

Louisiana Office of State Parks

Division of Outdoor Recreation



Outdoor Recreation Project Handbook

Updated November 3, 2006

This document updates all previous editions and provides up to date information regarding the Land and Water Conservation Fund for the purposes of development of recreational facilities for the citizens of Louisiana.

Submission of an application for a recreation grant constitutes a declaration that the applicant has read this grants handbook and is familiar with the terms of the grants program, the requirements for reimbursement and the necessary documentation.



Department of Culture, Recreation and Tourism

Most questions regarding all phases of projects are answered in this handbook. If you have any questions while processing your project, refer to this handbook. If you cannot find the answer to your question here, feel free to contact the Louisiana Department of Culture, Recreation and Tourism, Office of State Parks, Division of Outdoor Recreation. Specific contact information is included on the last page of this handbook.

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Preface

The Land and Water Conservation Fund (LWCF) Act was originally passed by Congress in 1964. The Act was intended to provide Federal financial assistance for the acquisition and/or development of public outdoor recreational land and facilities. Financial assistance is granted on a 50 percent reimbursable basis. The project sponsor is to pay the total cost, after which half of the cost will be repaid to the sponsor from Federal funds up to the amount allowable within the LWCF manual, minus a small percentage for the administrative processing fee.

The LWCF is administered at the Federal level by the Department of the Interior and the National Park Service. At the state level, the LWCF program is administered by the Department of Culture, Recreation and Tourism, Office of State Parks, Division of Outdoor Recreation.

**Department of Culture, Recreation and Tourism
Office of State Parks
Division of Outdoor Recreation
P.O. Box 44426
Baton Rouge, LA 70804-4426**

This handbook is a summary of the rules and regulations as set forth in the Federal Land and Water Conservation Fund Manual. Additional information, including the latest edition of the LWCF Manual, is available online at: www.nps.gov/lwcf/

In brief, the LWCF program applies Federal funds as a match for local funding of recreation projects. Supported projects should be consistent with the Statewide Comprehensive Outdoor Recreation Program (SCORP) published on a regular basis identifying recreational priorities for the State of Louisiana. This document is available online at: <http://www.crt.state.la.us/parks/LWCFapplication.aspx>

Grant applications are reviewed for compliance, scored for priority and evaluated by the State Parks and Recreation Committee. Projects are forwarded to the National Park Service in priority order within the availability of funding resources. Projects approved by the National Park Service move forward after signing of the State Agreement. The project sponsor and Office of State Parks, Division of Outdoor Recreation meet to review guidelines regarding the billing/reimbursement process and associated requirements upon signing the State Agreement and before submission of the first billing. Project sponsors submit billings on a quarterly basis for reimbursement within the limits of approved funding through the completion of the project. Projects are periodically inspected in accordance with LWCF guidelines in perpetuity and continue to abide by LWCF guidelines.

Periodic billings from project sponsors must include all required documentation. Documentation required includes cancelled checks, invoices and/or receipts for payments made. All documents are necessary to ensure prompt processing of reimbursements to project sponsors.

Eligibility Requirements

WHO IS ELIGIBLE FOR ASSISTANCE

The LWCF Act provides grants only to states and through them to their political subdivisions. State agencies, parishes, cities, towns, school districts and special assessment districts, such as a recreation district, are eligible to sponsor projects under this program. Private individuals and organizations are not eligible for assistance under this program, even if they are non-profit or charitable organizations. Areas acquired or developed with LWCF assistance are dedicated to the exclusive use of public outdoor recreation. The project sponsor must agree to develop, operate and maintain the proposed development by acceptable standards for public outdoor recreation in perpetuity.

PROJECTS ELIGIBLE FOR ASSISTANCE

Only costs for acquisition or development of public outdoor recreation areas are eligible. There are no Federal funds available under this program for operation and maintenance. Sponsors must agree to operate and maintain the area or facilities at their own expense.

Under this program, there are no funds available for recreational activities such as salaries for instructors, baseball uniforms, etc.

Costs can only be incurred AFTER the project has received Federal National Park Service approval, a state agreement has been signed by the project sponsor and the administering state agency, and the project sponsor has been notified that the monies have been obligated.

Expenses for planning and engineering necessary to prepare the project for submission can be included in the eligible project costs. This is the ONLY exception to the no retroactive cost provision. Any expenses for other work performed or any title to the land accepted prior to Federal National Park Service approval will be ineligible for reimbursement. Only projects approved for funding can recoup planning and engineering costs.

The following list provides examples of facility development that would be eligible for reimbursement under the LWCF program. This is not an all-inclusive list, but merely a suggestion of the variety of projects funded in the past:

All Purpose Sport Courts

Amphitheaters

Archery Ranges

Ball Fields (baseball, softball, soccer, etc. – could include lighting, dugouts, fences, etc.)

Basketball Courts

Bleachers (portable only)

Fencing

Fishing Piers

Fishing Ponds

Landscaping

Parking (in support of outdoor recreation such as restrooms, storage buildings, service building and small concession buildings)

Passive Recreation Facilities

Pathways and Trails (bridle paths, bike trail, nature trail)

Picnic Facilities (tables, grills, benches, trash receptacles, shelters)

Playground Equipment (slides, monkey bars, etc., but not equipment such as bats, balls)

Roads (within a park area, but not city streets around a park – access roads from a public thoroughfare to the park may be eligible if they do not serve any other purpose)

Shooting Ranges (for rifles, pistols, skeet, etc.)

Sidewalks (within the park area are eligible, but perimeter sidewalks are not)

Signs (trail head, interpretive, informational)

Site Improvements (grading, land leveling, retaining walls, drainage structures, ADA compliance improvements, etc.)

Swimming Beaches and Pools (can include bathhouses)

Tennis Courts (could include lighting and fencing)

Utility Systems (must be underground – no overhead wiring systems are eligible for reimbursement – existing overhead utility lines are to be buried, relocated, or screened from view – cost of burying, relocation or screening would be an eligible cost)

PROJECTS INELIGIBLE FOR ASSISTANCE

- Restoration or preservation of historic structures
- Areas and facilities to be used primarily for semi-professional and professional arts and athletics
- Amusement facilities (such as Ferris wheels, children’s railroads, exhibit-type development, etc.)
- Convention facilities
- Commemorative exhibits
- Professional-type outdoor theaters
- Employee residences
- Areas and facilities to be used solely for game refuges or fish production purposes.
- Lodges, motels, luxury cabins or similar elaborate facilities
- Development of school “athletic plant” facilities (stadiums, running tracks for interscholastic athletics and athletic fields with grandstands)

Projects sponsored by a school district or projects on or next to school lands are eligible if they are to serve a general public recreation need. Facilities needed to meet the physical education and athletic program requirements of a school or those that are part of the normal and usual program and responsibility of educational institutions are not eligible for LWCF assistance.

The basic concept is that LWCF assistance can be used to expand facilities so they may be available for community use. An example would be if a school has a tennis court and desires to add lighting to allow for use by the public in the evening. Another example, a school with a football field for varsity games desires to construct another field for grassed area activities for the general public. This would not preclude exclusive school use of certain facilities at certain specified times for instruction or competition, provided there is adequate public use at all other times. Support facilities are eligible to the extent they are needed to meet the designed public recreation use capacity.

Signs must be installed to identify facilities are open for use by the public. Signs must also be posted to identify times when the facilities are reserved for exclusive school use.

Applications must include an estimated timetable for the projects available use by the public and timetable for exclusive use by the school for any project to be on school lands.

Approval Procedures and Timeline

No work may begin on the project until Federal approval has been received and State Agreement signed. After all documentation has been received by the Office of State Parks, Division of Outdoor Recreation, a certain amount of time and paperwork is necessary before the project receives final approval by the National Park Service.

- Project sponsors must submit adequate documentation to the Division of Outdoor Recreation. A listing of what is to be submitted is included in this handbook.
- The Louisiana State Parks and Recreation Commission approval must be secured. This group meets quarterly.
- The project is submitted to the Federal National Park Service. Qualification at this level includes a complete review to verify eligibility for funding and technical adequacy. The Division of Outdoor Recreation will provide notification when the National Park Service approves the project.
- A state agreement outlining the responsibilities of the project sponsor and the Division of Outdoor Recreation must be signed.
- When acquisition of property is involved in an approved project, two copies of one appraisal must be submitted to the Division of Outdoor Recreation upon obligation of funds. The appraisal will be reviewed for compliance with National Park Service requirements by an independent appraiser. Upon approval of the appraisal, project sponsors will be notified and can then proceed with purchase.
- Development projects require submission of plans and specifications to the Division of Outdoor Recreation for review prior to advertisement for bids. Upon approval of the plans & specifications, project sponsors will be notified and can then proceed with advertisement for bids.

Required Document Submissions

Documents to be submitted vary for acquisition, development, or combination projects, but will include some or all of the following:

- A. Project application
- B. Resolution or minutes by authorized agency showing sponsor authorization to apply for grant funds and dedication of 50% matching funds for acquisition or development. Land acquired must be developed within 3 years. A detailed timeline for development will be required before funding assistance will be considered.
- B. Evidence of land control – (unless project is for acquisition) enclose a copy of Title, Deed or Act of Donation showing sponsor ownership of the site. Title must match legal description. Acquisition – Legal Description: it is required that you submit with the application, an exact legal description of the area you plan to acquire.
- C. Breakdown of estimated project costs (note: no contingency costs allowed; add \$50 for a permanent NPS/LWCF sign; bottom line administrative charges are extracted to cover state administrative costs). Itemize all major elements to be constructed this phase within \$300,000 maximum. List all materials, labor and engineering cost involved in this project. Please state number and types of facilities constructed, purchased or installed. General lump sum estimates are not acceptable. Anything not specified in the cost estimate is not part of the project and therefore not eligible for reimbursement. Acquisition Cost Schedule - An appraisal of the land can be accomplished at anytime and will be required prior to the beginning of construction. The appraisal for the property must meet the Uniform Appraisal Standards for Federal Land Acquisitions. An appraisal, once reviewed by the state review appraiser, improves the expediency in which the grant (upon approval) can be processed. The cost of an appraisal is not reimbursable and there is no guarantee of federal approval for acquisition applicants. After the project is federally approved, you must receive the title or deed to the land and submit a copy to this office.
- D. Maps and plans (You may submit by uploading them with your application to our system with the *attach documents feature*. All maps, documents and photos should be clear and legible. If mailing documents, provide 7 of each map, 2 color copy sets of site photos and 2 copies of everything else).
 1. **Boundary Map** – (no larger than 11x17) must be submitted showing property distance in feet, streets, blocks and lot numbers. Include the Metes & Bounds and Legal Description for the designated area. Legal description must match legal description on property title. It is important to show adjacent land use outside the exterior boundaries of the area being developed or acquired (vacant, residential, commercial). ***The land designated on this map must stay in outdoor recreation use in perpetuity according to Federal Law 88-578, Section 6(f).*** **Boundary area should be outlined in red and signed / dated in blue by the mayor or other appointed authority for the project's sponsor.**
 2. **State & Parish Map** (no larger than 11x17) show the approximate location of the project and provide GPS coordinates (DDMMSS) of the site at POB (Point of

Beginning) on survey.

3. **Vicinity Map** – (no larger than 11x17) please use a highway, city, parish or other map that will clearly locate the project in relation to nearby streets, highway, towns, etc. Street names must be legible. Include driving directions to the site from the nearest state highway. Include North arrow.
 4. **Development Plan** – (no larger than 11x17) clearly identify proposed & existing facilities, including walkways, parking areas, overhead wiring and roads adjacent and in proximity to project, access to site and support facilities (parking, walks and landscaping). Color code elements per each phase of development. For example, existing elements would not have color, highlighted in one color all Phase 1 elements, Phase II, III, etc. each highlighted in a different color.
 5. **Schematic Floor Plans** (no larger than 11x17) of all proposed roofed structures. Notes and dimensions should be large enough for legibility. Indoor facilities are not eligible, except for support facilities such as restrooms, concessions and storage. Support facilities should constitute 40 % or less of the total project cost. All buildings must meet federal standards for handicapped accessibility, Section 504 and the Architectural Barriers Act. The project sponsor is also required to secure State Health Department approval when the project includes construction of sanitary facilities.
 6. **Color Photographs** from each direction (NSEW). Digital photos are requested, however if hard copies are mailed in, 2 color sets are required.
- E. Environmental Assessment:** The Assessment should be a cause and effect analysis. CAUSES are the recreation uses that your project will provide (hiking, tennis, camping) and actions that will be required to construct your facility (earth moving, clearing vegetation, paving). EFFECTS are impacts resulting from causes (erosion, loss of wildlife habitat, light pollution).
- F. State Historic Preservation Office (SHPO):** When construction involves any soil disturbance, alteration, removal, demolition, or burial of any existing feature, federal law requires that a review be completed. It is recommended that the applicant send request for assistance along with project information to the **Office of Cultural Development – Pam Breaux, Assistant Secretary, P.O. Box 44247 Baton Rouge, La 70804-4247**. The state will aid the project sponsor in completing the review.
- G. Statement that P.L. 91-646 “Uniform Relocation Assistance and Real Property Acquisition Polices Act of 1979” have been or will be followed. (If only acquisition is involved, see section on acquisition projects. If property is for development, statement must include the purchase was after January 2, 1972).**

Specific documents necessary for each of the four types of projects include some or all of the documents listed above, depending on the particular project:

- Acquisition: A, B, C, D-1, 2, 3, 4, 6, E and F also Statement of Just Compensation.
- Development: A, B, C, D -1, 2, 3, 4, 5, 6, E, F.

- Concurrent (includes acquisition and development): A, B, C, D-1, 2, 3, 4, 5, 6, E, F and G. And a Statement of Just Compensation.
- Donation (which requires construction equal to value of property or purchase of other property): A, B, D, E-1, 2, 3, 4, 6, F, G.

Project Site Conversions

Property acquired or developed with LWCF assistance shall not be converted to other than public outdoor recreation uses without prior approval of the Secretary of the Interior. The Secretary's approval will not be given unless the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable usefulness, quality and location is guaranteed. Property acquired or developed for one type of recreation activity may not be converted to another recreational activity unless prior approval is obtained from the Secretary. All proposals to convert property acquired or developed with LWCF assistance to other than public outdoor recreation uses or to other than the proposed uses should be sent to the Office of State Parks, Division of Outdoor Recreation.

Related Federal Acts

Sponsors of Land and Water Conservation Fund assisted projects shall comply with applicable federal laws and regulations relating to the acquisition and development of public properties such as:

- Architectural Barriers Act of 1968 (P.L. 90-480): Provides facility access to the handicapped. Also, the Americans with Disabilities Act, 1990.
- Endangered Species Act of 1973 (P.L. 93-205).
- Flood Disaster Protection Act of 1973 (P.L. 93-234). If project is in a flood zone as established by HUD Flood Maps, all enclosed structures valued at more than \$10,000 must carry flood insurance.
- Historic Properties Preservation Act of 1966 (P.L. 89-665). An archaeological survey may be required. In all projects, should cultural resources be discovered during construction, this agency should be notified immediately.
- National Environmental Policy Act of 1969 (P.L. 91-190). An environmental review will be prepared by this staff. The need for full Environmental Impact Statement will be determined at the federal level if warranted.
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646).
- Executive Order 11288 concerning the prevention, control and abatement of water pollution.
- Executive Order 11296 relative to the evaluation of flood hazard.

- Copeland Anti-Kickback Act provides that contractor shall be prohibited from inducing any employee to give up any part of compensation to which employee is entitled. A permit from the appropriate federal agency (Corps of Engineers, Coast Guard, etc.) is required for development proposals involving any activities in navigable waters. The project sponsor will be responsible for providing the Division of Outdoor Recreation with the appropriate permits.

Non-Discrimination

No person shall, because of race, color, religion, sex or national origin, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity for which the project sponsor received federal financial assistance. That, in brief, sums up Title VI of the Civil Rights Act of 1964 and Department of the Interior regulations on “Non-Discrimination in Federally Assisted Programs.” Non-Discrimination is to be practiced in all phases of a project: planning, awarding of contracts, hiring of personnel to run the program and use of facilities upon completion.

Designed for Handicapped Use

In the design of all projects receiving federal financial assistance, consideration must be given for use by the physically handicapped. Ramps must comply with the Americans Disabilities Act of 1990. Door widths shall be sufficient to allow for passage of wheelchairs. Trails and pathways can be designed for use by the blind. L&WCF sponsors must comply with the Architectural Barriers Act of 1968, Section 504, The Rehabilitation Act of 1973, and the Americans Disabilities Act of 1990. All facilities that are to receive federal financial assistance are to be designed to comply with the aforementioned acts.

Flood Insurance

The Flood Disaster Protection Act of 1973 (P.L. 93-234, 87 Stat.975) requires the purchase of flood insurance as a condition of receiving any federal assistance for acquisition or construction purposes in a special flood hazard area. The Secretary of Housing and Urban Development identifies such flood hazard areas. Buildings to be insured are defined as any walled and roofed structure principally above ground and affixed to a permanent site. Since July 1, 1975, the above law prohibits financial assistance for acquisition or construction of insurable improvements in a special flood hazard area unless the community has entered the program and the project sponsor purchases flood insurance. Where a project includes an insurable improvement only as a small and incidental portion of the total project, flood insurance is not required if the value of the insurable improvement is less than \$10,000. Flood insurance must be carried on insurable improvements throughout their useful life. The amount of insurance is the lesser of: 1) the development cost of the improvement, or 2) the maximum limit of coverage available. The amount is based on the total cost of the improvement, not just the federal share.

Eligible Costs

To be eligible for matching funds, all costs must be incurred within the project period, the project period being after the date the project was approved by the National Park Service and before the agreed upon ending date. The only exceptions would be costs for planning and engineering necessary for submitting a project. These must be listed separately in the cost breakdown with the project proposal.

- Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto and not be a general expense required to carry out the overall responsibilities of state and local governments.
- Be authorized or not prohibited under state and local laws or regulations.
- Conform to the limitations of Office of Management and Budget (OMB), Circulars A-133 & A-87 (Cost Principles for State & Local Governments) and A-133 (Audits of State and Local Government), Federal law, or other limitations in the project agreement as to types or amounts of costs.
- Be treated consistently through application of generally accepted accounting principles that are applied uniformly to both federally assisted and non-federally assisted activities of the project sponsor.
- Not be allocable to or charged to any other federally financed program.
- Be net of all applicable credits.

Allowable costs include, but are not limited to:

FORCE ACCOUNT is applicable in-kind labor directly employed by sponsor at his regular salary.

FRINGE BENEFITS, such as insurance, retirement plans, social security contributions, etc., which are regularly provided to employees by the project sponsor are legitimate personal service costs and are eligible for reimbursement. Fringe benefit costs to a project should be computed in proportion to the time spent on a project.

CONSULTANT SERVICES that are necessary for a project are generally eligible costs. No consultant fee paid to any federal, state or project sponsor's employee will be eligible for reimbursement unless specifically agreed to by the National Park Service. Louisiana bases consultant services on the "Louisiana Fixed Fee Curve For Basic Design Services."

SUPPLIES AND MATERIALS that may be purchased for a specific project or may be drawn from a central stock. The former should be charged to a project at their actual price, less discounts, rebates, etc., and the latter should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

CONSTRUCTION that covers all necessary construction activities, from site preparation through a contract with a private firm or by the use of the project sponsor's own personnel and materials as outlined above.

INFORMATION AND INTERPRETATION COSTS directly related to a project. These may include informational and directional signs, display boards, dioramas, or other facilities that interpret or explain the project area. Publicity costs are not eligible.

PURCHASE PRICE OF REAL PROPERTY OR OF INTERESTS IN REAL PROPERTY. Assistance is limited to the lesser of fair market value or actual amount paid. Any incidental costs of acquisition, such as appraisals, legal fees, etc., are not eligible for matching. The cost of acquiring real property from other public agencies may be eligible for matching provided:

- The land was not originally acquired by the other agency for recreation, nor has it been so managed while in public ownership;
- No federal assistance was involved in the original acquisition by the other agency;
- If the selling agency is federal, fair market value is paid.

Non-Eligible Costs

The following are not eligible for federal assistance:

- Ceremonial or entertainment expenses.
- Expenses for publicity.
- Bonus payments of any kind.
- Charges in excess of the lowest bid when competitive bidding is required.
- Taxes that the project sponsor would not have been liable to pay.
- Interest expenses.
- Damage judgments whether determined by judicial decision, arbitration or otherwise.
- Incidental costs relating to acquisition of real property or interest therein, including appraisals.
- Operation and maintenance cost of recreational areas and facilities.
- Lands acquired from the Federal Government at less than fair market value.
- Costs of discounts not taken.
- Employee facilities, including residences, appliances, office equipment, furniture, etc.
- Donations or contributions made by the project sponsor, such as to a charitable organization.
- Salaries and expenses of the chief executive of the project sponsor (mayor, etc.) or the local government body (city council, etc.).
- Fines and penalties.
- Legal, professional fees paid in connection with raising funds.

- Use of sponsor's own equipment.
- Travel expenses.

There are three types of acquisition:

- Acquisition for immediate development.
- Acquisition for delayed development.
- Acquisition for preservation/protection.

Acquisition Projects

Acquisition of recreation lands and waters – including new areas or additions to existing parks, forests, wildlife areas, beaches and other such places dedicated to outdoor recreation – which may be eligible for assistance include, but are not limited to, the following:

- Areas fronting rivers, streams, lakes and reservoirs that will provide water-based public recreation opportunities, or the body of water itself.
- Land for creating water impoundments to provide water-based public outdoor recreation opportunities.
- Areas such as flood plains, wetlands and areas adjacent to scenic highways that provide special recreational opportunities.
- Natural areas and preserves AND outstanding scenic areas where the objective is to preserve the scenic or natural values, including area of physical or biological importance and wildlife areas. These must be open to the general public for outdoor recreational use to the extent that their natural attributes will not be seriously impaired or lost.
- Land within urban areas for day-use picnic spots, neighborhood playgrounds and tot lots; areas adjacent to school playgrounds and competitive non-professional sports facilities; and more generalized park land.

RULES GOVERNING NEGOTIATED PURCHASES AND DONATION OF PROPERTY

- To be eligible for *Matching Grant Program* assistance, donated property must be in PRIVATE OWNERSHIP – not public – at the time of acquisition.
- To be eligible for *Matching Grant Program* assistance, purchase agreements and contracts cannot contain reversionary clauses.
- Applications for projects that involve the purchase of property will be required to submit a Title Opinion. An appraisal, following the required format, must be submitted after the grant approval.
- Title to the land may not be taken until federal and state approval is given. The applicant will be notified immediately upon approval.

- No advance payments will be made on donated property even after the project receives formal approval.

ACQUISITION FOR DELAYED DEVELOPMENT

Grant assistance may be available to acquire property for which the development of outdoor recreation facilities is planned at a future date. Property acquired for future development must be developed within three years. A detailed plan for development will be required before funding assistance will be considered. If you are planning to seek grant assistance to acquire property for future development, contact the Office of State Parks Outdoor Recreation Grants and Planning staff prior to completing the application.

In the interim, between acquisition and development, the property must be open for those public recreation purposes that the land is capable of supporting or that can be achieved with a minimum public investment. Non-recreational uses, such as agriculture occurring on the property at the time of acquisition, must cease prior to the request for reimbursement. Any application for a project proposing delayed development must include a detailed development plan including a time frame for development.

TITLE OPINION OR TITLE INSURANCE

All applicants for acquisition or combination projects must include a Title Opinion on the property to be acquired. This will be a legal opinion on the current Title to the property and will include a discussion of any liens, mortgages, easements, or any other encumbrances on the property. It will also include a statement concerning the merchantability of the Title.

ELIGIBILITY OF DONATIONS

To be eligible for reimbursement, the **PROPOSED DONATIONS MUST BE CLEARLY SPELLED OUT IN THE PROJECT APPLICATION**. This must include a breakdown as to what is to be donated and the estimated value of the donations. In-kind contributions, which may be considered as part of the project sponsor's matching share, fall into one of the following categories:

- A. **REAL PROPERTY**. For land value to be eligible, the project must include additional acquisition and/or development cost equal to or greater than the donated land value.

CAUTION! DO NOT ATTEMPT TO OBTAIN TITLE TO THE DONATED LAND UNTIL AFTER THE NATIONAL PARK SERVICE APPROVAL.

DOCUMENTATION required is listed on pages 8 and 9.

In addition to the usual documentation and procedures for submitting an acquisition project, the following are necessary when a land donation is involved:

- The project sponsor must arrange for a qualified appraiser to make the appraisal in accordance with GIA specifications. (The cost of the appraisal is to be borne completely by the project sponsor and is not eligible for reimbursement.) Two copies of the complete appraisal submitted to the Office of State Parks, Division of Outdoor Recreation.
- An independent appraiser at the state level reviews the appraisal.
- When the appraisal is approved, the entire project will be submitted to the National Park Service for final approval.
- Upon final approval and after the State Agreement is signed, the project sponsor may accept the land and work on the development portion of the project, which may begin after plans and specifications have been approved and pre-construction certification issued.

B. LABOR. Records of in-kind contributions of personnel shall include time sheets containing the signature of the person whose time is contributed and of the project supervisor verifying the record is accurate.

ACQUISITION REQUIREMENTS

All projects involving acquisition are subject to provisions of P.L. 91-646, "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" and must have been acquired under the guidelines of the Act.

The Act deals with two basic areas: 1) Title II – The establishment of a uniform policy for the fair and equitable treatment of persons who must relocate their homes, farms, or businesses as a result of a federal or federally assisted program; 2) Title III – the establishment of uniform procedures to be followed when acquiring real property, so all persons will receive fair treatment and be offered a fair price for their property.

To comply with Title III of the Act, the following outlined procedures are to be observed:

A. INITIAL CONTACT WITH LANDOWNER.

1. An initial contact should be made to determine if the owner is willing to sell the property for park purposes.
2. NO PRICE IS TO BE NEGOTIATED AT THIS TIME.
3. If the property owner is willing to sell, permission to inspect the property and have it appraised should be obtained.
4. The property owner should be informed that he/she be given the opportunity to accompany the appraiser during the inspection of the property.

B. APPRAISAL

1. The owner or owner's representative must be given the opportunity to accompany the appraiser during inspection of the property.

2. The Office of State Parks, Division of Outdoor Recreation, will notify the project sponsor to send two copies of one appraisal. The appraisal must meet National Park Service guideline requirements, which will have been previously sent to the sponsor. This must be completed before obligation of funds.

C. FAIR MARKET VALUE

1. The owner must be advised in writing of the value of the property as based on the appraisal.
2. The amount offered to purchase the property must not be less than the appraised value.
3. If the negotiated selling price differs from the appraised value, a detailed explanation is required as to why there is a difference. Fund assistance is limited to the appraised value, or selling price, whichever is lower.

D. PROJECT PROPOSAL

1. The sponsor must not accept the title to the property before the National Park Service has approved the project.
2. A statement should be enclosed with the project application that the above procedures have been or will be followed.

E. DOCUMENTATION REQUIRED – see requirements on pages 8,9, 10.

Title Certificates

A Title Certificate must accompany each project application where the sponsor already owns the land. In the case of acquisition projects, a Title Certificate must be submitted with or before the first request for reimbursement. This can be in any form (a standard form, letter, etc.), but it must include:

- The legal description and a metes and bounds survey of the project area.
- A description of the type of Title held by the sponsor.
- A list of any reservations or rights held by others (i.e. mineral rights, easements, rights-of-way, etc.).
- An explanation of how reserved rights will or will not affect the surface.
- The notarized signature of the sponsor's attorney or legal representative.
- A Five-year History of the Conveyance Record.

Development Project Performance

PERFORMANCE OF DEVELOPMENT PROJECTS

The work of developing an area or areas may be accomplished by contract, donated labor, or by force account, subject to conditions established by the National Park Service.

EQUAL EMPLOYMENT OPPORTUNITY

All construction contracts shall meet the requirements promulgated by the Office for Equal Opportunity, Department of the Interior. The requirements may be obtained from:

**Director
Office for Equal Opportunity
U.S. Department of the Interior
Washington, DC 20240**

PERFORMANCE OF CONSTRUCTION BY CONTRACT

Bids and Awards: Competitive open bidding shall be required for contracts in excess of \$10,000. When the Participant considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bidder may be approved. Justification for acceptance of a no-bid contract or awarding of contracts to other than the lowest bidder shall be subject to the approval of the Service.

Bonding and Insurance: Except for the situation described below, bonding and insurance requirements, including fidelity bonds, over and above those normally required by the State or local units of government shall not be imposed.

- A state or local unit of government receiving a grant from the Service, which requires contracting for construction or facility improvement, shall follow its own requirements relating to bid guarantees, performance bonds and payment bonds except for contracts exceeding \$100,000. For contracts exceeding \$100,000, the minimum requirements shall be as follows:
 - A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
 - A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract.
 - A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.
 - Additional conditions governing construction contracts are contained in the General Provisions.

Contract Provisions: The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts:

- Contracts shall contain such contractual provisions or conditions that will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
- All contracts, amounts that are in excess of \$5,000, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated due to circumstances beyond the control of the contractor.
- In all contracts for construction or facility improvement awarded in excess of \$100,000, grantees shall observe the bonding requirements outlined above.
- All contracts in excess of \$10,000 shall include provisions for compliance with Executive Order 11246, as outlined in the Federal Procurement Regulations, Part I-12.8. The grantee shall establish procedures to assure compliance by contractors with these requirements and to assure suspected or reported violations are promptly investigated. All construction contracts in excess of \$10,000 located in the hometown or imposed plan areas will contain the applicable bid conditions, and the grantee shall establish procedures to fulfill the reporting requirements for plan areas.
- All contracts for construction or repair shall include a provision for compliance with the Copeland “Anti-Kick Back” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, part 3). This Act provides each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he would otherwise be entitled. Suspected violations should be reported to the Division of Outdoor Recreation.
- All negotiated contracts (except those of \$5,000 or less) awarded by grantees shall include a provision to the effect that the grantee, the Service, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor for the purpose of making audit, examination, excerpts and transcripts.
- Contracts of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the Service and the Regional Office of the Environmental Protection Agency.

Change Orders: The organization involved shall issue written change orders to the contract for all necessary changes to the facility. The Director must approve any change that alters the nature or purpose of the facility. Such change order shall be filed and retained. Change orders should be made a part of the project file and kept available for audit.

Information to be Given Bidders Concerning Federal Funds: The participant shall inform the bidder that Federal Government funds are being used to assist in construction, and relevant Federal requirements will apply. It is preferable to include this information in bid invitations or in notices released prior to the issuance of bid invitations.

CONSTRUCTION BY FORCE ACCOUNT

Force account construction is generally subject to the same requirements that apply to work performed under contract.

Signage

Permanent sign(s) acknowledging Land and Water Fund participation are required by Federal guidelines on projects funded in part by the LWCF. The Louisiana Office of State Parks, Division of Outdoor Recreation, has made arrangements for the purchase of such signs. One-half of the cost will be deducted from the first request for reimbursement for construction, and the sign will be sent to the project sponsor for installation at the project site. Signs may be available for dedicatory purposes at an earlier date upon special request.

Accounting and Record Keeping

The accounting procedures should be based on generally accepted accounting standards and principles. The following minimum requirements should be met:

- Establishment of separate accounts and supporting documents for each project.
- Itemization of all supporting records of project expenditures in sufficient detail to show the exact nature of all expenditures.
- Cross referencing of all expenditures with the supporting purchase order, contract, voucher, bill, etc. These supporting documents should contain the signature of the individual authorized to approve such expenditures.
- Maintenance of payroll vouchers for salaries and wages is required. All employees working on an LWCF assisted project should fill out daily time sheets or “log books”.
- When payment is by check, the canceled check should be properly identified and filed. When cash disbursements are made, receipts must support them.
- Establishment of adequate internal systems of financial control following generally accepted accounting and auditing principles.

The above records, along with all contracts and related documents, are to be kept by the project sponsor for a minimum of three years after the project has been completed and final reimbursement has been received. Copies of some of the above records are to be submitted with the requests for reimbursement. These are listed on the billing form, a copy of which will be submitted to the project sponsor after the project has been approved.

Billings

Federal financial assistance under the LWCF program is on a 50 percent reimbursable basis. The project sponsor is to implement the proposed project, pay the bills and submit documentation regarding all expenses on a partial or final billing basis. The federal government through the Office of State Parks, Division of Outdoor Recreation, will then reimburse 50 percent of the eligible costs. After the Office of State Parks, Division of Outdoor Recreation, receives adequate documentation the processing usually takes 60 days before the project sponsor receives reimbursement.

A project sponsor may submit a request for reimbursement at any time during the life of the project. Project billings should not be less than \$1,000. Documentation required for reimbursement includes copies of all cancelled checks, pertinent invoices and receipts.

Partial billings will be processed up to 80 percent of the total project cost. A billing within the final 20 percent of the project cost will not be processed unless it is the final billing for the project and an inspection of the completed project has been conducted.

Inspections

Inspections may be made at any time before, during or after the project period by the Office of State Parks, Division of Outdoor Recreation or the National Park Service.

The Office of State Parks, Division of Outdoor Recreation visits all project sites at least once before project approval and a minimum of once a year during the construction or development. Upon completion of the project, a final site visit is made before the final billing is processed. After a project has been completed, inspections are conducted at least once every five years.

Items of Special Note

Each project is approved at a specific total dollar amount. If a project sponsor awards a bid or signs a contract in an amount to exceed the total cost of the project, the project sponsor will have to bear the total cost of the overrun with their own funds. If the bid is over the approved dollar amount, the sponsor must contact the Office of State Parks, Division of Outdoor Recreation for approval of the overage before awarding the contract.

Project applications not approved during one fiscal year will remain on file for consideration for subsequent fiscal year's apportionment unless withdrawn by the project sponsor.

To activate a second or subsequent project phase, applicants must request the funds by letter as the ongoing phase nears completion.

All projects must be in compliance with the Historic Preservation Act of 1966, and construction must be stopped upon discovery of any cultural remains. The sponsor will

immediately notify the Office of State Parks, Division of Outdoor Recreation or the State Office of Archaeology (225-342-8170) for an investigation before proceeding with construction, development, etc.

Formal Appraisal Specifications

Any project that proposes acquisition of property through private donation or that proposes the purchase of property with an anticipated value of \$25,000 or more must include a Formal Appraisal. The Formal Appraisal must cover the following.

- **Qualifications:** Statement of qualifications of all appraisers and/or technicians contributing to the report
- **State of Limiting Conditions:** The appraiser should provide clear, concise statements of all assumptions including the following specifications:
 - That the title to the property is marketable.
 - That the appraiser assumes no responsibility for legal matters.
 - That all data furnished by others are presumed correct.
- **Purpose of the Appraisal:** This shall include a definition of all values required and appraised.
- **Identification of the Property:** This shall include legal description of the whole tract and that to be acquired.
- **City and Area Data:** This data (mostly social and economic) should be kept to a minimum and include only such information as directly affects the property being appraised.
- **Property Data:**
 - **Site** – A description of soil, topography, mineral deposits, easements, etc. If there is an indication that mineral deposits have more than a nominal commercial value, this fact shall be clearly stated.
 - **Improvements** – This shall be a narrative description, including dimensions of principal buildings and/or improvements.
 - **Equipment** – This shall be by narrative description including the condition of the equipment.
 - **Condition** – The current physical condition, relative use, and obsolescence shall be stated for each item or group appraised and, wherever applicable, the repair or replacement requirements to bring the property to usable condition.
 - **Assessed Value and Annual Tax Load** – This shall include the current assessment and dollar amount of real estate taxes. If the property is not taxed, the appraiser shall estimate the assessment in case it is placed upon the tax roll, state the rate, and give the dollar amount of the tax estimate.

- Zoning – This shall describe the zoning for the subject and comparable properties, and if rezoning is imminent, discuss it under “Analysis of Highest and Best Use.”
- Analysis of Highest and Best Use: The report shall state the highest and best market use that can be made of the property (land and improvements and, where applicable, machinery and equipment) for which there is a current market. The valuation shall be based on this use. In no case shall the land be appraised for one highest and best use and the value of the improvements added when they do not contribute to the fair market value of the land under the highest and best use. Such special purpose appraisals are not allowable.
- Land Value: The appraiser’s opinion of the value of the land shall be based upon its highest and best use, regardless of any existing structures and shall be supported by confirmed current factual data (sales and offerings) of comparable, or nearly comparable, lands having like optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised.
- Value Estimate by Cost Approach: This section shall be in the form of computational data, arranged in sequence, beginning with reproduction or replacement cost, and shall state the source (book and page if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.
- Value Estimate by Income Approach: This shall include adequate factual data to support each figure and factor used and shall be arranged in detailed form to show at least:
 - Estimated gross rent or income.
 - Itemized estimate of total expenses including reserves for replacements.

Capitalization of net income shall be at the rate prevailing for this type of property and location. The capitalization technique, method and rate used shall be explained in narrative form supported by a statement of sources of rates and factors.

- Value Estimate by Comparative (Market) Approach: The buyer, seller, broker, or other person having knowledge of the price, terms and conditions of sale shall confirm all comparable sales used. Each comparable sale shall be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser’s final value estimate from this approach. Three comparable sales are required.
- Interpretation and Correlation of Estimates: The appraiser shall interpret the foregoing estimates and state the reasons why one or more of the conclusions reached are indicative of the market value.
- Tabulation of History of Conveyances (Property Sales and Transfers): This shall include parties to the transactions, dates of purchase and amounts of consideration for at least 10 years prior to appraisal.
- Certification of Appraiser:
 - He/she has personally inspected the property.

- He/she has no present or contemplated interest in the property.
- That in his/her opinion, the market value of the taking as of _____ (valuation date) is \$_____.
- (Signature) _____.
- (Date Report Submitted) _____.
- Exhibits and Addenda: (Note: All maps and plans may be bound as facing pages opposite the description, tabulation or discussions they concern.)
 - Location Map (within the city or area)
 - Comparative Map Data (show geographic location of the appraised property and the comparative parcels analyzed)
 - Detail of the Comparative Data (narrative)
 - Plot Plan
 - Floor Plans (when needed to explain value estimates)
 - Original or color copies of photographs, no black and white copies. Pictures shall show at least the front elevation of the major improvements, plus any unusual features. When a large number of buildings are involved, including duplicates, one picture may be used for each type. Views of the best comparables should be included whenever possible. Except for the overall view, photographs may be bound as pages facing the discussion or description to which the photographs pertain. All graphic material shall include captions.
 - Other Pertinent Exhibits
- Abbreviated Appraisal Report: Any project that proposes the purchase of property with an anticipated value between \$5,000 and \$25,000 must include an Abbreviated Appraisal Report. The Abbreviated Appraisal Report must cover the following:
 - Brief Description of the Subject Property – to include physical characteristics, present use, zoning, public utilities associated with the land, deed restrictions and any other pertinent information.
 - Legal Description – of real property to be acquired and a plot.
 - Ten-Year History – of conveyances (sales and transfers), including parties to the transactions, dates of purchase and amounts of consideration for at least 10 years prior to appraisal.
 - Analysis and Statement – of the property’s highest and best use.
 - Supporting Data – including two or three comparable real property sales, a brief analysis of those sales and a map showing their locations relative to the land acquired.
 - The Appraiser’s Certification and Signature:
 - He/she has personally inspected the property.
 - He/she has no present or contemplated interest in the property.

- That in his/her opinion, the market value of the taking as of _____ (valuation date) is \$_____.
- (Signature) _____.
- (Date Report Submitted) _____.
- Date the Value Estimate Applies
- Statement of Appraiser's Experience and Qualifications
- Finding of Value: Any project that proposes the purchase of property with an anticipated value of less than \$5,000 must include a written finding of value prepared by a qualified appraiser. This finding of value can be based on the individual's knowledge of land values but should include a statement of the appraiser's experience and qualification, including a short description of the factors considered and the means by which a conclusion was reached.
- Development Plan: If the proposed project is for acquisition of land only, it will be necessary to prepare a plan for the development of the property. Such a plan should include, at a minimum, the following:
 - Necessity – This must discuss why the immediate acquisition of the property is necessary. It should include an explanation of why the property cannot be developed at this time.
 - Long-Range Development Proposals – This should include items proposed for development on this site. It must be as specific as possible. It should include estimated dates for such development. It should also include proposed methods for funding such developments if they are known. If the source of funding is not known, this fact must be indicated.
 - Interim Plans for the Site – This should identify how the site will be used until development starts. This section should include the current use(s) of the site and how long this interim period will last. If there will be more than one use, a list of each use and its estimated time frame should be included.
 - Income – Will income be generated from the site during the interim period? What is the projected amount of this income? Will this income be used in the proposed development of the site and/or operations, maintenance and development of the applicant's park system as a whole? Have any arrangements been made to insure such a use of this income? If so, what are they?
 - Site Maps and Plans – This should contain at least one 8 ½" x 11" site plan indicating the proposed use areas of the site (playground areas, picnic areas, ball field areas, etc.). If possible, it should also include more detailed plans of these developments.

Points of Contact

If, after reading this handbook, you have any remaining questions or desire further information or assistance, please contact:

**Office of State Parks
Division of Outdoor Recreation
P.O. Box 44426
Baton Rouge, LA 70804-4426
Tel: (225) 342-8111
Toll Free: (888) 677-1400
Fax: (225) 342-8107**