
LAND & WATER CONSERVATION FUND
STATE GUIDELINES FOR LOCAL PARTICIPATION



Iowa Department of Natural Resources
Kayla Lyon, Director

LAND AND WATER CONSERVATION FUND

FORWARD

This booklet can assist grant applicants, planning agencies, and consultants in preparing applications for federal assistance from the Land and Water Conservation Fund. It will not cover all aspects of the LWCF program; but it does attempt to cover the major items of interest and concern to most applicants. Additional information can be found in the [LWCF Manual](#). Any questions concerning the program should be directed to:

Iowa Department of Natural Resources
Parks, Forests, and Preserves Bureau
Jessica Flatt
6200 Park Ave Ste 200
Des Moines IA 50321
515-975-8569
Jessica.Flatt@dnr.iowa.gov

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LAND AND WATER CONSERVATION FUND GUIDELINES FOR LOCAL PARTICIPATION

Introduction

The Land and Water Conservation Fund (LWCF) Act, signed into law September 4, 1964, provides federal financial assistance to the State of Iowa and its political subdivisions for the purpose of acquisition and/or development of land for outdoor recreation. The LWCF program is administered by the National Park Service (NPS). The Iowa Department of Natural Resources (DNR) administers the program at the state level. A summary of State Administrative Rules and Federal General Provisions for the program are included in these guidelines, read carefully before applying.

Funds are provided to the states and passed to political subdivisions in the form of reimbursement grants. Reimbursements are made on eligible expenditures up to 50% of the project cost or the amount of the approved grant, whichever is less.

Control and Tenure of Project Sites

The grant applicant must be an incorporated city or a county conservation board and have physical control of the project site by fee title or a minimum 25-year land management agreement in order for the project to be eligible. Land being acquired by contract purchase will not be eligible for development assistance until the fee title has been obtained. **The applicant is responsible for the maintenance of the site as an outdoor recreation area open to the public in perpetuity.**

Prior to the final billing, a "Notice of Use Restriction" will be required to be recorded with the respective county recorder. The restriction is a legal document which attaches to the title of the project site and halts the sale or conversion of the subject site/property prior to National Park Service review and approval. Upon approval of the National Park Service, a grantee may enter into a "conversion of use" by changing the boundaries, or selling all or a portion of a project site, understanding that the sponsor is responsible for replacing all or the portion of the site with equal or greater value property. The replacement land may not already be used for outdoor recreation.

Section 6(f)(3) of the Land and Water Conservation Fund Act states: "No property acquired or developed with assistance under this section shall, without the approval of the secretary, be converted to other than public outdoor recreation uses. **Property sold or used for purposes other than outdoor recreation must be replaced with new park land of equal or greater dollar value.** Examples of conversions include:

- The sale or trade of all or a portion of land acquired and/or developed with LWCF assistance.
- The construction of non-outdoor recreational facilities (such as roads/streets, libraries, city halls, fire/police stations, community centers, senior citizen centers) on properties acquired and/or developed with LWCF assistance.

Eligible Projects

- Trails; including hiking, biking, equestrian, paddling, exercise, and nature trails. Can also include trailheads and overlooks.
- Picnic facilities, including open shelters, fire rings, tables, or other facilities.
- Camping facilities including tables, fire rings, and restrooms.
- Acquisition of land specifically for outdoor recreation purposes, including new or additions to existing areas.
- Swimming facilities; including beaches, pools, splash pads, bathhouses and related equipment.
- Winter sports facilities; including ski runs/lifts, outdoor skating rinks, sledding slopes, warming huts, etc.
- Playground equipment and outdoor sports facilities such as ball fields and game courts, golf courses, etc.
- Sport shooting areas for skeet, trap, rifle, pistol, and archery. Note: SLO review of Pittman-Roberson funding must be completed.
- Lake and pond construction for boating, fishing and aesthetic purposes. Note: SLO review of Dingell-Johnson funding must be completed.
- Landscaping and plantings for wildlife food and cover.
- Renovation or redevelopment of existing facilities which have deteriorated or become outdated.

- Support facilities including roads, parking, signs, walkways, utility systems, lighting, restrooms, concession buildings, etc.
- Phased projects are eligible but must be submitted as a new project for each scoring phase.

Ineligible Projects

- Acquisition or development of areas and facilities to be used primarily for semiprofessional and professional arts and athletics.
- Development of school “athletic plant” facilities.
- Construction of employee residences.
- Development of amusement facilities, convention facilities, and commemorative exhibits.
- Development of nature and geological interpretive facilities which go beyond interpreting the project site and its immediate surrounding area.
- Development of outdoor recreation and support facilities to be used exclusively by people with disabilities.
- Acquisition, restoration, or preservation of historic structures.
- Acquisition, construction or renovation of lodges, motels, and luxury or “nonaustere” cabins.
- Facilities at a zoo for the purpose of housing, caging, displaying or caring for animals.
- Acquisition of museums and sites to be used for museums.
- Mobile recreation units such as playmobiles, show wagons, puppet wagons, and porta-bleachers.
- Acquisition of areas and facilities to be used solely for game refuges or fish production purposes.
- Operation and maintenance outdoor recreation areas and facilities.

Project Scoring and Selection

LWCF applications are reviewed and scored by a five-member committee (with at least two alternates) represented by the cities, counties and DNR staff. Details on the scoring criteria can be found in the [LWCF State Administrative Rules, 571-27](#) and in Iowa’s Open Project Selection Process (OPSP) document. The grant scoring criteria includes:

- Description of how project goals align with priorities identified in Iowa’s Statewide Comprehensive Outdoor Recreation Plan (SCORP) and other applicable recreation or local plans (0-30 points)
- An assessment and description of local need and impact (0-30 points)
- Demonstration of partnerships and local support (0-20 points)
- Impact on underserved communities and accessibility (0-10 points)
- Sustainability of design and future maintenance (0-10 points)
- Bonus points - no prior LWCF assistance at project site (5 points)

Eligible Project Costs and Match Funds

Reimbursements are made only on costs incurred and paid by the grantee during the project period as identified on the grant agreement. The only exception to this is on “pre-agreement planning costs”, which can include site planning, feasibility studies, preliminary design, environmental assessment, preparation of cost estimates, and construction drawings and specifications.

In general, federal funds cannot be utilized as match funds for an LWCF grant project. The only exception to this requirement is if the other federal program states in its rules that it can specifically be utilized as an eligible match for the LWCF program.

The following items are ineligible for reimbursement:

- Incidental costs incurred by the grantee relating to the acquisition of real property, such as appraisals, surveys, recording fees.
- State sales taxes, interest expenses.
- Equipment to be used for the maintenance of recreation areas and facilities.
- Sport equipment such as bats, balls, etc.
- Donated labor, materials, and equipment use, donated real property.
- Force account labor and equipment use
- Cost overruns on an active project are not eligible for grant amendments.

Buy America Domestic Procurement Preference and Waiver Process

As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver.

For further information on the Buy America preference, please visit www.doi.gov/grants/BuyAmerica. Additional information can also be found at the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/.

Waiver of Retroactivity

In cases involving extreme urgency of land acquisition, where a grant applicant needs to purchase land prior to the grant round, a grant applicant may request a “waiver of retroactivity.” Waivers allow acquisitions of real property to take place immediately without jeopardizing a grant applicant’s chances for a future grant, but in no way implies or guarantees that a grant will be awarded. Grant applicants must formally request a waiver of retroactivity through the DNR to the National Park Service.

Operation and Maintenance Statement

On a five-year basis, grantees will be required to complete and sign/date an Operation and Maintenance Statement and a Post-Completion Inspection Certification Report. Both are required to ensure that property and development for which these federal funds are provided will not be converted to any other use than public outdoor recreation. Projects developed and lands acquired with this program will be held in perpetuity. If a portion or all of the project lands are converted to a use other than outdoor recreation, or a portion or all of the project land is sold or donated, a “conversion in use” has taken place, and those lands will have to be replaced.

Program Income

Any non-recreational income derived from a project site and earned during the project period must be credited to the project on the next reimbursement request following receipt of the income. Nonrecreational income includes the sale of natural products such as timber, gravel, farm crops and rental fees. Income from the sale of buildings acquired with LWCF assistance must be credited or reimbursed no matter when the sale occurs.

Compliance with Section 106 of the National Historic Preservation Act

State Historic Preservation Office (SHPO) and Tribal Historic Preservation Office (THPO) review and approval are required on all applications selected for funding. A thorough review and explanation of the property’s history is critical for an accurate assessment by the DNR and the National Park Service for a potential determination of no adverse effect. If selected for funding, and depending on past use and potential for historic significance, a historical survey and/or Cultural Resource Management Plan may be required by the SHPO and/or THPO offices. SHPO and tribal office reviews are required as part of Environmental Screening.

An initial archaeological review conducted by a professional archaeologist is required prior to grant application submission. Further guidance on this requirement can be found in the application.

Environmental Screening Information

Provisions of the National Environmental Policy Act of 1969 (P.L. 91-190) are applicable to the LWCF program. To determine the environmental impact of a proposed project, an applicant will need to provide adequate environmental information by completing the required Project Description and Environmental Screening (A&R) Form section of the application.

The environmental review process may involve producing documents for public review and comment, coordinating compliance with applicable local, state and federal laws and regulations, and acquiring other federal state and local approvals.

Applicant Risk Assessment

Federal law requires the State Agency to conduct a risk assessment of each applicant or sub-recipient. The applicant will be required to answer questions regarding the applicant's financial and budgeting practices.

Grant Approval Process

LWCF grants consist of a two-stage approval process.

1. The first process consists of grant review and scoring by the five-person LWCF review and selection committee. Any additional information or clarification on individual grant applications will be sent to applicants via email. A grant review meeting open to applicants and the public is then held for discussion and to finalize scoring. Final scores and funding recommendations are then provided to the DNR Director for approval.
2. The second process consists of DNR staff assisting grant applicants to acquire any necessary additional information and work through the required submission materials for award by the National Parks Service (NPS). Once all materials are compiled, NPS will conduct an initial review for each grant to make sure it meets all requirements and to determine if any further information or documentation will be needed prior to the official submission with NPS. After this review has been completed, DNR will complete submission during the next open submission period with NPS. **Work associated with both grant and match funds may not begin until the grant agreement is in place.**

Tentative Grant Application and Funding Timeline

Timeline is subject to change yearly based on NPS review and submission schedules. Grant agreements have historically been in place 12 months to 24 months after the grant application deadline. See Iowa's Open Project Selection Process (OPSP) document for additional timeline details.