billing. All billings are submitted on the L&WCF Billing Form, Exhibit 7-B, accompanied by various supporting documents depending upon the type of project. One copy of the billing form is submitted with each reimbursement request. The form will be submitted to the sponsor with the project agreement.

Acquisition Projects

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

1. Claim Vouchers - One copy, front and back, of itemized claim vouchers. Claim vouchers must be certified (signed) by the authorized board members and the proper city or county officials. The project name and number should be specified on the claim vouchers. The warrant number of the check payment should also be entered on the vouchers.
2. Canceled Checks - One copy, front and back, of the canceled check corresponding to each claim voucher.
3. Warranty Deeds - Two copies of the recorded warranty deed for each parcel transferring title land to the sponsor.
4. Statement of Just Compensation and Offer to Purchase - Two copies of the Statement of Just Compensation and Offer to Purchase Form, signed by the former landowner of a negotiated purchase or bargain sale acquisition.
5. Waiver of Just Compensation - Two copies of the Waiver of Just Compensation Form signed by the former landowner for a bargain sale acquisition.
6. Court Award - Two copies of the court award indicating the land value if the acquisition is by condemnation.
7. Relocation Information - One copy of the relocation forms and supporting data. Special forms for

computing the relocation costs are available from the grants staff.

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

Development Projects

A billing for development costs should include the following items:

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

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

Cities, counties and school districts are tax exempt and therefore, cannot be reimbursed for payment of sales tax. If sales tax is inadvertently included in a vendor's invoice, it should be identified as an ineligible cost and deducted from the billing.

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

4. Force Account Information - If force account costs are claimed in a development billing, the following types of information are required:

a. Payroll - One copy of the board's payroll for the time period for which force account costs are being claimed.

b. Canceled Checks - One copy, front and back, of the canceled checks corresponding to the force account items. The amount paid for eligible costs should be indicated on the checks by writing "Eligible Costs" across the checks and the amount.

c. Force Account Labor Form - One copy of the form, Exhibit 7-C, plus a written statement that the individuals, for which force account costs are claimed, performed the listed work. This statement should be signed by both the employee and the project sponsor.

BILLING ASSEMBLY

To speed the process, billing documents would be compiled in an orderly manner. One copy of the signed L&WCF Billing Form, claim vouchers, canceled checks, and invoices are required. It is recommended that the invoice, claim voucher, and canceled check for each payment be stapled together separately, along with any other applicable acquisition or construction documents as outlined earlier. These supporting materials for payments should be compiled into one stack with the billing form on top. A transmittal letter should identify any items on claims that were deducted due to ineligibility and provide a short summary of the project's status to date. Although a claim or invoice may be familiar to the project sponsor, it may be highly questionable for processing by the State. Claims or invoices marked simply "paint," "lumber," "plumbing supplies" or claims which are illegibly written will be returned for further explanation. Construction materials need to be properly identified with a project scope item such as "paint for tennis court." Failure to identify all eligible costs may result in a billing process delay. In most cases, questionable items will not be reimbursed.

STATE PROCESSING OF BILLINGS

When the billing is received by the grants staff, all documentation is reviewed. This process usually takes from two to three weeks, after which the reimbursement will be requested from the U.S. Treasury. After the check is produced, it will be mailed to the sponsor. The entire reimbursement process may take six to eight weeks to complete. The sponsor will be asked to sign one claim voucher so that the State Division of Accounts and Reports can produce a check made out to the sponsor. After signing the voucher, it should be returned to the:

LWCF Coordinator, Parks Division
Kansas Department of Wildlife and Parks
512 SW 25th Avenue
Pratt, KS 67124

If the voucher is not returned promptly, the reimbursement will be unnecessarily delayed, since the check cannot be produced. Receipt of the claim voucher indicates to the project sponsor that reimbursement has been requested from the U.S. Treasury. The check can be expected within three to four weeks.

L&WCF PROJECT BILLING FORM

Approved Fund Amount \$	Type of Request Final _____ Partial _____	Basis of Request Cash _____ Advance _____	Project No.
State Admin Surcharge \$	Period Covered (Month, Day, Year) From _____ To _____		Request No.
Net Funding to Local \$	Name of Project Sponsor	Sponsor's Taxpayer ID No.	
Suppl Fund (incl State Admin)	Street No. and Name or PO Box No.		
Suppl State Admin Charge \$	City	State Zip Code	

STATUS OF FUNDS

A Classification	B Expenditures to Date	C Supplemental Grant	D Total (B + C + D)	E State Admin Surcharge ___% (D x Rate = E)	F Net Amount to Local (D - E = F)
a. Preliminary Expense					
b. Land, structures, right-of-way					
c. Architectural Engineering basic fee					
d. Other architectural engineering fees					
e. Inspection fees					
f. Land development					
g. Construction & impvmt cost					
h. Total cumulative to date					
i. 50% of Line d.					
f. Less: Previous requests					
g. Amount of Reimbursement					
i. Percent exceeded					

Certification: I certify to the best of my knowledge and belief that the billed costs of disbursements are in accordance with the terms of the project

Name of Accounting Contact	Name of Project Sponsor Representative
Title	Title
Telephone No.	Signature of Authorized Official
	Date

FOR KDWP USE ONLY

Audited by KDWP	Local Expenditures	State Admin Surchg ___%	Total
Date:	Amt of Billing		
By:	Federal Reimb Request		

FORCE ACCOUNT LABOR FORM

Project Sponsor _____

Project No. _____

Date _____ Work Period

From

(1)

(2)

(3)

(4)

(5)

(6)

Employees Names

Total Project Work Hours for this period

Rate Paid including fringes

Total \$ Paid

(8)

(9)

(10)

(11)

(12)

(13)

Employees Names

Total Project Work Hours for this period

Rate Paid including fringes

Total \$ Paid

Chapter Eight

Closeout and Post Completion Responsibilities

Project Completion

The date of completion is when all work in the scope of a L&WCF project has been completed, or the project expiration date occurs, whichever comes first. The project sponsor should submit the final billing and closeout documents within 45 days of the date of completion.

Upon notification of project completion, the grants staff will conduct a final inspection. NPS may also make a final inspection, but it may not take place until a later date.

Final billing documentation is explained in Chapter Seven. Final billings must include closeout documents along with the "as built" or "as acquired" site plan. The plan must identify the work funded by the grant, completion date, boundaries of federal jurisdiction, and otherwise be similar to the site plans submitted with the application. In some cases, there may be no changes from the site map submitted with the grant application other than labeling it with the completion date. The grants and NPS staff may need to make additional notations or revise information on the map. When the final version has been agreed upon by all parties, copies will be provided to the sponsor, KDWP and NPS.

This site map becomes part of the permanent records of KDWP and NPS. It is also to be kept permanently in the project sponsor's public property records and available for public inspection with the project agreement. It must be identified as having been acquired or developed with Land and Water Conservation Fund assistance and also state that it must remain in public outdoor recreation use.

The sponsor must also officially record the final site plan, along with a copy of the Federal Protection Conditions for Outdoor Recreation found in the Appendix, with the deed records for the site which are maintained in the county courthouse/office building. The federal protection attachment explains the permanent protection provided by the L&WCF Act against conversion of the park to uses other than public outdoor recreation. Evidence that these two documents have been recorded must be submitted before the final reimbursement will be returned to the sponsor.

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

Acknowledgment Sign

An L&WCF sign, as shown on the following page, must be permanently displayed on all projects when completed. The sign, provided by KDWP, gives recognition to the sponsor involved in the acquisition or development of the particular site, and indicates the project was a cooperative program for outdoor recreation assisted by the Land and Water Conservation Fund. The permanent sign is made of materials that will withstand the elements and should be placed on the park sign or gatehouse, away from vandals. The size of these signs may vary, but they should not be smaller than the example.

Audits and Record Retention

In addition to the documents submitted to the State, copies of all construction plans, specifications, bid advertisements,

bid tabulations, contracts, and change orders must be retained by the sponsor for a period of three years, commencing after the final reimbursement has been received, or until audit findings have been resolved. Records regarding acquisition projects should also be kept, particularly a history of negotiations with the landowner. All accounting records and project data are subject to State and Federal audit. The Federal Government reserves the right to question any item for which reimbursement was received until an audit is made. All project sponsor files are subject to audit by the State, which reviews fiscal procedures for state and federal compliance. If federal funding has been received, the audit must meet the requirements of Office of Management and Budget (OMB) *Circular A-128*. Federal assistance will be examined in detail and any negative findings will be highlighted. A copy of the audit report must be sent to the grant coordinator for project records. Negative findings will be handled on a case-by-case basis. Any negative findings must be resolved before any future grants will be approved. Audit requirements are stated in the Project Agreement.

Inspections

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

Operation and Maintenance

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

General Public Use

The park should be open for general public use at reasonable hours and times of the year according to the type of area or facility. Property acquired or developed with federal assistance shall be open to entry and use by all person regardless of race, color, religion, sex, national origin, age, handicap or place of residence.

The park cannot be restricted for use by only certain residents. A higher user fee may be charged to out-of-city or out-of-county residents, but it may be no more than twice that charged to residents. Where there is no charge for residents, but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged at comparable State or local public facilities. Reservation, membership, or annual permit systems must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. These provisions apply only to the recreation areas described in the Project Agreement.

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

Facilities may also be scheduled for use by private groups, such as a ballfield for a Little League or shelter for a family reunion. Such a reservation system cannot be used to the extent that a facility is reserved for the exclusive use by special interest groups and is never available during general use hours for the public at large. Permits for the use of facilities must be in accord with federal nondiscrimination provisions.

Nondiscrimination Audits

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

Perpetual Park Use

Property acquired or developed with assistance from L&WCF must be retained and used for public outdoor recreation in perpetuity. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor uses without the approval of the Secretary of the Interior. Land acquired or developed with Fund assistance cannot be sold or converted into nonpark uses, such as for public roads, schools, libraries, or overhead utility corridor. Indoor recreation facilities may be constructed with local funds on Fund-assisted land as long as the facility development is compatible with outdoor recreation uses. Such facilities must be brought to the attention of KDWP prior to their construction.

In general, compatible indoor recreation facilities will be permitted as long as the amount of land conveyed to indoor recreation use is only a small portion of the total park area. Construction of nonrecreational buildings, such as a fire station or a city hall will not be allowed since the land would be converted to nonrecreation use. All future development on L&WCF assisted land must be designed to accommodate handicapped users even if federal assistance was not requested nor used for the development.

Retention of Outdoor Facilities

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

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

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

Leasing of Project Sites

A sponsor may provide for the operation of a site acquired or developed with L&WCF assistance by leasing the facility

to another party. The sponsor 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:

1. In order to protect the public interest, the project sponsor must have the clear ability to periodically review the performance of the lessee and terminate the lease if its terms and the provisions of the grant agreement, including standards of maintenance, public use, and accessibility are met.
2. The document should clearly indicate that the leased area is to be operated by the lessee for public outdoor recreation purposes in compliance with provisions of the Land and Water Conservation Fund Act and implementing guidelines.
3. The document should require that the area be identified as being publicly owned and operated as a public outdoor recreation facility in all signs, literature, and advertising and that the lessee be identified as such so that the public will not be misled into believing that the area is private. Signs should also be posted which identify the facility as being open to the public.
4. The document should require that all fees charged by the lessee to the public must be competitive with similar private facilities.
5. The lessee must include requirements that the lessee comply with Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act in providing equal opportunity for public use of the park facility and in the lessee's employment practices. The site must also be maintained to be accessible to handicapped people under the Architectural Barriers Act.
6. The lease term must be for a limited number of years and may not be automatically renewable, since the permanent transfer of property rights is not allowed under the L&WCF program.

CONVERSIONS OF USE

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

1. Property interests are conveyed by the project sponsor to another party for full or partial control of the land, which would result in uses other than public outdoor recreation as approved by NPS. This includes granting any control of the land, such as through easements, rights-of-way, and leases, for the construction and maintenance of a utility line, pipeline, irrigation ditch, road, or similar facility. It applies to above and below ground impacts.
2. Non-outdoor recreation uses (public or private) are made of the project area, or a portion thereof. This could include the construction of structures or facilities by the project sponsor or others which would not be compatible with the existing outdoor recreation uses, such as fire stations, civic centers, libraries, schools, and was provided only for the development of facilities, the replacement land may either be acquired from the private sector or be nonrecreation land in other public ownership, even if the other public land is transferred without cost. If the conversion is approved, the replacement land will be placed under L&WCF 6(f) protection for permanent outdoor recreation use.

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

3. Ineligible indoor recreation facilities are developed within the project area. This might occur if a facility such as a community center or indoor tennis center were built on a project site without prior federal approval. Generally, if the park site is large and sufficient outdoor recreation space will remain, indoor recreation facilities may be allowed. On small sites, however, where an indoor facility would dominate the space and restrict the usability of the park for outdoor activities, such proposals will not be considered.

4. Public outdoor recreation use of property acquired or developed with L&WCF assistance is terminated. This might occur, for example, if the park or facility were closed, for any variety of reasons. Included would be title to the land reverting to a previous owner due to reversionary clauses in the deed or another party exercising outstanding rights which disrupt park use, which might happen with mineral extraction. A conversion will not occur in the case of a development project on a site leased to the sponsor when a long-term lease expires at the end of the term. If, however, the lessor revokes such a lease prior to its full term, generally a conversion will be considered to have occurred. In either case, the property owner must maintain the site in perpetual outdoor recreational use, as required by the L&WCF Act.

The above actions are not all-inclusive and other kinds of actions could result in a Section 6(f) conflict. The authority to make a final determination as to whether there is potential section 6(f) conflict rests with NPS.

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

Conversion Prerequisites

Conversion requests will be considered by the KDWP only if the following prerequisites have been met by the sponsor:

1. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
2. Replacement property of equivalent value, usefulness, and location is available. The land must constitute or be part of a viable outdoor recreation area, and meet the necessary acquisition criteria. Depending upon the situation, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. It must, however, be administered by the project sponsor as the converted property. If L&WCF funds were provided for acquisition of the original project site, the replacement property must usually be acquired from private ownership. Public land may not be used for substitution on acquisition projects unless it meets the criteria for land acquired from other public agencies. This insures that the public recreation estate is increased as it was under the grant. This condition holds if the first acquisition was by purchase or donation.

In the case where federal L&WCF assistance

3. The fair market value of both the converted land and the replacement property must be established in appraisals prepared according to the appraisal criteria standards. Property improvements must be excluded from all fair market value considerations for replacement property. Exceptions are allowable only in those cases where replacement property

contains improvements which directly enhance its outdoor recreation utility. The appraisals must be approved by KDWP and NPS.

4. An Environmental Assessment must be prepared for the replacement site. Public notification and opportunity for comment at a public meeting are a part of the assessment process, as is archaeological clearance.
5. The proposed conversion land and replacement property must be in accord with the state outdoor recreation plan.
6. Coordination with other state and federal agencies, including environmental and wetland reviews, must be completed prior to submittal of the proposal to KDWP. The Department will conduct its own review by submitting the proposal to other state agencies for review and comment
7. The replacement land must be acquired in accord with the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The replacement site may not be acquired nor the original project area be converted to another use until after the KDWP and NPS have approved the conversion.

Conversion Proposals

The request for a conversion must be submitted to KDWP. The proposal must include:

1. A narrative explanation of the proposed conversion, alternatives considered and reasons why they were rejected.
2. Two appraisals, one for the area to be converted and one for the replacement property.
3. Location and site maps for both sites.
4. An Environmental Assessment addressing the replacement site, including documentation of public input and archaeological clearance.
5. Photographs of the two areas.
6. An explanation of coordination with other governmental units, especially federal agencies.

When the grant coordinator receives a conversion request, the proposal is reviewed and a field inspection made of the two sites. If the state staff concurs with the local proposal, the request will be forwarded to NPS.

ARCHITECTURAL BARRIERS ACT OF 1968

- * Requires that public facilities directly financed with Federal assistance be designed and constructed to be accessible to the physically handicapped. Later amendments created the Architectural & Transportation Barriers Compliance Board (ATBCB) to establish and enforce accessibility standards.
- * Complaints from users are referred to the ATBCB, which deals with architectural access problems completely independently of the administering agency.
- * Architectural barrier standards that apply are determined by the date of construction. However, if a facility is renovated, it must be brought up to current UFAS standards.
- * No specific requirements for employee accessibility.

REHABILITATION ACT OF 1973

- * Requires that government programs be accessible to qualified handicapped participants, where Federal funds have been used anywhere in a jurisdiction. This includes structural accessibility based on the Uniform Federal Accessibility Standards (UFAS) and accessibility to services and employment.
- * Access to programs and services is to be partly ensured through each jurisdiction's preparation of a Self Evaluation Plan for overall system and programs and a physical Transition Plan to explicitly identify structural changes that need to be made.
- * Because "504" views programs as a whole, it allows for continuation of some non-accessible facilities, so long as similar facilities that are accessible are reasonably close by within the system. However, any "unique" facility or program must be accessible to all without regard to location.
- * Section 504 requires accessibility to current UFAS standards, regardless of the date of construction, particularly if jurisdiction is attempting to remedy defects that are the subject of a user complaint.
- * Complaints from users are referred to the administering agency (Dept. of the Interior for L&WCF) which requires written assurances, system-wide coverage, notification to participants and record keeping just as for Title VI of the Civil Rights Act (CRA-on race, national origin, religion) and Age Discrimination Act of 1975.
- * Barrier free and programmatic access is required for employees, as well as users, of public agency programs.

AMERICANS WITH DISABILITIES ACT - 1990
(subject to clarification when regulations are developed)

- * Requires that private, as well as public, goods and service providers and employers remove all structural and communication barriers from facilities, if readily achievable, or that they provide alternative access where feasible.

Requires removal of barriers from private transport vehicles, except airplanes covered under other laws, but does not mandate installation of vehicle lifts.

* Requires that, when alterations for access are made, altered portions be accessible to maximum extent feasible, including bathrooms, telephones, and drinking fountains. Elevators not required in buildings of three stories or fewer, except in shopping centers, malls and offices of health care providers.

* Mandates that all new construction (after the date of the Act) involving public accommodation or potential places of employment be accessible, subject to the exceptions described above.

* Requires all new over-the road buses to be handicapped accessible within 5 years of the date of the Act, (6 years for "small providers"). In certain circumstances, requires vans that can carry more than 16 passengers to be fully accessible, even if operated by a non-transport agency. Requires equivalent access services for people with disabilities from public or private agencies operating transport services.

* Provides Title II, CAR remedies and authorizes Federal discrimination suits to enforce ADA provisions.

* Provides special "equivalent access" to telephone systems through Telecommunications Devices for the Deaf (TDD's) and other non-voice relay equipment. Bans all discrimination in employment of people with disabilities (with a number of "reasonableness" exceptions); applies Title VII, CAR Act, remedies.

PUBLIC LAW 91-646 REQUIREMENTS FOR
LAND ACQUISITION APPLICATION

IMPORTANT -- Prior to acquiring land and submitting an application, the governmental unit should read and understand the following section in its entirety:

NOTE: Any governmental unit acquiring land without federal assistance with plans to develop the land with federal Land and Water Conservation Fund assistance should know that a state approved appraisal must be prepared, indicating the fair market value of the land, and the appraisal price be offered to the land owner.

P.L. 91-646

"Uniform Relocation Assistance and Real Property
Acquisition Policies Act of 1970"

TITLE I--GENERAL PROVISIONS

Purpose of the Act: To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

TITLE II--UNIFORM RELOCATION ASSISTANCE

The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such person shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole and thus may provide the following:

1. Moving and related expense.
2. Replacement housing for homeowner.
3. Replacement housing for tenants and certain others.
4. Relocation assistance advisory services.

TITLE III--UNIFORM REAL PROPERTY ACQUISITION POLICY

The purpose of this title is to establish a uniform policy on real property acquisition practices so that all persons shall receive fair treatment and will be offered a fair price for their property.

THE FOLLOWING PROCEDURES FOLLOW THE ACQUISITION REQUIREMENT OF THE ACT, BUT SPELL OUT MORE CLEARLY THE PROCEDURES THAT THE SPONSOR IS REQUIRED TO FOLLOW FROM ORIGINAL CONTACT WITH THE OWNER TO THE PAYMENT OF THE BILLING!

A. Original Contact

The original contact should be to determine if the owner of the property is willing to sell the property for park or

recreation purposes. At this point, no price should be negotiated. If the owner is willing to sell, he should be informed of his rights and the rights of any tenants under the Relocation Act (See Title II) and permission should be obtained to inspect the property and have it appraised. Such willingness to sell on the part of the owner shall be obtained in writing and submitted to the State. (See Exhibit "D", page 28.) If the land is to be acquired by condemnation, the sponsors will be required to follow their own laws regarding the procedures to follow for condemnation.

B. Appraisal (Uniform Appraisal Standards are available from the Grant coordinator at the Kansas Department of Wildlife & Parks Headquarters Office).

1. An acceptable appraisal consistent with the uniform appraisal standards for Federal Land Acquisition published in 1972 by the Interagency Land Acquisition Conference must be secured and approved before the initiation of negotiations for the purchase of real property. The appraisal standards may be obtained from the Superintendent of Documents, U.S. Government Printing Office, at a price of 35 cents. The seller must be informed in writing of the estimated value of his property based on the results of the appraisal. The offer must not be less than the agency's approved appraisal of the fair market value of the property. (NOTE: This notice to the seller is identified in this guideline as "Statement of Just Compensation").

2. The owner of his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property. This shall be documented by a signed statement from the owner or his representative, that he was notified of the date the appraisal was to be made. Since this is a legal requirement, we ask that the appraisal report indicate whether or not the owner or his representative accompanied the appraiser.

3. The State Liaison Officer will determine the acceptability of the appraisal report via a state appraisal review process. The National Park Service reviews will be limited to appraisals for \$100,000, or more, federal fund share, and finally, post audit program reviews.

C. Brief Procedural Pattern Summary

1. Responsibilities of Sponsor

a. The sponsor makes the initial contact with seller to see if the land is for sale.

b. The sponsor obtains information as to whether or not relocation of owner or tenants will be involved and advises them of their rights under P.L. 91-646. If displacement will occur, a relocation plan must be prepared and relocation assistance advisory services be provided.

c. The sponsor has the land appraised and gives the owner an opportunity to be present during the inspection of the property by the appraiser. (Notification of Date of Appraisal.)

d. The sponsor submits the appraisal for review by the State. Upon receiving approval of the appraisal, the sponsor then has an acceptable determined fair market value of the property to be acquired.

e. The sponsor informs the owner in writing of the value of the property based on the results of the appraisal using a letter. (Written Offer to Purchase).

f. After submitting the Written Offer to Purchase to the owner, the sponsor is in a position to negotiate

the selling price. If the selling price is *less* or greater than the appraised value, a Statement of differences in value within the Statement of Just Compensation must be prepared in accordance with Section 675.2 of the National Park Service Grants-in-Aid Manual. This statement must be sent to the State, who in turn will send a copy to the National Park Service.

g. The sponsor may at any time during any of the above steps negotiate with the State Liaison Officer for a Land and Water Conservation Fund grant to acquire property, sending with their application such documentation as is required by the State. (The sponsor should inform the State that the procedures of the Act have been followed or will be followed.)

h. For reimbursement, the sponsor may have acquired the property during the project period which would appear on the project agreement between the governmental unit and the state.

i. The following documentation is needed by the sponsor:

- (1) Statement with application of whether or not relocation is involved.
- (2) Appraisal Report
- (3) Written Offer to Purchase
- (4) Statement of Just Compensation
- (5) Relocation Plan and Advisory services program if displacement occurred.
- (6) Statement of Difference in Value (if necessary)
- (7) Deed to property
- (8) Evidence of Payment
- (9) Plat of Area to be Acquired
- (10) Other Required State Documentation

D. Relocation Program Plan at Conceptual Stage of the Project

A notice of intent to acquire, preferably in writing, should be furnished to owners and tenants after the owner agrees to sell along with the brochure as described earlier when the sponsor determines the eligibility of the owner or tenants to receive relocation benefits. The notice should also contain a request to have the property appraised, the anticipated date of the initiation of negotiations for acquisition of the property and how additional information pertaining to relocation assistance payments and services can be obtained.

1. Information to be Obtained

The information to be developed at this time would be in the form of an estimate to determine:

- a. The estimated number of individuals, families, businesses, farms and nonprofit organizations that are to be relocated.
- b. The probable availability to decent, safe and sanitary replacement housing within the financial means of the individuals and families affected.
- c. The basis upon which the above findings were made and a statement relative to the relocation problems involved

in each location along with possible solutions should be submitted to the State at the time the sponsor submits his application.

E. Relocation Program Plan after the Owner Has Agreed to Sell

The sponsor, fortified with a State approved appraisal, is now in a position to enter the negotiation stage to acquire the property. This requires a fairly good knowledge on the part of the negotiator for the sponsor of the Relocation Act's provisions. The following notice (preferably in writing) should be furnished each displaced person to insure that he is fully informed of the benefits and services available to him and for the establishment of eligibility of qualification for relocation benefits:

F. Notice of Initiation of Negotiations

At the time of initiation of negotiations for acquisition (offer to purchase) of the parcel, the following information should be furnished:

1. Owner-Occupants of More than 180 days

Simultaneous with the offer to buy (Statement of Just Compensation) Owner-Occupants of more than 180 days should be furnished:

- a. A statement which specifies the amount (not to exceed \$15,000) to which he may be eligible for the purchase of a replacement dwelling; and
- b. An explanation of the eligibility requirements to receive payments for replacement housing, increased interest costs, incidental expenses, and of his option to rent replacement housing unless such explanations are adequately covered in the brochure; and
- c. Moving expenses benefits; and
- d. Copies of Relocation claim forms; and
- e. State's brochure on Relocation Assistance.

2. Owner-Occupants of Not Less than 90 days

Simultaneous with the fair market value offer, owner-occupants of not less than 90 days should be furnished:

- a. A statement which specifies the down payment (not to exceed \$4,000) to which he may be eligible for the purchase of a replacement dwelling; and
- b. An explanation of his option to receive a down payment and incidental expenses to purchase replacement housing and the requirement therefore; and of his option to rent replacement housing unless such explanations are adequately covered in the brochure; and
- c. Moving expense benefits, and

- d. The brochure and copies of Relocation claim forms.

3. Tenants

Within 15 days after initiation of price negotiations for the parcel, tenants should be personally contacted and furnished in writing:

- a. The date of initiation of negotiations for the parcel; and
- b. A statement which specifies the amount of the rental replacement housing payment to which he is entitled; and
- c. An explanation of the eligibility requirements to receive a rental replacement housing payment; and of his option to purchase replacement housing, receive a down payment and incidental expenses, including the matching requirements therefore unless such explanations are adequately covered in the brochure; and
- d. Moving expenses benefits; and
- e. The brochure and copies of Relocation claim forms

G. 90-Day Notice to Vacate

The acquisition shall be so scheduled that to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, or to move his business or farm without at least 90 days written notice of the intended vacation date from the agency having responsibility for such acquisition. Exceptions to this provision should be made only in the case of very unusual conditions.

- 1. The 90-day notice shall not be given until such time as the sponsor has control of the property.
- 2. The 90-day notice shall give a firm specific date by which the relocatee must vacate the property. This date may be extended when conditions warrant, but any extension must be in writing and must give another specific date by which the property must be vacated.
- 3. A notice is not required if an occupant moves on his own volition prior to the time the sponsor gives the 90-day notice.

H. Qualifications for Relocation Benefits

According to Department of the Interior Regulations (FR DOC 7105306 Filed 4/15/71), in order to qualify for benefits under the Act as a displaced person, either of two conditions must be fulfilled:

- 1. The person must have received a written notice to vacate which notice may be given before or after initiation of negotiation for acquisition of the property as prescribed by regulations or,
- 2. The subject real property must in fact have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by Section 217 and 219 of the Act). (These sections refer to other special legislation or if the relocatee has suffered undue hardship as the result of displacement.)

I. Notice of Right of Appeal

All eligible relocatees should be furnished a written notice of their right to appeal and the procedures for making such appeal. Such notification may be provided by the brochure if such procedures are adequately covered therein.

SUMMARY OF TITLE VI GUIDELINES

The following is a summary of the conditions for Title VI. The detailed federal guidelines are in the Appendix. Project sponsors must carefully study and follow the guidelines to insure compliance with all federal regulations.

1. Prohibited Discriminatory Practices

- a. Any difference in quality, quantity, or the manner in which the benefit is provided
- b. Segregation or separate treatment in any part of the program
- c. Restriction in the enjoyment of any advantages, privileges or benefits provided to others
- d. Different standards or requirements for participation
- e. Methods of administration which would defeat or substantially impair the accomplishment of the program objectives
- f. Discrimination in any activity or program conducted in a facility built in whole or part with federal funds
- g. Discrimination in any employment resulting from a program established primarily to provide employment or in any employment in a program where employment tends to affect the service and benefit rendered
- h. Restriction in the method and/or means used to advise persons of benefits and services provided to others

2. Complaints

Any person(s) who believe discrimination exists in a federally-assisted program because of race, color, or national origin has the right to make a complaint to the officials responsible for that program.

- a. Prompt investigations will be made of complaints received
- b. If discrimination is found, negotiation and persuasion will first be used in an effort to eliminate the prohibited practices
- c. Should these efforts fail, federal assistance may be terminated or discontinued after a fair hearing
- d. Other means authorized by law, including court action, may also be used to enforce nondiscrimination

No project sponsor may intimidate, threaten, coerce, or discriminate against any individual because he or she has made a complaint, testified or assisted in Title VI investigation, proceeding, or hearing. The sponsor must notify the Department of the Interior's Office for Equal Opportunity or NPS within five days upon receipt of a complaint.

3. Compliance Reports

Records and other information designed to show the extent of compliance with Title VI agreements must be maintained by project sponsors and reports sent to the Interior Department and KDWP as requested. A project sponsor is also required to inform participants and other interested persons of the provisions of Title VI regulations and of their applicability the Federal assistance program.

4. Reviews

The Department of the Interior and State may conduct reviews prior to awarding grants, during trips to visit the agency's project site, and after the project has been finished. Reports, publications, and other records may be reviewed in

the course of these compliance reviews.

5. Compliance under Title VI

Title VI regulations provide the necessary framework for protecting the rights guaranteed to the sponsors and to the public under federally-assisted programs. Compliance will first be sought by affirmative and voluntary means whenever possible. In addition, the regulations allow the Federal Government to make pre-grant, field and follow-up reviews; complaint investigations; informal adjustments; and when necessary, more formal proceedings in the court system.

6. Affirmative Measures

The following, although not all-inclusive, are considered as basic affirmative measures necessary to bring recipients of Federal assistance and their operations into compliance with Title VI:

- a. Signed Assurance of Title VI Compliance - Applicants for Federal assistance should be aware of the provisions of the 1964 Civil Rights Laws and are required to ensure compliance prior to receiving Federal assistance by signing a document which states their intent to comply with the Act.
- b. Submittal of pre-award information when requested.
- c. Minority and female representation on appointed park, advisory, planning, and review boards and committees. Exclusion of minorities and women could be considered discriminatory. Inclusion guarantees a voice in the planning, acquisition, and development of projects and programs by citizens from all backgrounds.
- d. Equal emphasis of program administration and program distribution (recreational, cultural, etc.) and maintenance quality of facilities regardless of location. Development and implementation of an affirmative action plan to remedy past and present deficiencies in the employment, training and promotion potential of minorities and women.
- e. A system for reporting and processing alleged complaints of discrimination. Placement of equal opportunity statements on posters, brochures, and other informational material inviting all persons regardless of race, color, or national origin to use programs and facilities.
- f. Use of pictures of minorities, women and integrated use facilities, in brochures, pamphlets, and other informational material. Exclusion could be considered discriminatory and inclusion provides tangible evidence that all are welcome and encouraged to use programs and facilities which receive federal assistance.
- g. Printed information about programs, sites, and facilities in non-English languages where there are appreciable numbers of people who do not speak or read English.
- h. Equal compensation and assistance for those displaced in the course of a land acquisition program whether they are majority or minority land owners.

Several practical steps should be considered as a means of implementing the above measures.

Racial/ethnic and sex data should be collected by the recipient to determine if all persons are benefiting from the federally-assisted program. Identification of persons of different races should be done on a visual basis only. Programs and employment opportunities should be advertised and made available to minority groups and women.

Consideration should be given to minority and female enterprises as a means of distributing the benefit of a federally-assisted program. Programs of a historical nature should take into consideration contributions made by minority groups and women.

Affirmative action posters must be posted on project sites. For information on where to get posters, contact the grant coordinator.

The paragraph below is an example of a Title VI Notification Clause. The Office for Equal Opportunity requires that all program materials, brochures, program or course applications, sign-up sheets, contracts signed by private organizations for park use, rental contracts for concession stands and or all other leases or contracts, contain such a clause. While all the information contained in this paragraph must be included, the sponsor may rewrite this clause to conform to its individual style.

Model Title VI Notification Clause

This project sponsor has received Land and Water Conservation Funds. Under Title VI of the 1964 Civil Rights Act, the U.S. Department of Interior prohibits discrimination on the basis of race, color, national origin, age or handicap. If you believe that you have been discriminated against in any program, activity, or facility, or you desire further information regarding Title VI, please write to:

The Office for Equal Opportunity
U.S. Department of the Interior
Office of the Secretary
Washington, D.C. 20240

FEDERAL PROTECTION FOR OUTDOOR RECREATION

This document must be recorded with the property deed and as-built site plan upon close-out.

The property indicated on the attached as-built plan was acquired and/or developed with a grant from the Federal Land and Water Conservation Fund (L&WCF). This grant program is administered at the federal level by the National Park Service (NPS) in the U.S. Department of the Interior and at the State level by the Kansas Department of Wildlife and Parks (KDWP). Grants are generally made to local units of government to acquire or develop local parks. The recipient agency is identified on the site plan.

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

Conversions generally occur in the following situations:

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

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

If a conversion cannot be avoided, the project sponsor will be held responsible to see that real property of equivalent value, usefulness and location is provided to replace that converted at the park site as indicated on the attached site plan. Repayment of the grant funds or the provision of replacement facilities is not an acceptable form of mitigation.

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

For property owned by the project sponsor, the provisions of Section 6 (f)(3) of the *L&WCF Act* apply in perpetuity, and thus continue with the land even after any L&WCF assisted facilities have served their useful lives and been discontinued.

Proposed conversions must receive advance approval from KDWP and the U.S. Department of the Interior. Replacement property must receive federal approval prior to its acquisition. Conversion requests involve specific detailed documentation. Please contact KDWP to obtain further information regarding a conversion. The agencies to contact are:

Parks Division
Department of Wildlife and Parks
512 SW 25th Avenue
Pratt KS 67124
(316) 672-5911

Office of the Secretary
U. S. Department of the Interior
Interior Building
Washington, DC 20240