Land & Water Conservation Fund (LWCF) Local Community Grants

Program Requirements

Please review these requirements before proceeding with your application.

When local sponsors sign an agreement accepting LWCF program funds, they assume the responsibility of complying with a number of program requirements. These requirements are found in several areas. The first is the grant agreement itself. The agreement is in fact a contract, and program requirements are legally identified in the general provisions included in the body of the agreement.

Program requirements may also be contained in the existing state and federal laws that authorize the program. The following is a brief discussion of the program requirements, which originate in these state and federal laws, with which the local sponsor must comply. Please also consult the Fact Sheet available online at Recreation Grants, Land & Water Conservation Fund.

- 1. Contracts and Bidding-Local sponsors receiving grants through the federal LWCF program must comply with applicable state and federal requirements regarding contracts and bidding.
- 2. Maintenance-All areas acquired or developed with LWCF must receive adequate maintenance to ensure continuing public use in a safe and sanitary manner.
- 3. Operation and Use-All areas acquired or developed with LWCF funds must be open to all people during reasonable hours of operation. Hours of operation should be determined according to the type of area or facility being operated and in relation to the seasons of the year.
- 4. Fees-Reasonable user fees may be charged by the sponsor to offset operation and maintenance costs. Sponsors may charge a higher fee to non-residents as long as the higher fee is realistic, and does not preclude use by non-residents.
- 5. Conversion of Property-Lands acquired or developed with LWCF funds must be kept open to the public for outdoor recreation and maintained in perpetuity. In rare instances, a portion of an LWCF site may be converted to another use with permission of Montana Fish Wildlife & Parks and the National Park Service. However, such a conversion triggers Section 6(f) of the federal Land and Water Conservation Act of 1965. There are many rules and regulations guiding such conversions. In all cases, the sponsor will be required to purchase mitigation property of equal fair market value and recreational usefulness as a replacement.

- 6. Overhead Powerlines-All electrical or communication lines must be installed underground. Existing lines must be buried, removed or relocated as necessary. Future lines must be underground. The sponsor may be required to provide cost data to evaluate disposition of proposed or existing electrical or communication lines.
- 7. Retention of Records-All documents related to the LWCF project, including those used to substantiate your financial claims, should be retained in perpetuity. These papers may include invoices, cancelled checks, contracts and bid specifications, project agreements, correspondence, grant application materials, and maps.
- 8. Accessibility-Compliance with the Americans With Disabilities Act (ADA)-It is necessary for all projects to comply with ADA as well as other civil rights regulations. This act requires that all aspects of each project be accessible to (and usable by) disabled citizens. The intent is to enable disabled citizens to participate in outdoor recreation activities in a way that parallels as closely as possible participation of non-disabled citizens.
- 9. Financial Reimbursement-All payments and contracts must be processed through the local (unit of government) financial system.
- 10. Natural and Cultural Resources-All projects must satisfy the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA). Sponsors must complete an Environmental Analysis (EA). All projects carry potential impacts to the environment (stream sedimentation, noxious weeds, wildlife displacement, etc.). Pay special attention to the public scoping requirements at the end of the EA. Projects are also obliged to comply with historic preservation requirements—the State Historic Preservation Officer must review all LWCF projects.
- 11. Project Start-Up-No project construction may begin or any land acquired until an agreement has been executed between FWP and the local sponsor.
- 12. Inspections-The purpose of inspections is to monitor the compliance with the requirements, which rests with the sponsor. Some inspections will be performed by the State. In other cases, the sponsor, completing a questionnaire form, will be asked to perform inspections. FWP and NPS reserve the right to conduct inspections at any time. You will be contacted in person or by letter if a problem is noted.

Please feel free to call the Helena Headquarters of Montana State Parks with any questions or concerns at (406) 444-3753.