

Land and Water Conservation Fund

FEDERAL FFY25 COMPETITIVE GRANT ANNOUNCEMENT

The Maryland Department of Natural Resources is seeking applications for Land and Water Conservation Fund projects for FFY25. Please review the information below for information about requirements of the LWCF and how to apply.

Preliminary grant funding applications are due by
5 p.m. on June 28, 2024.

Please contact Molly Pickel with questions:
molly.pickel@maryland.gov
443-223-4302



Background

Authorized by the United States Congress and signed into law by President Lyndon Johnson, the Land and Water Conservation Fund (LWCF) Act of 1965 established a federally funded program to provide 50/50 matching grants to state and local governments for the purpose of acquiring and/or developing public outdoor recreational areas and facilities. The program is administered nationally by the United States Department of the Interior, National Parks Service (NPS) with the supporting revenues generated from offshore oil and gas leases. The LWCF is intended to create and maintain a nationwide legacy of quality public outdoor recreational resources as well as to stimulate non-federal investments in the purchase, development, maintenance, and protection of these highly valued outdoor recreational areas. Per section 6(f)(3) of the LWCF Act, “No property acquired or developed with assistance under this section shall, without the approval of the Secretary of the Department of the Interior, be converted to other than public outdoor recreation uses.”

The LWCF is managed at the state level by state governments. To be eligible to receive a program apportionment, each state must develop a Statewide Comprehensive Outdoor Recreation Plan (SCORP) and appoint an official State Liaison Officer. All eligible projects must reflect the states’ policies and priorities of its current SCORP. In Maryland, this is the Maryland Land Preservation and Recreation Plan (LPRP). In Maryland, the Department of Natural Resources (DNR), Land Acquisition and Planning Unit, is responsible for managing the program, coordinating grant rounds for project funding, and monitoring past project sites for program compliance. Since its start, the LWCF program has funded over 400 projects in Maryland.

Application Submission Information

Grant Round Federal FY25

MD DNR is now accepting preliminary applications for LWCF projects. **Preliminary applications are due by 5 p.m. on June 28, 2024.** The state, counties, and municipalities are eligible for up to a 50 percent matching fund assistance from the LWCF. Program Open Space Local funds or Community Parks and Playground grant funds may be used as the match. If using Program Open Space Local funds as match for a development project, please note that county match requirements will apply.

The maximum LWCF assistance grant request is \$1,500,000 (\$3,000,000 maximum total project cost) and the minimum LWCF assistance grant request is \$50,000 (\$100,000 minimum total project cost). Exceptions may be granted by DNR in certain circumstances based on project applications received and available grant funds.

Preliminary applications will be reviewed to determine eligibility and scored with Maryland’s approved Open Project Selection Process (OPSP). MD DNR will invite applicants with the highest grant score to officially apply for LWCF assistance. In addition, the applicant will be required to sign an agreement with MD DNR, which acknowledges responsibility for compliance with the LWCF Act of 1965. Signing this agreement is a condition for DNR to submit the application to the NPS. The NPS will review project applications and, if approved for LWCF assistance, will provide a project start date.

Development and acquisition **projects must be completed within three years from the provided start date.** Only expenditures incurred within the approved LWCF project period are eligible for reimbursement, except for certain pre-approved engineering and design costs. Activities completed with matching funds must also take place during the grant period. Grantees do not receive funds at the time of approval. The **applicant must incur 100% of the total project cost**, submit evidence of eligible expenditures throughout project implementation and payment thereof, and request reimbursement from MD DNR **after the project has been completed** and NPS has officially closed the grant. Expenses incurred prior to authorization of the LWCF grant agreement or after the expiration date are ineligible for reimbursement.

Eligible Project Types

Projects must be in direct support of public outdoor recreational uses of related properties and/or facilities. Projects must support State Land Preservation and Recreation Plan goals (listed at the end of this information packet). Eligible project types are as follows:

- **Acquisition:** Land acquisitions for the use of public outdoor recreation, which includes purchase of fee simple title of property for public use. This can be acquisition of abutting land to an existing developed recreational area, or undeveloped property to establish a new outdoor recreational area. Acquisitions using LWCF assistance must be open to the public within three years of purchase date.
- **Development/rehabilitation:** Development/rehabilitation projects for the use of public outdoor recreation. This includes new amenities/facilities or renovation/improvements of existing outdoor recreation facilities, including design and construction work. Multiple development projects at the same park may be applied for under one grant application.

Eligible Cost Examples

There is no complete list of eligible/ineligible project costs. Please see the [LWCF Grant Manual](#) for more details.

- Trails
- Swimming and boating facilities
- Land purchase for public outdoor recreation
- Picnic facilities
- Camping facilities
- Fishing and hunting facilities
- Nature study and wildlife watching facilities
- Athletic fields (e.g., soccer fields, tennis courts, basketball courts, softball fields)
- Structures that support outdoor recreation (e.g. comfort station)
- Support facilities for outdoor recreation (e.g. roads, parking, utilities)

Ineligible Cost Examples

- Land purchase primarily for historic sites and historic preservation
- Restoration of historic structures
- Museum maintenance, archaeological excavations, or historical signage
- Facilities like recreation centers, gymnasiums, or indoor pools for *indoor* activities
- Acquisition for school sites or facilities primarily used for schools
- Athletic fields/facilities for semi-professional or professional athletes
- Sites containing luxury lodges, hotels, restaurants
- Agricultural land or any commercial leases
- Incidental costs relating to acquisition (e.g. appraisal fees)
- Indirect costs and/or administrative fees
- Expenses outside of the project period

How to Submit a Preliminary Application

1. Review relevant documents to help in the development of your application, including:
 - a. All sections of this document, which details eligible projects and requirements of the grant
 - b. **The [Land and Water Conservation Fund State Assistance Program Manual](#)**, updated October 2023: The Manual includes details about the program, grant eligibility, program rules and regulations, and examples of eligible projects.
 - c. **Open Project Selection Process Information:** The LWCF grant award is competitive and is conducted according to the State of Maryland Department of Natural Resource's Open Project Selection Process. There are separate criteria for state and local submissions. Ranking components are detailed in the following documents, found on the [LWCF webpage](#):
 - i. Open Project Selection Process Criteria for State Projects
 - ii. Open Project Selection Process Criteria for Local Projects
2. Complete the preliminary application form. Email the application form and required documents to Molly Pickel (molly.pickel@maryland.gov) with the subject, "LWCF Grant Application: [Department Name for State Grants / Jurisdiction Name for Local Grants], [Name of Grant]." **The due date is June 28, 2024 by 5pm.**
 - a. There are separate forms for state and local projects, which are found on the [LWCF webpage](#). These application forms include information about the additional required documents.
 - i. Preliminary State Application
 - ii. Preliminary Local Application

Next Steps after Preliminary Application

1. MD DNR will evaluate preliminary application using the Open Project Selection Process criteria.
2. MD DNR will contact applicants whose projects received the highest scores and invite them to submit an application to the NPS. For applicants who would like to move forward:
 - a. The applicant will be required to sign an agreement with MD DNR, which acknowledges responsibility for compliance with the LWCF Act of 1965.
 - b. MD DNR will schedule a site visit and will be in communication to gather all materials necessary to submit to the NPS. The preliminary application will be used as the basis for this, but there will be additional information requests.
3. The NPS will review project applications and, if approved for LWCF assistance, will provide a project start date. The project sponsor will incur 100% of the total project cost. Costs will be eligible for reimbursement starting on the start date provided by NPS and ending three years after the start date.

If you have any questions, please contact Molly Pickel at molly.pickel@maryland.gov or 443-223-4302.

Summary of LWCF Grantee Compliance and Commitments:

Properties acquired, improved, or developed with LWCF assistance must be **open, maintained, and operated in perpetuity for public outdoor recreation**. Other commitments include, nondiscrimination, posting an LWCF Acknowledgement sign, and maintaining the integrity of the LWCF protected area boundary.

Acceptance of LWCF funding requires the grant recipient to assume responsibility for compliance with the Land and Water Conservation Act of 1965 and the program requirements therein, as well as all applicable Federal, State and Local laws. In signing the LWCF grant agreement with the MD DNR (after your project has been selected for funding), the applicant accepts the responsibility for compliance including the consequences of non-compliance. In most instances the LWCF boundary encompasses an entire park being acquired or developed with LWCF assistance funds, meaning **LWCF compliance commitments are required in perpetuity over the entire park boundary**.

Primary LWCF Compliance Topics

For greater detail on the compliance and commitments of LWCF funding, please consult the [LWCF Manual](#). Some of the primary topics are listed below:

Public Outdoor Recreation *in perpetuity* — Lands acquired and/or developed with LWCF funds must be opened to the public and maintained *in perpetuity* for public outdoor recreation. In rare instances, a portion of a LWCF site may be converted to another use with permission of the MD DNR and approval of the NPS. In instances where there is no feasible alternative to converting, either in full or in part, the protected area, Section 6(f) of the federal Land and Water Conservation Act of 1965 is triggered. This section requires that a conversion of use process be initiated to seek approval from the NPS for the conversion. Conversions are not a right. Alternatives to impacting the protected area must be investigated and evidence given that there is no feasible alternative. Conversions are situation specific and decided on a case-by-case basis. In all cases, the grantee will be required to develop an environmental assessment for the conversion project and purchase replacement property of equal or greater fair market value and equal or greater recreational usefulness as a replacement. The process involves many steps and takes, at a minimum, one year from initiation by the grantee with MD DNR to formal approval by the NPS.

The land area subject to this requirement is shown in the LWCF boundary map, submitted with the LWCF grant application. Signed and dated copies of the LWCF boundary map are required from all recipients of grant funds. Recipients of grant funds will also be required to record in the deed of the property that the area is protected through Section 6(f) of the LWCF of 1965. Deed wording will be provided to grant recipients.

Environmental, Historical and Cultural Resources — All projects must comply with the National Environmental Protection Act (NEPA), the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA). All projects will be sent for Tribal Review through the National Parks Service. All projects carry potential impacts to the environment (stream sedimentation, noxious weeds, wildlife displacement, habitat fragmentation, visual, potential noise, etc.). In addition to demonstrating compliance with the ESA and NHPA, all conversions and some acquisition/development projects require an Environmental Assessment document for NEPA compliance. This document is submitted as part of the package the NPS requires for approval.

Public Comment — Solicitation of public comment is required for all submitted projects.

Compliance with the Americans with Disabilities Act (ADA) — All projects must comply with ADA. All projects must 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 with participation of non-disabled citizens.

Overhead Power Lines — Overhead lines (both electrical or communication) must be installed underground; and you can use LWCF funds to remove, relocate, or bury overhead power lines for beautification of outdoor recreation area.

Procurement, Contracts and Bidding — Grantees receiving federal LWCF assistance must comply with all applicable local, state and federal requirements regarding contracts and bidding.

Quarterly Reports — All grantees are required to submit quarterly performance status reports during the life of the grant.

Expenditures - The LWCF program is a 50-50 matching reimbursement program. The applicant must incur 100 percent of the total project cost, submit evidence of eligible expenditures throughout project implementation and payment thereof, and request reimbursement from MD DNR after the project has been completed and NPS has officially closed the grant. All grantees are required to submit quarterly financial invoices throughout the life of the grant. Only expenditures incurred within the approved LWCF project period are eligible for reimbursement. Expenses incurred prior to authorization of the LWCF grant agreement or after the expiration date are ineligible for reimbursement.

Acknowledgment Sign — LWCF requires that all recreation areas assisted by the program post an acknowledgement sign with the LWCF logo. Signage during the project is required for projects with over \$500,000 in LWCF funding. See sign requirements in the [LWCF Manual](#).

Restrictive Deed Wording — Section 6(f)(3) of the Land and Water Conservation Act states that: “No property acquired or developed with assistance under this section shall without approval of the Secretary [of the Interior] be converted to other than public outdoor recreation uses.” The LWCF program realizes that in certain instances there is no alternative to converting a portion of a LWCF property. In those extreme cases where there is no alternative, the grantee must begin a conversion of use process with MD DNR. In short, the conversion of use process requires that a suitable piece of replacement property be found before a conversion occurs at a LWCF site. “Suitable” means equivalent in fair market value and can serve as a viable public outdoor recreation area without reliance upon adjoining or additional areas.

Retention of Records — All documents related to the LWCF project, should be retained in perpetuity. These papers include project agreements, correspondence, deeds, as-built plans, inquiries regarding proposed changes at the park, the legal LWCF Boundary Map, and grant application materials. All financial records, and documents used for verifying your reimbursement including bid information must be retained for a period of three years with the following qualifications: If any litigation, claim, or audit is started prior to the expiration of the three years, the records shall be retained until all such actions have been resolved. Records for non-expendable property acquired with fund assistance shall be retained three years after its final disposition.

Operation and Use — All LWCF assisted areas must be open to the public (everyone) during reasonable hours of operation, preferably from sunrise to sunset.

Maintenance — LWCF assisted properties must receive regular maintenance to ensure continuing public use in a safe and sanitary manner.

Fees — Reasonable user fees may be charged to offset operation and maintenance costs. A higher fee to non-residents may be charged as long as the higher fee is realistic, comparable to what is charged at other local parks, does not preclude use by non-residents and is no more than twice the residential fees.

Inspections — Inspections are performed on LWCF assisted areas at least every five years to monitor the project grantee compliance with program requirements. Recreation areas found in non-compliance will be notified in writing of the problems and a time frame for remediation. In cases where inspections discover conversions of use, the MD DNR, in consultation with the NPS, will provide direction to the grantee on the Conversion of Use process and a time frame for initiating it.

Program Open Space Compliance with Federal, State, and Local Laws

Local governing bodies applying for LWCF grant assistance must conform to all environmental, cultural and planning laws applicable to the implementation of Program Open Space assisted projects. Among these, the following laws should be specifically addressed in the grant applications:

Disabled Accessibility — Article 78A, §51 of the Annotated Code of Maryland, facilities for disabled persons, requires structures or improved areas owned or constructed by the State of Maryland or its political subdivisions as public parks and recreation centers to provide facilities for disabled persons. This law specifically concerns toilet facilities, ramps, building entrances, drinking fountains, parking and walks. Such facilities should be suitably marked by a symbol denoting “accessible to the physically disabled.”

Nondiscrimination Policy — Property acquired or developed with assistance from the Program shall be open to entry and use by all persons regardless of race, color, religion, sex, age, or national origin, who are otherwise eligible according to reasonable published rules applicable to the property involved.

*It is the mission of the Maryland Commission on Civil Rights to ensure opportunity for all through the enforcement of Maryland’s laws against discrimination in employment, housing, public accommodations, and state contracts; to provide educational outreach services related to provisions of this law; and to promote and improve civil rights in Maryland. **State vision is one free from any trace of unlawful discrimination.***

The Forest Conservation Act — Local Program Open Space grant assistance must be consistent with the Forest Conservation Act of 1991 (Natural Resources Article, Sections 5-1601 through 5-1613, Annotated Code of Maryland). This law was enacted to protect the forests of Maryland by making forest conditions and character an integral part of the site planning process. The law is administered by MD DNR but implemented primarily by local governments. Local Program Open Space projects should be reviewed for conformance with the appropriate Forest Conservation Law Programs prior to submission for state review. All Program Open Space projects are subject to review of applicability under the Forest Conservation Act.

Historical and Cultural Impacts — Prior to applying for Program Open Space assistance for an acquisition, development or capital rehabilitation project, the applicant should consult with the Maryland Historical Trust, Project Review and Compliance Program Division of Historical and Cultural Programs, Maryland Department of Planning (MDP), to determine if the Program Open Space capital project or projects will adversely affect any property listed in or eligible for the Maryland Register of Historic Properties. (Article 83B, Title 5, Subtitle 6, Housing and Community Development, Annotated Code of Maryland). Any applications for use of federal or state funds for development are subject to review and approval of the Trust through the MDP State Clearinghouse process. Applicants are encouraged to seek early comments from the Trust on all projects listed in their Annual Program in order to avoid impacts on historic and cultural resources during project approval or implementation.