

**Texas Parks & Wildlife Department  
Recreation Grants Branch**

**LOCAL PARK GRANT  
PROGRAM**

**Small Community Recreation  
Grant Application  
Supplemental Information**

**Revised August 2008**

This program is limited to cities and counties  
with population of 20,000 or less

**Annual Deadline: January 31<sup>st</sup>**



# PART 1

## DEVELOPMENT AND MAINTENANCE CONSIDERATIONS

## DEVELOPMENT AND MAINTENANCE CONSIDERATIONS

The following suggestions developed by the Fisheries and Wildlife divisions should be considered when proposing and designing a project in order to minimize adverse environmental impacts and establish appropriate maintenance procedures:

1. Trails along creek banks and lake shores should be set back far enough that they do not cause or exacerbate erosion of banks, either from construction activities or long-term use. Pedestrian creek crossovers should be located in areas where vegetation removal or disturbance can be avoided or minimized. The crossovers should span the entire creek channel with the headwalls at or above the top of the bank in order to avoid destabilizing the bed and banks.
2. Impervious vehicular and pedestrian use areas such as roads, walking tracks and parking areas should not impede natural surface water drainage. Stormwater runoff should be treated before discharging into nearby waterways by directing runoff into vegetated swales, retention or detention ponds, or similar pre-treatment areas.
3. Landscaping and revegetation plans should incorporate native plants, including grasses, whenever possible. Locally adapted natives can increase survival and reduce maintenance and watering needs while providing benefits to wildlife. Mowing only essential use areas will allow native grasses to prosper, generally without additional irrigation. Maintenance activities should be reduced as much as feasible in all areas except sport fields and playgrounds, and restricted to after seed-set (late fall) to promote reseeding and increase wildlife value. Enhancement of existing native grasses or prairie remnants can be assisted by limiting mowing practices and reseeding exposed areas with native grasses and forbs. After all, as many communities are learning, access to wildlife for casual recreation is not only a valued public benefit itself, but also a potential boost to the local economy.
4. Disturbance of native vegetation should be avoided or minimized during land alteration activities by using site planning and construction techniques designed to preserve existing native trees, shrubs, grasses and forbs, as well as aquatic and wetland systems. Should any losses be deemed unavoidable, it is recommended that native plant and forage species be used in mitigation and landscaped areas that are beneficial to fish and wildlife endemic to the area. Also, where possible, clearing of understory vegetation should be minimized because it provides habitat to small mammals and birds. Natural buffers contiguous to wetlands and aquatic systems should remain undisturbed to preserve wildlife cover, food sources, and travel corridors.
5. Soil erosion should be minimized using haybales, silt screens, or similar soil erosion prevention techniques. In order to enhance the stabilization of exposed soils, newly graded areas should be seeded or sodded with native grasses, while graded embankments should not exceed a 4:1 slope.
6. Park sites containing ponds or proposing the construction of a pond should take measures to ensure that any domesticated waterfowl that take up residence at the pond are removed immediately by legal means. Domestic waterfowl pose a danger to native wild duck populations by providing a disease vector for duck plague, New Castle Disease, avian cholera, avian tuberculosis, chlamydiosis, bird flu and West Nile virus. Furthermore, the close genetic relationship between domestic and wild waterfowl can result in hybrid offspring, which has the effect of diluting the gene pool of wild populations and presents the possibility of breeding native species out of existence. Signs should be placed in the vicinity of park ponds to educate the public on the negative impacts of the release and feeding of domestic waterfowl.
7. No person may import, possess, sell, or place into water of this state exotic, harmful, or potentially harmful fish, shellfish, or aquatic plants except as authorized by rule or permit issued by Texas Parks & Wildlife (see list of Controlled Plants):

## CONTROLLED PLANTS

Family	Scientific name	Common name
Amaranth family: Amaranthaceae	<i>Alternanthera philoxeroides</i>	Alligatorweed
Sumac family: Anacardiaceae	<i>Echinus terebinthifolius</i>	Brazilian peppertree
Arum family: Araceae	<i>Pistia stratiotes</i>	waterlettuce
Morning-glory family: Convolvulaceae	<i>Ipomoea aquatica</i>	swamp morning-glory
Water Milfoil family: Haloragaceae	<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
Tape-grass family: Hydrocharitaceae	<i>Ottelia alismoides</i>	ducklettuce
	<i>Hydrilla verticillata</i>	hydrilla
	<i>Lagarosiphon major</i>	oxygen-weed
	<i>Spirodela oligorhiza</i>	duckweed
Loosestrife family: Lythraceae	<i>Lythrum salicaria</i>	purple loosestrife
Myrtle family: Myrtaceae	<i>Melaleuca quinquenervia</i>	punktree
Grass Family: Poaceae	<i>Panicum repens</i>	torpedo grass
Waterhyacinth family: Pontederiaceae	<i>Eichhornia azurea</i>	rooted waterhyacinth
	<i>Eichhornia crassipes</i>	common waterhyacinth
	<i>Monochoria hastata</i>	arrowleaf falsepickerelweed
	<i>Monochoria vaginalis</i>	heartshape false pickerelweed
Salvinia family: Salviniaceae	all species of genus <i>Salvinia</i>	
Figwort family: Scrophulariaceae	<i>Limnophila sessiliflora</i>	Asian marshweed
Potato family: Solanaceae	<i>Solanum tampicense</i>	scrambling (wetland) nightshade
Bur-reed family: Sparganiaceae	<i>Sparganium erectum</i>	simplestem bur-reed
Duckweek family: Lemnaceae	<i>Landolita punctata</i>	Giant or Dotted duckweek
Hydrocharitaceae family	<i>Lagarosiphon major</i>	Lagarosiphon
Paperbark family: Myrtaceae	<i>Melaleuca quinquenervia</i>	Paperbark
Water Spinach family: Convolvulaceae	<i>Ipomoea aquatica</i>	ong choy, rau mong, kangkong

# PART 2

## DEVELOPMENT CRITERIA

## LOCAL PARK GRANT PROGRAM

### Development Criteria

Development projects may consist of basic outdoor recreation facilities (and related support facilities) to serve the general public, provided that the funding of the project is in the best public interest in accord with local plans, and endorsed by the regional planning council of governments with jurisdiction where the project is proposed. Facilities may be developed, renovated, or redeveloped on lands or waters owned or adequately controlled by the project sponsor. Plans for recreational development should be based on public needs, expected use, and the type and character of the project areas.

Facilities should be attractive to the public and consistent with the natural setting and topographic limitations of the site. Recreational improvements should be designed to be harmonious with the natural environment. Emphasis should be given to public health, safety, the natural environment, barrier-free access, and the protection of recreational and community values of the area. These considerations should be part of the planning, design, and maintenance criteria for all grant-assisted areas.

Development projects may consist of the complete or partial development of a public recreation area. All projects must be logical units of work to be accomplished within three years or less. Further details can be found in this *Local Park Grant Programs Manual* or by contacting the Recreation Grants Branch at 512-389-8224.

#### I. Barrier-Free Access Requirement

All recreational facilities acquired and/or developed with grant assistance must be designed in accordance with the Texas Architectural Barriers Act ([Texas Civil Statutes – Article 9102](#)) and must comply with the Americans with Disabilities Act (ADA) ([Public Law 101-336](#)). Acceptable design criteria have been published for the Texas State Program for Preventing Architectural Barriers.

Copies of this publication may be obtained from:

Elimination of Architectural Barriers Program  
Texas Department of Licensing & Regulation  
P.O. Box 12157, Austin, TX 78711  
512/463-6599

<http://www.license.state.tx.us/ab/ab.htm>

Sponsors are encouraged to make all recreational facilities accessible to users who are physically and/or mentally disabled. However, physical limitations of a site do not allow for total accessibility.

## **II. Development on School Property**

Although school districts are not eligible for grant assistance, facilities on public school grounds for joint school-general public use are allowed provided that the following conditions are met:

1. The property meets all requirements of the grant program, including requirements for development on leased property.
2. The proposed facilities are not required as part of the normal curriculum of the educational institution and must be primarily intended for general public use.
3. The lease agreement must include:
  - schedule of times the fund-assisted facilities are available to the public,
  - metes and bounds description of the project area, which includes the areas to be developed, and
  - ingress/egress route to the assisted facilities.
4. Adequate signage must be installed prior to the final grant payment/reimbursement that is:
  - maintained throughout the term of the lease at the project site
  - indicates when the fund-supported facilities are available to the public

## **III. Development on Leased Property**

Sponsors requesting development funds are required to have full legal control of the property proposed for development. Adequate legal control of the property means that the sponsor either has fee simple title to the property, is proposing to acquire the property as part of the project, or will lease the property from another educational or governmental entity.

Leased property will only be eligible for fund support if it meets all of the following requirements:

1. Sponsor has (or will have) full surface legal control of the property proposed for assistance; and
2. Sponsor and lessor can guarantee that the project area will remain dedicated to public recreation use throughout the term of the lease. The lessor must be willing to comply with all program guidelines for the entire term of the lease; and
3. Project area must be leased to the sponsor for a minimum of 25 years for most projects, and in some cases up to 40 years for major capital expenditures like aquatic and related facilities; and
4. The lease cannot be revocable at will by the lessor.

Prior to the submission of an application involving leased property the sponsor should contact the Recreation Grants Branch to discuss program requirements. Submit a copy of the draft lease agreement for Department approval prior to its execution to ensure eligibility and avoid unnecessary delays. The draft agreement should include a boundary map, project area metes and bounds (if possible), and a letter from the lessor indicating a willingness to enter into the agreement if the project is approved.

#### **IV. Eligible Development Costs**

Development projects may include new construction, renovations, redevelopment, demolition, site preparation, site planning, application preparation costs, engineering and architectural services, and most activities necessary to accomplish project objectives. (Note: only costs incurred at the project site are eligible for support. Off-site work is not eligible for grant assistance.) The cost of conducting cultural resource surveys, U.S. Army Corps of Engineers permits, wetland determinations, and other required permitting costs may also be included as eligible costs to the project.

#### **V. Renovation / Redevelopment vs. Repair / Maintenance**

Projects requesting assistance to renovate and/or redevelop facilities (or areas) are eligible for assistance. **PROJECTS INVOLVING REPAIRS AND/OR MAINTENANCE OF FACILITIES ARE NOT ELIGIBLE FOR ASSISTANCE.**

The following definitions are used by the Department to clarify the differences between these types of projects (Source: Webster's Dictionary):

- **REPAIRS:** Repair is defined in terms of “to restore to a sound or good state after decay...; to remedy...or mend.” Work on existing facilities which merely maintains portions of such facilities in a sound or useful state are classified as repair.
- **RENOVATION:** Renovate is defined in terms of “to renew, make over...” Work on existing facilities to completely renew, update, or modernize such facilities so the finished product will meet present-day standards and be comparable with newly constructed similar facilities is classified as renovation.

In this regard, repairs would normally consist of minor work intended to mend a specific part of a facility which has become broken or otherwise inoperative, to return it to a useful state, or periodic minor work designed to merely maintain a specific part of a facility so such facility will be in a good state of maintenance and repair. In contrast, renovation normally consists of major work to encompass all parts of a facility required to modernize and update such facility to meet current standards of design, construction, and usefulness.

- **REDEVELOPMENT:** Redevelop is defined in terms of “to develop again.” Redevelopment of existing park areas which includes demolition of obsolete facilities and the construction of new facilities (for either similar or different recreational uses) may be eligible for assistance.

#### **VI. Eligible Types of Development**

- **BALLFIELDS:** Including, but not limited to site preparation/grading, lighting, fencing, irrigation, turf establishment, dugouts, bleachers, goals, bases, scoreboards, and scorekeeper booths.
- **BOATING, FISHING, AND HUNTING FACILITIES:** Including, but not limited to boat ramps, breakwaters, docks, piers, sewage pumping facilities, buoys, channels, mechanical launching devices, fish cleaning facilities, lighting, stream improvements, clearing and planting for food/cover, skeet/trap/rifle/pistol/archery ranges, wildlife management areas and trails.



Prior to consideration of funding for boating access facilities, sponsors must attempt to secure funding from the Department under the [State Boat Ramp Program](#) or [State Pumpout Program](#). To request assistance for these types of facilities through the Local Park Grant Program, the application must include documentation confirming the efforts to secure the alternative source of assistance. The Recreation Grants Branch can provide further information about these programs.

- **PICNIC FACILITIES:** Including, but not limited to pavilions, tables, shelters, grills, concrete pads, area lighting, and trash receptacles.
- **PLAYGROUNDS:** Including, but not limited to surfacing, borders, equipment, benches, and lighting.
- **AQUATIC FACILITIES:** Including, but not limited to swimming/wading/wave/spray pools, beaches, bathhouses, service/mechanical buildings, heaters, lifeguard towers, showers, fencing, deck areas, and lighting.
- **TRAILS:** Including, but not limited to jogging and exercise trails, nature and hiking trails, bicycle, motorcycle and multiple purpose trails, observation stations, overlooks, bridges, low-water crossings, boardwalks, exercise stations, interpretive and directional signage, sidewalks and barrier free access ways to other areas/facilities.

Grant applicants with trail-based projects should consider using the following as sources of funding: [TPWD Recreational Trails Grant Program](#) or the [TXDOT Transportation Enhancement Program](#). Contact the Recreation Grants Branch for details.

- **CAMPING FACILITIES:** Including, but not limited to tent and RV pads, group facilities, tables, grills, utility hook-ups, dump stations, information stations, service buildings, and area lighting (as long as these facilities do not create unfair competition with the private sector).
- **BEAUTIFICATION:** Including, but not limited to landscaping, burial/removal/relocation of overhead utility lines, erosion controls, dredging/restoration of water bodies, fountains, and gazebos.

**NOTE:** Grant funds **may not** be used to purchase or install **invasive plant species** at fund assisted sites. The State is currently compiling an official list. Until that list is adopted, use the link: <http://www.invasivespeciesinfo.gov/plants/main.shtml> for reference purposes.

- **RECREATIONAL SUPPORT FACILITIES:** Including, but not limited to park roads, parking, fencing, utilities, irrigation, small maintenance structures, restrooms, signs, trash receptacles, service buildings with restroom/concession/storage/ maintenance areas, drinking fountains, sidewalks, ramps, bleachers, scoreboards, security/area lighting, plus improvements to recreation and support facilities that promote energy conservation.
- **COMMUNITY GARDENS:** Including, but not limited to fencing, storage bins and sheds, irrigation, composting areas, benches, sidewalks, parking, and restrooms.
- **SPORT COURTS:** Including, but not limited to basketball, tennis, volleyball, badminton, and related lighting, fencing, surfacing, nets, goals, windbreaks, and bleachers.
- **CULTURAL AND EXHIBIT FACILITIES:** Only small amphitheaters, bandstands, rodeo arenas, and exhibit or interpretive facilities are eligible. This includes small demonstration arboretums, nature exhibits and interpretive centers. Assistance will not be provided if these facilities function primarily for professional, semi-professional, academic, historic, economic, or other non-recreational uses.

- **RENOVATIONS AND REDEVELOPMENT:** Projects involving the renovation or redevelopment of recreation facilities may be eligible for assistance. (For more information, refer to “Renovation/Redevelopment vs. Repair/Maintenance” in the previous section.
- **GOLF COURSES:** Including, but not limited to construction, irrigation, landscaping, roads, parking, utilities, moderate clubhouse and maintenance facilities, and cart paths.

## VII. Ineligible Types of Development

Development projects which do not have a well-defined objective or do not directly contribute to public recreation activities are not eligible. Support facilities which are not directly related to public recreation are also not eligible. Projects for which the sponsor cannot demonstrate full legal control of the property proposed for development are not eligible for assistance.

Generally, development assistance will not be made for the following facilities:

- **RESTORATION/PRESERVATION OF HISTORIC STRUCTURES:** The restoration and renovation of historic structures are not eligible for grant assistance. Public recreation facilities, interpretation facilities, and support facilities in conjunction with historical structures or sites may, however, be eligible for assistance. These sites must be in accordance with the [Texas Antiquities Code](#) if redevelopment is adjacent to or on a site listed (or eligible to be listed) as a State Archaeological Landmark.

Funding and technical assistance to renovate, preserve, and dedicate historic structures may be available through the [Texas Historical Commission](#) as well as the [National Park Service](#).

- **AREAS/FACILITIES TO BE USED PRIMARILY FOR PROFESSIONAL OR SEMI-PROFESSIONAL ARTS AND ATHLETICS:** Including, but not limited to stadiums, amphitheatres, and rodeo arenas.
- **AMUSEMENT FACILITIES:** Including, but not limited to merry-go-rounds, Ferris wheels, miniature railroads, pioneer towns, livestock and produce facilities, convention facilities, or commemorative exhibits.
- **EMPLOYEE RESIDENCES AND FURNISHINGS**
- **LODGES, HOTELS, MOTELS, OR LUXURY CABINS**
- **SUPPORT FACILITIES FOR NON-ELIGIBLE FACILITIES:** If the support facility will serve both eligible and non-eligible facilities, assistance may be provided on a pro-rata basis for that portion of the facility which will support the public recreation facilities.
- **MARINAS AND RELATED SUPPORT FACILITIES**

Public boat ramp construction and public boat sewage pumpout stations are eligible projects through the Local Park Grant Program, the State Boat Ramp Construction Program, State Pumpout Program, and/or the Boating Infrastructure Grant. Please contact the Recreation Grants Branch for more details at 512-389-8224.

**Some of the above facilities which are not eligible for grant assistance may be constructed in a fund assisted area if they are compatible with the public recreation uses of the area.** Department approval must be received prior to the development of non-recreational facilities within grant assisted areas. Questions regarding development should be directed to the Recreation Grants Branch at 512-389-8224.

# PART 3

## ACQUISITION CRITERIA

# LOCAL PARK GRANT PROGRAM

## Acquisition Criteria

### I. Eligible Acquisitions

Acquisition of lands, man-made improvements and waters, additions to existing parks, forests, wildlife areas, beaches, wetlands, and other similar areas dedicated to public outdoor recreation may be eligible for assistance. The following are examples of acquisitions which are eligible for assistance:

1. Land with frontage on the Gulf of Mexico, bays, estuaries, rivers, lakes, streams, ponds, and wetlands that will provide water-based public recreation opportunities, and the acquisition of water bodies themselves.
2. Land for creating water impoundments to provide for water-based public recreation opportunities.
3. Land that provides special recreation opportunities such as floodplains, wetlands, areas adjacent to scenic highways, and open space.
4. Natural areas, preserves and outstanding scenic areas where the objective is to preserve the natural/aesthetic values. This includes areas of physical or botanical importance and wildlife areas. These areas must be open to the general public for recreation use to the extent that the natural attributes/resources of the areas will not be seriously impaired or lost.
5. Land within urban areas for neighborhood parks, community parks, athletic complexes for non-professional sports, golf courses, greenbelts, and both passive and active recreational uses.

### II. Means of Acquisition

Acquisition of lands/waters or interests therein may be accomplished through purchase, eminent domain or condemnation, dedication, transfer, donation, or a combination of these methods. When the acquisition is proposed by donation, the nature of any restriction on the use of the area or condition of donation will be examined to ensure that it is compatible with the purpose of the project. Full title must rest with the sponsor with no outstanding liens on the property.

Sponsor or publicly-owned lands which have ***never been dedicated, platted, managed, used, or acquired for public park or recreation uses*** may be used as the sponsor's matching share for a project. All acquisition procedures and documentation requirements must be followed, as outlined in this Procedural Guide (even though technically these are not true acquisitions). Land owned by another governmental entity which meets the non-parkland criteria must be proposed for acquisition by the sponsor in a grant application. Leased land cannot be used as the local matching share. After the grant is approved, other government-owned non-parkland must be deeded to the sponsor in accordance with the program acquisition procedures.

Land which will be deeded to the sponsor as a result of a local ordinance requiring the mandatory dedication of land for park, recreation, and open space purposes will be eligible for acquisition assistance if the dedication does not occur prior to Department authorization.

### **III. Acquisition of Structures**

Acquisition projects may include structures and impoundments which are:

1. To be used for public recreation or related support facilities; or
2. A part of the recreation area to be acquired and are to be removed, demolished, or drained in the case of an impoundment.

Grant applications must identify all improvements and discuss the proposed use, disposition, or mitigation of these structures.

### **IV. Acquisition of Lesser Interests**

Proposed acquisitions of interests in lands/waters of less than fee simple title are acceptable where such lesser rights will ensure the desired public use. Proposals such as a permanent park or conservation easements will be evaluated on their merit and contribution to public recreation.

### **V. Reservations and Rights Not Acquired**

Reservations and rights held by others (i.e. - mineral rights, property liens, easements, etc.) are permissible only if it is determined that the outdoor recreation activities and environment would not be adversely affected. The applicant shall list all outstanding rights or interests held by others on the boundary map. Reservations must also be discussed in the environmental assessment to explain how these outstanding rights are to be dealt with to assure that recreation interests and the environment will not be adversely affected.

### **VI. Delayed Development**

Assistance may be available to acquire property on which recreational development is not planned until a future time. During the interim between the time the property is acquired and the time it is developed, the property should be open for those public recreational purposes which the land is capable of supporting, or which can be achieved with minimum public investment. Sponsors submitting grant applications to acquire land for future development must submit a master plan for development with the application. Non-recreational uses, such as agriculture or grazing, which are occurring on the property at the time of acquisition may continue for up to three years, or the remainder of the grant period, contingent on prior Department approval. In such cases the project sponsor shall not receive reimbursement for the land until the non-recreational use is terminated.

If development will be delayed for more than two years from the date of acquisition, the following information must be included in the grant application:

1. Justification as to why the immediate acquisition is necessary;
2. A schedule for development, pursuant to the master plan;
3. Discussion of any non-recreational property uses, including when such uses will terminate. Non-recreational uses must terminate within three years from the date of acquisition;
4. Assurance that any income derived during the interim period will be used on the project site only;
5. Identification of the type of public recreational access to be provided during the interim period.

It is not necessary that the eventual development be carried out with grant assistance, or that such unassisted recreational development be Department approved as long as it is in accordance with the master plan and purpose for which the application was made. Once developed, all improvements on land acquired with fund assistance must be operated and maintained in accordance with program requirements. If acquisition assistance is received, development on the property must begin within three years of project approval. Public access to the site must be made available immediately after the site is acquired.

### **Acquisitions Not Assisted Under the Local Park Grant Program**

Generally, grant assistance will not be made for the following:

1. Historic sites and structures. Exceptions may be made with Department approval only when it is clearly demonstrated that the acquisition is primarily for public recreation purposes. This exclusion need not prevent the consideration of a project calling for the acquisition of real property interest contiguous to (or near) historic sites/structures which meet priority recreation needs. The acquisition must be in accordance with the [Texas Antiquities Code](#) if it is adjacent to or includes a site listed as a State Archaeological Landmark (SAL) or if it is a site eligible for listing as a SAL.
2. Museums, sites for museums or sites primarily for archaeological excavation.
3. Public school property. Acquisition will not be made for school property to help meet minimum acreage requirements, as established by state law or local regulations.
4. Areas and facilities to be primarily used for semi-professional or professional arts or athletics (such as amphitheaters, rodeo arenas, stadiums, etc.).
5. Game refuges or fish hatcheries. Acquisition of areas/facilities to be used solely for game refuges or fish production.
6. Areas containing luxury lodges, motels, cabins or similar elaborate facilities. Acquisition of sites containing elaborate facilities which are to be operated by the project sponsor or a concessionaire to service the public with food or lodging.
7. Agricultural land primarily for agricultural purposes.
8. Areas for which the primary purpose of the acquisition is for non-recreational uses (such as an area to be impounded or excavated to serve as a future public water supply).
9. Lands already within the public domain which were previously dedicated, platted, managed, used, or acquired for public park, recreation and open space use are not eligible to serve as the sponsor's matching project share.
10. Land which has been designated for **acquisition as mitigation** for other public domain activities **may not be used for matching fund purposes** and will **not be eligible for acquisition assistance**. Land acquired for mitigation of projects undertaken by the private sector are, however, eligible for acquisition under this program and may be used as matching funds if proposed as a donation in the grant application.

Acquisition eligibility questions should be directed to the Recreation Grants Branch at 512-389-8224 **prior** to the submission of a grant application.

# PART 4

## WAIVER OF RETROACTIVITY

## LOCAL PARK GRANT PROGRAM

### Waiver of Retroactivity Guidelines – Land Acquisition

Waivers of Retroactivity are available to eligible grant applicants to allow for land acquisition **prior to grant approval**. For land which may be **under eminent threat of loss as an acquisition opportunity**, the Department **may** authorize acquisition to occur prior to grant approval through a Waiver of Retroactivity. Waivers may be considered for convenience purposes with the understanding that if a grant is approved, this may limit funding opportunities for the project. Contact the Recreation Grants staff with any questions.

An approved waiver does not constitute future grant approval, nor is it implied. A Waiver of Retroactivity simply preserves the matching potential of a park site for a limited period and allows the local sponsor to utilize the value of the land as all or part of the project's matching share.

Waivers of Retroactivity are only one means of securing park land prior to project approval while maintaining the match potential for a future grant application. Other means of securing property include the transferring of title to a private non-profit trust/foundation for holding, or through the use of certain right-of-first-refusal contracts which receive prior Department approval. Waivers will not be granted if it is determined by the Department that an environmental impact statement will be required.

Waivers are available for land acquisitions only – waivers will not be considered for development or construction.

#### The following restrictions apply when a waiver is granted:

1. Waivers and land acquisition costs are incurred at the sponsor's expense and risk. The granting of a waiver does not in any way ensure grant approval or site eligibility, or imply Department commitment to the project.
2. Waivers are valid only for a limited period of time. A waiver will expire at the end of the second state fiscal year following the state fiscal year in which the waiver was granted. A state fiscal year is September 1<sup>st</sup> to August 31<sup>st</sup>. Extensions up to three additional fiscal years will only be granted on a case-by-case basis.

The granting of extensions beyond the original expiration date may limit the funding options for projects as Land and Water Conservation Fund guidelines preclude waivers beyond the two fiscal year limit.

3. A complete grant application must be submitted by the sponsor as soon as possible after the granting of the waiver. The grant must be approved by the Department prior to the waiver's expiration.
4. Waivers are for land acquisition only. Construction/development costs will not be made retroactive.
5. The level of grant acquisition assistance will be determined by an independent appraisal approved by the Department after grant approval (see "Acquisition Methods and Appraisals" in the *Instructions for Approved Projects*). It is strongly recommended that the appraisal be prepared prior to the transfer of any property, and prior to application submission. This will ensure that the land value is known, and that there will be no budgeting surprises if the grant is later approved.



**To request a waiver, the following must be submitted for review:**

1. Cover letter addressing the scope and **urgency** of the waiver and an assurance that it is understood that the granting of a waiver will in no way commit the Department to the future funding of a grant project
2. Location and boundary maps
3. Proposed conceptual development plan
4. Environment Assessment - provide a description of the site and environment (refer to the Environmental Assessment beginning on page 18 for more information), and including:
  - Vegetation
  - Topography
  - Geology
  - Soils
  - Wildlife
  - Water resources
  - Access to the site
  - Outstanding characteristics
  - Existing structures and improvements
  - Utilities and easements
  - Surrounding land uses
  - Current property ownership
5. Other pertinent information should be addressed such as:
  - Threatened or endangered species of flora or fauna
  - Significant mineral values
  - Unique geological formations
  - Unique animal or plant ecosystems
  - Cultural/archeological/historical sites
  - Located in a designated floodplain, or
  - Contains wetlands

On review and acceptance by the Department, a waiver agreement will be executed by both the Department and the applicant. A copy of the agreement should be included in the forthcoming application submission.

# PART 5

## Applicable Environmental Laws and Regulations

## LOCAL PARK GRANT PROGRAM

### Applicable Environmental Laws & Regulations

#### I. Cultural and Paleontological Features:

- A. **National Historic Preservation Act of 1996, Section 106** requires that any federal agency take into account how each of its undertakings could affect historic properties. (This would especially include federal aid projects or project requiring federal permits.) For additional information contact the Texas Historical Commission at 512/463-5754.
- B. **Texas Natural Resources Code, Section 191.002** states, "It is the public policy and in the public interest of the State of Texas to locate, protect and preserve all sites, objects, buildings... and locations of historic, archeological, educational, or scientific interest... in, on, or under any of the land in the State of Texas...". If the activity will involve new ground disturbance, previously disturbed ground, or buildings older than 50 years, a cultural resources survey may be needed. For additional information contact the Texas Historical Commission at 512/463-5754.

#### II. Water, Air and Solid Waste

- A. **Clean Water Act, Section 404** requires a permit from the U.S. Army Corps of Engineers for placing dredged or fill materials in U.S. waters. Work in or near water bodies and placement of structures or earthen material in wet areas may require a permit. Contact the District Engineers Office with the U.S. Army Corps of Engineers.
- B. **Parks and Wildlife Code, Chapter 86**, requires that when sand, shell, gravel or marl is removed from state waters, a permit is needed from the Texas Parks and Wildlife Department. This jurisdiction refers to the beds and bottoms of bays and marine water out to 10.35 miles (3 marine leagues) off the Gulf shores, and beds of streams that are tidally influenced, or in which the bed average 30 feet wide, or, are perennial and the islands within such waters. If the activity may require removal of bottom material from state waters, contact Rollin MacRae with TPWD at 512/389-4639.
- C. **Clean Water Act, Section 401** requires a permit to discharge effluent or stormwater in waters of the U.S. Texas Water Code, Section 26.023 authorizes the Texas Commission on Environmental Quality (TCEQ) to establish water quality standards. TCEQ also requires a Texas Pollutant Discharge Elimination System (TPDES) permit for the discharge of effluent or stormwater into state waters. For more information on a TPDES permit contact TCEQ at 512/239-4671.
- D. **Texas Water Code, Section 11.121** requires a permit when state water is stored or diverted. If withdrawing water from a creek, stream, etc., or creating an impoundment, contact the Texas Commission on Environmental Quality (TCEQ) at 512/239-4691, for information on the water rights permit application process.

- E. Solid Waste Disposal Act, Article 4477-1, VTCS, (B) Section 4(c)** states that “no waste products, offal, polluting material, spent chemicals, liquids, brines, or other wastes of any kind shall be stored, deposited, or disposed of in a manner as may cause the pollution of surrounding land or the contamination of well waters to the extent of endangering the public health. If storing or disposing of solid wastes contact the Texas Commission on Environmental Quality (TCEQ) at 512/239-2334.
- F. The State Clean Air Act** authorizes the Texas Commission on Environmental Quality (TCEQ) to issue rules and regulations and enforce penalties to protect the air quality of Texas. If an activity will release chemicals, noxious odors, or particulates into the air, a permit may be required. For more information contact TCEQ at 512/239-1250.
- G. Title 31, Texas Administrative Code, Section 111.1 Outdoor Burning**, states “no person may cause, suffer, allow, or permit any outdoor burning within the State of Texas, except as provided by §111.2 of the title.” Burning is allowed during certain times and conditions. Report planned burning of brush or controlled burns to the Texas Commission on Environmental Quality at 512/239-1250.
- H. Title 31, Texas Administrative Code, Section 334.1, Purpose and Applicability**, states that there is a “... comprehensive regulatory program for underground storage tank systems storing hazardous substances and petroleum substances, and for above ground storage tanks storing certain petroleum products...” It further states in §334.1 (b)(2)(1) that registration, design, construction, installation, and other activities are also regulated. If the activity involves storage tanks contact the Texas Commission on Environmental Quality (TCEQ) at 512/239-2160.

### III. Herbicide, Pesticide, and Chemical Use

- A. Texas Pesticide Control Act and Texas Agricultural Code (Chapters 75 and 76)** authorizes the Texas Department of Agriculture to promulgate and enforce rules, regulations, and penalties on the use and misuse of herbicides and pesticides in Texas. If the activity may require the use of controlled chemicals contact the Texas Department of Agriculture at 512/463-7622 or your county agricultural extension agent about state rules and restrictions.
- B. Endangered Species Act and Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)**, as amended by the Pesticide Control Act, authorizes the U.S. Environmental Protection Agency to promulgate and enforce rules, regulations, and penalties on the use and misuse of herbicides and pesticides. For the United States special rules are developed to protect endangered species. If the activity may require the use of controlled chemicals in an area where there may be endangered/threatened species, contact TPWD’s Endangered Species Program for information on the distribution of endangered resources. Also, consult the product label, your county agricultural extension agent, or the Texas Department of Agriculture at 512/475-1678, for information on use restrictions for the chemical.
- C. FIFRA** also includes provisions for the issuance of pesticide use exemptions which allow the emergency use of pesticides for practices not included on the product label. These exemptions require special approval through the Texas Department of Agriculture and the U.S. Environmental Protection Agency. Contact the Texas Department of Agriculture at 512/463-7622.

#### IV. Endangered Species

- A. **The Federal Endangered Species Act** protects listed threatened or endangered species and their habitat. Any non-salvage handling of federally-listed species requires a federal permit. For a copy of the lists and for more information on the ecology and distribution of these species go to: [http://www.tpwd.state.tx.us/landwater/land/habitats/cross\\_timbers/endangered\\_species/](http://www.tpwd.state.tx.us/landwater/land/habitats/cross_timbers/endangered_species/)
- B. **Parks and Wildlife Code (Chapter 43, Subchapter C; Chapter 67, and Chapter 68)** protects listed threatened and endangered species and other non-game species. Also, the TPWD Environmental Policy provides for “maintaining Texas’ unique bio-diversity.” For a copy of the list of state threatened and endangered species, and for more information on the ecology and distribution of these species, go to:  
[http://www.tpwd.state.tx.us/landwater/land/habitats/cross\\_timbers/endangered\\_species/](http://www.tpwd.state.tx.us/landwater/land/habitats/cross_timbers/endangered_species/)
- C. **National Natural Landmarks, Wild and Scenic Rivers, and Wilderness Areas** have been identified under federal law, and such designations provide for voluntary or legally binding protection. Also, the TPWD Environmental Policy provides for “maintaining Texas’ unique bio-diversity,” which includes exemplary or rare natural communities including species that are listed G1, G2, etc. within the Texas Biological and Conservation Data System. For contact information, go to:  
[http://www.tpwd.state.tx.us/landwater/land/habitats/cross\\_timbers/endangered\\_species/](http://www.tpwd.state.tx.us/landwater/land/habitats/cross_timbers/endangered_species/)

#### V. Non-Game Birds

- A. **Parks and Wildlife Code (Chapter 64, Subchapter A)** states that it is illegal to “disturb or destroy the eggs, nests, or young of birds that are classified as non-game birds.” For more information go to:  
[http://www.tpwd.state.tx.us/landwater/land/habitats/cross\\_timbers/endangered\\_species/](http://www.tpwd.state.tx.us/landwater/land/habitats/cross_timbers/endangered_species/)

**NOTE:** This list is for reference only and is not conclusive; other federal, state, and local laws may apply to proposed project activities. It is the responsibility of the sponsor to identify and obtain all necessary permits and clearances.

# PART 6

Sample Information from TPWD  
Natural Resources review

Threatened and Endangered  
Resources Assessment

## **LOCAL PARK GRANT PROGRAM**

### **Threatened and Endangered Resources Assessment As Determined by Individual Habitat Assessment Staff**

Individual Habitat Assessment Staff has been consulted to assess regulatory compliance and identify potential adverse environmental impacts. The potential permits considered are described in the "Types of Permits" section attached. The applications reviewed have been separated into four categories.

#### **Category 1**

The first category includes projects for which none of the considered permits appear to be needed and which staff believes will have no significant adverse environmental impacts as proposed. In general, these projects may further reduce impacts by implementing appropriate comments in the "General Comments" section of the attachment.

#### **Category 2**

The second category includes projects for which one or more permits may be required, but if constructed as proposed and following permit requirements, should pose no significant environmental impacts. These projects may further reduce or avoid adverse impacts by implementing appropriate comments in the "General Comments" section of the attachment. Staff feels that in some cases, these projects may also benefit from coordination with one or more of the TPWD groups listed in the "Other Recommended Coordination" section of the attachment.

#### **Category 3**

The third category contains projects that are acceptable on the whole, but include one or more features that raised questions or concerns. A description of staff concerns is included for each of these. If these concerns can be addressed, and the remainder of the project is constructed as proposed following permit requirements, they should pose no significant environmental impacts. In general, these projects may further reduce or avoid adverse impacts by implementing appropriate comments in the "General Comments" attachment. Staff feels that in some cases, these projects may also benefit from coordination with one or more of the TPWD groups listed in the "Other Recommended Coordination" detailed later in this section.

#### **Category 4**

The final category contains projects with several adverse impacts, coupled with unclear elements, so that Inland Fisheries staff cannot currently support their approval. Staff would like the opportunity to resolve concerns through coordination with the applicants before these projects are approved.

## OTHER RECOMMENDED COORDINATION

### Types of Permits

- USACE "404" permit (activities affecting wetlands or aquatic areas)

The U.S. Army Corps of Engineers (USACE) should be consulted prior to commencement of projects that propose to place fill material or structures, whether from general land grading activities, buildings, piers, foot bridges or other activities, into wetlands or waters of the U.S. to determine regulatory status of the proposed activity. Compensation may be required for any encroachment into these areas.

- TCEQ 401 water quality certification-water quality of wetlands or aquatic areas, 512-239-4586.
- TCEQ Water Rights Permit-diversion or impoundment of water in waterways, 512-239-4614.
- EPA Construction/Stormwater permit (1 or more acres disturbed)

U.S. Environmental Protection Agency should be contacted for projects proposing to clear 5 or more acres of land, 214-665-8060.

- USFWS clearance (federally listed threatened & endangered species/habitat)  
The U.S. Fish and Wildlife Service (USFWS) should be consulted, if NDD search indicates activities may impact federally listed species or habitat, to assist in the evaluation of the proposed activities that may affect federally listed rare, threatened, or endangered wildlife species. Further consultation or surveys may be necessary to determine impact.
- TPWD Sand and Gravel permit (state owned waterways or bay bottoms)  
The TPWD Attorney coordinating the Sand, Shell, Gravel and Marl (SSGM) program should be consulted to evaluate activities involving the disturbance or taking of material from the beds or bottoms of State-owned streambeds and bay bottoms, 512-389-4433.
- TPWD Inland Fisheries Division (aquatic plant permits)  
The TPWD Fisheries Division should be consulted for required permits for the placement of plants into waters of the State, 512-389-8037.
- TPWD Inland Fisheries Division (establishment and management of pond fisheries)
- TPWD Wildlife Division – Wildscapes or Urban Wildlife Programs (beneficial planting/landscaping/xeriscape), contact the Urban Biologist nearest you at:

Austin: (512) 308-0979  
El Paso: (915) 774-9603  
Rio Grande Valley: (956) 565-1223 x1

Dallas/Fort Worth: (972) 293-3841  
Houston: (281) 456-7029  
San Antonio: (210) 688-6444

- The Natural Diversity Database should be consulted to assist with the data search for state or federally listed rare, threatened, or endangered plant & wildlife species; as well as other rare or unique habitats and ecological resources, 512-912-7023.
- TPWD Wildlife Division – Habitat Assessment Program (terrestrial habitat impacts/planting), 512-389-4638.
- TPWD Inland Fisheries Division – Wetland Conservation Team (wetland and aquatic habitat impacts/enhancement/creation), 512-389-4592.



# PART 7

## Cultural Resources Survey Guidelines

## LOCAL PARK GRANT PROGRAM

### Cultural Resources Survey Guidelines

Your project was approved for award of grant funds, and a copy of your application was forwarded to the Texas Historical Commission (THC) for review. A determination has been made by THC that the project warrants further cultural resource management investigation at your project site. A copy of the letter and comments from THC are included in your agreement packet.

General information on the cultural resource management process may be found at the THC website: [www.thc.state.tx.us/crm/crmdefault.html](http://www.thc.state.tx.us/crm/crmdefault.html).

To find a cultural resource professional, check the yellow pages of your phone book under "Archaeologists" or "Environmental Consultants." You may also go to the Council of Texas Archeologists website at [www.c-tx-arch.org](http://www.c-tx-arch.org) to view a listing of potential candidates for the study under the "Contractors List" section of this site.

A report of the survey or other investigations will be prepared by the contractor and submitted to the THC for review. On approval of the findings and recommendations of the consultant, **THC will issue a stamped statement of concurrence with the report.** A copy of this THC review statement must be forwarded to the Department before notice to proceed with construction will be given for your project.

# PART 8

## Sign Requirements for Funded Projects

## LOCAL PARK GRANT PROGRAM

### Project Acknowledgement Signs

On-site program acknowledgement signs are required for all approved acquisition and construction projects. Signage requirements include a temporary sign which should be displayed throughout the activity stages of a project (once land acquisitions are complete – if applicable), and a permanent sign or plaque which must be installed and maintained at the site.

Costs for program acknowledgement signs are reimbursable for approved projects if included in the “Budget Summary.”


Examples of both temporary and permanent acknowledgement signs for **state funded projects** are shown below. Information shown on the examples is the minimum information required.

#### Temporary Sign (Minimum Size – 4’ x 8’)

The (City/County/District) of _____		
Public Recreation Site (Acquisition/Development) Project		
Funding assistance from a portion of the state sales tax on sporting goods		
Through the LOCAL PARK GRANT PROGRAM		
Administered by Texas Parks & Wildlife Department		
FUNDING		
State of Texas	50%	\$ 500,000
(City/County/District)	<u>50%</u>	<u>\$ 500,000</u>
Total Project		\$ 1,000,000

#### Permanent Sign or Plaque (Minimum Size – 18” x 24”)

One permanent sign will be provided by Recreation Grants Branch at the final inspection.

	A LOCAL PARK GRANT PROGRAM PROJECT
Funded in part from a portion of the state sales tax on sporting goods	
Administered by Texas Parks & Wildlife Department	

If the permanent project acknowledgement sign provided by the Department is lost or damaged, a replacement will be required at the sponsor’s expense.

# PART 9

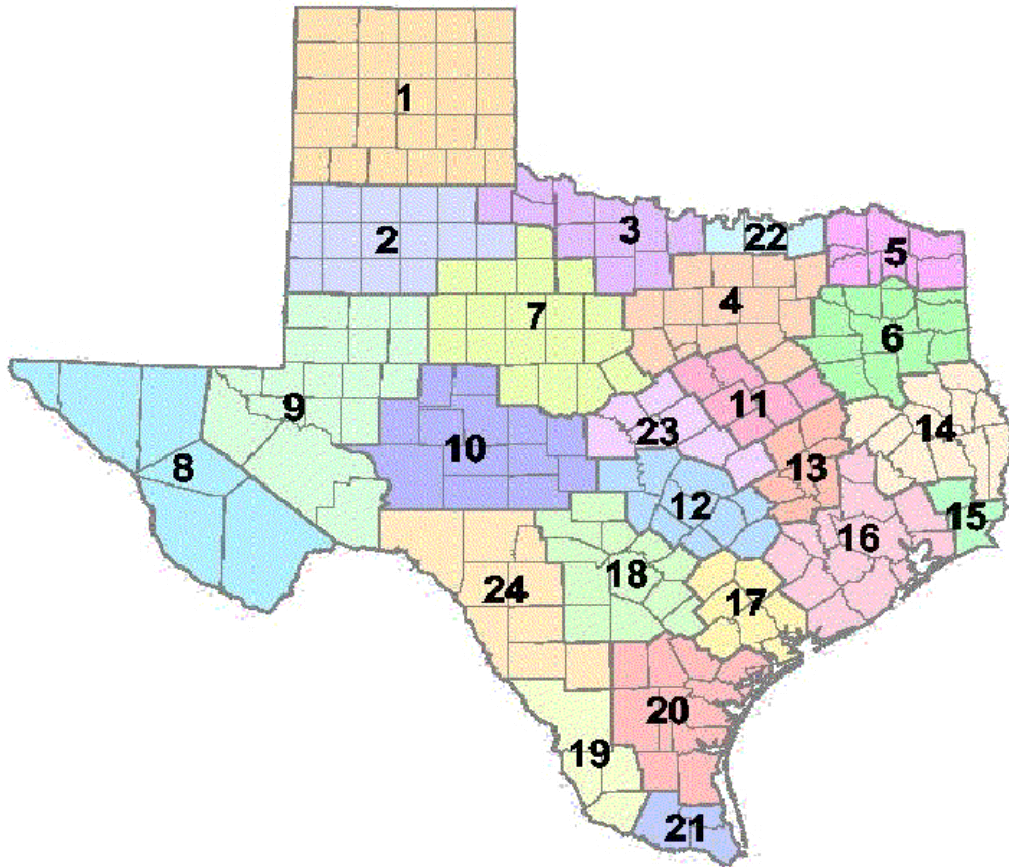
## Regional Councils of Government

## STATE PLANNING REGIONS AND REGIONAL COUNCILS

1. Panhandle Regional Planning Commission  
P.O. Box 9257  
Amarillo, Texas 79105-9257  
(806) 372-3381  
Fax: (806) 373-3268  
[www.prpc.cog.tx.us](http://www.prpc.cog.tx.us)
2. South Plains Association of Governments  
P.O. Box 3730  
Lubbock, Texas 79452-3730  
(806) 762-8721  
Fax: (806) 765-9544  
[www.spag.org](http://www.spag.org)
3. Nortex Regional Planning Commission  
P.O. Box 5144  
Galaxy Center #2 North, 4309 Jacksboro Hwy.,  
Suite 200  
Wichita Falls, Texas 76307-5144  
(904) 322-5281  
Fax: (904) 322-6743  
[www.nortexrpc.org](http://www.nortexrpc.org)
4. North Central Texas Council of Governments  
P.O. Box 5888  
616 Six Flags Drive, Suite 200  
Arlington, Texas 76005-5888  
(817) 640-3300  
Fax: (817) 640-7806  
[www.nctcog.dst.tx.us](http://www.nctcog.dst.tx.us)
5. Ark-Tex Council of Governments  
P.O. Box 5307  
122 Plaza West  
Texarkana, Texas 75505-5907  
(903) 832-8636  
Fax: (903) 832-3441  
[www.atcog.org](http://www.atcog.org)
6. East Texas Council of Governments  
3800 Stone Road  
Kilgore, Texas 75662  
(903) 984-8641  
Fax: (903) 983-1440  
[www.etcog.org](http://www.etcog.org)
7. West Central Texas Council of Governments  
P.O. Box 3195  
Abilene, Texas 79601  
(325) 672-8544  
Fax: (325) 675-5214  
[www.wctcog.org](http://www.wctcog.org)
8. Rio Grande Council of Governments  
1100 N. Stanton, Suite 610  
El Paso, Texas 79902  
(915) 533-0998  
Fax: (915) 532-9385  
[www.riocog.org](http://www.riocog.org)
9. Permian Basin Regional Planning Commission  
P.O. Box 60660  
Midland, Texas 79711-0660  
(432) 563-1061  
Fax: (432) 563-1728  
[www.pbrpc.org](http://www.pbrpc.org)
10. Concho Valley Council of Governments  
P.O. Box 60050  
San Angelo, Texas 76906  
(915) 944-9666  
Fax: (915) 944-9925  
[www.cvcog.org](http://www.cvcog.org)
11. Heart of Texas Council of Governments  
300 Franklin Avenue  
Waco, Texas 76701-2244  
(254) 756-7822  
Fax: (254) 756-0102  
[www.hotcog.org](http://www.hotcog.org)
12. Capital Area Council of Governments  
6800 Burleson Rd.  
Bldg 310, Ste 165  
Austin, Texas 78744  
(512) 916-6000  
Fax: (512) 916-6001  
[www.capcog.org](http://www.capcog.org)
13. Brazos Valley Council of Governments  
P.O. Drawer 4128  
3991 E. 29th Street  
Bryan, Texas 77802-4213  
(979) 595-2800  
Fax: (979) 595-2810  
[www.bvvcog.org](http://www.bvvcog.org)
14. Deep East Texas Council of Governments  
274 East Lamar Street  
Jasper, Texas 75951  
(409) 384-5704  
Fax: (409) 384-5390  
[www.detcog.org](http://www.detcog.org)
15. South East Texas Regional Planning Commission  
2210 Eastex Freeway  
Beaumont, Texas 77703  
(409) 899-8444  
Fax: (409) 347-0138  
[www.setrpc.org](http://www.setrpc.org)
16. Houston-Galveston Area Council  
P.O. Box 22777  
3555 Timmons Lane, Suite 120  
Houston, Texas 77227-2777  
(713) 627-3200  
Fax: (713) 993-2414  
[www.h-gac.com](http://www.h-gac.com)
17. Golden Crescent Regional Planning Commission  
P.O. Box 4085  
Victoria, Texas 77903-4085  
(361) 578-1587  
Fax: (361) 578-8865  
[www.gcrpc.org](http://www.gcrpc.org)
18. Alamo Area Council of Governments  
8700 Tesoro Drive  
San Antonio, Texas 78217  
(210) 362-5200  
Fax: (210) 824-4576  
[www.aacog.com](http://www.aacog.com)
19. South Texas Development Council  
P.O. Box 2187  
4812 N. Bartlett Avenue  
Laredo, Texas 78044-2187  
(956) 722-3995  
Fax: (956) 722-2670  
[www.stdccog.tx.us](http://www.stdccog.tx.us)
20. Coastal Bend Council of Governments  
P.O. Box 9909  
Corpus Christi, Texas 78469  
(361) 883-5743  
Fax: (361) 883-5749  
[www.cbccog98.org](http://www.cbccog98.org)
21. Lower Rio Grande Valley Development Council  
311 N. 15th  
McAllen, Texas 78501-4705  
(956) 682-3481  
Fax: (956) 631-4670  
[www.lrgvdc.org](http://www.lrgvdc.org)
22. Texoma Council of Governments  
1117 Gallagher Drive, Suite 100  
Sherman, Texas 75090  
(903) 893-2161  
Fax: (903) 813-3511  
[www.texoma.cog.tx.us](http://www.texoma.cog.tx.us)
23. Central Texas Council of Governments  
P.O. Box 729  
Belton, Texas 76513  
(254) 933-6036  
Fax: (254) 939-0660  
[www.ctcog.org](http://www.ctcog.org)
24. Middle Rio Grande Development Council  
P.O. Box 1199  
Carrizo Springs, Texas 78834-1199  
(830) 876-3533  
Fax: (830) 876-9415  
[www.mrgdc.org](http://www.mrgdc.org)

For the most up-to-date contact information on councils of government, go to: <http://www.txregionalcouncil.org/>

## TEXAS COUNCILS OF GOVERNMENTS



This gif image of Texas Councils of Governments by region should be ½ page. The gif file above is pictured small due to file size limitations. Click on a corner of the map and click and drag diagonally to enlarge or copy to clipboard and paste into a blank new document and enlarge before printing.

- |                                                                      |                                                                          |
|----------------------------------------------------------------------|--------------------------------------------------------------------------|
| 1. <a href="#"><u>Panhandle Regional Planning Commission</u></a>     | 13. <a href="#"><u>Brazos Valley Council of Governments</u></a>          |
| 2. <a href="#"><u>South Plains Association of Governments</u></a>    | 14. <a href="#"><u>Deep East Texas Council of Governments</u></a>        |
| 3. <a href="#"><u>NORTEX Regional Planning Commission</u></a>        | 15. <a href="#"><u>South East Texas Regional Planning Commission</u></a> |
| 4. <a href="#"><u>North Central Texas Council of Governments</u></a> | 16. <a href="#"><u>Houston-Galveston Area Council</u></a>                |
| 5. <a href="#"><u>Ark-Tex Council of Governments</u></a>             | 17. <a href="#"><u>Golden Crescent Regional Planning Commission</u></a>  |
| 6. <a href="#"><u>East Texas Council of Governments</u></a>          | 18. <a href="#"><u>Alamo Area Council of Governments</u></a>             |
| 7. <a href="#"><u>West Central Texas Council of Governments</u></a>  | 19. <a href="#"><u>South Texas Development Council</u></a>               |
| 8. <a href="#"><u>Rio Grande Council of Governments</u></a>          | 20. <a href="#"><u>Coastal Bend Council of Governments</u></a>           |
| 9. <a href="#"><u>Permian Basin Regional Planning Commission</u></a> | 21. <a href="#"><u>Lower Rio Grande Valley Development Council</u></a>   |
| 10. <a href="#"><u>Concho Valley Council of Governments</u></a>      | 22. <a href="#"><u>Texoma Council of Governments</u></a>                 |
| 11. <a href="#"><u>Heart of Texas Council of Governments</u></a>     | 23. <a href="#"><u>Central Texas Council of Governments</u></a>          |
| 12. <a href="#"><u>Capital Area Planning Council</u></a>             | 24. <a href="#"><u>Middle Rio Grande Development Council</u></a>         |

# PART 10

## Post Project Responsibilities



## LOCAL PARK GRANT PROGRAM

### Retention, Operation & Maintenance Responsibilities

#### I. Retention and Use

Property acquired or developed with grant assistance shall be retained and used for public recreation. Any property acquired or developed shall not be converted to other than public recreation uses without Department approval. Such approval will be given only with the substitution of other properties of at least equal fair market value and equivalent usefulness, quality, and location. Conversion Guidelines are available in Appendix N.

#### II. Changes in Recreational Uses

The recreational use of property developed with program assistance may not be changed from that approved when assistance was obtained, unless prior approval is obtained.

#### III. Operation and maintenance

Property acquired or developed with program assistance will be operated and maintained as follows:

- A. The property will be maintained as attractive and inviting to the public.
- B. Sanitation and sanitary facilities will be maintained in accordance with applicable health standards.
- C. Properties will be kept reasonably safe for public use.
- D. Buildings, roads, trails, and other improvements will be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use. It is not necessary that assisted improvements be maintained in perpetuity. Once assisted improvements have exceeded their estimated lifetime, or they are no longer economically feasible to operate or maintain, they may be demolished as long as the area remains in use for public recreation and prior Departmental approval is received.
- E. The facility will be kept open for public use at reasonable hours and times of the year.
- F. Property which includes natural area, wetland, or open space dedication should be maintained to preserve the original characteristics of the area which were suitable for these designations. This might include restrictions on development, mowing, drainage, landscaping, intensity of use, or other considerations which could affect the habitat or species within these designated areas.

#### IV. Availability to Users

- Non-Discrimination: Property acquired or developed with program assistance shall be open to persons regardless of age, race, color, religion, sex, national origin, or handicap. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable differences may be charged on the basis of residence. The requirements for posting this information and text are available in this section.
- Reasonable Use Limitations: Participants may impose reasonable limits on the type and extent of use of the areas and facilities acquired or developed with program assistance when such a limitation is necessary for maintenance or preservation.

Additional on-going commitments include, but are not limited to:

1. All property acquired and/or developed with fund assistance must remain dedicated in perpetuity and be used only for public recreation, with the exception of leased lands which may revert to other uses upon lease expiration;
2. No overhead utility lines may be installed;
3. The project area(s) must be open to the public and utilized for public recreation, free from discrimination pursuant to Title VI of the Civil Rights Act of 1964;
4. The project area(s) must be maintained so that it is safe, attractive, and inviting to the public.
5. A permanent program acknowledgement sign or plaque must be installed and maintained at all project sites;
6. Periodic post completion inspections by Department staff will generally be unannounced, and are intended to ensure that program compliance continues after the project is completed. The sponsor may be asked periodically to participate in post completion self-inspection at the request of the Department. Sponsors who fail to comply with long-term program commitments may jeopardize future eligibility for funds for new projects and/or be subject to legal actions by the state and/or federal government to enforce program compliance.

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Sample of non-discrimination posting information and text:

**FOR ALL RECREATION GRANT FUND ASSISTED PROJECT SITES**

Discrimination at park sites acquired and/or developed with state or federal grant funds is prohibited. If you believe you have been discriminated against on the basis of your **race, color, national origin, disability, sex, or age**, please contact the agencies listed below.

For Local Park Grant Program assisted sites:

Recreation Grants Branch  
Texas Parks & Wildlife Department  
4200 Smith School Road  
Austin TX 78744  
512-389-8224

For Land and Water Conservation Fund assisted sites:

EEO Program Manager  
US Department of the Interior  
National Park Service  
1849 C Street, NW (Org Code 0008)  
Washington DC 20240

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Please post this notice, or similar non-discrimination notices. Posters should be displayed at park system administrative buildings, park sites with bulletin boards and visitor centers.

A printable poster related to federally funded sites is available at:

**[www.dol.gov/esa/regs/compliance/posters/eo.htm](http://www.dol.gov/esa/regs/compliance/posters/eo.htm)**

# PART 11

## Conversion Guidelines

To be used when a fund-assisted site is converted to other than park and recreation use

## LOCAL PARK GRANT PROGRAM

### Conversion Guidelines

These guidelines are designed to assist with the process of properly converting *Local Park Grant Programs Manual* (Chapter 640.1.2) assisted properties to non-recreation use. The “General Provisions of the Project Agreement” (available in [Appendix A](#)) for which fund assistance is provided states:

“The Participant agrees that the property described in the project agreement and the dated project boundary map, made part of that agreement, is being acquired or developed with grant assistance, and that it shall not be converted to other than public recreation use and shall be maintained for public recreation in perpetuity.”

It is acknowledged, however, that circumstances may arise which might require the conversion of parkland. As a result, the Department has developed guidelines for converting fund assisted properties. **Conversion is strongly discouraged**, and there is no guarantee that a request for conversion will be approved.

**IMPORTANT NOTE:** Proposals for conversion require an appraisal of the dedicated park land to be taken, and the substitute site. The appraisal guidelines **are not** the same for all projects. Projects supported with state funds will follow the appraisal method detailed in the *Instructions for Approved Projects* manual available at <http://www.tpwd.state.tx.us/business/grants/trpa/>. State funded projects are those where the grant project number begins with **20, 50, 51, 53, 54, 55, or 56**.

However, federal Land and Water Conservation Fund (LWCF) projects require the *Uniform Appraisal Standards-Federal Land Acquisition* (“yellow book”) guidelines. The appraisal guidelines are available at <http://www.usdoj.gov/enrd/land-ack/>. LWCF funded projects are those where the grant project number begins with **48**.

#### I. The Process

Correctly converting fund assisted parkland is a lengthy and costly process. The Department will not provide financial assistance to the local sponsor initiating the conversion.

Conversion generally occurs in the following situations:

- A. Property interests are conveyed for non-public recreation uses.
- B. Non-recreation uses (public or private) are made of the project area, or a portion of the project area.
- C. Non-recreation facilities are developed within the project area (library, city hall, fire station, etc.).
- D. Public recreation uses of property acquired or developed with grant assistance is terminated.
- E. Exceptions:
  1. Underground utility easements that do not have significant impacts upon the recreational utility of the park will not constitute a conversion.

2. Proposals to construct public facilities where it can be shown that there is a gain or increased benefit to public recreational opportunity will not constitute a conversion. Final review and approval of such cases shall be made on a case-by-case basis.
3. Leased lands which are converted to other than public recreation use after the lease expires.

The Department will only consider conversion requests if the following prerequisites have been met and documentation of such has been submitted to the Department:

- A. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
- B. The fair market value of the property to be converted and the property proposed for substitution have been established by one (1) independent appraisal prepared in accordance with "Appraisal Instructions" in the *Instructions for Approved Projects*. Refer to the **IMPORTANT NOTE** on the previous page related to the type of appraisal required based on the source of funding in the original grant.
  1. The property proposed for substitution must be at least equal fair market value as the property to be converted.
  2. Property improvements will be excluded from value consideration for the properties to be substituted. Exceptions may be allowable when the substitute property contains improvements directly related to public recreation.
- C. The property proposed for replacement is of reasonable usefulness and location as that being converted. Depending on the situation, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. It must, however, be administered by the same political subdivision as the converted property.
- D. The property proposed for substitution meets the eligibility requirements for grant-assisted acquisition. Replacement property must constitute or be part of a viable recreation area.

Public land may not be used for substitution on acquisition projects unless it meets certain acquisition criteria. However, in the case of development projects for which the match was not derived from the cost of the purchase/value of donation of the land to be converted, public land which has never been dedicated, platted, managed, or acquired for recreation/conservation use may be used as replacement land even if this land is transferred from one public agency to another without cost.

- E. All necessary coordination with other governmental agencies has been satisfactorily accomplished.
- F. Completion of an "Environmental Assessment" for the substitute site is required. The outline for the "Environmental Assessment" may be found this application packet.
- G. Texas Review and Comments System (TRACS) review has been conducted if the proposed conversion and substitution constitute significant changes to the original grant project.
- H. Staff consideration reveals no reason for disapproval and the project files are so documented.

## **II. Documentation Required to Complete the Conversion Process**

Copies of the following documents must be submitted after the Department has approved and authorized the conversion:

- A. Executed, recorded deed(s)
- B. Revised site plan and boundary map.
- C. Executed "Certificate of Park Dedication"

# PART 12

## TPWD Grants, Training, and Education Programs

## TEXAS PARKS & WILDLIFE DEPARTMENT

### Grants, Assistance, Training and Education Programs

#### I. GRANTS

##### A. Outdoor Recreation Grant

Grants are available to local governments for the acquisition and development of park land. This assistance program is distributed in the form of 50% matching grant funds up to \$500,000. Local governments must apply, permanently dedicate project areas for public recreational use, and assume responsibility for operation and maintenance. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-8224). Due January 31<sup>st</sup> and July 31<sup>st</sup>.

##### B. Indoor Recreation Facility Grant

Grants are available to local governments for the acquisition, construction or renovation of indoor recreation facilities. This assistance is in the form of 50% matching grant funds up to \$750,000. Local governments must apply, permanently dedicate the building for public recreational use, and assume responsibility for operation and maintenance. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-8224). Due July 31<sup>st</sup>.

##### C. Small Community Grant

Grants are available to communities under 20,000 in population for the acquisition, development, or renovation of park land. This assistance is in the form of 50% matching grant funds up to \$75,000. Local governments must apply, permanently dedicate project areas for public recreational use, and assume responsibility for operation and maintenance. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-8224). Due January 31<sup>st</sup>.

##### D. Urban Outdoor Recreation Grant

Grants are available to specific cities and counties over 500,000 in population for the acquisition and development of park land. This assistance program is distributed in the form of 50% matching grant funds up to \$1,000,000. Local governments must apply, permanently dedicate project areas for public recreational use, and assume responsibility for operation and maintenance. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-8224). Due February 28<sup>th</sup>.

##### E. Urban Indoor Recreation Facility Grant

Grants are available to specific cities and counties over 500,000 in population for the acquisition, construction or renovation of indoor recreation facilities. This assistance is in the form of 50% matching grant funds up to \$1,000,000. Local governments must apply, permanently dedicate the building for public recreational use, and assume responsibility for operation and maintenance. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-8224). Due July 31<sup>st</sup>.

##### F. Regional Park Grant - Program postponed until further notice.

Grants are available for projects involving multiples units of local government for the acquisition and/or development of large park, recreational, or conservation areas. This assistance is in the form of 50% matching grant funds up to an undetermined amount. To apply, local governments must be working on a joint park project with each other. They must also permanently dedicate project areas for public recreational use and assume responsibility for operation and maintenance. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-8224).



### **G. Community Outdoor Outreach Program Grant**

Grants are available up to \$30,000 for non-profit organizations, schools, and local governments to establish outdoor recreation and education programs as well as take field trips to state parks and other TPWD facilities for youth-at-risk. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-8224). Due February 1<sup>st</sup>.

### **H. Recreational Trails Grant**

Grants are available up to \$200,000 for local governments and non-profit organizations to build trails and trail-support facilities. This assistance is in the form of 80% matching grant funds. Applicants must keep fund-assisted trails open to the public. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/8224). Due May 1<sup>st</sup>.

### **I. State Boat Ramp Construction Program Grant**

Grants are available up to \$500,000 to local governments for the construction of boat ramp facilities throughout the state. This assistance is in the form of 75% matching grant funds. Local governments must make application, provide land and access, 25% of the development cost, and accept maintenance responsibility for a minimum 25-year period. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-8224). Due October 31<sup>st</sup>.

### **J. Boat Sewage Pumpout Program Grant**

This program provides 75% matching grant funds to local governments and private marina operators to construct facilities to remove sewage from large vessels, and provide dump stations for boats with portable toilets. Sponsor must provide 25% matching funds as well as maintain and operate facilities. (Contact: Recreation Grants Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-8224)

### **K. Landowner Incentive Program Grant**

This program provides cost share grants to private landowners wishing to manage or enhance habitat to benefit rare or declining species. Eligible projects include, but are not limited to, restoring native vegetation, prescribed burns, selective brush management, grazing management systems, and other practices designed to benefit species of concern. (Contact: Landowner Incentive Program, 4200 Smith School Road, Austin, TX 78744, (512/389-0321)

### **L. Horned Lizard License Plate Conservation Program**

This program provides up to \$25,000 grant funds to non-profit organizations, schools, universities, private groups, and local governments to create research or conservation programs for rare and endangered species. Eligible projects include habitat improvement, interpretation, and applied research. Priority will be given to those species/ecosystems with the greatest conservation needs, or having unmet needs. (Contact: Endangered Species Office, 4200 Smith School Road, Austin, TX 78744, 512/389-7011)

### **M. Section 6 Research Grants**

These are scientific research grants. Projects must concern a species listed federally as threatened or endangered, or a 'species of concern' for listing. General topics considered high priority include: 1) Research concerning the management of rare species; 2) Status surveys (including geographic range, density estimates, population trends, etc.), habitat characterization, and ecological studies leading to specific recommendations for management; or 3) Innovative projects addressing endangered species education and outreach. The amount of funding available for individual projects varies; however, projects average \$43,000 per year and are 1-4 years in length (private consultant contracts are limited to less than \$10,000 per year). Section 6 funds are made available on 3:1 (federal:state) matching basis: of the Total Project Cost, at least 25% should be dedicated to 'match'. (Contact: Wildlife Diversity Program, 4200 Smith School Road, Austin, TX 78744, 512/389-4933)

## II. ASSISTANCE

### A. Private Lands and Habitat Program

This program provides technical assistance to persons desiring to include wildlife management considerations in present or future land use practices. This service is strictly advisory and is provided without charge to cooperating land managers. (Contact: Private Lands Program, 4200 Smith School Road, Austin, TX 78744, 512/389-4395)

### B. Fishery Management Assistance Program

This program provides management consultation for stock tanks and/or fisheries in private waters as well as consultation for the management of fisheries and habitat for public waters in the state. Brochures and handouts are available describing various fish species, fishing methods, or fishery management procedures. (Contact: Inland Fisheries, 4200 Smith School Road, Austin, TX 78744, 512/389-4444)

## III. EDUCATION

### A. Mandatory Hunter/Boater Education Programs

These programs are designed to aid in the development of safe and responsible activities. The programs are primarily oriented towards young people, however, instructor certification and programs for adults are available as well. All participants who complete these courses are issued certificates. (Contact: Hunter and Boater Education Branch, 4200 Smith School Road, Austin, TX 78744, 512/389-4999)

### B. Project WILD/Aquatic WILD

Learn how to teach ecology, wildlife management, and environmental concepts through this national award-winning training and curriculum for educators. Activities are adaptable for all levels, and integrated with core subject curricula. Six-hour training workshop includes comprehensive, teacher-tested activity guide. Qualifies for TEEAC and SBEC credit. For more information, go to our Web site [http://www.tpwd.state.tx.us/learning/project\\_wild/](http://www.tpwd.state.tx.us/learning/project_wild/) or call toll-free (800) 792-1112.

### C. Texas Nature Trackers

This "citizen-scientist" monitoring effort is designed to involve volunteers of all ages and interest levels in gathering scientific data on species of concern in Texas. Through Texas Nature Tracker projects, Texans learn how to gather data about various species found on public lands or on their own property. The aim of these projects is to ensure that native Texas species will be here for future generations to know and enjoy. Current Texas Nature Tracker projects include Texas Horned Lizard Watch, Texas Hummingbird Round-up, Texas Monarch Watch, Texas Mussel Watch, Texas Amphibian Watch, Project Prairie Birds, Midwinter Bald Eagle Survey and Adopt-a-Species Projects. To learn more, contact Marsha Reimer, Wildlife Diversity Branch, 512/389-7062.

### D. Texas Wildscapes

Create a wildlife habitat in your backyard, school, or community park. The Texas Wildscapes book includes instructions, plant lists, background information on bird and butterfly gardens and a weatherproof sign upon certification. Texas Wildscapes is available for \$24.95. To find out more, call (512) 389-4644 or toll-free (800) 792-1112, ext. 9-4644.

### **E. Urban Biologists**

Urban biologists provide wildlife and habitat conservation information to urban residents, schools, businesses, and local governmental agencies. Speakers and educational resources are sometimes available. Urban teams are located in six major urban centers. To speak with an urban biologist in your area, contact:

Austin: (512) 308-0979

El Paso: (915) 774-9603

Rio Grande Valley: (956) 565-1223 x1

Dallas/Fort Worth: (972) 293-3841

Houston: (281) 456-7029

San Antonio: (210) 688-6444

### **F. Educational Loaner Trunks**

Educational loaner trunks providing both hands-on activities and study materials about Texas' valuable ecosystems, plants and animals are available to educators. For more information about the loaner trunks and their locations, visit the Educational Trunks Program Web site at:

<http://www.tpwd.state.tx.us/learning/resources/trunks>.

More information about all TPWD Grant & Assistance Programs is available at the following website: <http://www.tpwd.state.tx.us/business/grants/>