



# SITE INSPECTIONS HANDBOOK



State of Alaska  
Department of Natural Resources  
Division of Parks and Outdoor Recreation

# Table of Contents

Introduction.....	4
Administrative Requirements.....	5
General Responsibilities .....	5
Sponsor Responsibilities.....	5
Federal Requirements .....	5
Ongoing Commitment .....	5
Inspections.....	5
Annual/Interim Inspections.....	5
Final Inspections .....	5
Post-Completion Inspections.....	5
SLO and NPS Inspections .....	5
Records Retention .....	5
Sponsor Self-Certification.....	6
Inspection Packet.....	6
Inspection Form.....	6
Synopsis of Grant Projects.....	6
Telephone Briefing .....	6
Photographs .....	6
Corrective Action .....	6
Follow-Up Inspections .....	6
Considerations for Inspections.....	7
Post-Completion Inspections and Reporting.....	7
Purpose.....	7
Retention and use.....	7
Appearance.....	7
Maintenance.....	7
Management .....	7
Availability .....	7
Signing.....	7
Interim use.....	7
Reporting. ....	7
Applicability .....	7
State responsibility .....	8
Costs. ....	8

NPS inspections .....	8
Availability to Users .....	9
Discrimination based on race, color, national origin, religion, or sex .....	9
Discrimination based on residence .....	9
Discrimination based on disability.....	9
Reasonable use limitations.....	9
General Compliance: Statutes and Regulations .....	10

## Introduction

The Land and Water Conservation Fund (LWCF) program assists communities in developing and improving public outdoor recreation on federal, state, and local lands. The LWCF program supports active and passive outdoor recreation, environmental protection, urban revitalization, watershed protection, and flood control projects.

In Alaska, LWCF grants have assisted with developing a variety of projects: public boat harbors and launch areas, city and state parks, children's playgrounds, waysides, trail improvements, support facilities (water wells, picnic sites, parking areas, and restrooms), downhill and cross-country ski areas, swim beaches, tennis, handball, basketball and volleyball courts, softball and soccer fields, skateboard parks, shooting ranges, and hockey or ice skating rinks.

In addition to providing close-to-home recreational opportunities such as creating pocket parks for residents, LWCF projects also serve visitors to Alaska, providing wildlife viewing areas, habitat restoration, and hiking areas which are enjoyed by all.

LWCF investment requires ongoing administrative duties, such as conducting regular inspections of properties assisted with these federal funds. Consequently, we continually seek more efficient ways to administer this program. Partnering with local sponsors to conduct and certify inspections, as described in this manual, is very helpful. The State of Alaska welcomes this partnership to maintain and improve quality public outdoor recreation for our future generations.

For more information about LWCF, see the following:

Land and Water Conservation Fund: <https://www.nps.gov/subjects/lwcf/index.htm>

LWCF Manual: [https://www.nps.gov/subjects/lwcf/upload/LWCF-FA-Manual-Vol72\\_2023-10-01\\_508.pdf](https://www.nps.gov/subjects/lwcf/upload/LWCF-FA-Manual-Vol72_2023-10-01_508.pdf)

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## Administrative Requirements

The Land and Water Conservation Fund (LWCF) provides up to 50% matching financial assistance for acquisition and/or development of public outdoor recreation facilities. The National Park Service (NPS) administers this program at the federal level in partnership with States and Territories. In Alaska, LWCF is managed by the Department of Natural Resources, Division of Parks and Outdoor Recreation, Grants Section.

### General Responsibilities

Alaska's governor appointed the Director of the Division of Parks and Outdoor Recreation as the State Liaison Office (SLO) for the LWCF program. The Grants Administrator is designated as the Alternate State Liaison Office (ASLO). The LWCF Grants Manual requires the SLO, or designee, to administer on-site inspections of projects which have received LWCF assistance.

### Sponsor Responsibilities

A sponsor is a state or local entity, such as a city or borough, that executes a grant agreement to participate in the LWCF program. The sponsor is obligated by the grant agreement to acquire, develop and maintain public outdoor recreation facilities described in the agreement or subsequent amendments.

#### Federal Requirements

The sponsor is required to follow all federal laws pertaining to acquisition, development and ongoing maintenance of the facility.

#### Ongoing Commitment

The sponsor has agreed to provide future funding and resources as necessary for continued operation and maintenance of the recreational facility and maintain the property for public outdoor recreation purposes *in perpetuity*.

## Inspections

To determine whether projects receiving LWCF assistance are developed, retained and used for public outdoor recreation purposes in accordance with the project agreement, the SLO shall ensure that inspections are performed on a regular basis.

### Annual/Interim Inspections

Performed on active, open LWCF projects, interim inspections help ensure satisfactory progress. A project is open until all required closure documentation are submitted and approved by both the SLO and NPS.

### Final Inspections

Required for a completed project. The facility must pass final inspection before a project can be closed. The inspection ensures the project was carried out in accordance with the grant agreement. All items identified in the final scope of work must have been developed and be in good repair.

### Post-Completion Inspections

Required at least every five (5) years after project closure. This ensures properties are being maintained and used for public outdoor recreation purposes and are in good repair. The LWCF *Handbook for Inspections* is provided as a reminder of continuing responsibilities.

### SLO and NPS Inspections

Inspections may be performed by the SLO or NPS staff at their discretion and when deemed necessary. The SLO or NPS staff may notify the project sponsor of any forthcoming inspections and allow the sponsor an opportunity to accompany the inspection of their LWCF-assisted grant projects.

### Records Retention

The sponsor shall maintain a permanent record of any inspection reports in their grant files for future reference.

## Sponsor Self-Certification

To meet federal LWCF requirements, SLO instituted several program efficiencies. This self-certification program is intended to promote and maintain scheduled inspections while reducing State travel costs. Accurate and timely inspection and reporting by local project sponsors is critical to the success of this program.

## Inspection Packet

To assist the local inspector, the SLO may provide the following along with the LWCF *Handbook for Inspections*:

**Inspection Form:** One for each project due for inspection.

**Synopsis of Grant Projects:** A list describing the LWCF grant project(s).

## Telephone Briefing

In addition to providing written materials, the SLO, or designee, is available by telephone or e-mail to answer questions or concerns the sponsor may have and provide clarification on LWCF program requirements.

## Photographs

Each inspection report must be accompanied by photographs of the LWCF-assisted project site. For small park areas, include photographs of the entire site. For large areas, at a minimum, include photographs of all items identified under the grant scope. In addition, if potential or existing compliance issues are discovered, include photographs of the specific problem areas and explain them in the report.

## Corrective Action

The SLO, or designee, will review submitted inspection reports and photos. If routine compliance issues arise, the SLO will provide written recommendations to the sponsor to resolve or respond to within a reasonable period of time. The project sponsor will be required to provide a written response and photographic evidence of corrective action. If the action required is substantial (e.g., conversion or major retrofitting for accessibility compliance), the sponsor must demonstrate a willingness to comply with program requirements, and initiate action to resolve the issue in a reasonable period. The SLO will work with these sponsors on a case-by-case basis.

## Follow-Up Inspections

When necessary, the SLO, or designee, will perform follow-up inspections. These may occur when the project sponsor has failed to provide all requested information or when the SLO has significant questions about information supplied by the sponsor. Follow-up inspections may also be performed when substantial corrective action has occurred necessary to view the outcome. Photographic evidence of corrective action shall accompany all follow-up inspection reports.

## Considerations for Inspections

### Post-Completion Inspections and Reporting

**Purpose.** In accordance with 2 C.F.R. § 200.330 and the FAIR, to determine whether properties acquired or developed with LWCF assistance are being retained and used for outdoor recreation purposes in accordance with the project agreement and other applicable program requirements, a State post-completion inspection is to be made within five (5) years after final billing and at least once every five years thereafter.

The following points should be taken into consideration during the inspection of properties that have been developed for public use:

**Retention and use.** Is the LWCF boundary area intact and the property being used for outdoor recreation purposes including those intended through the projects funded with LWCF assistance?

**Appearance.** Is the property attractive and inviting to the public?

**Maintenance.** Is upkeep and repair of structures and improvements adequate? Is there evidence of poor workmanship or use of inferior quality materials or construction? Is vandalism a problem? Is the area being maintained?

**Management.** Does staffing and servicing of facilities appear adequate?

**Availability.** Is there evidence of discrimination (including based on residence, see Section D below)? Is the property readily accessible and open to the public during reasonable hours and times of the year?

**Signing.** Is the area properly signed to allow for user information and safety, and proper acknowledgement of the federal Land and Water Conservation Fund?

**Interim use.** Where land has been acquired but not yet developed, the inspection should determine whether the interim uses of the property are in accordance with agreements with the NPS.

**Reporting.** The real property reporting requirements enacted in the FAIR (2 C.F.R. § 1400.329(d)) has resulted in different standards for assisted areas that ever benefitted from an LWCF acquisition or combination grant vs. areas that have received development grants only. (It may simplify matters for States to follow the same process for all assisted areas.) For sites that receive acquisition or combination grants, States are required to submit a status report to the NPS every 5 years, regardless of whether there are issues with the park. The SF-429 (cover page and Attachment A) are to be used. Within 90 days of completion of the on-site inspection, the State shall submit to NPS the SF-429 and a copy of the post-completion on-site inspection report. The inspection report should include the date of inspection, description of the findings, and if applicable, a summary report of issues found and corrective actions taken or to be taken. Reports should note the condition of assisted facilities, particularly those that are at or near the end of their useful life and may need a declaration of obsolescence if rehabilitation is not possible. The report should include certification by the SLO that such obsolescence is not a result of neglect or inadequate maintenance on the part of the project sponsor (see Section M).

Submitting an SF-429 and on-site inspection report for a park site that received development grants only remains optional except the State must forward the reports if a post-completion compliance problem such as park closure or non-recreation or private use occurring within the LWCF boundary area is discovered, for NPS review and action.

Copies of all reports must be retained in the State files. The State shall report to the NPS the project numbers of all sites inspected and the dates of inspection on an annual basis.

**Applicability.** The provisions of this section apply to the LWCF-assisted area encompassing the area or facility assisted by the LWCF, regardless of the extent of LWCF assistance in that area or facility. That is, in cases where assistance is

provided only for an acquisition, the entire park or recreational area involved, including developments on the lands so acquired, are subject to the provisions of this section. Where development assistance is given, the lands of the park or recreation area identified on the LWCF boundary area map are subject to this section.

**State responsibility.** Responsibility for enforcement of the provisions of this section rests with the State. The NPS will inspect LWCF assisted areas and facilities from time to time, but it shall conduct such visits in concert or through consultation with the State agency or SLO.

**Costs.** The costs of making post-completion inspections by the State are allowable overhead charges for LWCF assistance and are allowable costs covered by the indirect cost rate.

**NPS inspections.** Properties acquired or developed with LWCF assistance shall be available for inspection by the NPS Director or other NPS representatives.

## Availability to Users

**Discrimination based on race, color, national origin, religion, or sex.** 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. Title 43, Part 17 (43 C.F.R. Part 17), effectuates the provisions of Title VI. The prohibitions imposed by Title VI apply to parks or recreation areas benefiting from federal assistance and to any other recreation areas administered by the State agency or local agency receiving assistance. Discrimination is also prohibited based on religion or sex.

**Discrimination based on residence.** The Prohibition of Discrimination section of the LWCF Act (54 U.S.C. § 200305(i)) provides that, with respect to property acquired and/or developed with LWCF assistance, discrimination based on residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained based on residence. This prohibition applies to both regularly scheduled and special events (36 C.F.R. § 59.4(a)).

Fees charged to nonresidents cannot exceed twice the amount charged to residents. Where there is no charge for residents, but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged for residents at comparable State or local public facilities.

Reservation, membership, or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. Recipients are prohibited from providing residents with the option of purchasing annual or daily permits while at the same time restricting nonresidents to the purchase of annual permits only (36 C.F.R. § 59.4(c)).

These provisions apply to the whole recreation area within the LWCF boundary area. Non-resident fishing and hunting license fees are excluded from these requirements (36 C.F.R. § 59.4(c)).

**Discrimination based on disability.** Section 504 of the Rehabilitation Act of 1973 requires no qualified person shall, based on 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 (Public Law 100-336) simply references and reinforces these requirements for federally assisted programs.

**Reasonable use limitations.** Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired and/or developed with Fund assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the number of people using an area or facility or the type of users, such as "hunters only" or "hikers only." All limitations shall be in accordance with the applicable grant agreement and amendments.

## General Compliance: Statutes and Regulations

Applicable Federal statutes, regulatory requirements and policies include, but are not limited to:

- A. The National Environmental Policy Act of 1969, as amended (P.L. 91-190, 42 U.S.C. 4321 et. seq.) (Chapter 650.2).
- B. The Clean Air Act, as amended (42 U.S.C. 7609).
- C. The Clean Water Act (33 U.S.C. Secs. 1288, 1314, 1341, 1342, 1344).
- D. Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).
- E. Executive Order 11288; prevention, control and abatement of water pollution (Chapter 660.5).
- F. The Flood Disaster Protection Act of 1973 (12 U.S.C. Sec. 24, 1701-1 Supp.) (42 U.S.C. Sec. 4001 et. seq.) (Chapter 650.6).
- G. Executive Order 11988, Floodplain Management (Chapter 650.7).
- H. Executive Order 11296, Evaluation of Flood Hazard in Locating Federally Owned or Financed Buildings, Roads, and other Facilities and in Disposing of Federal Lands and Properties.
- I. Federal Act for Protection and Restoration of Estuarine Areas (P.L. 90-454).
- J. Wild and Scenic Rivers Act of 1968 (P.L. 90-542) (16.U.S.C.1274 et. seq.).
- K. Coastal Zone Management Act of 1972 (P.L. 92-583) (16 U.S.C. Sec. 1451, 1456) (Chapter 660.5).
- L. The Rivers and Harbor Act of 1899 (33 U.S.C. Sec. 401 et. seq.).
- M. Executive Order 11990, Protection of Wetlands (Chapter 650.7).
- N. The Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661, 662).
- O. The Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et. seq.) (Chapter 660.5).
- P. The Antiquities Act of 1906 (16 U.S.C. Sec. 431); (Chapter 650.4).
- Q. The Archeological and Historic Preservation Act of 1974, as amended (P.L. 93-291, 16 U.S.C. Sec. 469 a-1) (Chapter 650.4).
- R. The National Historic Preservation Act of 1966, as amended (P.L. 88- 655, 16 U.S.C. Sec. 470 et. seq.) (Chapter 650.4).
- S. Executive Order 11593, Protection and Enhancement of the Cultural Environment (Chapter 650.4).
- T. Federal-Aid Highway Act of 1973 (P.L. 93-87).
- U. Architectural Barriers Act of 1968 (P.L. 90-480) (Chapter 660.5).
- V. Section 504, The Rehabilitation Act of 1973, as amended (P.L 93- 112).
- W. Uniform Relocation Asst & Real Property Acquisitions Policy Act of 1970 (P.L. 94-646) (Chapter 650.3).
- X. Title VI, Civil Rights Act of 1964 (P.L. 88-352, 42 U.S.C. Secs. 2000d to 2000d-4) (Chapter 650.9).
- Y. Executive Order 11246, Equal Employment Opportunity (Chapter 650.5).
- Z. Office of Management and Budget Circular A-102. Provides uniform administrative requirements for grants-in-aid to State and local governments (Chapter 675.3, Attachment A).
- AA. Office of Management and Budget: 2 CFR Chapter I, Chapter II, Part 200, et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, December 2013.
- AB. Power Plant and Industrial Fuel Use Act of 1978 (P.L. 95-620) (640.3.7J and 660.5.3V).
- AC. Executive Order 12185, Conservation of Petroleum and Natural Gas (see 640.3.7J and 660.5.3.V).
- AD. Executive Order 12372, Intergovernmental Review of Federal Programs (Chapter 650.8).

- AE. Office of Management and Budget Circular A-128. Implements the Single Audit Act of 1984 (P.L. 98-502). This circular supersedes Attachment P of OMB Circular A-102, effective July 18, 1985. (Chapter 675.7)
- AF. Executive Order 12432, Minority Business Enterprise Development. (Chapter 650.10)
- AG. Emergency Wetlands Resources Act of 1986 (P.L. 99-645).
- AH. Land and Water Conservation Fund Program of Assistance to States; Post-Completion Compliance Responsibilities (36 CFR Part 59).
- AI. Non-procurement Debarment and Suspension (43 CFR 12.100-.510) AJ. Contract Work Hours and Safety Standards Act (40 U.S.C 327-330) and implementing regulations (29 CFR 5).
- AJ. Restrictions on Lobbying With Appropriated Funds (P.L. 101-121 Sec. 319) (31 U.S.C. Sec. 1352).
- AK. The Drug-Free Workplace Act of 1988 (P.L. 100-690) (41 U.S.C. 701 et. seq.).