

## EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Kathleen A. Theoharides, Secretary  
Grant Announcement



**BID ENV 22 DCS 10**

**Dated: October 19, 2021**

**Land and Water Conservation Fund Grant Program  
FY 22**

### I. GRANT OPPORTUNITY SUMMARY:

**A. PROPOSALS SOUGHT FOR:** The Massachusetts Executive Office of Energy and Environmental Affairs (EEA) Secretary Kathleen A. Theoharides announces the availability of grant funds for municipalities and certain state agencies through the federal Land and Water Conservation Fund (LWCF) Grant Program.

**B. OVERVIEW AND GOALS:** The LWCF is administered by Massachusetts on behalf of the National Park Service (NPS), an agency of the Department of the Interior. The LWCF program provides grants to states and local governments and federally recognized Indian tribes for the acquisition and development of public outdoor recreation areas and facilities. The program is intended to create and maintain a nationwide legacy of high-quality recreation areas and facilities and to stimulate non-federal investments in the protection and maintenance of recreation resources across the United States.

**C. ELIGIBLE PROJECTS:** Eligible projects are those for the acquisition of parkland, development of a new park, renovation of an existing park, development of trails in an existing conservation or recreation area, or the acquisition of conservation land. (See further detail on eligible projects in section 2B.)

**D. ELIGIBLE APPLICANTS:** Applications will be accepted from municipalities that have Open Space and Recreation Plans that are approved or currently under review (see further detail on eligible applicants in section 2A). Also eligible are the Departments of Conservation and Recreation and Fish and Game, as well as federally recognized Indian tribes.

**E. APPLICATION DEADLINE:** Monday, January 24, 2022 at 3:00 pm. New this year: applications will be submitted via online form. (See further detail on deadlines and grant program calendar in section 4.)

**F. FUNDING AVAILABILITY:** LWCF funding is provided to the Commonwealth of Massachusetts by the NPS and is administered by EEA's Division of Conservation Services (DCS). For projects that will have a significant impact on climate resiliency, the maximum grant award is \$1,000,000. The maximum grant award for all other project is \$750,000. The minimum grant award is \$50,000 (see further detail on Funding Availability in section 2C). EEA reserves the right to fund projects through sources other than LWCF should it so choose.

**G. BUDGET REQUIREMENT:** Since the LWCF is a reimbursement program, municipal applicants selected to receive grant funding must have a successful City Council or Town Meeting vote that appropriates 100% of the total project cost. DCR and DFG must have capital budget approval from EEA for 100% of the project. Tribal applicants must demonstrate their ability to pay for the project upfront. While reimbursements to municipal applicants can be used for whatever purpose the municipality authorizes, the Departments must use the reimbursements for projects that would qualify for LWCF. The land must **not** be purchased, or park development or renovation must **not** be started, until the selected Applicant has executed a contract with the Commonwealth or Interagency Service Agreement (ISA) with EEA in the case of state agencies. All projects must provide appropriate public access. (See further detail on budget requirement in section 2D.)

**H. TOTAL ANTICIPATED DURATION OF CONTRACT(S):** The contract period will begin on the date that the Secretary signs the contract or the ISA is signed by EEA. Contracts issued pursuant to this BID must expend 100% of costs associated with the approved project on or before December 31, 2024 in order to be eligible for reimbursement (see further detail on anticipated duration of contract(s) in section 2F).

**I. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM:** This BID is issued according to legislation referenced as the Land and Water Conservation Fund, P.L. 88-578, 78 Stat 897. All applicants are responsible for compliance with all applicable LWCF rules and regulations. More information on the grant's procedures can be found at [www.nps.gov/lwcf](http://www.nps.gov/lwcf). All properties for which grant assistance is provided must be open to the general public (not local residents only) for appropriate passive or active recreational use and will become protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to conservation use in accordance with M.G.L. Chapter 40, §8C or recreation use in accordance with M.G.L. Chapter 45, §3 or 14.

The Applicant must also be aware of the LWCF Post-Completion Compliance and Stewardship rules. Post-completion compliance responsibilities apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of program participation in the assisted area or facility and consistent with the contractual agreement between the NPS and the state. The state is responsible for compliance and enforcement of these provisions for all projects. Responsibilities cited in Title 36, Part 59 in the U.S. Code of Federal Regulations apply to the area described on the Section 6(f)(3) boundary map and/or as described in other project documentation submitted by the Applicant and approved by the Department of the Interior.

Pursuant to Title VI of the 1964 Civil Rights Act, property acquired or developed with LWCF assistance shall be open to entry and use by all persons regardless of race, color, or national origin, who are otherwise eligible. Section 6(f)(8) of the LWCF Act provides, with respect to property acquired and/or developed with LWCF assistance, discrimination on the basis of residence, including preferential reservation, membership, or annual permit systems is prohibited except to the extent reasonable differences in admission and other fees may be maintained on the basis of residence. Section 504 of the Rehabilitation Act of 1973 requires no qualified person shall, on the basis of disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity that

receives or benefits from federal financial assistance. The Americans with Disabilities Act of 1990 (P.L. 100-336) references and reinforces these requirements for federally-assisted programs.

**J. CONTACT INFORMATION:** Melissa Cryan  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street – Suite 900  
Boston, MA 02114  
[melissa.cryan@mass.gov](mailto:melissa.cryan@mass.gov)  
(857) 274-7173  
[www.mass.gov/how-to/apply-to-the-massachusetts-land-and-water-conservation-fund-grant-program](http://www.mass.gov/how-to/apply-to-the-massachusetts-land-and-water-conservation-fund-grant-program)

## 2. Performance and Contract Specifications

**A. ELIGIBLE APPLICANTS:** This BID is open to

- Municipalities  
*Community requirements:* Communities must have an approved Open Space and Recreation Plan (OSRP) on file with DCS by the application deadline. A draft OSRP may be filed with the application by the deadline as well, provided that it was submitted to DCS no more than 12 months prior to the grant application deadline and the applicant has completed a rigorous public participation process. See the attached application packet for details. A community's OSRP status can be found on the [OSRP website](#).
- Commonwealth of Massachusetts Departments  
Department of Conservation and Recreation, Department of Fish and Game
- Federally recognized Indian tribes

*Multiple Applications:* Multiple applications will be accepted from the same entity. Projects involving renovations of the same theme in multiple parks, such as dedicating multiple vacant municipally-owned parcels of land to park purposes and creating new spray parks to act as cooling centers, may be packaged into one application. Unrelated renovations must be submitted as individual applications. Landholdings that are in a single, contiguous tract may be packaged in the same application. Unrelated, separate landholdings must be submitted as individual applications. EEA reserves the right to limit awards to one per applicant; however, each applicant is welcome to submit multiple applications.

**B. ELIGIBLE PROJECT(S)/SCOPE(S) OF WORK:** EEA seeks to provide recreational opportunities and further the protection of suitable conservation and recreation land within the Commonwealth. The LWCF Grant Program contributes to this goal through the acquisition of parkland, development of new parks, renovations of existing parks, development of trails in

existing conservation and recreation areas, or the acquisition of conservation land.

In addition to other benefits that open space provides, it can help contribute to climate resilient communities through a well-planned design. This grant round will focus on projects that are in areas of the Commonwealth that are considered to be urban heat islands with a high percentage of impervious surface or contribute to the conservation of resilient undeveloped land. Conservation project parcels of which 76-100% are designated as “Most Resilient” or “More Resilient” according to [The Nature Conservancy’s Resilience Mapping Tool](#) or Recreation Project parcels that are mapped as being in the 3<sup>rd</sup> or 4<sup>th</sup> quartile of [Summer Heat Island](#) are eligible for a maximum of \$1,000,000. All other applications will be eligible for a grant maximum of \$750,000. Sample project ideas include turning vacant lots into community gardens and urban forests, planting many trees, removing significant amounts of pavement, or installing pergolas as a part of the park’s renovation or development to provide more shade, and incorporating water spray parks as cooling features. For more information on climate resilient park design, see Attachment G.

*Eligibility – applicants must:*

1. Municipal Applicants must have an approved OSRP on file with DCS by the application deadline. A draft plan is also acceptable provided that it was submitted to DCS no more than 12 months prior to the grant application deadline and the Applicant has completed a rigorous public participation process. During the COVID pandemic, flexibility is allowed in what is acceptable for the public participation process. For more information on this, please be in touch with Melissa Cryan. A condition of final payment will be to obtain DCS approval on the final OSRP.
2. Submit an application prior to acquisition of the subject property (land already owned by the Applicant is not eligible). Property that is purchased before receiving an executed contract or ISA from DCS **will not** be eligible for reimbursement. However, land purchased by a non-profit organization no earlier than October 19, 2021 with the sole intention of pre-purchasing the land until the Applicant receives a potential LWCF grant may be eligible for funding. Any exercise of this exemption is at the risk of the non-profit organization and Applicant. Development or renovation on a site before receiving an executed contract or ISA from DCS **will not** be eligible for reimbursement.
3. Have [no unresolved protected open space conversion issues](#) with the Executive Office of Energy and Environmental Affairs.
4. Acquisition Projects – All applicants applying for an acquisition project must be in touch with Melissa Cryan no later than December 17, 2021 in order to coordinate the appraisal process. Prior to the Applicant hiring an appraiser, a review appraiser will be hired by the Commonwealth who will work in tandem with the Applicant to complete the required Statement of Work under which the appraiser hired by the Applicant will complete its work. All LWCF applications must include an appraisal done to [Yellow Book standards](#). The completed appraisal must be emailed to [melissa.cryan@mass.gov](mailto:melissa.cryan@mass.gov) no later than February 28, 2022. See Attachment F for a Statement of Work template.
5. Development & Renovation Projects – site development plans and cost estimates. The site plans must be detailed enough so that an accurate cost estimate may be developed. Services of a professional design firm are recommended for renovation and

development projects. Costs incurred prior to the signing of a state standard contract or ISA are NOT eligible for reimbursement.

*Program Regulation Reminder:* Any land acquired with or project that receives LWCF grant assistance is protected parkland or open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and subject to Section 6(f)(3) of the LWCF Act, dedicated to recreation use in accordance with M.G.L. Chapter 45, §3 or 14 or conservation use in accordance with M.G.L. Chapter 40, §8c. All properties for which grant assistance is provided must be open to all residents of the Commonwealth (not only residents of a particular community) for appropriate passive or active recreational use according to Section 6(f)(8) of the LWCF Act. No significant alteration of this property, or changes in the proposed uses, can take place without the prior approval of the Secretary of the Executive Office of Energy and Environmental Affairs and the NPS.

**C. FUNDING AVAILABILITY, BUDGETING GUIDELINES & ALLOWABLE EXPENDITURES:**

LWCF funding is made available by the NPS and is administered for the Commonwealth of Massachusetts by the Division of Conservation Services. As the NPS does not set a specific maximum grant award, DCS has set the maximum reimbursement at \$1,000,000 and the minimum grant reimbursement at \$50,000. To qualify for the \$1,000,000 maximum grant award, Applicants must meet the criteria in Section 2B in order to receive the maximum score in the climate resiliency category in the grant's rating system. Applications not meeting that requirement are eligible for a maximum grant award of \$750,000. Exceptions may be made at the Secretary's discretion. Applicants must submit the type of appraisal appropriate for their project (if applicable), the estimated total project cost, and a specific grant request as part of the application package.

Costs eligible for reimbursement include all approved project costs incurred on or after a selected Applicant's contract execution date and on or before December 31, 2024, such as engineering, design, construction, construction supervision, and land acquisition. Ineligible project costs include, but are not limited to, costs associated with the preparation and submission of an application in response to this BID, staff salaries, equipment, supplies, and due diligence for land acquisitions. For more on eligible and ineligible costs, see Chapter 5 of the federal [LWCF Manual](#). Please note that the LWCF Manual acts as a guideline. It is up to Massachusetts to specifically determine what costs are eligible or ineligible for reimbursement.

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if available funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

Products funded with this grant (signs, fencing, landscaping timbers, structures, etc.) are strongly encouraged to be constructed of wood products grown and manufactured in Massachusetts unless the grantee can demonstrate that wood is not a suitable material or that Massachusetts grown and manufactured products are not available or will cost more than 10%

more than equivalent products (MGL Chapter 30B, Section 20). Where possible, Applicants should use firms that have signed agreements with the Department of Agricultural Resources as part of the Commonwealth Quality Program, which verifies their sustainable practices and that the products are grown and manufactured in Massachusetts.

**D. BUDGET REQUIREMENT:** Municipal and Tribal Applicants selected to receive grant funding must show the use of funds from non-state sources for the project. Non-state funding sources include, but are not limited to, municipal funds, other grants from private or non-profit foundations, and cash contributions from local partners or individuals. As the LWCF program is a REIMBURSEMENT grant program, EEA will reimburse up to 50% of the total amount spent as shown by canceled municipal or Commonwealth (for DCR and DFG) checks up to the grant award maximum of \$1,000,000. Any non-state funding sources must be deposited into a municipal, tribal, or state account.

**E. PROJECT TERMS:** All final contracts are subject to successful negotiation of a Final Scope of Services, as well as approval from the NPS. For more on the LWCF selection process, please see Chapter 6 of the LWCF Manual. Please note that EEA does not guarantee that any contracts may result from this BID or that any particular funding level will be awarded. It is anticipated that projects could commence immediately upon EEA's decision and the NPS approval. The awarded contract(s) will be reviewed during their course and, upon request by the Applicant, may be extended or otherwise amended at the discretion of EEA and NPS. Any extensions granted will not necessarily change, or increase, the monetary value of the contract.

**F. ANTICIPATED DURATION OF CONTRACTS:** The anticipated end date of contracts awarded through this BID is December 31, 2024. Extension of the contract is at the discretion of the Secretary and the NPS. All land must be purchased on or before December 31, 2024 and all construction work must be completed on or before December 31, 2024 to be eligible for reimbursement. Timelines for each project will be included in the State Standard Contract or ISA and may be different than these dates.

**G. DELIVERABLES, OWNERSHIP, AND CREDIT DUE:** Acquisitions resulting from this BID must be held by the municipality, the department, or the tribe, depending on the Applicant. EEA staff must be invited to any public event scheduled regarding the project. A LWCF acknowledgement sign shall remain displayed at the project site in perpetuity. See page 90 of the [LWCF Manual](#) for more information.

**H. REPORTING:** Quarterly reports are required to be filed with the grant manager.

**I. INVOICING:** The LWCF program is a **reimbursement** program. Municipal Applicants selected to receive grant funding will be required to sign and submit a LWCF Project Agreement, State Standard Contract, and billing forms, as well as additional forms as required by the NPS, which will be sent to Municipal Applicants with their award letter. See the full application packet for more information. State agency Applicants selected to receive grant funding will be required to sign and submit a LWCF Project Agreement, an Interagency Service Agreement, and billing forms, as well as additional forms as required by the NPS, which will be sent to state agency Applicants with their award letter. Land must not be purchased and design

and construction work must not be started until **after** the participant has an executed contract from EEA. Land purchased by a non-profit organization no earlier than October 19, 2021 with the sole intention of pre-purchasing the land until the Applicant receives a potential LWCF grant may be eligible for funding. Any exercise of this exemption is at the risk of the non-profit organization and Applicant. Only approved expenses incurred during the period of contract are eligible for reimbursement.

### 3. Instructions for Application Submission

**A. EVALUATION CRITERIA:** Each Application will be scored using the following measures (see Attachment C for more detailed description of the evaluation criteria):

- An evaluation of the project's consistency with current EEA and NPS priorities
- An evaluation of the project's quality

Projects are solicited according to Massachusetts' approved Open Project Selection System. A project Selection Committee composed of members of the EEA staff will review all applications. After completing preliminary review, site visits, and ratings, the Selection Committee will submit all comments and draft recommendations to the Secretary of EEA for final approval. The Secretary's recommendations will be sent to the Governor for review. The NPS will also review and approve recommendations. Chapter 6 of the [LWCF Manual](#) describes the NPS approval process in more detail.

**B. APPLICATION SUBMISSION INSTRUCTIONS:** Applicants are required to use the online application form and upload tool provided at the following site:

<https://edit.mass.gov/forms/federal-land-and-water-conservation-fund-fy22-application-form---unpublished?auHash=hw-9TcdAczBcDavqhzGMuSCZ-RUQQnoGYj6tQgxujME>

The online application must be received by Monday, January 24, 2022 at 3:00 pm. Any application received after the deadline will be rejected. It is the Applicant's responsibility to verify receipt of the application.

A hard copy of the application must also be mailed to the address below. The outside of the package should be marked BID ENV 22 DCS 10. Applications should be **double sided**, except for maps and graphics, and submitted to:

Melissa Cryan  
RE: ENV 22 DCS 10  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street – Suite 900  
Boston, MA 02114

Project proposals must include the following:

- ❑ Application Form submitted using the online application form and upload tool provided at <https://edit.mass.gov/forms/federal-land-and-water-conservation-fund-fy22-application-form---unpublished?auHash=hw-9TcdAczBcDavqhzGMuSCZ-RUQQnoGYj6tQgxujME>

- ❑ Municipalities – Open Space and Recreation Plan (if not already on file with DCS)
- ❑ Acquisition projects – appraisal report(s), including Statement of Work (note that the appraisal(s) deadline is February 28, 2022)

Failure to provide any of the materials listed above may result in the disqualification of the application.

See the Application Form (provided in Attachment A of this document) for more detail on required and recommended documents.

**C. ADDITIONAL REQUIRED DOCUMENTATION:** If selected, the Applicant will be required to submit the following forms to complete a contract or provide the information needed for the forms' completion:

- Commonwealth Standard Contract Form, signed by the Respondent
- Project Scope and Budget Page(s) created by EEA
- Contractor Authorized Signatory Listing
- LWCF Project Description/Environmental Screening Form
- Federal Standard Form 424
- Federal Application and Revision Form
- LWCF Description and Notification Form

Respondents are encouraged to review the Commonwealth Standard Contract Form, Commonwealth Scope and Budget Form, and Contractor Authorized Signatory Listing prior to submission of a Response. They are available at <https://www.mass.gov/lists/osd-forms>.

**D. APPLICATION STEPS AND PROCEDURES:**

1. **Fill out application:** Municipality, Department, or Tribe (the “Applicant”) submits an application using the [online application form and upload tool](#) before purchasing land, for an acquisition project, or before final design and/or construction begins, for renovation or development project. Confirm deadline for applications. See above exceptions for pre-acquisition of land by non-profit organizations.
2. **Contact Melissa Cryan regarding appraisals:** For an Applicant applying with an acquisition project, prior to the grant round closing, contact [Melissa Cryan](#) no later than December 17, 2021 in order to coordinate the appraisal process. A review appraiser, who will be hired by the Commonwealth, will work in tandem with the Applicant to develop the required Statement of Work under which the appraiser hired by the Applicant will complete its work. All LWCF applications must include appraisals done to [Yellow Book standards](#). The completed appraisal must be emailed to [melissa.cryan@mass.gov](mailto:melissa.cryan@mass.gov) no later than February 28, 2022.
3. **Apply:** Applicant mails one original copy of the complete application bound with a binder clip. Applicant submits an application using the [online application form and upload tool](#). Projects involving renovations of the same theme in multiple parks, such as dedicating multiple vacant municipally-owned parcels of land to park purposes and planting the



majority of the site with new tree canopy, may be packaged into one application. Unrelated projects by the same applicant must be submitted as individual applications. Landholdings that are in a single, contiguous tract may be packaged in the same application. Unrelated, separate landholdings must be submitted as individual applications.

4. **Municipal vote:** Applicant submits draft warrant article or City Council resolution to the Division for review before Town Meeting or City Council vote. Municipal counsel should be consulted in drafting the warrant article, order of taking, or city council resolution. The draft municipal vote must cite the particular parcel to be acquired or developed/renovated and contain authorization to seek funding and to enter into any contracts for the project, dedicate the site for park purposes as under M.G.L. Chapter 45, §3 or conservation purposes as under M.G.L. Chapter 40, §8c, as well as permit the conveyance of a conservation restriction if applicable. The municipal vote may occur before or after the submission of the grant application. **All votes must be approved by DCS staff.** A contract will not be signed with the Applicant until the vote occurs. See Attachment D for sample vote language.  
**Tribal vote:** Tribal Applicant provides letter of support for the project and demonstrates its ability to pay for the project.  
**Department of Conservation and Recreation Lands Committee vote:** For acquisition projects, Applicant provides vote from the Lands Committee to demonstrate departmental support of the proposed project. For development or renovation projects, applicant provides a financial commitment from the Commissioner.  
**Department of Fish and Game/Division of Fisheries and Wildlife Lands Committee vote:** Applicant provides vote from the Lands Committee to demonstrate departmental support of the proposed project.
5. Applicant will be contacted by DCS to schedule a **site inspection**.
6. **Scoring:** Projects evaluated using LWCF rating system. Preliminary merit point rating assigned by DCS. See Attachment C for rating system.
7. Draft recommendations are subject to further review, including by EEA senior management and by the Secretary of EEA, prior to final approval at the Governor's office.
8. Recommendations are reviewed and approved or rejected by the National Park Service.
9. **Awards announced:** Project approval letter, LWCF Project Agreement, State Standard Contract, Contractor Authorized Signatory Listing, and billing forms for approved projects are sent to Applicant by DCS. State funds are then obligated by the Commonwealth upon execution of contract documents for approved projects. Please note that project funding can be revoked at any time.
10. **Conservation Restriction review:** Projects that involve a Conservation Restriction must have a draft CR reviewed by DCS. Draft CRs, along with a CR review application form (available on the [DCS CR website](#)) and other supporting materials (as indicated on the

application form), should be emailed to [Denise Pires](#) following the instructions and process described on the form.

**11. Municipal/Departmental/Tribal funding secured:**

- a. Municipality votes to appropriate, expend from available funds, or borrow an amount equal to the **total project cost** stated in the application. A municipality may vote to borrow funds in anticipation of state reimbursement prior to receiving agreement for reimbursement (M.G.L. Chapter 44, §8C), but the borrowing cannot actually take place until final state approval has been received. Municipal vote for the total project cost may take place prior to Step 1 in the application process, but the municipality must ensure proper compliance with the LWCF application procedures. DCS and NPS approval may be withdrawn if municipality's vote fails or if municipality exhibits lack of progress in obtaining this vote or in meeting time schedules established as part of approval conditions.
- b. Exclusive of borrowing situations, and if the community wishes, reimbursements may be re-appropriated back into the participant's Conservation Fund or dedicated fund. Said authorization may be voted in the original article or submitted in subsequent Town Meeting or City Council votes; otherwise, reimbursements must be deposited into the General Fund as per Massachusetts General Law. Communities utilizing accounts funded by the Cape Cod Land Bank Act, other local land bank acts, or the Community Preservation Act, should consult with the Department of Revenue, Division of Local Services for guidelines.
- c. Department applicants provides itemized ANF approved capital plan.
- d. Tribal applicants demonstrate ability to pay for the project up front.

**12. Permits and construction documents:** Participant files all required permits, final construction plans, and specifications for park development or renovation projects for DCS approval. EEA reserves the right to alter or rescind an award based on permit findings and construction plans and specifications.

**13. State Procurement Law:** Acquisition projects must adhere to the state's procurement law, M.G.L. Chapter 30B. Work with your municipal procurement officer to ensure that your project conforms to the procurement law that will include advertising in the Central Register 30 days prior to closing. State procurement law also prohibits EEA from reimbursing for any costs, including design, incurred prior to the starting date on the state standard contract. Do not incur any costs for which you plan to submit a reimbursement request until you have a fully executed state standard contract.

**14. Begin project:** Applicant makes land purchase or begins park development *only after* having received an affirmative Town Meeting or City Council Vote or Tribal approval **and** an executed state standard contract from the Secretary of EEA.

**15. Finalize required documentation for final reimbursement request:** Along with receiving final approval on Applicant's OSRP (if applicable), communities that have passed the Community Preservation Act must have all conservation restrictions required by Section 12 of Chapter 44B approved by the Secretary of Energy and Environmental Affairs and

recorded. Communities that have received LWCF assistance in the past must complete site inspection forms on all project sites.

16. **File reimbursement billing form:** Participant files billing forms with DCS, along with required documentation. Partial payments may be requested for development or renovation projects. A LWCF acknowledgement sign must be in place at the main access point before final payment will be made. Billing form and documents must be reviewed by DCS for any changes from the project application. For conservation acquisition projects that involve the acquisition of a fee interest, a land use and management plan must be submitted and approved by DCS before final reimbursement. For conservation acquisition projects that involve the acquisition of a conservation restriction, a baseline documentation report must be submitted and approved by DCS before final reimbursement. An amendment to the project agreement will be executed and returned for signing and recording by the Applicant if the project has changed. (A final inspection of the project is conducted prior to final payment.)
17. DCS prepares invoice and submits for payment to EEA's fiscal staff.
18. **Reimbursement payment:** Applicant receives reimbursement, via electronic transfer.
19. **Post completion requirements:** Participants should review DCS and NPS Post Completion requirements regarding fees, user limitations, and prohibitions against converting the conservation land or parkland to any other use or transfer of ownership.
20. **Public records:** Please note that all responses and information submitted in response to this BID are subject to the Massachusetts Public Records Law, M.G.L. c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes, including marking of information as confidential, shall be disregarded. Please do not submit any information that the Applicant may not wish to disclose publicly, such as home addresses or personal telephone numbers, social security numbers, or other similar information.

#### 4. Deadlines and Procurement Calendar

**A. RELEASE OF BID:** October 19, 2021

**B. INFORMATION SESSION:** Two information sessions will be held via Microsoft Teams: the first on Tuesday, November 30, 2021 at 11:00 am and the second on Thursday, December 2, 2021 at 2:00 pm. The workshop presentation and answers to any questions received in writing by Thursday, January 6, 2022 will be posted on the DCS website. While not required, it is strongly recommended that applicants attend the workshop. Please RSVP for the workshop at [melissa.cryan@mass.gov](mailto:melissa.cryan@mass.gov). When you RSVP, you will receive the Microsoft Teams invitation for the workshop.

**C. APPLICATION DUE DATE:** Monday, January 24, 2022 at 3:00 pm.

**D. ESTIMATED AWARD DATE:** The Commonwealth of Massachusetts' decisions are

estimated to be announced on or about 100 days after grant application deadline. Please note that the NPS approval takes place after the state's and may take a significant amount of time.

**E. ESTIMATED CONTRACT START DATE:** Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and EEA; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form. The estimated start date for contracts resulting from this BID is December 1, 2022.

## 5. Miscellaneous

**A. TYPE OF PROCUREMENT:** Grant

**B. USE OF THIS PROCUREMENT BY SINGLE OR MULTIPLE DEPARTMENTS:** This BID is a single department procurement. All contracts awarded under this BID will be utilized solely by EEA.

**C. REQUEST FOR SINGLE OR MULTIPLE CONTRACTORS:** This BID will result in multiple contracts.

**D. BID DISTRIBUTION METHOD:** This BID has been distributed electronically using the COMMBUYS system. It is the responsibility of every Applicant to check COMMBUYS for any addenda or modifications to a BID to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Applicants who fail to check for amended BIDs and submit inadequate or incorrect responses. Potential Applicants are advised to check the "last change" field on the summary page of BIDs for which they intend to submit a response to ensure they have the most recent BID files. The application and answers to questions will also be posted on the [DCS website](#).

Applicants may not alter BID language or any BID component files. Those submitting a proposal must respond in accordance to the BID directions and complete only those sections that prompt an Applicant for a response. Modifications to the body of this BID, specifications, terms and conditions, or which change the intent of this BID are prohibited. Any unauthorized alterations will disqualify response.

### **E. LIST OF ATTACHMENTS:**

- A. Application Form (to be submitted using [this](#) online form)
- B. Boundary Map Guidelines
- C. LWCF Project Selection System
- D. Sample Municipal Vote
- E. Sample Budget
- F. Sample Statement of Work
- G. Resources for Designing Parks to Incorporate Climate Resilience

**FEDERAL LAND AND WATER CONSERVATION FUND  
FY22 APPLICATION FORM**

*Instructions:*

- *The application must be submitted through [this online form](#). The Applicant will be asked to enter all of the information in the table below directly into the form.*
- *The application can be saved while working on it. Click “Save and Resume Later” at the bottom of the form and then click on “Save and Get Link.” A link to the application will be provided which must be copied and saved in order to return to the application. A good way to ensure that the link is not lost is to email it to yourself.*
- *Please note that all documents which have been uploaded at the end of the application will not be saved if leaving the site before submitting the application. The files must be uploaded again upon re-entering the site and submitting the application.*
- *Total size of all documents attached to the online form cannot exceed 25 MB.*
- *Please ensure that all files you upload are consistently labeled. Please make file names consistent with the following: [Name of municipality]\_[Shorthand version of project title]\_[Name of attachment from attachment checklist]\_LWCF*
- *Please upload files to the online form as PDFs if possible, unless otherwise specified*

1. **Municipality or state agency department name:** \_\_\_\_\_

2. **Project name:** \_\_\_\_\_

Project address: \_\_\_\_\_

GPS coordinates at main entrance: \_\_\_\_\_ Congressional District: \_\_\_\_\_

Project acreage: \_\_\_\_\_

Project registry information for Development and Renovation projects only:

Street address of the Registry of Deeds where the park’s deed is located

**(not the park’s street address):** \_\_\_\_\_

Book: \_\_\_\_\_ Page: \_\_\_\_\_

Type of Project:  Acquisition  Acquisition and Development

New Development  Renovation

If an acquisition, interest to be acquired:  Fee  Conservation Restriction

Has this site received previous LWCF assistance?  Yes  No

3. **Contact Person:** \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Email: \_\_\_\_\_

**Please note: Attach authorization from the Chief Executive Officer identifying the individual named above who will act as the official representative of the Applicant in**

**connection with this application.** This is most often not the Chief Executive Officer, but the staff person that will be working on the project from day-to-day.

4. **Briefly describe the project on TWO attached pages (writing should be no smaller than single spaced, 11 point font, ¾” margins).** Use the LWCF Rating System as an outline for the description, including (but not limited to) what is listed below, to ensure the maximum score possible for your project.

- How the project will improve community health and resilience to climate change in the project’s neighborhood (e.g. reducing the heat island effect, mitigating stormwater and flooding issues, filtering pollution from local traffic and other sources, etc.; for acquisition projects include the [TNC resiliency map](#) and for park projects include the [UMass I-CARES Urban Heat Island map](#))
- Relevance to the [Statewide Comprehensive Outdoor Recreation Plan](#) and (for municipalities) local Open Space and Recreation Plan or (for departments) agency acquisition plan
- How the project will increase the availability of recreational opportunities available to residents in areas of the state that currently have inadequate access to open space and encourage outdoor exercise
- Ability for the project to provide access to people with disabilities – describe how the project goes above and beyond what is required by law
- For projects in Environmental Justice neighborhoods, provide information on how use of new or restored greenspace will be encouraged
- Environmental education available on site with a focus on how the project will reduce summertime heat
- Describe stewardship activities undertaken in your community/department – provide detailed information on baselines completed, staff dedicated to stewardship activities such as maintenance, etc.
- Ability to reach project site by alternative means of transportation, such as walking, cycling, or public transit (while LWCF cannot fund walking access to parks, partnerships that encourage walking or cycling access are encouraged)
- Creation of new trails or expansion or connection of existing trail(s)
- Water-based recreation (include linear footage of water resource and what types of recreation will be provided, including wildlife viewing)

5. **Proposed Funding:**

The LWCF program is a **reimbursement** program. Grant recipients are reimbursed after invoices have been paid. **The total project cost must be raised or appropriated by the municipality or department shortly after project approval if it has not already been appropriated.** Costs incurred prior to grant approval and contract execution are not eligible for reimbursement, **including appraisal and/or design costs.** Force account labor is also ineligible, as are donations and volunteer hours. Mention any *previous, pending, or anticipated* financial assistance on this project. Refer to the [LWCF Manual](#) Chapter 5 for eligible cost details. A sample budget can be found in Attachment E. Please note that LWCF grants have a maximum 50% reimbursement rate with a maximum \$1,000,000 and minimum \$50,000 grant request. The specific reimbursement rate for the project subject to this application will be based on what percentage the grant award is of the total eligible project cost. For acquisition projects without an appraisal at the time of the grant deadline, use best estimates here. Final details will be worked out when appraisal is submitted.

Total Eligible Project Cost: \_\_\_\_\_

LWCF Request: \_\_\_\_\_

(up to 50% of total project cost, maximum of \$1,000,000 for projects receiving the maximum climate resilience score or \$750,000 maximum for all other projects, minimum of \$50,000)

Municipal Share: \_\_\_\_\_  
(Community Development Block Grant, Community Preservation Act, etc., please specify in narrative)

Other: (i.e. private donation to community, fund raising, etc.) \_\_\_\_\_

**Attach a one page description of the proposed project budget including:**

- The source of all local funding including donations and Community Preservation Act funds.
- Description of the details of any donation, if applicable (be sure these funds are gifted to the community or department and earmarked for the project).
- Description of any other sources of funding including federal, state, municipal, or nonprofit organizations. List these partners and describe their contribution.

**6. Leases, Rights, and Restrictions**

Describe outstanding leases, restrictions or other rights or interests held by others in the project site and enclose copy of the same. See page 8-2 of the [LWCF Manual](#) for more information on what is allowable on the property under the LWCF program.

**7. Structures (for Acquisition Projects Only)**

Are there currently any buildings or structures on the property?  Yes  No

If yes, list each one, including the estimated value and current use, as well as its intended use if this project is funded. If this is an application for a conservation land acquisition, the grant is intended to preserve the undeveloped land, not to purchase buildings. The type of structure could impact the grant award. Acceptable structures include, but are not limited to, storage sheds, information kiosks, or barns that hold environmental education workshops.

**8. Permanent Protection (for Development or Renovation Projects Only)**

If the applicant already owns the land, is the property permanently dedicated for park, playground, or recreation purposes (MGL Chapter 45, Section 3 or 14) or conservation purposes (MGL Chapter 40, Section 8C)? If not, please submit draft dedication language for DCS review (all land within the Section 6(f)(3) boundary map must have the appropriate dedication language recorded in the deed before final reimbursement from EEA).

Yes  No

**9. Fees**

Are fees currently charged or proposed for this site? If yes, please attach a copy of the fee system. Charging fees is allowed subject to DCS approval. If applicant is awarded a grant, the site cannot be restricted to municipal residents only. If fees are charged based on residency, fees for nonresidents are subject to Chapter

8 of the [LWCF Manual](#). If a site's fee structure is not compatible with EEA and NPS policy, a grant award may be rescinded.

Yes (copy attached)  No

**10. Community Preservation Act**

Has your community passed the Community Preservation Act?

Yes  No  N/A

If "yes", please note that successful grant applicants that have purchased real property interests for open space or recreational purposes using money from the Community Preservation Fund must have all conservation restrictions required by Section 12 of Chapter 44B approved by the Secretary of Energy and Environmental Affairs and recorded prior to receipt of final project reimbursement from the Executive Office of Energy and Environmental Affairs (for file records only).

**11. Municipal Open Space and Recreation Plan (for municipal applicants)**

Describe how your project meets the recommendations in your current OSRP. To receive points in this category, you must cite specific goals, objectives, and/or actions from the Action Plan and the associated page number references.

	Goal, objective, or action plan item from current OSRP	Page #
1		
2		
3		
4		

**12. Enhanced Outreach to Environmental Justice Populations**

Describe how Environmental Justice Populations in your community (or neighboring communities) were able to participate in the project select and design process. Please include any flyers, mailings, etc. that were distributed to the community and list here where they were distributed.

**13. Check the following if applicable to project (for file records only):**

- Yes  No Prime agricultural lands (see Ex. Order #193)
- Yes  No Environmental intrusion, i.e. overhead power lines (**must be buried**), safety hazards
- Yes  No Brownfield – 21E evaluation
- Yes  No Environmental Justice community/neighborhood
- Yes  No Acquisition involving relocation of residents, tenants, or businesses

If an acquisition project:

Do you have a purchase and sales agreement or agreed price?  Yes  No

If yes, amount: \$ \_\_\_\_\_

Is clear title available?  Yes  No

If no, is an eminent domain taking anticipated?  Yes  No

Note that if clear title is not available, the community may decide to acquire the property by a friendly taking (eminent domain) process to clear the title. It is best to know if there is a potential title problem as soon as possible since this can complicate the acquisition process.



Appraisal Report (note that the appraisal deadline is February 28, 2022)

Valuation: \$ \_\_\_\_\_ Total wetland acres: \_\_\_\_\_

Appraiser: \_\_\_\_\_ Total upland acres: \_\_\_\_\_

Valuation Date: \_\_\_\_\_ Total potential house lots: \_\_\_\_\_

**Please note: the appraisal must be submitted using [federal appraisal standards](#) (“Yellow Book”) and you must contact Melissa Cryan no later than December 17, 2021 in order to coordinate the appraisal process.**

14. Check if the following permits are required (for file records only):

- |                              |                             |   |
|------------------------------|-----------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | U.S. Army Corps of Engineers (404 or Rivers and Waterways)      |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <a href="#">MA DEP Division of Wetlands &amp; Waterways</a>     |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | U.S. Coast Guard  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | U.S. Dept. of Agriculture (Zoos)                                |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | C. 131 s. 40 Wetlands (municipal conservation commission)       |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | MEPA Review ( <a href="#">301 CMR 11.00: MEPA Regulations</a> ) |

**IMPORTANT NOTICE**

**If any of the above permits are required, the permit or application for the permit must be submitted. Should the project be selected for funding, the permit will be required as part of the final application.**

15. Attach certification of applicant community's legal authority to apply for the grant and to finance and construct the proposed facilities (see Sample Municipal Vote), and the **Chief Executive Officer's legal authorization to execute contracts**. This is a resolution, motion, or similar action that has been duly adopted or passed as an official act of the community's governing body that authorizes the filing of the applications, including all understandings and assurances contained therein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Chief Municipal Officer

\_\_\_\_\_  
Name and Title (Typed)

\_\_\_\_\_  
Duration of Term

Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

## **PLEASE LABEL ALL ATTACHMENTS**

### **REQUIRED ATTACHMENTS** (applications that are missing these items will not be accepted)

1. **Municipal Open Space and Recreation Plan**, if not already approved and on file at DCS. Plans are approved by DCS for up to seven years of eligibility in DCS grant programs. Community is not eligible to apply without an approved plan, or submission of a draft plan. (If we have it on file, don't send another copy.)
2. **Acquisition Projects – Appraisal report** as required by DCS. All applicants applying for an acquisition project must be in touch with Melissa Cryan no later than December 17, 2021 in order to coordinate the appraisal process. Note that the appraisal(s) must be done to federal appraisal standards (“Yellow Book”). Appraisal should include Statement of Work (Attachment F).

### **RECOMMENDED ATTACHMENTS**

(provides details to information requested and assists in project evaluation)

1. **Project boundary map** showing the project boundary, see Attachment B. The project area must be shown in enough detail to be legally sufficient to identify the lands to be protected. A registered survey plan with deed references or assessor's map with block and lot number are acceptable.\*
2. **USGS Locus Map** showing project site, any adjacent or nearby public or quasi-public park or conservation land, nearby public transportation route(s), bike paths, trails, and EJ populations in project site area.
3. **Massachusetts Historical Commission comments:** Send the MHC a PNF with a photocopy of the USGS locus map with the property boundaries clearly indicated, smaller-scale property maps if available, and a cover letter to include information about any known historic or archaeological sites. See these webpages for any questions: <http://www.sec.state.ma.us/mhc/mhcpdf/pnfguide.pdf> and <http://www.sec.state.ma.us/mhc/mhcrevcom/revcomidx.htm>.
4. **Massachusetts Natural Heritage and Endangered Species Program comments:** All applicants must request comments from the Massachusetts Natural Heritage & Endangered Species Program (NHESP) on the presence or absence of rare species listed under the Massachusetts Endangered Species Act (MESA) on or near the proposed land acquisition or park project. To request comments, please send an email to the Natural Heritage & Endangered Species Program at [natural.heritage@mass.gov](mailto:natural.heritage@mass.gov). The email's subject line should read “LWCF comment letter request” and its body should include a brief description of the acquisition or project, and a map of the acquisition or project location. There is no charge for this comment letter.
5. **Project description and budget details**, including a breakdown of how much is needed for design costs and construction costs, if proposing a development or renovation project, as well as any donations from partners. The project description should be written with the LWCF Rating System in mind so that the project can be awarded the most points available. (This fulfills questions 4 and 5 from application form.)
6. **Evidence of public meeting on proposed project** (copy of announcement and a list of where it was posted or actual newspaper ad and attendance sheets). Concentrate on local neighborhood participation by posting notices with tenants associations, in local grocery stores, or with Community Development Corporations. Pay special attention to Environmental Justice neighborhoods in the community. Please look at EEA's Environmental Justice Policy to ensure proper outreach procedures in EJ neighborhoods, which includes, but is not limited to, advertising the public meeting in the language spoken in the neighborhood and having translation services available.
7. Preliminary park designs or plans for walking paths and trails that demonstrate the site's **accessibility for people with disabilities**.
8. For municipal applicants: certified copies of the **municipal vote** (or draft warrant article or city council order, as necessary) authorizing application; raising, borrowing, or appropriating the total project cost (application item #5); and dedicating land to park, playground, or recreation purposes (application item #8). Refer to the Sample Municipal Vote, which is included in the application package, for guidance.
9. Copy of property **deed** confirming municipal ownership and dedication to conservation, park, playground, or recreation purposes for development and/or renovation projects.
10. **Project schedule** that demonstrates how quickly the public will be able to use the site.
11. **Evidence of stewardship activities** – submit documentation of good land stewardship of municipal, state, or tribally-held land. This proof could include: a stewardship monitoring report, evidence of invasive species control, trail building, educational kiosks, recent surveys outlining the condition of trails or land boundaries, recent baseline documentation reports, and/or forest or land management plans. Photos of land stewardship activities are encouraged. If your community or tribe does not currently own any conservation or parkland, please describe how you will steward the land subject to this application in the project narrative. Links to websites can also be used in place of attachments in the hard copies of the application, if they are lengthy, to cut down on paper, but should be provided in the electronic copy.

### **ATTACH SUPPLEMENTARY DOCUMENTS IF APPLICABLE TO THE PROJECT**

1. Copies of current leases, restrictions, or other rights or interests held by others in the property.
2. Fee schedule.

3. Any necessary permits or applications for permits.

If selected, the respondent will be required to execute the following forms in order to complete a contract:

- Commonwealth Standard Contract
- Commonwealth Standard Terms & Conditions
- Contractor Authorized Signatory Listing
- Commonwealth Project Agreement

Applicants are encouraged to review these forms prior to submission of an application. With the exception of the Project Agreement, all other forms are available at: [www.mass.gov/osd](http://www.mass.gov/osd).

## **LAND AND WATER CONSERVATION FUND 6(f) PROJECT BOUNDARY MAP**

The Executive Office of Energy and Environmental Affairs and the National Park Service require a dated project boundary map that clearly delineates the permanently protected park, recreation, or conservation land protected under Section 6(f)(3) of the Land and Water Conservation Fund Act. The map must be submitted prior to project approval, and may be changed prior to final financial drawdown without triggering a conversion.

**Project area** – at a minimum must show:

1. The entire area acquired for an acquisition project.
2. The entire park that was renovated or developed with LWCF assistance.

Ensure that the recreational usefulness and attraction of the new 6(f) area is viable on its own and independent of the surrounding or adjacent areas. If it is dependent upon other areas or resources, those areas should also be included in the 6(f) area. This area must be a viable public outdoor recreation area that is capable of being self-sustaining (and accessible) without reliance upon adjoining or additional areas not identified in the scope of the project.

**A formal surveyed boundary plan showing metes and bounds is best, but not necessarily required.**

The project area must be shown in enough detail to be legally sufficient to identify the protected area. Include a narrative description of the 6(f) boundary and its rationale, especially in cases where the 6(f) area is significantly larger than the LWCF project area or smaller than the existing park and recreation area. These methods can be used in lieu of a survey plan:

- Assessors map with deed references
- Adjoining ownerships
- Adjoining easements of record
- Adjoining water bodies or other natural landmarks
- Government survey

### **Boundary Map Requirements:**

1. Official park/site name, location, and LWCF project number.
2. Sufficient detail so as to legally identify the lands to be afforded protection under Section 6(f)(3) of the LWCF Act. The following methods of identification are acceptable: deed references; adjoining ownerships; adjoining easements and rights-of-way; public streets; adjoining water bodies or other natural landmarks; metes and bounds; and surveys. Where one or more of the above methods are not readily suited for identifying the area, measurements from permanent locators may be used. A formal survey is not required.
3. All known outstanding rights and interests in the area held by others. Known easements, deed/lease restrictions, reversionary interests, etc. are to be documented, including any area(s) under lease, name(s) of lessor and lessee, and term remaining on the lease(s). When at the time of project application it is known that outstanding property rights held by others are or will be exercised in the foreseeable future and impact only a portion of the area to be protected under Section 6(f), the impacted area must be clearly excluded from the Section 6(f) map and accompanied by an explanation of why it is not intended to be under the Section 6(f) provision. The remaining project area must meet all LWCF program criteria for eligibility and be a viable public outdoor recreation area.
4. Approximate total acreage of the 6(f) area.
5. North arrow.
6. Up to 11 inch x 17 inch format highly preferred for future administrative use such as copying and scanning. Avoid use of color as the only means to delineate areas.

**LWCF RATING SYSTEM**

<b>Conservation Projects</b>		<b>Recreation Projects</b>	
Relevance to Statewide Comprehensive Outdoor Recreation Plan – how well does the project fit into the four goals of the SCORP? Points awarded on the number of goals met by the proposed project.	8 for 4 goals 6 for 3 goals 4 for 2 goals 2 for 1 goal (partial points may be awarded)	Relevance to Statewide Comprehensive Outdoor Recreation Plan – how well does the project fit into the four goals of the SCORP? Points awarded on the number of goals met by the proposed project.	8 for 4 goals 6 for 3 goals 4 for 2 goals 2 for 1 goal (partial points may be awarded)
Relevance to Open Space and Recreation Plan (for municipalities only) – how well does the project fit into the goals and objectives of the community’s OSRP. Points awarded on the specificity of project reference in the plan.	5 for specific reference to project 2 for indirect reference to project	Relevance to Open Space and Recreation Plan (for municipalities) – how well does the project fit into the goals and objectives of the community’s OSRP. Points awarded on the specificity of project reference in the plan.	5 for specific reference to project 2 for indirect reference to project
Relevance to agency’s land acquisition or recreation capital plan (for state agencies only) – how well does the project fit into the agency’s land acquisition plan.	5 for specific reference to project 2 for indirect reference to project	Relevance to agency’s land acquisition or recreation capital plan (for state agencies) – how well does the project fit into the agency’s land acquisition plan.	5 for specific reference to project 2 for indirect reference to project
Environmental Justice – does the project provide access to Environmental Justice populations? (9 points maximum)	3 points per EJ criteria within project location’s Census block group	Environmental Justice – does the project provide access to Environmental Justice populations? (9 points maximum)	3 points per EJ criteria within project location’s Census block group
Increasing availability of recreational opportunities – does the project expand the number of recreational opportunities available to residents? Points awarded based on how well the project will increase access to recreational amenities.	5 points for significant increase in recreational opportunities available locally 3 points for expansion of opportunities currently available 3 points for providing programming that will expand opportunities	Increasing availability of recreational opportunities – does the project expand the number of recreational opportunities available to residents? Points awarded based on how well the project will increase access to recreational amenities.	5 points for significant increase in recreational opportunities available locally 3 points for expansion of opportunities currently available 3 points for providing programming that will expand opportunities
Access for people with disabilities – does the project provide access for the people with disabilities? Points awarded based on how creative access plans are for people with disabilities.	Up to 10 points for plans that go above and beyond ADA requirements (ie, Braille trails)	Access for people with disabilities – does the project provide access for the people with disabilities? Points awarded based on how creative access plans are for people with disabilities.	Up to 10 points for plans that go above and beyond ADA requirements (ie, Boundless Playgrounds)
Environmental education – does the project provide environmental education on site? Points awarded based on the thoughtfulness of the plan. (9 points maximum)	5 points for multiple signs, kiosks 3 points for camps using site 1 point for single events	Environmental education – does the project provide environmental education on site? Points awarded based on the thoughtfulness of the plan. (9 points maximum)	5 points for multiple signs, kiosks 3 points for camps using site 1 point for single events

Climate resiliency – how much of the project is located in a site mapped as critical for climate change adaptation and resiliency?	7 points for 76-100% of land mapped 5 points for 51-75% of land mapped 3 points for 26-50% of land mapped 1 point for 1-25% of land mapped	Climate resiliency – how well is the park equipped to deal with climate change?	Up to 7 points for design that incorporates resiliency, such as tree planting, solar trash cans, permeable surfaces, rain gardens, etc.
Stewardship – does the applicant have a proven record of stewardship of its properties? Points awarded based on the number stewardship activities demonstrated, such as baseline management reports, cooperative agreements for maintenance, monitoring reports, etc.	Up to 7 points	Stewardship – does the applicant have a proven record of stewardship of its properties? Points awarded based on number of staff dedicated to maintenance, LWCF inspection reports completed, sample maintenance plan for park provided, etc.	Up to 7 points
Trails – does the project increase the trail network in the community and/or region? Points awarded based on the amount available trails are increased in the community.	6 points for land acquisition that will connect existing trail networks 3 points for land acquisition that will contain an isolated trail	Trails – does the project increase the trail network in the community and/or region? Points awarded based on the amount available trails are increased in the community.	6 points for trail development on land previously purchased 3 points for trail on newly purchased land
Water access – does the project provide access to or protect a water resource? (5 points maximum)	5 points for the ability to recreate in the water 3 points for shore fishing opportunities 2 points for viewing water resource	Water access – does the project provide access to a water resource? (5 points maximum)	5 points for the ability to recreate in the water 3 points for shore fishing opportunities 2 points for viewing water resource
Alternative transportation options – is the project accessible by modes of transportation other than a car? Points awarded based on the number of non-automobile transit options users have. (6 points maximum)	2 points for each of the following: public transit within a ½ mile, walking facilitated by sidewalks, and/or cycling facilitated by bike lanes and bike racks	Alternative transportation options – is the project accessible by modes of transportation other than a car? Points awarded based on the number of non-automobile transit options users have. (6 points maximum)	2 points for each of the following: public transit within a ½ mile, walking facilitated by sidewalks, and/or cycling facilitated by bike lanes and bike racks
Wildlife management and recreation – does the project allow for wildlife viewing, hunting, or fishing?	5 points for hunting and fishing 2 points for wildlife viewing	Wildlife management and recreation – does the project allow for wildlife viewing?	5 points for wildlife viewing 2 points for signage about wildlife habitat
Application quality – how thorough is the application? Points awarded based on how well organized and complete the BID response is.	3 points for organization 2 points for thoroughness (partial points may be awarded)	Application quality – how thorough is the application? Points awarded based on how well organized and complete the BID response is.	3 points for organization 2 points for thoroughness (partial points may be awarded)
Project quality – how well does the proposed project meet the goals of	Up to 13 points	Project quality – how well does the proposed project meet the goals of	Up to 13 points

the Land and Water Conservation Fund?		the Land and Water Conservation Fund?	
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## SAMPLE MUNICIPAL VOTE

Each community should draft its warrant article or city council order with the guidance of municipal counsel. The form will vary with the type of project, source of funding, etc. All should include the following elements:

- I. Authorization to expend an amount equal to the full acquisition and/or development cost of the project. LWCF is a *reimbursement* program, not a match program; therefore, the total project cost must be raised or appropriated through current tax levy or borrowed; project bills paid by the municipality and then a reimbursement request is made to DCS for 50% of approved project costs up to the grant award amount.
- II. Indication of the source of funding (Conservation Fund, Community Preservation Act Fund, general fund, borrowing, etc.). M.G.L. Chapter 44, sections 7, 8C, and 12(a) on Municipal Indebtedness, allows cities and towns to borrow in anticipation of reimbursement. It is strongly recommended that the warrant article or city council order is prepared with the advice of city/town counsel, treasurer, and accountant to ensure that the appropriate section is noted in the warrant article. These sections permit the municipality to borrow in anticipation of a grant and require that a grant agreement be executed before the treasurer actually obtains the borrowed amount. This assures DCS that the municipality has 100% of the total project cost in hand, and assures the municipality that the project need not be completed if the proposal does not receive grant assistance. For further advice, please contact the Department of Revenue, Division of Local Services at (617) 626-2300.
- III. Acquisition projects: indicate that land is being acquired either for conservation and passive outdoor recreation purposes (Chapter 40, Section 8c) or for active recreation purposes (Chapter 45, Section 3) and will be in the care and control of the appropriate commission or department.
- IV. Authorization for the conservation commission or recreation department to seek reimbursement under the LWCF Act and enter any necessary contracts thereto.  
Land and Water Conservation Fund Act: P.L. 88-578, 78 Stat 897
- IV. If a taking is involved in an acquisition project, the conservation commission or recreation commission must, in writing, request the selectmen or city council to take the property via eminent domain.
- V. Communities may also consider language permitting a lease or license agreement to manage the property consistent with the LWCF program for maintenance, etc.

The following is a sample vote authorizing the acquisition of conservation land. This is intended only as a point of reference. **Municipal Counsel should always be consulted when drafting Town Meeting warrant articles or City Council orders.** The draft article or order must be submitted to DCS for review prior to the Town Meeting or City Council vote

### Sample for LWCF Conservation Acquisition Project – Town Meeting Warrant Article/City Council Resolution

To see if the CITY/TOWN will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen [describe method of appropriation and/or borrowing according to M.G.L. Chapter 44, note particularly Section 8C], to borrow the sum of \$TOTAL PROJECT COST, for the purpose of purchasing for conservation and passive recreation purposes, by eminent domain or negotiated purchase or otherwise, a certain property together with buildings thereon, known as the PROPERTY NAME consisting of XXX acres, more or less, as shown on a plan entitled "Plan of Land in MUNICIPALITY made by SURVEYING FIRM dated XX/XX/XX"; that said land be conveyed to said CITY/TOWN under the provisions of Massachusetts General Laws, Chapter 40, Section 8c, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission of MUNICIPALITY, and the Conservation Commission or be authorized to file on behalf of MUNICIPALITY any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) and/or any others in any way connected with the scope of this Article, and the CITY/TOWN and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of MUNICIPALITY to affect said



purchase.

### **Sample for LWCF Park Development Project – City Council Resolution**

(For purposes of this example, the park project will be a City Common.)

#### **A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE LAND AND WATER CONSERVATION FUND GRANT PROGRAM FOR IMPROVEMENTS TO THE COMMON**

- Whereas: The City Common is by far a community-wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and
- Whereas: The City Common is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3; and
- Whereas: The City Common's ultimate restoration, guided in principal by the Master Plan, will greatly enhance this facility with improved infrastructure, path systems, site lighting, universal access, etc.; and
- Whereas: The main focus of the Plan is to increase the available space on the Common to adequately host major events and activities. This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation as one project; and
- Whereas: The project was instead viewed as a series of phases, to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and
- Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897); and
- Whereas: Phase I of the Common Restoration Project will cost a total of \$400,000 (Four Hundred Thousand Dollars) and the City has allocated \$400,000 in Community Development Block Grant funds for Phase I of the Common Restoration Project.

#### **NOW, THEREFORE, BE IT**

1. That the City Manager be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the City Manager be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Parks and Recreation Department; and
3. That this resolution shall take effect upon passage.

### **Sample for LWCF Park Acquisition Project – Town Meeting Warrant Article/City Council Resolution**

To see if the CITY/TOWN will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen [describe method of appropriation and/or borrowing according to M.G.L. Chapter 44, note particularly Section 8C], to borrow the sum of \$TOTAL PROJECT COST, for the purpose of purchasing for public parks and playgrounds purposes, by eminent domain or negotiated purchase or otherwise, a certain property together with buildings thereon, known as the PROPERTY NAME consisting of XXX acres, more or less, as shown on a plan entitled "Plan of Land in MUNICIPALITY made by SURVEYING FIRM dated XX/XX/XX"; that said land be conveyed to said CITY/TOWN under the provisions of Massachusetts General Laws, Chapter 45, Section 3, and as it may hereafter be amended and other Massachusetts statutes relating to public parks and playgrounds, to be managed and controlled by the Park Commission of MUNICIPALITY, and the Park Commission be authorized to file on behalf of MUNICIPALITY any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) and/or any others in any way connected with the scope of this Article, and the CITY/TOWN and the Park Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of MUNICIPALITY to affect said purchase.

#### **Requirements for acquisition projects funded through the Community Preservation Act (CPA)**

The Community Preservation Act (CPA) states that land acquired with these funds is to be bound by a permanent

restriction. Property acquired with the help of the LWCF grant program is protected Article 97 conservation or recreation land, however, this does not supersede the requirements of the Community Preservation Act. The CPA requires that, for fee acquisitions, the municipality convey a Ch. 184 CR to a qualified 501(c)(3) organization whose purpose is land and/or water conservation or recreation (e.g., land trusts). It may not be an internal deed restriction. Fulfillment of the CPA is the responsibility of the municipality; while it is desirable that all transactions related to a project be completed by the end of the fiscal year, conveyance of a CR to a qualified entity is not a requirement for reimbursement under this grant program.

#### **Points to remember when conveying a Conservation Restriction:**

1. At the same time that it votes to acquire the property, the municipality should vote to authorize the grant of the CR and also indicate that the purchase of the property and conveyance of the CR be a simultaneous closing.
2. The deed to the municipality should indicate that the municipality may grant a CR to the specific entity identified to hold it or to an entity authorized to hold a CR under M.G.L. Ch. 184.
3. As long as a restriction is recorded **after** the recording of the deed of acquisition (even if immediately after), the unrestricted value (and therefore higher value) of the property is used for funding determinations in DCS grant programs.
4. The fact that the funding statute *requires* the restriction may mean that a party seeking a charitable contribution deduction in connection with a bargain sale of property may not be able to use the unrestricted value of the property in calculating the tax benefit.
5. The “proceeds” clause of the conservation restriction, if conveyed at no cost to the grantee, must provide that the municipality (as the fee owner) receives all of the proceeds of an extinguishment or taking, and the grantee receives none of such proceeds. In the event that the land ever is converted to non-conservation use, the municipality would still be responsible for replacing the converted property with land of equal or greater monetary value and conservation use and described in the Program Regulations, as though the land were owned in fee simple. Applicants should consult with DCS for guidance on drafting conservation restrictions for the appropriate language.

#### **Sample Vote Language for Community Preservation Act Projects**

To see if the Town [or City] will vote to raise, borrow and/or appropriate \$Total Project Cost for the acquisition by gift, negotiated purchase or eminent domain of a parcel of land of approximately    +/-acres owned by OWNER as described on Assessors Map   , Parcel   , to be managed and controlled by the Conservation Commission of the Town [or City] of XXX in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes, and to meet said appropriate with funds transferred and/or borrowed in accordance with M.G.L. Chapter 293, the Community Preservation Act and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority, and that the Town Manager [or Board of Selectmen or City Council or Mayor] be authorized to file on behalf of the Town [or City] of XXX any and all applications deemed necessary under the LAND Act (M.G.L. Chapter 132A, Section 11) [or LWCF or PARC] or any other applications for funds in any way connected with the scope of this acquisition, and the Town Manager and the Board of Selectmen [or Mayor and the City Council] and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town [or City] of XXX to affect said purchase. Said conservation restriction may be granted to the [Name of Grantee] or any other organization qualified and willing to hold such a restriction.

**SAMPLE LWCF BUDGET**

Example: A \$1,500,000 project

Question 5 from application

Total Eligible Project Cost:	<u>\$1,500,000</u>
LWCF Request: (50% of total project cost, maximum of \$750,000)	<u>\$750,000</u>
Municipal Share: (Community Development Block Grant, Community Preservation Act, etc., please specify in narrative)	<u>\$650,000</u>
Other: (i.e. private donation to community, fund raising, etc. – this number is a subset of the municipal share line)	<u>\$100,000</u>

Proposed budget narrative

DESCRIPTION	QTY.	UNIT	COST/ UNIT	TOTAL
<b>DEMOLITION /SITE PREPARATION</b>				
R&D Exist Paved Areas	1000	SY	\$10.00	\$10,000.00
Temporary Construction Fence	1700	LF	\$6.00	\$10,200.00
Site Prep and Earthworks	3	Acre	\$30,000.00	\$90,000.00
Erosion Control Device- Straw Wattles	1100	LF	\$7.00	\$7,700.00
Tree and Stump Removal	10	EA.	\$1,000.00	\$10,000.00
Tree Protection	8	EA.	\$200.00	\$1,600.00
R&D Fence	1000	LF	\$8.00	\$8,000.00
Construction Entrance & Tracking Pad	1	LS	\$5,000.00	\$5,000.00
Misc. Demo	1	LS	\$5,000.00	\$5,000.00
Construction Sign and Warnings	1	LS	\$2,500.00	\$2,500.00
			<b>Subtotal:</b>	<b>\$150,000.00</b>
<b>ADA PARK PATHWAYS</b>				
6" Cement Concrete Paving	1320	SF	\$60.00	\$79,200.00
4" Asphalt- Pathways	200	Ton	\$220.00	\$44,000.00
4" Asphalt- Parking Lot	400	Ton	\$220.00	\$88,000.00
6" Vertical Granite Curb	1425	LF	\$60.00	\$85,500.00
6" Gravel Borrow	1426	CY	\$50.00	\$71,300.00
6" Ordinary Borrow	1425	CY	\$40.00	\$57,000.00
			<b>Subtotal:</b>	<b>\$425,000.00</b>
<b>BOARDWALK &amp; OVERLOOKS</b>				
Boardwalks	1	LS	\$330,000.00	\$330,000.00
			<b>Subtotal:</b>	<b>\$330,000.00</b>

**ELECTRICAL**

Parking/Pathway Lighting	10	EA	\$13,000.00	\$130,000.00
Electrical Service	1	EA.	\$45,000.00	\$45,000.00
			<b>Subtotal:</b>	<b>\$175,000.00</b>

**EARTHWORK/GRADING/PLANTING**

Fine Grading and Compacting	13500	SY	\$7.00	\$94,500.00
Trees	50	EA.	\$1,000.00	\$50,000.00
Loam & Hydroseed	8100	SY	\$5.00	\$40,500.00
Drainage Improvements	1	LS	\$40,000.00	\$40,000.00
			<b>Subtotal:</b>	<b>\$225,000.00</b>

**SITE PERIMETER SECURITY**

Wood Guardrail	1340	LF	\$50.00	\$67,000.00
24' Double Swing Pipe Gate	3	EA.	\$10,000.00	\$30,000.00
6' Ht. Vinyl Chain Link Fencing	350	EA.	\$80.00	\$28,000.00
			<b>Subtotal:</b>	<b>\$125,000.00</b>

**SITE AMENITIES**

Picnic Tables	5	EA.	\$6,000.00	\$30,000.00
Benches	8	EA.	\$2,900.00	\$23,200.00
Kiosks/Signage	3	EA.	\$2,400.00	\$7,200.00
Bike Racks	2	EA.	\$2,000.00	\$4,000.00
Trash Receptacles	4	EA.	\$1,400.00	\$5,600.00
			<b>Subtotal:</b>	<b>\$70,000.00</b>

**TOTAL CONSTRUCTION COSTS** **\$1,500,000.00**

\$750,000 city share breakdown

\$200,000 from Community Preservation Act Funds

\$100,000 donation from City Sports Leagues, Inc.

**SAMPLE STATEMENT OF WORK TO BE COMPLETED BY APPRAISER**

<b>Property Identification</b> Case Name Location Town Acquisition Type (Fee/CR) Assessor's Reference Deed Reference	
<b>Property Owner</b> Contact Information	
<b>Appraiser</b> Contact Information	
<b>Review Appraiser</b> Contact Information	
<b>Legal Description</b>	See deed(s) referenced above, check with client for additional information
<b>Property Rights to be Appraised</b>	Fee simple estate subject to the exceptions indicated in the Outstanding Rights section below (if applicable, both as is and as if encumbered by a conservation restriction)  The appraiser must immediately notify the client of any indications of rights affecting highest and best use and/or contrary to those described in title information provided by client. This may result in amended instructions.
<b>Outstanding Rights</b>	
<b>Reservations</b>	
<b>Tenancies</b>	
<b>Fixtures/Personal Property</b>	
<b>Property Access</b> Physical Legal	
<b>Attached Exhibits</b>	
<b>Information Provided by Client and/or Owner</b>	Any information related to the property or rights to be acquired provided by the client and/or owner must be considered.
<b>Appraisal Instructions</b>	
Pre-Work Meeting	The appraiser may be required to attend a pre-work meeting with the assigned review appraiser, the client, and other interested parties. The client and/or review appraiser will coordinate the date, time, and place of the meeting.
Property Inspection	The appraiser must inspect the subject property, unless the review appraiser has approved other conditions in writing. The appraiser must certify that he/she extended an offer to the property owner (or the owner's representative) to accompany him/her during the property inspection. [Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970 (PL 91-646) as amended and the Uniform Appraisal Standards for Federal Land Acquisitions, Section 2.3.1.4]
Assignment Communications	The appraiser must address any questions regarding appraisal instructions and/or technical requirements for the appraisal to the client and/or review appraiser. Refer all requests for information concerning the appraisal to the client and/or

	review appraiser.
Confidential Information	The appraisal report must exclude confidential information.
Public Dissemination	While the public is not an intended user of the appraisal report, the Term Sheet, Freedom of Information Act (FOIA) and agency policy will likely result in the release of all or part of the appraisal report to others. The appraisal report cannot contain language limiting the government's ability to comply with FOIA.
Appraisal License	The appraiser must hold a valid license as a Certified General appraiser for the jurisdiction in which the subject property is located. (Valid credentials include those obtained directly from the jurisdiction, those issued under a reciprocity agreement, and/or those characterized as "temporary" under the jurisdiction's licensing and certification statutes.)
<b>Appraisal Development and Reporting</b>	
Appraisal Review	The appraisal development and report must comply with this statement of work, including all requirements in the cited regulations, standards, and policy. The appraiser must modify any compliance deficiencies identified by review appraiser. UASFLA and USPAP also require the appraiser to practice current body of knowledge, so methodology must comport with <i>The Appraisal of Real Estate</i> , 15 <sup>th</sup> Edition, 2020, Appraisal Institute, or other authoritative texts.
Appraisal Regulations and Standards	<ul style="list-style-type: none"> <li>• Uniform Standards of Professional Appraisal Practice (USPAP)</li> <li>• Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA)</li> <li>• 49 CFR 24.103 Criteria for Appraisals under the Uniform Relocation Assistance &amp; Real Property Acquisition Policies Act (URA)</li> <li>• 36 CFR 59.3(b)(2)</li> <li>• Land and Water Conservation Fund (LWCF) State Assistance Program Manual</li> </ul>
Legal Instructions	
Comprehensive Content	All UASFLA-compliant appraisals must conform to the content outlined in UASFLA, Appendix B and C.
Certification	<p>(UASFLA 2.3.1.4) Include all certification statements required by both USPAP and UASFLA.</p> <p>Only certified general appraisers may sign a certification. Each certification signatory is responsible for the entire report. Professional contributors must not sign an appraisal certification but the certification must acknowledge their specific contribution.</p>
Client	
Intended Users	<ul style="list-style-type: none"> <li>• Client</li> <li>• National Park Service of the United States Department of the Interior</li> <li>• Massachusetts Executive Office of Energy and Environmental Affairs</li> </ul>
Intended Use	The opinion(s) of market value will be used to document value for funding related to acquisition of rights in the property for conservation using funding provided by the Water and Conservation Fund Grant Program and/or other sources. The appraisal is not intended for any other use.
Date of Value	The date of value is the date of the last property inspection.
Limiting Conditions	(UASFLA 2.3.1.7) Do not use superfluous or boilerplate type limiting conditions, nor statements such as, "except as stated in the body of the report." The appraiser

	may not make assumptions for conditions that are his/her opinion, for example, the likelihood of a zoning change. He/she must analyze this condition and account for the risk in highest and best use and the value conclusion.
Extraordinary Assumptions	<p>(UASFLA 1.2.7.1) The appraisal must comply with USPAP extraordinary assumption disclosure requirements. Only use an assumption if it results in credible analysis. Statements of fact, such as site size, should be excluded from assumptions.</p> <ul style="list-style-type: none"> <li>• <i>Environmental Conditions</i> - The appraisal must reflect any known adverse environmental conditions that will not be cured at the current owner's expense but inherited by a purchaser. Conversely, the appraisal must be subject to the extraordinary assumption that unknown conditions would be fully remediated by the owner.</li> </ul> <p>If the appraiser determines that other extraordinary assumptions are necessary, he/she must contact the client for prior written approval.</p>
Hypothetical Conditions	<p>(UASFLA 1.2.7.1) The appraisal must comply with USPAP disclosure requirements. Only use a hypothetical condition if it results in credible analysis and clearly explain its implications to the valuation because of its adoption.</p> <ul style="list-style-type: none"> <li>•</li> </ul> <p>If the appraiser determines that other hypothetical conditions are necessary, he/she must contact the client and/or review appraiser for prior approval.</p>
Jurisdictional Exceptions	<i>Exposure Time.</i> (UASFLA 1.2.4, 1.2.7.2, 4.2.1.2) Contrary to USPAP, which requires the appraiser to analyze and state the exposure time for any definition of value that includes exposure, UASFLA mandates that the appraiser not link the value to a specific exposure time. To comply with USPAP the appraiser must invoke a jurisdictional exception.
Identification of Assumptions, Conditions, and Exceptions in Report	(UASFLA 1.2.7.1) The appraiser must identify (state) all extraordinary assumptions, hypothetical conditions, and jurisdictional exceptions wherever he/she states the final value conclusion, including the Letter of Transmittal and the Summary of Salient Facts. Write all of these in full in the Assumptions and Limiting Conditions section.
Scope of Work	(UASFLA 1.2.8, 2.3.1.8) The appraiser must outline and defend his/her selection of the scope of work necessary to achieve credible results given the intended use and users of the appraisal. He/she must define the geographic area and time span for appropriate market data (more than comparable selection) and the extent to which the data was confirmed must be stated. The appraiser must discuss the applicability of all standard valuation approaches, including a defense of the exclusion of any of these approaches.
Market Value Definition	(UASFLA 1.2.4) Copy directly from this source. Invoke jurisdictional exception regarding exposure time.
Legal Description Verification	(UASFLA 1.2.6.2, 2.3.2.1) The appraiser must verify the legal description on the ground during the property inspection and notify the client as to any apparent deviations.
Property Description	(UASFLA 1.3.1, 2.3.2.3) The area description should only include information that

	directly supports highest and best use analysis, larger parcel determination, and the valuation approaches. Analysis must adequately support all feasible uses identified in highest and best use. Support the influence on value of positive and negative attributes of adjacent or nearby public facilities such as parks or commuter services. Fully describe and document with maps and photographs the physical attributes of the site that influence value.
Property History	<p><i>Use.</i> (UASFLA 1.3.1.4, 2.3.2.3.5) Describe use and occupancy for the last ten years, or if indeterminable, discuss the attempts obtain it. If applicable, identify the date and use of original construction and those of any major renovations.</p> <p><i>Sales.</i> Provide a ten-year history of sales, including offers to buy or sell the property. If there is none, report the last sale, regardless of date. Provide the buyer, seller, sale date, price, terms, and conditions of sale. Support a conclusion of whether the sale represents market value at the time of the sale. The appraiser must analyze any recent arm's length sale of the subject property as evidence of the subject's market value.</p> <p><i>Rent.</i> Provide a three-year history of rents. Any current leases must include all pertinent information and be analyzed for market rent or grounds given for not doing so.</p>
Assessment and Tax Load	See UASFLA 2.3.2.3.7
Zoning	(UASFLA 1.3.1.3, 2.3.2.3.8) Identify and describe current zoning and master plans. Analyze the potential for rezoning or variances to regulations of current zoning in support of highest and best use analysis in compliance with UASFLA Section 2.3.3.1. Do not appraise the property assuming it can be rezoned, but include the effect on value of risk, time, and expense. Identify and analyze any current non-conformance.
Other Land Use Regulations	(UASFLA 1.3.1.3, 2.3.2.3.8) Identify and analyze other land use regulations, such as historic districts, flood control boundaries, construction permits, and any economic restrictions or incentives (e.g. rent control, tax abatements).
Larger Parcel	(UASFLA, Sections 1.4.6, 2.3.3.1.2) The appraiser must conduct all research necessary for a well-supported larger parcel(s) conclusion.
Highest and Best Use	<p>(UASFLA 1.4.7, 2.3.3.1) Analyze the highest and best use of the property as if vacant using the four tests in elimination methodology, including the perfect improvement. Then, analyze the property as it is improved using the same methodology, including building differences from the perfect improvement and the consequences of those differences. The approaches to value must reflect these consequences.</p> <p>The appraisal must conclude an economic highest and best use, not that of public interest (park, preservation, etc.). The highest and best use conclusion must be a specific use adequately supported by market evidence and analysis. Supply and demand analysis of all financially feasible uses is a critical element; mere assertion is unacceptable.</p>
Comparable Sales and Rentals	(UASFLA 1.5.1.1, 1.5.2, 1.5.2.1, 1.5.2.2) All sales and rents used in direct comparison to the subject property must conform to UASFLA, 1.5.2 in development and reporting. Sales and rental data used in support of adjustments, depreciation, and/or capitalization rate development must include all relevant information, including sufficiency for independent reviewer verification.
Sales Comparison Approach	(UASFLA 1.5.2, 1.5.2.1, 1.5.2.2, 1.5.2.3, 2.3.3.2.1) UASFLA considers the sales



	<p>comparison approach the best evidence of market value. Excluding this approach, or giving other approaches more weight, needs comprehensive rationale. In this approach, provide a narrative comparison of the comparable sale to the subject property. A comparison grid summarizing the narrative is desirable.</p> <p>UASFLA prefers quantitative adjusting, but requires the appraiser to support them with market evidence. It permits adjustment by percentage factors, or whole dollars, as appropriate. Any client rules to the contrary should be discussed thoroughly. The intended user of the NPS requires UASFLA compliance that the appraiser selects and defends the appropriate methodology, not the client.</p> <p>Alternatively, the appraiser can use qualitative adjusting, whether exclusive or in conjunction with quantitative adjusting. This method requires more comparable sales data and extensive reasoning than quantitative adjusting.</p> <p>Reconcile the divergent value indications with an analysis of the reliability of adjustments and weighting the comparable sales for influence in the value conclusion.</p> <p>Include comparable data sheets on all sales used in this approach in this section or in the Addendum. Any sale to or by a government entity, environmental or other public interest organization, or those requiring rezoning or extensive permitting must have extraordinary verification outlined in UASFLA section 1.5.2.4.</p>
Cost Approach	<p>(UASFLA 1.5.3, 2.3.3.3) State the source of reproduction or replacement cost. Include entrepreneurial incentive as extracted from the market. Estimate depreciation using the breakdown or market extraction methods, not published tables, or age-life computations.</p> <p>UASFLA anticipates that the appraiser will not use the Cost Approach when the market would not reproduce the buildings.</p>
Income Approach	<p>(UASFLA 1.5.4, 2.3.3.5) The preferred method of supporting a capitalization rate is from rates reflected by comparable sales. See also UASFLA 2.3.3.2.2</p>
Reconciliation	<p>(UASFLA 1.6, 2.3.3.6) Review the applicability of each approach and the quality of the data used. Explain the weighting of each approach in the final value opinion. Use analysis and logic to reconcile a conclusion of a single-point value.</p>
Exhibits	<p><i>Subject Maps.</i> Include a north arrow and subject identification.</p> <p><i>Comparable Maps.</i> Include a map showing the relative location of the sale or rental and the subject property. Include a north arrow. If necessary, show the sale or rental property on a more detailed map for field verification.</p> <p><i>Photos.</i> Identify the subject of the photo, direction of the picture and location of the photographer. Include the date of the photo and the name of the photographer.</p> <p><i>Plot Plan.</i> Include a plot plan of the entire property, identifying streets and frontage, building locations and setbacks, significant site improvements, and easements. The plan should also show photo locations and direction.</p> <p><i>Assignment Instructions.</i> Include this statement of work, other assignment instructions, and the engagement letter in the appraisal report addendum.</p>

### **Resources for Designing Parks to Incorporate Climate Resilience**

Metropolitan Area Planning Commission Report: Designing Parks and Playgrounds as Green Infrastructure for Stormwater and Climate Resilience  
[mapc.org/chelseaparksplanforclimateresilience](http://mapc.org/chelseaparksplanforclimateresilience)

National Recreation and Park Association Report: Resource Guide for Planning, Designing, and Implement Green Infrastructure in Parks  
<https://www.nrpa.org/contentassets/0e196db99af544bbba4f63f480c1316b/gupc-resource-guide.pdf>

Environmental Protection Agency Report: Green Infrastructure in Parks: A Guide to Collaboration, Funding, and Community Engagement  
[https://www.epa.gov/sites/production/files/2017-05/documents/gi\\_parksplaybook\\_2017-05-01\\_508.pdf](https://www.epa.gov/sites/production/files/2017-05/documents/gi_parksplaybook_2017-05-01_508.pdf)