Guidelines for

The DNR Shooting Range Program

A Program for the Development and Renovation of Shooting Ranges and Facilities

INDIANA DEPARTMENT OF NATURAL RESOURCES

Division of Outdoor Recreation

Division of Fish and Wildlife

Division of Law Enforcement

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DNR SHOOTING RANGE PROGRAM

A shooting range development program funded by the Federal Aid to Wildlife Restoration Program

FOREWORD

These guidelines explain the administration of the "DNR Shooting Range Program." The Indiana Department of Natural Resources' Division of Fish and Wildlife has made monies available from Indiana's share of funds from the Federal Aid to Wildlife Restoration Act, frequently referred to as the Pittman Robertson Program, to help local government agencies and not-for-profit organizations develop shooting facilities for public use. This publication describes the requirements for agencies participating in the program, grant application procedures, the steps involved in completing a project and responsibilities of the applicant once a project has been finished.

The material presented here will address many questions about the program.

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Items in bold are part of the application, and should be submitted with original signatures

CHAPTER 1

THE INDIANA DNR SHOOTING RANGE GRANT PROGRAM

THE WILDLIFE RESTORATION ACT

The Federal Aid to Wildlife Restoration Program is commonly called the Pittman Robertson (P-R) Program. The primary purposes of the program are: (1) wildlife research; (2) wildlife management; (3) purchase and development of wildlife lands; and (4) hunter education and shooting ranges. The program is administered at the federal level by the U.S. Fish and Wildlife Service (FWS) and funding comes from a federal excise tax on rifles, shotguns, handguns, ammunition, and archery equipment. Funds are apportioned to state fish and wildlife agencies based on the number of hunting license holders and each state's size in relation to the other states.

Because of the need for local shooting opportunities in Indiana, the Indiana Division of Fish & Wildlife will make some of these funds available to local units of government and not-for-profit corporations for shooting range development. The Division of Outdoor Recreation will administer the program because of their experience in administering Federal Land and Water Conservation Fund and Indiana Waters grants for park boards. The Division of Law Enforcement will also be involved in administering this program.

ELIGIBLE PARTICIPANTS

All units of government and agencies incorporated as not-for-profit corporations will be eligible to participate.

ELIGIBLE PROJECTS

The facility has to be open a minimum of 20 hours per month to the general project. This can include tournaments, shooting contests and leagues. Projects will be eligible for funding if they develop rifle, handgun, shotgun firing or archery opportunities. Projects will include development costs only. **No land acquisition will be eligible for reimbursement, nor will it be allowable for use as the local match.** The objective of this program is to construct, enhance, and/or maintain shooting ranges that provide exclusively for recreational shooting.
Eligible development facilities include but are not limited to: backstops, berms, target holders, baffles, gun racks, signs, field courses, benches, trap and skeet houses, platforms, sanitary facilities, classrooms, protective fencing, storage areas, shelters, parking, accessible pathways, and support facilities. Project costs must be commensurate with benefit. Development on leased property will be acceptable if the lease endures for the expected life of the facilities to be built and provides adequate public access. The grant applicant must agree to keep the project site in use as a public shooting range for the life of the facilities to be constructed with the development grant. Refer to Chapter 4 for details about development.

Due to the variety of project proposals, it is possible that while a proposed project may satisfy the eligibility and rating criteria, the completed project may not provide adequate public shooting opportunity. Therefore, the DNR reserves the right to disqualify proposals in which:

1. Costs exceed the public shooting benefits.

2. The shooting facility requires intensive and high cost management.

3. Fees charged at the site are excessively high when compared to fees charged at similar facilities.

4. Any other situations where the public benefit will not justify the federal investment.

5. Any shooting facility not exclusively for recreational use such, as a law enforcement training range, would not be eligible for funding through our program.

This list is not all inclusive and other reasons for disqualification may be determined as projects are reviewed. When a project is disqualified for any of the above mentioned reasons, the project sponsor will be notified in writing.

GRANT AMOUNTS

The Indiana DNR Shooting Range program will provide 75% matching reimbursing assistance for eligible projects. Applicants may request a minimum amount of $10,000. There is no maximum grant amount.

SUPPLEMENTAL GRANT ROUNDS

If there are more funds available than requested by applicants, the DNR may open a supplemental grant round. Ordinarily, an agency may submit one application per year; however, applicants may submit an additional application during a supplemental round.
To insure that the greatest number of agencies have the opportunity to participate in the DNR Shooting Range program, preference will be given to applicants in the supplemental round who did not apply in the previous round. Applications from these organizations will be rated and funded in rank order first. If funds are still available, applications submitted by applicants which were funded in the initial awards will then be rated and funded in ranking order until the funds are exhausted.

LOCAL SHARE

At the time of application the project sponsor must have at least 25% of the total project cost available. The local share may include tax sources, bond issues, or force account contributions. The donated value of cash, labor, equipment and materials may also be used. Chapter 2 contains more information on the local match for a grant.

REIMBURSEMENT

The project sponsor will not receive a cash grant at the time of project approval. Instead, the sponsor must pay the bills and be reimbursed for a maximum of 75% of the expenses incurred for the project according to the terms of the project agreement. Reimbursement requests may be made periodically during the project period. Billing procedures are explained further in Chapter 5.

PROGRAM ADMINISTRATION

Although the funds for this program are coming from the U.S. Fish and Wildlife Service, the grants staff of the Division of Outdoor Recreation will predominantly be responsible for the administration of the program. Staff of the IDNR Divisions of Fish and Wildlife and Law Enforcement will be involved in the selection of grant recipients and in monitoring post completion responsibilities.

The Indiana Natural Resources Commission is the policy making body for the IDNR. The Commission will make a recommendation to the DNR Director for approval of projects to receive funds from this program.

Projects that have been preliminarily approved by the state to be funded must make significant progress towards supplying documentation for federal approval within 2 years or the project will be withdrawn from consideration and will have to reapply. During this time additional information concerning the application may be requested by the Division of Outdoor Recreation.

PROJECT SELECTION PROCESS

If there are more requests for funding than available funds in a given year, the eligible applications will be funded in priority order based on an objective point ranking selection process. This process is explained in detail in Chapter 2.

DATES OF ELIGIBLE CONTRIBUTIONS AND EXPENSES

To be eligible for matching assistance, project costs must be incurred after the federal project approval date. The only costs incurred prior to federal project approval that are eligible for retroactive reimbursement are architectural/engineering, archaeological literature search, and grant application preparation fees which were included as preagreement costs in the grant application. Donations of equipment, labor, and materials must be contributed after federal grant approval. Cash contributions may be received at any time.

USE OF STATE FUNDS

Applicants may not use monies received from special appropriations by the Indiana General Assembly as a match for a DNR Shooting Range Program grant.

CHAPTER 2

WRITING THE GRANT APPLICATION

THE GRANT APPLICATION

An application requesting matching assistance from the DNR Shooting Range Program can be requested from the Division of Outdoor Recreation at the beginning of each grant round. Grant rounds will be announced when scheduled. This chapter includes instructions for filling out the application forms, plus a description of the various attachments that must be submitted with the application. A checklist of items needed for all project applications is found at the end of this chapter. Applicants are encouraged to call the grants staff if questions arise in preparing an application beyond the information in these guidelines.

APPLICATION FORM

All items on the standard application form should be answered. The example in the Appendix involves the construction of a shooting facility. The budget information in the example refers to the calculation of the DNR Shooting Range Program grant.

COST BREAKDOWN

One copy of a separate cost breakdown must be submitted with the project application. The cost breakdown should show all of the development for which reimbursement is being requested. The sample cost breakdown (in the Appendix) shows an example of the detail needed. The total project cost shown on the cost breakdown must match the figure listed on the project Application Form, Part I, line 7.

Contingency costs are not allowed. Cost estimates should be as accurate as possible, keeping in mind a review period of at least 6 months. Where appropriate, unit costs should be included in the application.

CERTIFICATION OF FUNDS

In order for the Division of Outdoor Recreation to consider an application for grant approval, the applicant must have its 25% share of the project costs available for the project at the time the application is submitted. The type of documentation varies according to the source of funds as explained below.

1. Appropriations, Bond Issues, and Force Account Contributions. One copy of a statement from the applicant must certify these funds will be available in the applicants' budget when the project will take place. This statement may simply be in letter form addressed to the Division of Outdoor Recreation and certified by the applicants' financial officer. If the agency is a not-for-profit organization, the agency's fiscal officer must provide proof that the funds needed for the local share are available. The letter must state exactly how much is available and its source. At least 25% of the total project cost must be from non-federal sources. In the case of a bond issue, the applicants' attorney should provide a letter explaining the steps through which the bond issue has already progressed and a schedule for remaining action to take place. A bond issue must be completed up to the sale of the bonds prior to the grant application being submitted to the Division of Outdoor Recreation. If bonds will provide the local share of a project the bond issue should cover 100% of the project cost, rather than only the sponsor's 25%. This will enable the applicant to complete the project if federal funds are not obtained and to pay the project expenses, since grants are provided on a reimbursing basis.

2. Donations of Cash, Labor, Equipment and Materials. If the applicant is to receive gifts of cash, labor, equipment, or materials from a private individual, other governmental agency, private organization or business, a letter of intent to donate from each donor must accompany the application. The value of each gift must be estimated at the time of application. **Donations may not exceed the local agency's 25% share of the total project cost.**

a. Cash gifts are counted as the donor's stated amount.

b. For general **unskilled labor donations**, the applicant needs to provide a statement of the wage rate paid to the entry level municipal laborers. This rate is then applied to the pledged number of hours to be contributed. If **donors of labor are employed in a skilled construction trade**, the time spent doing their particular trade on the project may be valued at their employment wage rate. Either their employers or they (if self employed) need to verify their rate per hour on company letterhead. Labor contributed by another public agency would be valued at the rate of pay for the employees who work on the project.

c. Major construction equipment use rates may be established by the lower of at least two quotes from commercial firms which rent similar equipment.

d. Materials may be valued by the lower of at least two quotes from commercial suppliers of similar items.

PROGRAM NARRATIVE

The Program Narrative submitted with the application should be written in narrative form and include the following elements.

1. Project Description. Indicate in detail the type of development proposed, the method of developing the facilities as described in Chapter 5, and the type of users expected (inner city, weekend, youth, senior citizens, etc.), giving as much specific information about the project as possible, including:

a. Needs assessment
b. Objective of the project
c. Results or benefits to the public
d. Why the project is the best alternative

2. Preagreement Costs. The only types of costs which may be incurred prior to federal approval of the grant are preparation of the grant application, archaeological investigations, and architectural and engineering services. If the applicant has signed a contract with an architectural and engineering firm or incurred other preliminary expenses, include the following information:

a. Name of firm performing the work & contact person

b. Address and telephone number of firm

c. Date and amount of the contract

d. Amount of expenses incurred or paid up to the date of application

NOTE: If the applicant signs a contract for architectural or engineering work after submitting the application, but prior to federal approval of the project, the information requested above should be submitted to the Division of Outdoor Recreation.

3. Accessibility. Describe how the project site and building will be designed to include people with disabilities, in conformance with the Architectural Barriers Act of 1968 and Section 504 of the Rehabilitation Act of 1973. Site and building plans submitted with the project should illustrate these designs. (A further description of these requirements can be found in Chapters 3 and 5.) Sign the Section 504 Assurance of Compliance Form and submit it with original signatures as part of the application.
4. Property Control. When did the applicant purchase the property being developed in this project? If purchased after September 2, 1971, describe the provisions made for compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, P.L. 91-646. (See Acquisition Requirements Affecting Development in Chapter 5.)
5. Federal Assistance. Describe other federal assistance which has been given, is pending or promised for any work within the boundaries of the park or recreational site affected by this request. Specifically, the following information is needed:

a. Federal Domestic Assistance Catalogue number

b. Type of assistance

c. Amount of funding

d. Relationship to this request

6. User Days. Based on present or projected use, estimate the number of user days that will be provided by the facilities built in this project. This can be determined by multiplying the average number of users per day by the number of days open per year. For projects that involve new development, applicants may base their estimates on similar facilities at other sites both in and out of their area of jurisdiction. For renovation projects, these estimates should reflect an increase in use as a result of the improved facility.

7. Life of Facility. The applicant must estimate the useful life of each facility being developed in the project. The estimate should be reasonable and must meet the approval of the DNR. Project agreements for operation, maintenance and public use will be written for this period of time.

8. Land Use. The applicant must show that the proposed project is consistent with local and state land use requirements and that they have zoning approval.

PUBLIC PARTICIPATION

With increased public awareness and concern for government directions and spending, it has become more apparent that there must be public input beginning with the initial planning of a project. Applicants must actively solicit opinions and suggestions for potential projects. The project sponsor must submit evidence to prove that public input was actively sought as part of the project application. This must be in the form of a public meeting and may also include a special questionnaire.

1. Public Meeting. (Such as a zoning board meeting). A news article discussing the project and giving the date(s) of the special meeting(s) should be enclosed with a brief description of the meeting, including the number of persons attending, and their general comments, both positive and negative. If the project involves construction in the flood plain, this must be clearly stated in the news article and/or release.

2. Special Questionnaire. In this case, the methodology used to construct, distribute and collect the results, as well as final tabulation of the questionnaire responses should be included.

HISTORICAL PRESERVATION REVIEW/ARCHAEOLOGICAL RECORDS REVIEW

Section 106 Review Process

In order for a project to proceed with development, clearance must be obtained under Section 106 of the National Historic Preservation Act (NHPA). The purpose for this consultative process is to identify any potential historic properties, assess effects and seek ways to minimize, mitigate or avoid adverse effects on historic properties. Applicants are not required to begin this process until they have received grant approval. However, the review must be complete before grant funding can be awarded.
The process for completing a Section 106 review may require a significant amount of time. Time must be allowed for the full process to be completed, which can take 90 days at the minimum. If an archaeological review or records search is requested, additional time will be required.
The grants staff will provide the applicant with detailed instructions for the Section 106 review upon notice of grant award. The staff will also assist the applicant in compiling the necessary information. Once a Section 106 review package is prepared it will be sent to the Indiana Division of Historic Preservation and Archaeology (DHPA) for review.
DHPA, as staff to the State Historic Preservation Officer (SHPO) will conduct this review (30 days) and submit their findings to the United States Fish and Wildlife Service (USFWS). USFWS will provide the Federal finding (30 days). Once the Federal finding is received, DHPA has 30 days to prepare a letter to document whether or not SHPO concurs with Federal finding. Additional information regarding Section 106 is available on the DHPA website: http://www.in.gov/dnr/historic/2830.htm

ENVIRONMENTAL ASSESSMENT

The environmental effects of a project submitted for federal assistance are evaluated through the preparation of environmental data on the intended action. In 1969, the National Environmental Policy Act was passed to insure a uniform national policy of evaluating the environmental impacts of federal and federally funded projects. The Act requires the preparation of an Environmental Impact Statement for federally funded projects which may result in significant adverse effects to the environment. All projects must have some basic environmental data to determine the impact of the proposed action. The information supplied in the Environmental Assessment will determine whether a detailed Environmental Impact Statement needs to be prepared.

The Environmental Assessment is a second option for environmental analysis and includes four sections:

1. The proposed action

2. Alternatives to the proposed action

3. Environmental impacts of the proposed action

4. Listing of agencies and persons consulted

It is very important the information provided is accurate and objective. Deceptive analysis of potential impacts could lead to the withdrawal of federal funds from the project, repayment of already reimbursed funds, or court action against the project sponsor. The following suggestions will assist in the preparation of the report:

1. Keep the environmental information free of project justification and personal bias. The project presumably is fully justified elsewhere in the documentation.

2. Do not rely on generalities. The specific facts are essential. General statements and all allegations should always be supported and quantified where possible.

3. Liberal use of maps, sketches, and related graphics to help explain the project are of great value. Pictures (particularly aerial photographs) reduce lengthy narrative.

4. Writing style should be kept clear and concise. Adverse impacts should be addressed as fairly as the beneficial impacts.

An outline for the Environmental Assessment is in the Appendix. The directions are broad and cover all types of projects and in most cases the answers to the various elements will be short. For most projects, the Environmental Assessment should be no longer than 3-5 pages.

LOCATION MAP

Each project application must be accompanied by copies of appropriate city or county maps which pinpoint the exact location of the project site. These maps should show sufficient detail to allow a person unfamiliar with the area to find the project site without having to ask directions.

SITE AND BUILDING PLANS

Applications should be accompanied by one copy of a preliminary site design. These plans should be drawn to scale and should be of sufficient detail to show how the facility is, or will be, constructed to accommodate persons with disabilities.

Also, include on this plan or a separate plan, the exterior boundaries of the site, all permanent or temporary easements, utility rights-of-way, scenic preservation, etc. Enclose copies of any easement agreements.

PHOTOGRAPHS

Photographs of existing buildings, recreation facilities and natural site features should be submitted.

PROJECT RATING INFORMATION

Project sponsors have the opportunity to provide information that will aid the grants staff in evaluating the project. Within the application packet, a set of fill-in-the blank questions references each factor for the rating process. These questions are extremely important and should be answered completely. This is the primary document used by the grants staff to select project applications for funding priority. The project rating criteria are as follows:

Eligibility Criteria

1. Organizational Responsibility. The applicant must be a unit of government or be incorporated as a not-for-profit corporation.

2. Land Ownership or Control. The applicant must be able to prove land ownership or prove that they have land control by means of a lease at least 20 years in duration.

3. Land Use. The applicant must show the project is consistent with local and state land use requirements and they have local zoning approval.

4. Public Participation. The applicant must provide proof that an advertised opportunity for com-ments has been given to the local public.

5. Public Availability. The applicant must document that the proposed facility will be open to the general public, including weekends, for a designated period of time.

6. Hunter education. The proposed facility must be available for Hunter Education and live-fire practice.

Rating Criteria

1. Public Availability 10 Points Possible

10 points- Site will be available to the general public for a minimum of 200 hours each month, including each weekend day.

5 points - Site will be available to the general public for a minimum of 60 hours each month, including one weekend day each week.

3 points - Site will be available to the general public for a minimum of 40 hours each month.

2. Shooting Categories 3 Points Possible

2 points- The shooting range will offer at least two different types of shooting opportunities (ex. rifle range, archery range, trap house).

3 points- The shooting range will offer at least three different types of shooting opportunities.

3. Shooting Access 10 Points Possible

1 point - One point will be given for each five shooting stations available at the facility. Points will only be awarded to facilities built, renovated, or recently made available to the gereral public as a result of participation in the DNR Shooting Range Program. (Trap, skeet, and five-stand clay pigeon ranges will each count as five shooting stations. Sporting clay courses will be considered ten shooting stations.)

4. Supervision 5 Points Possible

3 points- Shooting range will have an attendant on duty during all normal hours of operation

5 points- Shooting range will have a range officer on duty during all normal hours of operation.

5. Hunter Education 10 points possible

5 points - Shooting range development or renovation that provides facilities for the purpose of a hunter education course. All shooting ranges funded through the INDR Shooting Range Program must be available for hunter education courses, this criterion refers to additional facilities such as classrooms.

5 points - Applicant will provide hunter education courses at the proposed facility, including instructors and all necessary equipment (VCR, television, instructional materials, etc.).

6. Firearm Safety Education 3 points possible

3 points - Shooting range will make its facilities available for firearm safety or shooting sports programs (ex. 4-H Shooting Sports).

DNR Shooting Range Grant Application Checklist

The items listed below are to be submitted as part of the project application packet. Original signatures are required on all documents requiring signatures unless otherwise noted. For projects receiving State approval, additional information must be submitted to the Division of Outdoor Recreation no later than six months after state approval.

PART A-ALL PROJECTS

___1. Application Form. One Application Form signed by the applicant.

___2. Cost Breakdown. One detailed cost breakdown for the project showing the estimated cost of all development, by major work unit.

___3. Certification of Funds. A statement from the clerk-treasurer, county auditor, or fiscal agent certifying the availability and source of local funds and/or letters of intent for project donations.

___4. Program Narrative. One program narrative including:

___a. Detailed description of the project: its purpose, need, benefits and why it is the best alternative.

___b. List of all preagreement costs: name, address and telephone number of firm, contract date, contract amount and costs incurred to date of application.

___c. Description of how the project will comply with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of handicap and signed Section 504 Assurance of Compliance Form.

___d. Summary of land acquisition procedures for property bought by the grantee after September 2, 1971.

___e. Describe any other federal funds used in connection with this project.

___f. Estimate of user days.

___g. Estimate life of facilities developed in the project.

___h. Program income. List any fees that will be charged and how they will offset projected maintenance costs.

___5. Public Participation. The news advertisement and a description of the public meeting or a copy of the survey and survey results documenting the public participation for this project.

___6. Location Map. One city or county location map.

___7. Site Plan. One overall site plan showing property lines and drawn to scale.

___9. Photographs. Include photos (preferably digital) which show the natural features, existing recreation facilities and buildings on the site.

___10. Project Rating Information. One completed Project Rating Information form.

PART B-DEVELOPMENT PROCESS

___11. Lease(s). One copy of any existing lease(s), if the property is not owned by the project sponsor.

___12. Easement(s). One copy each of existing easements which cross the property to be developed, such as utility lines, roads, access drives, etc.

___13. Deed(s). One copy of the property deed for each parcel of existing land to be developed, such as utility lines, roads, access drives, etc.

___14. Certification for Development Projects. One signed form for Development Projects (if applicable).

PART C-AFTER APPROVAL BY DNR DIRECTOR

The following items must be submitted by the project sponsors for applications approved by the DNR director.

___15. Water Permit. One copy of the application to or permit from the Division of Water for construction in the floodway, floodplain, or wetland, where applicable.

___16. U.S. Army Corps Permit. One copy of the application to or permit from the U.S. Army Corps of Engineers for construction in the floodway, floodplain, or wetland, where applicable.

___17. IDNR Assurance of Compliance. One signed form.

___18. The U.S. Department of the Interior Assurance of Compliance. One signed form.

___19. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions. One signed form.

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CHAPTER 3

FEDERAL AND STATE COMPLIANCE, PROJECT APPROVAL AND AMENDMENTS

PROJECT APPROVAL

The applicant will be notified in writing when final project approval has been received from the U.S. Fish and Wildlife Service. With the letter of approval, the sponsor will be sent a Project Agreement to be signed. The sponsor will be responsible for developing, and/or maintaining the project site as outlined in the Project Agreement and all documents incorporated into the agreement for the DNR Shooting Range program.

The U.S. Fish and Wildlife Service may also require sponsors to sign a separate agreement, related to the operation and maintenance of the site as outlined in Chapter 4.

PROJECT AGREEMENT

The Agreement will provide information required for project correspondence and will describe the responsibilities of the State and of the sponsoring agency. It will include:

1. The organization with whom the project agreement was made.
2. A project number given for identification purposes.
3. The project title to be used on all project correspondence.
4. The date when the U.S. Fish and Wildlife Service approved the project. Any work begun before approval, other than previously identified as preagreement costs, is ineligible.
5. The date of project expiration.
6. The project scope which identifies the elements included in the project proposal as approved by the federal agency. Only those items will be eligible for reimbursement. If the project sponsor needs to make revisions, the state project officer should be contacted before those revisions are made. Federal/state approval must be granted before revised work can be started if reimbursement is to be requested.
7. The total cost of the project, the project sponsor's share and federal grant share. The federal share will not exceed 75% of the total project cost.
8. Specific elements incorporated into the project agreement, such as the Assurance of Compliance, project application, all application attachments, and other special agreement provisions outlined by the U.S. Fish and Wildlife Service or the Indiana Department of Natural Resources.
9. The Project Agreement must be signed by the director of the Department of Natural Resources and the applicant's president or director and secretary.

The remainder of this chapter will be devoted to a description of the compliance requirements for the DNR Shooting Range program as outlined in the Assurance of Compliance form which is signed and submitted with the application.

ASSURANCE OF COMPLIANCE

The Assurance of Compliance portion of this chapter is divided into two major parts. Part I—Definitions, gives the definitions of the significant terms used throughout the assurances. Part II—Assurances, is divided into sections based on the nature of the compliance requirements. The assurances are in the order that they appear on the Assurance of Compliance form. These assurances are related to the acquisition, development, operation and maintenance of a property for public use. The assurances incorporate the responsibilities for nondiscriminatory practices, state and federal regulations for procurement and construction, project administration, record maintenance, eligible costs and many other requirements.

The assurances are outlined here to give the sponsor a better working knowledge of the requirements of the program. These "Assurances" are an integral part of the Project Agreement and must be followed as outlined. Questions concerning compliance with the "Assurances" should be directed to the state project officer.

PART I - DEFINITIONS

1. The term “Applicant” as used herein means the organization which submitted the application for federal assistance and which is a party to the project agreement, and to whom federal funds will be transferred pursuant to this agreement. Wherever a term, condition, obligation, or requirement refers to the Applicant, such term, condition, obligation, or requirement shall also apply to its assignees and successors or local unit of government responsible for the establishment of the Applicant.

2. The term “Federal agency” as used herein means the Fish and Wildlife Service of the United States Department of the Interior.

3. The term “State agency” as used herein means the Department of Natural Re-sources of the State of Indiana. The Division of Outdoor Recreation and the Division of Fish and Wildlife are part of the Indiana Department of Natural Resources.
4. The term “Guidelines” as used herein means the Guidelines for the "DNR Shooting Range program".

5. The term “application” as used herein means the application for federal assistance from the DNR Shooting Range program and all associated documents as described in the guidelines.

6. The term “agreement” as used herein means the project agreement between the Applicant and State agency.

7. The term “project” as used herein means a single project, a project element or project stage which is subject to the project agreement.

PART II - ASSURANCES

1. Authority and Application

The Applicant is legally established under current Indiana law and possesses the authority to apply for the grant.

The Applicant has adopted or passed a resolution, motion or similar action, authorizing the filing of the application, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Applicant to act in connection with the application and to provide such additional information as may be required. The Application for Federal Assistance and associated documents are by this reference made a part of the agreement.

The Applicant has the ability to and will operate and maintain the property described in the project application and will make the site and or facilities available to the general public during reasonable hours.

The Applicant has sufficient funds to finance the non-federal share of the costs for the project. Upon project completion, the Applicant will make sufficient funds available to assure effective operation and maintenance of the facilities developed in the project to be consistent with the Federal Aid in Wildlife Restoration Act (64 Stat. 430), as amended (16 U.S.C. 699-6691), the rules and regulations of the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources, and other federal, state and local regulations for such facilities.

The Applicant agrees to comply with all requirements imposed by the Federal Aid in Sport Fish Restoration Act, the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources concerning special requirements of law, program requirements, and other administrative requirements and to impose those responsibilities on any designated person(s) to carry out the terms of the project agreement on behalf of the Applicant.

2. Property Control

The Applicant ensures that the project site is currently under the control and tenure of the State or the Applicant and that the Applicant has the ability to and will operate and maintain the site as prescribed by applicable federal, state and local standards regarding such facilities.

The Applicant agrees it will not dispose of or otherwise encumber its title or other interest in the site and facilities without the prior approval of the Indiana Department of Natural Resources and the Fish and Wildlife Service during the period of federal interest or while the Federal Government holds bonds, whichever is longer.

The Applicant will notify the Department of Natural Resources, in advance, of any proposals to use the property for purposes other than those described in the project application and agreement.

If the project includes renovation or construction of facilities with federal assistance the facilities must remain available for public shooting use throughout the useful life of the facility, as mutually agreed upon by the Applicant, State and Federal agencies.

The Applicant agrees to enter into an agreement, lease or easement which gives the Department of Natural Resources the right to assume control and tenure of the project site, should the Applicant not adequately develop, operate and/or maintain the site and facilities in accord with the project agreement.

When the site is owned by the State, the Applicant will obtain an agreement, lease or easement from the State authorizing the Agency to develop, operate, and maintain the site.

3. Fees

Except for general park entry fees, any fees charged for the use of a site developed with federal assistance, may only be used for the operation and maintenance of the funded facilities. Any initial fees or fee charges will need DNR approval.

4. Project Execution

The Applicant agrees the project will commence within a reasonable time after receipt of notification that funds have been approved, and will be completed with reasonable diligence within the project agreement period. The project period shall begin with the date of approval of the project agreement or the effective date of a waiver and shall terminate at the end of the stated or amended project period unless the project is completed or terminated sooner, in which event the project period shall end on the date of completion or termination.

The Applicant agrees to submit to the State for prior approval any changes which may alter the cost of the project, use of the space, the functional layout, completion period, or project scope.

The Applicant shall furnish progress reports and other such information as the State or Federal agencies may require.

The Applicant shall bring the project to a point of usefulness, agreed upon by the U.S. Fish and Wildlife Service, the Indiana Department of Natural Resources and the Applicant in the event that the project covered by the project agreement cannot be completed in accordance with the plans and specifications approved for the project.

The Applicant shall use any funds received from the United States under the terms of this agreement solely for the project or project stage described in the agreement.

5. Construction Contracts

The Applicant will not enter into a contract for the project until grant requirements concerning construction contracts have been met.

The Applicant will provide and maintain competent and adequate architectural/engineering supervision and inspection at the construction site to ensure that the completed work conforms with the approved plans and specifications and is safe for public use. The Applicant shall secure completion of the work in accordance with the approved construction plans and specifications, and shall secure compliance with all applicable federal, state and local laws and regulations.

The Applicant will ensure that contractors will comply with nondiscrimination and those laws related to handicapped accommodations, and will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.

The Applicant will comply with all applicable federal and state laws concerning public works and procurement. When federal, state, or local laws differ, in relationship to the project, the more strict regulation shall be used unless otherwise authorized by the State or Federal agency.

<u>Office of Management and Budget Circular A-102.</u>

The Applicant will comply with the Competitive Bidding and Construction Contract Requirements as outlined in the Office of Management and Budget (OMB) Circular A-102, Attachment O which includes compliance with the following:

(1) Contracts for construction in excess of $25,000 shall be awarded through a process of competitive bidding involving formal advertising, with adequate purchase description, sealed bids, and public opening. Copies of all advertisements, bids, and a copy of the contract shall be retained for inspection by the State.

(2) The Applicant shall inform all bidders on contracts for construction that federal funds are being used to assist in construction.

(3) Written change orders shall be issued for all necessary changes in the facility being constructed under contracts of $25,000 or more. Such change orders shall be made a part of the project file and should be kept available for audit.

Contract Work Hours and Safety Standards Act.

The Applicant will comply with the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by the Department of Labor Regulations (29 CFR, Part 5).

Under Section 103, of the Act, each contractor is required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1-1/2 times the base rate of pay for all hours worked in excess of 40 hours in the work week. (Revised under the Department of Defense Authorization Act of 1986, P.L. No. 99-145).

Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his or her health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or ransmission of intelligence.

Copeland "Anti-Kickback" Act

The Applicant shall include in its contracts for construction a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented by Department of Labor Regulations (29 CFR, Part 3).

This Act states that each contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The Agency must report all suspected or reported violations to the State and Federal agencies.

Stevens Amendment to the Department of Defense, Appropriations Act

"When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program."

Certification Regarding Debarment and Suspension

The Applicant shall include in its contracts for construction of projects of $25,000 or more, a provision for compliance with Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510:

(1) The prospective lower tier participant certifies, by submission of this proposal that neither it nor its principals is currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this proposal.

Equal Employment Opportunity (EEO)

The Applicant shall ensure that contractors will comply with Executive Order 11246 (Equal Employment Opportunity), as amended by Executive Order 11375 regarding equal opportunity for all persons, without regard to race, color, religion, sex, or national origin, employed or seeking employment with contractors performing under federally assisted construction contracts. In addition, the following specific requirements shall be carried out by the Board:

The Applicant shall include the following in solicitation for offers and bids on federally assisted construction contracts over $25,000:

(a) “Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity” including goals which are to be inserted by contracting officer or applicant.

(b) “Standard Federal Equal Employment Opportunity Construction Contract Specification”.

The Applicant shall include the following in construction contracts over $25,000:

(a) Equal Opportunity Clause.

(b) “Standard Federal Equal Employment Opportunity Construction Contract Specification”.

(c) A Non-Segregated Facilities Certification signed by the prime contractor and subcontractor.

The Applicant shall provide notice of contract awards subject to these provisions to the Director of the Office of Federal Contract Compliance Programs (OFCCP) within 10 days after the award (Notice includes name, address and telephone number of contractor, employer identification number, dollar amount of contract, estimated starting and completion dates, contract number and geographical area in which the contract is to be performed).

The Applicant shall cooperate with the Director of FWS and the Director of OFCCP in the implementation of the program.

The Applicant shall ensure that EEO posters are displayed on Federally assisted construction sites.

The Applicant shall ensure that contractors engaged in Federally assisted construction contracts are providing data and reports to the appropriate OFCCP regional office as required or requested.

The Applicant shall ensure that the provisions of the Equal Opportunity Clause are followed for construction contracts involving force account labor.

The Applicant shall carry out sanctions and penalties imposed upon the federally assisted construction contractor or subcontractor by the Secretary of Labor pursuant to Executive Order 11246, as amended, and refrain from entering into any contract subject to this Order, or extension or other modification of such a contract with a contractor debarred from Government contracts under Executive Order 11246, as amended.

The Applicant shall incorporate, or cause to be incorporated, into all construction contracts exceeding the $25,000 Equal Opportunity Provisions included in the Federal Contract Provisions of the Appendix of the *DNR Shooting Range Program.*

The Applicant shall (1) comply with the Equal Employment Opportunity provisions in construction work carried out by itself, (2) assist and cooperate actively with the Secretary of the Interior and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Federal Contract Provisions and with the rules, regulations, and relevant orders of the Secretary of Labor, (3) obtain and furnish to the Secretary of the Interior and to the Secretary of Labor such information as they may require for the supervision of such compliance, (4) enforce the obligation of contractors and subcontractors under such provisions, rules, regulations, and orders, (5) carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the Secretary of Labor or the Secretary of the Interior pursuant to Part II, Subpart D, of Executive Order No. 11246, as amended, and (6) refrain from entering into any contract with a contractor debarred from Government contacts under Part II, Subpart D, of Executive Order No. 11246, as amended. In addition, the Applicant agrees that if it fails or refuses to comply with these undertakings, the Federal Agency may take any or all of the following actions: cancel, terminate, or suspend in whole or in part this grant; refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice of appropriate legal proceedings.

6. Nondiscrimination

The Applicant will comply with the nondiscrimination obligations imposed by federal, state and local regulations and ensures that all sites, facilities, activities and employment practices in its jurisdiction, are available to all persons on an equal opportunity basis, regardless of the individual’s race, color, national origin, sex, age or handicap. The major acts concerning nondiscriminatory practices (and compliance guidelines) are described below.

Age Discrimination Act of 1975

The Applicant will comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101), as amended (Title III of P.L. 94-135) which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

The U.S. Department of the Interior requires that:

1) "No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

2) A recipient of federal assistance is permitted to take an action, otherwise prohibited, if the action reasonably takes into account age as a factor necessary to the normal operation or achievement of a statutory objective of a program or activity.

The conditions outlined under Title VI of the Civil Rights Act would apply to this program as well.

Title VI of the Civil Rights Act

The Applicant will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-35-2) and all requirements imposed by or pursuant to the Department of the Interior Regulation (43 CFR 17) issued pursuant to that Title.

Title VI states that:

"No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving federal financial assistance."

According to the federal interpretation of the proceeding statement, as soon as a project sponsor receives federal funds through this program or another federal program, the entire park and recreation system under the Agency's jurisdiction becomes subject to the obligations imposed by Title VI of the Act. This Act requires that agencies take affirmative measures to ensure all facilities and programs within their control are open to the general public regardless of race, color, or national origin. Discrimination is not permitted. Slightly higher user fees may be charged to residents living outside the jurisdiction of the sponsoring park board, city, or Applicant but such fees may be no more than double the fee forresidents.

The Applicant shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should benefit from the grant-aided activity.

The following is a summary of the conditions for Title VI. The detailed federal guidelines are in the Appendix, and project sponsors must carefully study and follow the guidelines to insure compliance with all federal regulations.

(1) Prohibited Discriminatory Practices

(a) Any difference in quality, quantity or the manner in which the benefit is provided.

(b) Segregation or separate treatment in any part of the program.

(c) Restriction in the enjoyment of any advantages, privileges or other benefits provided to others.

(d) Different standards or requirements for participation.

(e) Methods of administration which would defeat or substantially impair the accomplishment of the program objectives.

(f) Discrimination in any activity or program conducted in a facility built in whole or part with federal funds.

(g) Discrimination in any employment resulting from a program established primarily to provide employment or in any employment in a program where employment tends to affect the service and benefit rendered.

(h) Restriction in the method and/or means used to advise persons of benefits and service provided to others.

(2) Complaints. Any person(s) who believe discrimination because of race, color, or national origin exists in a federally-assisted program have the right to make a complaint to the officials responsible for that program.

(a) Prompt investigations will be made of complaints received.

(b) If discrimination is found, negotiation and persuasion will first be used in an effort to eliminate the prohibited practices.

(c) Should these efforts fail, federal assistance may be terminated or discontinued after a fair hearing.

(d) Other means authorized by law, including court action, may also be used to enforce nondiscrimination.

No agency or other person may intimidate, threaten, coerce, or discriminate against any individual because he or she has made a complaint, testified or assisted in a Title VI investigation, proceeding or hearing. The Applicant must notify the Department of Interior's Office for Equal Opportunity or the Federal agency within 5 days upon receipt of a complaint.

(3) Compliance Reports. Records and other information designed to show the intent of compliance with Title VI agreements must be maintained by agencies, park departments and local units of government and reports sent to the Interior Department and Division of Outdoor Recreation as requested. Agencies are is also required to inform participants and other interested persons of the provisions of Title VI regulations and of their applicability to the federal assistance program.

(4) Reviews. The Interior Department and State may conduct reviews prior to awarding grants, during trips to visit the applicant's project site, and after the project has been finished. Reports, publications, and other records may be reviewed in the course of these compliance reviews.

(5) Compliance Under Title VI. Title VI regulations provide the necessary framework for protecting the rights guaranteed to the agencies and to the public under federally-assisted programs. Compliance will first be sought by affirmative and voluntary means whenever possible. But, in addition, the regulations allow the Federal Government to make pre-grant, field and follow-up reviews; compliant investigations; informal adjustments; and when necessary, more formal proceedings in the court system.

(6) Affirmative Measures. The following, although not all-inclusive, are considered as basic affirmative measures necessary to bring recipients of Federal assistance and their operations into compliance with Title VI:
(a) Signed assurance of Title VI compliance, Applicants for Federal assistance should be aware of the provisions of the 1964 Civil Rights Laws and are required to ensure compliance prior to receiving Federal assistance.

(b) Submittal of pre-award information when requested.

(c) Minority and female representation on appointed park, advisory, planning, and review boards and committees. Exclusion of minorities and women could be considered discriminatory. Inclusion guarantees a voice in the planning and development of projects and programs.

(d) Equal emphasis of program administration and program distribution (recreational, cultural, etc.) and maintenance quality of facilities whether they are located in majority or in minority areas. Development and implementation of an affirmative action plan to remedy past and present deficiencies in the employment, training, and promotion potential of minorities and women.

(e) A system for reporting and processing alleged complaints of discrimination. Placement of equal opportunity statements on posters, brochures, and other informational material inviting all persons regardless of race, color, or national origin to use programs and facilities.

(f) Use of pictures of minorities and women, and integrated use of facilities, in brochures, pamphlets, and other informational material. Exclusion could be considered discriminatory and inclusion provides tangible evidence that all are welcome and encouraged to use programs and facilities which receive federal assistance.

g) Printed information about programs, sites and facilities in non-English languages where there are appreciable numbers of people who do not speak or read English.

(h) Equal compensation and assistance for those displaced in the course of a land acquisition program whether they are majority or minority land owners.

Several practical steps should be considered as a means of implementing the above mentioned affirmative measures. Racial/ethnic and sex data should be collected by the recipient to determine, if in fact, all persons are benefiting from the federally-assisted program. Identification of persons of different races should be done on a visual basis only. Programs and employment opportunities should be advertised and made available to minority groups and women.

Consideration should given to minority and female enterprises as a means of distributing the benefits of federally-assisted programs. Programs of an historical nature should take into consideration the contributions made by minority groups and women.

The posters in the Appendix, or ones similar to them, are to be posted on project sites. Copies of these posters are available from the Division of Outdoor Recreation.

The following paragraph is an example of a Title VI Notification Clause. The Office for Equal Opportunity requires that all program materials, brochures, program or course applications, sign up sheets, contracts signed by private organizations for park use, rental contracts for concession stands and or all other lease or contracts, contain such a clause. While all the information contained in this paragraph must be included, the agency may rewrite this clause to conform to its individual style.

Model Title VI Notification Clause

This program receives federal funds. Under Title VI of the 1964 Civil Rights Act, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age or handicap. If you believe that you have been discriminated against in any program, activity or facility, or you desire further information regarding Title VI, please write to:

The Office Of Equal Opportunity
U.S. Department of the Interior
Office of the Secretary
Washington, D.C. 20240

Equal Employment Opportunity

The Applicant will comply with Executive Order 11246, Equal Employment Opportunity, as amended by E.O. 11375, which prohibits discrimination by government contractors on the basis of race, color, religion, sex, or national origin. More details concerning compliance with this Order are outlined in this chapter under #5 and in the "Federal Contract Provisions" in the Appendix.

Architectural Barriers Act of 1968

The Applicant will comply with the Architectural Barriers Act of 1968 (P.L. 90-480) which requires that facilities which are acquired or developed with federal assistance be designed so their facilities are accessible to persons with disabilities. All projects must be constructed to provide for this physical accessibility in accord with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17.703).

Section 504 of the Rehabilitation Act of 1973

The Applicant will comply with Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), as amended (P.L. 93-516 and P.L. 95-602) which states that: ". . .no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance."

This act emphasizes accessibility for persons with disabilities to programs, activities and services. It also applies to employment practices of the recipient agency and some related contractual and user groups' services and practices. The federal guidelines for complying with Section 504 are included in the Appendix. These should be read completely so that all of the Applicant's responsibilities for compliance are understood.

The following is a summary of the Section 504 guidelines:

(1) Persons Covered.

"Handicapped person" means anyone who has a physical or mental impairment that substantially limits one or more major life activities, "Major life activities" are defined as functions such as caring for one's self, performing manual tasks, walking, seeing, speaking, hearing, breathing and learning. Drug and alcohol abusers are also covered by Section 504, except when current use of drugs or alcohol prevents them from performing the duties of the job in question or poses an immediate threat to public safety or property.

(2) Program Accessibility.

All programs and activities provided by the Applicant must be accessible to qualified handicapped persons on a “system-wide” basis, even those not directly receiving federal aid. A “qualified person with disabilities” is one who meets the essential eligibility requirements for program participation or receipt of services. This means that persons with disabilities must be able to participate in each type of program or activity at a minimum of one location within the Applicant’s jurisdiction. For example, if a park department offers guitar classes at five locations in a city, one of those classes must be accessible to persons with disabilities.

Accessibility to activities may be provided by several methods, including redesigning equipment, structural changes to a facility, moving programs to other accessible locations, providing aids for the handicapped, and home visits. Thus, program accessibility does not mean that every facility has to be made structurally accessible, and may or may not require physical modification to facilities.

For applicants which employ fewer than fifteen full or part-time employees, if the situation arises after consultation with a person with a disability who wants recreation services, that no alternative exists to provide access other than structural adaptations, the person may be referred to other providers of services whose facilities are accessible. Such referrals may be made, however, only with advance approval by the Director of the Department of Interior’s Office for Equal Opportunity.

(3) Employment Practices.

The organization must ensure that its employment practices are nondiscriminatory. Written nondiscrimination policies should include the handicapped.

Discrimination against “qualified” individuals is prohibited. A “qualified handicapped person” is one who, with “reasonable accommodations,” can perform the essential functions of the job in question. Reasonable accommodation must be provided to employees and applicants with disabilities, unless it creates “undue hardship”.

Accommodations may include facility access, modified work schedules, job restructuring and permitting work to be done at home or other locations. All applicants and employees must be informed that discrimination on the basis of disability is prohibited. The applicant needs to take steps to communicate effectively with the visually and hearing impaired, as well as the mentally retarded and learning disabled. Employees also need to be notified of when, where and how to file employment complaints alleging handicap discrimination. The applicant must adopt grievance procedures for prompt and equitable resolution of complaints. A wide range of employment practices are covered by Section 504. These are detailed in the Appendix.

(4) Public Notification.

The applicant is to notify its employees and the public of the availability and accessibility of its programs and services, its policy of nondiscrimination, and procedures for filing complaints. This can be through its program publications, posters, the media and recruitment materials. Appropriate steps must be taken to communicate with persons with impaired vision, hearing, and learning disabilities and who are mentally retarded.

The public must be informed that the applicant receives federal financial assistance from the Department of the Interior, and thus federal law prohibits discrimination on the basis of handicap in the applicant’s programs and activities. The explanation must also state that if any individual feels he or she has been discriminated against or desires further information regarding the Department of the Interior’s nondiscrimination requirements, the person may write to:

Director
Office for Equal Opportunity
U.S. Dept. of the Interior
Washington, D.C. 20240

(5) Extension of Compliance to Others.

If the applicant gives, leases, or transfers real property, it must put a covenant in the agreement transferring the property that discrimination on the basis of handicap will not occur. This obligates the recipient or the transferee, for the period during which the real property is used for the purpose for which it was extended, to operate in a non-discriminatory manner.

Where the applicant has a contract, subcontract or agreement with concessionaires, organizations such as health maintenance organizations, insurance agencies, training or employment agencies, or labor unions, nondiscrimination clauses must be included in the contractual documents and ensure that the organizations do not discriminate on the basis of handicap in services to employees and job applicants.

(6) Administrative Requirements.

Applicants employing fifteen or more full or part-time employees must designate one person as being a Section 504 Coordinator, responsible for compliance with the Act. Such agencies must also adopt grievance procedures for the prompt and equitable resolution of handicapped discrimination complaints.

Applicants should keep on file sufficient documentation to demonstrate compliance with Section 504 for federal review purposes. The Department of Interior Office for Equal Opportunity will periodically perform on-site and desk audit periodic reviews of local grant recipients. The Division of Outdoor Recreation staff may also request evidence of compliance for review purposes. Agencies are expected to resolve any noncompliance voluntarily; however, available federal sanctions include withholding or terminating federal funds and judicial enforcements.

To aid local agencies in compliance with Section 504, a model poster which covers Title VI and Section 504 public notification is included in the Appendix.

7. Employment.

The Applicant may comply with the following laws and standards as they relate to employment practices.

A. Minority Business Enterprise Development

The Applicant shall comply with Executive Order 12432, Minority Business Enterprise Development, as follows.

It is the national policy to place a fair share of purchases with minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness. In particular recipients should:

(1) Place minority business firms on bidder's mailing lists.

(2) Solicit these firms whenever they are potential sources of supplies, equipment, construction, or services.

(3) Where feasible, divide total requirements into smaller needs, and set delivery schedules that will encourage participation by these firms.

(4) Use the assistance of the Minority Business Development Agency of the Department of Commerce, the Small Business Administration, the Office of Small and Disadvantaged Business Utilization, Department of the Interior (DOI), the Business Utilization and Development Specialists who reside in each DOI bureau and office, and similar State and local offices where they exist.

For any project involving $500,000 (federal share) or more in grant assistance the Applicant shall submit prior to the commencement of construction and every fiscal year quarter thereafter, (until project completion), a report documenting the efforts to hire minority business firms. These reports (DI-1925) will be submitted to the U.S. Fish and Wildlife, State and Federal agencies for receipt within 5 days after the end of the fiscal year quarter.

B. Fair Labor Standards Act (PL 95-191, 91 Stat. 1245)

The applicant will comply with the provisions of the Federal Fair Labor Standards Act as they apply to the minimum wage and maximum hours provisions for employees of state and local governments.

C. Conflict of Interests

The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

The Applicant will insure that no member or employee of the Agency who is authorized in an official capacity to negotiate, make, accept or approve, or to take part in such decisions regarding a contract or subcontract in connection with this project shall have any financial or other personal interest in any such contract or subcontract.

The Applicant will insure that no person performing services for the Agency, in connection with this project shall have a financial or other personal interest other than employment or retention by the Applicant, State, or Federal Government, in any contract or subcontract in connection with this project. No officer or employee of such person retained by the Applicant, State or Federal Government shall have any financial or other personal interest in any real property acquired for this project unless such interest is openly disclosed upon the public records of the State, and such officer, employee or person has not participated in the acquisition for or on behalf of the Applicant.

No member of or delegate to Congress shall be admitted to any share or part of this agreement, or to any benefit to arise hereupon, unless such benefit shall be in the form of an agreement made with a corporation for its general benefit.

The Applicant, State and Federal agencies shall be responsible for enforcing the above conflict of interest provisions.

D. Hatch Act

The Applicant will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508), as amended, which provides that no officer or Applicant or State whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the political activity prescribed in the Hatch Political Activity Act (5 U.S.C. Sec. 118k, 1964).

The covered officer or employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.

The covered officer or employee may not directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend or contribute anything of value to a party committee, organization, agency, or person for political purposes.

The covered officer or employee may not be a candidate for elective office in a partisan election.

8. Administrative Regulations

The Applicant shall comply with applicable federal, state and local regulations, policies, guidelines and requirements as they relate to the application, acceptance and use of federal funds for this project.

The Applicant shall comply with Executive Order 12372, Clearinghouse Review, which states that all projects being submitted for federal assistance must be routed through the State's inter-governmental review system for review and comment prior to submittal of the project to the Federal agency.

The Applicant shall comply with the Office of Management and Budget Circulars A-102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments. This Circular contains standards for establishing consistency and uniformity among federal agencies in the administration of grants to state and local governments. The Circular also includes standards to ensure consistency in the implementation of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1101).

The Applicant will comply with the Office of Manemployee of the agement and Budget Circular A-87, Cost Principles for State and Local Governments. This Circular sets forth the principles for determining the allowable cost of programs administered by state, local, and federally-recognized Indian tribal governments under grants from and contracts with the Federal Government. The principles in the Circular are designed to provide that federally-assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law.

The Applicant will comply with the Office of Management and Budget Circular A-128, Audits of State and Local Governments. This Circular establishes audit requirements for state and local governments that receive federal assistance, through the U.S. Department of the Interior and it defines the responsibility of the Federal agency for implementing and monitoring the compliance requirements.

9. Protecting and Preserving the Environment

<u>Clean Air Act of 1955</u>

The Applicant will comply with the provisions of the Clean Air Act of 1955, as amended (42 U.S.C.7609), which establishes guidelines for preventing and controlling air pollution. The Act provides federal assistance for development of programs to inspect and regulate emissions and to discourage the excessive use of vehicles which pollute the air. The Act also gives the Environmental Protection Agency (EPA) the authority to establish air quality standards for various regions of the country. These standards set the legal limits for specific pollutants and the EPA monitors the presence of pollutants in the atmosphere and may require those areas exceeding the standards to bring the pollution levels within the specified limits before permitting further industrial expansion.

Clean Water Act of 1977

The Applicant will comply with the Clean Water Act of 1977 (33 U.S.C. Secs. 1288, 1314, 1341, 1342, 1344) which (1) establishes criteria for the clean-up of water, (2) regulates the discharge of pollutants and toxic chemicals, and (3) promotes the protection of fish and wildlife and intergovernmental cooperation in the field of environmental protection.

Coastal Zone Management Act of 1972

The Applicant will comply with the provisions of the Coastal Zone Management Act of 1972 (P.L. 92-583) (16 U.S.C. Sec. 1451, 1456) which establishes a policy to preserve, protect, develop, and where possible restore or enhance, the resources of the Nation's coastal zones for this and succeeding generations. The Act gives full consideration to the ecological, cultural, historic and esthetic values as well as the needs for economic development along the coastal zones.

Endangered Species Act of 1973

The Applicant will comply with the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1534) which states that federally assisted projects must not jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of the habitat of the species. The Applicant is required to notify the Department of Natural Resources and the U.S. Fish and Wildlife Service when a project may affect an endangered or threatened species either beneficially or adversely. The Applicant must include in the notice, the name of the listed species and/or critical habitat included; list the name, description and location of the area; list objectives of the actions; and provide an explanation of the impacts of the action on a listed species or its critical habitat.

If you need information on Indiana's endangered plants and/or animals contact:

Indiana Department of Natural Resources
Division of Nature Preserves
402 W. Washington, Room #267
Indianapolis, Indiana 46204
(Endangered Plants)

Division of Fish and Wildlife
402 W. Washington, Room #273
Indianapolis, IN 46204
(Endangered Animals)

Conservation of Petroleum and Natural Gas

The Applicant will comply with the provisions of Executive Order 12185, Conservation of Petroleum and Natural Gas, which states that recipients of federal assistance must develop projects which encourage the conservation of petroleum and natural gas and those recipients will assist the federal agencies by identifying other projects which encourage conservation.

Prevention Control and Abatement of Water Pollution

The Applicant will comply with the provisions of Executive Order 11288, Prevention, Control and Abatement of Water Pollution, which states that in an effort to improve water quality, the construction or renovation of facilities and buildings must meet the pollution control standards outlined in this Order.

Evaluation of Flood Hazard in Locating Federally Owned or Financed Buildings, Roads, and Other Facilities and in Disposing of Federal Lands and Properties.

The Applicant will comply with the provisions of 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, which states that in an effort to prevent uneconomic uses and development of the Nation's floodplains and, in particular, to lessen the risk of flood losses in connection with federally financed or supported projects, the Federal Government must evaluate the potential of flood hazards and must make efforts to minimize the exposure of facilities to potential flood damage.

Exotic Organisms

The Applicant will comply with the provisions of Executive Order 11987, Exotic Organisms, which states that federal agencies shall discourage people from introducing exotic species into natural ecosystems of the United States. In addition, federal agencies must restrict the use of federal funds for the purpose of introducing exotic species into such systems.

When an Applicant requests permission for introducing an exotic species, the request must be accompanied by a biological opinion from the U. S. Fish and Wildlife Service supporting the proposed introduction. This must be accompanied by National Environmental Policy Act (NEPA) documents, biological data and project plans. The Applicant will then be responsible for adhering to the recommendations outlined in the opinion from the U.S. Fish and Wildlife Service.

Floodplain Management

The Applicant will comply with Executive Order 11988, Floodplain Management, which states that in order to avoid the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid the support of floodplain development, that action will be taken to reduce the risk of flood loss; minimize the impact of floods on human safety, health and welfare; and restore and preserve the natural and beneficial values served by floodplains, through the regulation by federal, state and local governments of floodplain development.

Protection and Enhancement of the Natural Environment

The Applicant will comply with Executive Order 11514, Protection and Enhancement of the Natural Environment, as amended by Executive Order 11991, which provides for the compilation of environmental impact statements, (when needed) which are more useful to the public with a reduction of paperwork and accumulation of background material, and to focus on real environmental issues and alternatives. The Act requires statements to be concise, clear to the point, and be supported by evidence that agencies have made the necessary environmental analysis.

Protection of Wetlands

The Applicant will comply with Executive Order 11990, Protection of Wetlands, which states that in order to avoid the long and short term impacts associated with the destruction and modification of wetlands and to avoid support of more construction in wetlands when there is practicable alternatives, the Federal Government will take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands.

(1) Summary. All construction, maintenance, rehabilitation or installation of structures or facilities, and all real estate transactions which have the potential to adversely affect the natural and beneficial values of floodplains or wetlands or the occupants of floodplain areas, or which will result in the construction or rehabilitation of structures or facilities subject to potential harm by location in floodplains or wetlands must be documented in accordance with the following procedures. Actions subject to these procedures do not include routine maintenance which does not increase flood risk of an existing structure or facility and does not disrupt floodplain values.

(2) Procedures for planning and implementing projects in or affecting floodplains and wetlands.

(a) Floodplain and wetland determination.

During the initial stages of all planning activities, a determination shall be made as to whether the action may potentially affect a wetland or floodplain area Federal Insurance Administration (FIA) maps, if available, shall be used as the primary reference for establishing floodplain limits; however, floodplain areas around many small lakes, ponds, and wetland areas are often less than 200 feet wide and the FIA does not delineate areas that small. If the needed information is not available from the FIA, assistance may be acquired from other sources.

If the analyses and subsequent evaluations indicate that the proposed action (1) lies outside the base flood plain and outside a wetland, (2) has no effect upon floodplain or wetland, or (3) is not expected to cause indirect support of floodplain development and wetland alteration, then planning can proceed without further consideration of these procedures.

(b) Early public review.

Opportunities shall be provided for interested and concerned members of the public and representatives of federal, state, and local government agencies to become involved in the early stages of the planning process. The “coping” process required by the National Environmental Policy Act regulations will satisfy this requirement whenever an early decision is made to prepare an environmental impact statement. In other cases, an opportunity will be provided for public participation by advertising the proposed project and the major alternatives. For proposals of national concern, a notice must be published in the Federal Register stating that planning has commenced and requesting suggestions from the public and other agencies. For actions of local concern, a notice informing the public of the proposal and requesting their comments will be sent to local newspapers, posted on or near the site, and posted at nearby wildlife agency installations.

A special effort will be made to inform adjacent landowners, conservation and community service organizations, and local government organizations that may be affected or interested. For proposed actions where substantial citizen interest or controversy is expected, a public meeting should be held to allow a full discussion of the issues.

(c) Identification and evaluation of alternatives for locating in base floodplains or wetlands.

Whenever it is proposed to undertake or locate an action in a base floodplain or wetland, alternatives to such a location must be evaluated and their practicability determined. Alternatives to be evaluated must include:

- Carrying out the proposed action at a location outside the floodplain or wetland;

- Considering alternative sites within the floodplain or wetland which may have less impact;

- Using other means to accomplish the same purpose as the proposed action (e.g., enlarge an existing facility rather than build a new one);

- Take no action. Unless the importance of carrying out the action clearly outweighs any potential adverse effect on the floodplain environment and on human health and welfare, a no action alternative must be selected. If a practicable alternative outside the base floodplain or wetland is identified, it must be selected.

(d) Identification of impacts of the proposed action.

Occasionally, there will be no practicable alternative to locating structures or facilities in a floodplain or wetland. This will be the case for water management facilities when the objective is to preserve, manage, or restore specific natural and beneficial values; however, all adverse effects must be identified (e.g., an impoundment may benefit waterfowl while lessening habitat values for upland wildlife or downstream resources). Indirect impacts of action taken outside of a floodplain or wetland (e.g. construction of a fish hatchery or wildlife refuge headquarters) must be considered. The potential impacts of flooding on the proposed structures or facilities must be considered to minimize the risk of the Federal investment.

(e) Minimize, restore, preserve.

Measures must be incorporated into actions impacting wetlands or floodplains to minimize any adverse impacts. When managing for a specific natural and beneficial value, adverse impacts on other such values must be minimized (e.g., when managing bottomland hardwoods for waterfowl, adverse impacts on forestry resources must be minimized). When lives or property are affected, the goal is to avoid increasing base flood level over the level of the base flood prior to the proposed action.

(f) Re-evaluation of alternatives.

The proposed action and its alternatives will be re-evaluated after potential adverse impacts of the proposed action have been identified, and after measures to minimize these impacts and measures to restore and preserve other values have been incorporated. When it is apparent from the re-evaluation that there is no practicable alternative to impacting a floodplain or wetland, an explanation will be included in the environmental assessment or environmental impact statement sent to the Regional Director with the project proposal.

Federal Act for Protection and Restoration of Estuarine Areas

The Applicant will comply with the provisions of the Federal Act for Protection and Restoration of Estuarine Areas (P.L. 90-454), which requires the Agency to consider, in the comprehensive planning and proposals for federal financial assistance, the needs and opportunities for protecting and restoring estuaries (water passage area where tide meets the river current) in accordance with the purposes of this Act.

Pesticide Usage

The Applicant will comply with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 135 et seq.) and the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973) which forbids any person to sell, distribute, hold for sale, ship, deliver for shipment, or offer to deliver any pesticide not registered with the Environmental Protection Agency (EPA). Federal funds may not be used for application of any pesticide unless it is applied in conformance with these Acts and the Department of the Interior, Pesticide Use Policy. This requires the Applicant:

(l) To use pesticides only after full consideration of alternatives based on competent analyses of environmental effects, safety, specificity, effectiveness, and costs. The full range of alternatives including chemical, biological, and physical methods, and "no action" will be considered. When it is determined that a pesticide must be used in order to meet important management goals, the least hazardous material that will meet such goals will be chosen.

(2) To utilize pest management research, control, education, and assistance programs to develop, support, and adopt integrated pest management strategies wherever practicable.

(3) To use only pesticides registered by the Environmental Protection Agency (EPA) in full accordance with FIFRA, as amended, and as provided in regulations, orders, or permits issued by EPA.

(4) That the handling and use of restricted-use pesticides be conducted with caution and only by personnel who are either certified or under the direct supervision of a certified applicator trained by a State of Indiana program meeting EPA standards.

(5) To ensure that all pesticides and pesticide containers are transported, stored, and disposed of in a manner that will safeguard human healt and fish and wildlife, and prevent soil and water contamination.

(6) To give full consideration at all times to safety of humans, fish and wildlife, and other non-target organisms.

(7) To use pesticides in habitats involving endangered and threatened animal or plant consultation process.

(8) To use pesticides in wilderness areas only where necessary to protect human health or to prevent loss of significant resource values on public or private lands within or bordering the wilderness area.

(9) To conduct or require quality control monitoring before, during, and after any pesticide application in ecologically sensitive areas. Such monitoring will determine whether the application achieved the desired effects and whether there are any significant, unanticipated effects.

(10) To apply pesticides by aerial methods only when the advantages over ground methods are distinct and then only with appropriate techniques to ensure positive placement and to minimize drift.

(11) To provide opportunity for public participation in carrying out pesticide use programs.

(12) To ensure that areas treated with Restricted Use pesticides (40 CFR 162.31) are posted at usual points of entry so that occupants, land users, and visitors are informed sufficiently in advance to avoid possible exposure. Such posting will contain (1) a statement that the area has been or will be treated with a named pesticide; (2) the date of the treatment; (3) appropriate precautions to be taken or the date when re-entry is judged to be safe; (4) a telephone number and address for further information. Local managers may make exceptions to the posting requirement where they judge no public exposure is likely.

(13) To ensure that all lessees, operators, or other users of Federal Aid lands, waters, or facilities are aware of their obligation to comply with FIFRA as amended, and all other applicable federal and state laws and regulations governing the use of pesticides, and to require such compliance through periodic review of the pesticides related plans and practices of the land users.

(14) A project sponsor may use pesticides without prior Federal approval if the IDNR and the Regional Director finds that a system of pesticide management meeting the above standards has been adopted by the project sponsor. The FWS reserves monitoring responsibilities to insure compliance for pesticide usage involving Federal Aid funds.

Those sponsors not having such a system must obtain prior approval from IDNR and FWS for application of restricted use pesticides (as classified by EPA) involving Federal funds.

Fish and Wildlife Coordination Act

The Applicant will comply with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661,662), which provide for the promotion of the conservation of wildlife, fish and game. The Agency will cooperate with federal, state and local agencies in rearing, stocking and increasing the supply of game, fur-bearing animals and fish, in combating diseases and in developing a nation-wide program of wildlife conservation.

Flood Disaster Protection Act of 1973

The Applicant will comply with the Flood Disaster Protection Act of 1973 (P.L. 93-234), (87 Stat. 975), (12 U.S.C. Sec 24, 1701-1 Supp.), (42 U.S.C. Sec. 4001 et seq.), which states that in areas or communities which have been identified by the Secretary of the Department of Housing and Urban Development or by the Flood Insurance Administration of the Federal Emergency Management Agency as an area having special floods hazards, the Applicant must purchase flood insurance (if available) as a condition of the receipt of any federal financial assistance for construction or acquisition purposes. The Act has been expanded by increasing the limits of coverage and the number of communities eligible for participation in the flood insurance program.

National Environmental Policy Act

The Applicant must comply with the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (P.L. 91-190) (42 U.S.C. 4321-4347 et seq.) which requires that every proposed federal project be examined to determine the effects it will have on the human environment and that the findings be considered in decisions regarding implementation of the project. The Applicant must insure that each project application will be accompanied by an environmental analysis and then an Environmental Assessment or Environmental Impact Statement will be completed for projects as required, or show that the proposed activity is covered by one or more categorical exclusion as outlined in the "NEPA in Federal Aid Proposals-Guidance to the States."

Rivers and Harbor Act of 1899

The Applicant will comply with the provisions of the Rivers and Harbors Act of 1899(33 U.S.C. Sec. 401 et seq.) (30 Stat. 115) which requires recipients of federal assistance to obtain the appropriate permits from local, state, and federal agencies for the construction of any bridge, causeway, dam, or dike over or in any port, roadstead, haven, harbor, canal, navigable river or other navigable water in the United States.

Wild and Scenic Rivers Act of 1968

The Applicant will comply with the provisions of the National Wild and Scenic Rivers Act of 1968 (P.L. 90-542) (16 U.S.C. 1274 et seq.) (82 Stat. 906) which prohibits federal water projects on designated rivers and restricts development of adjacent river corridor lands by providing for acquisition of land and development rights. The Act offers protection for the nation's network of free-flowing streams and prohibits construction of federally-funded, assisted, or licensed water projects such as dams, barge canals, canalization or diversion schemes, and does not allow construction of dams by private or public power companies. The Act also protects, by acquisition or development of lands and easements, the scenic, recreational, and fish and wildlife values of the area.

10. Coordination with the Environmental Protection Agency

The Applicant will insure that the site or facilities under its ownership, lease or supervision, which shall be acquired or developed in this project, are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities, pursuant to 40 CFR, Part 15.20.

The Applicant will notify the State and Federal agencies if it receives communication from the Director of the EPA Office of Federal Activities indicating that a site or facility included in the project is under consideration for listing by the EPA.

11. Historical and Cultural Preservation

Archaeological and Historic Preservation Act

The Applicant will comply with the Archaeological and Historic Preservation Act of 1974 (P.L. 93-291, 16 U.S.C. 469a-1), as amended, which states that whenever any federal agency finds, or is notified in writing, by an appropriate historical or archaeological authority, that its action or connection with any federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical or archaeological data. The Secretary of the Interior may conduct, with the consent of all having a legal interest in the property involved, a survey of the affected site, and undertake the recovery, protection and preservation of such site.

Archaeological Resources Protection Act

The Applicant will comply with the provisions of the Archaeological Resources Protection Act of 1979 (P.L. 96-95) which states that data will be collected from archaeological sites, which are located on public lands, and the information will be shared with government authorities and the professional archaeological community, in order to protect and preserve sites which may have archaeological or historic significance.

Antiquities Act

The Applicant will comply with the provisions of the Antiquities Act of 1906 (16 U.S.C. Sec. 431) which allows the President of the United States to proclaim historic landmarks and transfer parcels of land associated with the site, to the Federal Government.

Protection and Enhancement of the Cultural Environment

The Applicant will comply with Executive Order 11593, Protection and Enhancement of the Cultural Environment (16 U.S.C. 470) which requires the preservation, restoration and maintenance of the historic and cultural environment of the nation. The Applicant must assist the federal government in identifying these sites, in investigating the eligibility of sites for inclusion in the National Register, and by avoiding or mitigating adverse effects upon such sites.

Historic Preservation

The Applicant will comply with the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470) and the National Historic Preservation Act Amendments of 1980 (P.L. 96-515, 94 Stat. 2987) by assisting the Federal Government in identifying, protecting, and preserving the nation's cultural and historic resources.

(1) The Applicant must, after consulting with the State Historic Preservation Officer through the qualified professional, notify the State and Federal National Register of Historic Places, or properties that may be eligible for that list, which are subject to adverse effects by any federally aided project. Eligible properties include districts, sites, buildings, structures, or objects.

Adverse effects include:

- Destruction or alteration of all or part of the property.
- Isolation from or alteration of the properties' surrounding environment.
- Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting.
- Neglect of a property resulting in its deterioration or destruction.
- Transfer or sale of a property without adequate conditions or restrictions regarding preservation, maintenance, or use.

If an Applicant or State agency is advised by the State Historic Preservation Officer that a proposed project may adversely affect historic or cultural resources, the Applicant must initiate actions to locate and identify such resources. Because these resources are not often identifiable by untrained persons, a professional cultural resource survey may be required.

The Applicant must notify the State and Federal agencies of any National Register or eligible properties known to be located within the area of a federally assisted project's potential environmental effect.

(2) If a previously unknown cultural or historic resource eligible for the National Register is discovered at any time during the implementation period of a federally assisted project, the State and Federal agencies must be notified and all actions which may adversely affect it must be suspended. The Federal Government will provide the Applicant and State agency with instructions on how the matter may be most expeditiously resolved.

12. Power Plant and Industrial Fuel Act of 1978

The Applicant will comply with the provisions of the Power Plant and Industrial Fuel Act of 1978 (P.L. 95-620) which requires recipients of federal assistance to assist the Federal Government in the implementation of the Act by increasing the nation's self-sufficiency with respect to energy resources and encouraging the use of coal and other alternate fuels.

13. Federal Highway Act of 1973

The Applicant will comply with the provisions of the Federal Highway Act of 1973 (P.L. 93-87), which states that since the interstate system is in the final stage of development, increased emphasis will be placed on the construction and renovation of the federal highway systems to meet the needs of local and interstate commerce and to bring the highways up to safety standards. When federally assisted projects may impact the development or expansion of the interstate system, the agency must contact the appropriate State and Federal agencies regarding the impact of the project.

14. Record Retention, Audits and Inspections

The Applicant agrees to give the State of Indiana, the Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, access and the right to examine any books, documents, papers, and records of the Agency, local government and project contractors which are pertinent to a specific project for the purpose of making audit, examination excerpts and transcripts.

The Applicant must retain financial records, supporting documents, statistical records, and all other records pertinent to this grant, for a minimum period of three (3) years; except the records shall be retained beyond the three year period if audit findings have not been resolved. The record retention period starts from the date of the final expenditure report (or billing) for the project.

The Applicant is authorized to substitute microfilm copies in lieu of original records after the retention period or resolution of audit findings.

The Applicant agrees to comply with the recommendations outlined in the project inspection reports, completed by State and Federal agencies. Properties and facilities acquired or developed with federal assistance shall be available for inspection by State and Federal agencies at such intervals as the Federal or State agencies shall require. These periodic inspections will be conducted throughout the "useful life of the facilities" for development projects.

The Applicant agrees that a permanent record shall be kept in the participant's public property records, and shall be available for public inspection, detailing the use of federal assistance to acquire and/or develop the project site(s), and that the site will not be converted to other uses without the prior written approval of the State and Federal agencies.

15. Project Termination

The Applicant may request withdrawal of the project at any time prior to the first payment or expenditure of grant funds. After the initial payment, the project or agreement may be rescinded, modified or amended only by written mutual agreement between the Applicant and the State agency.

The Federal or State agency may terminate the project in whole or in part, at any time before the date of completion, whenever it is determined that the Applicant has failed to comply with the terms of the project proposal or the intent of the program. Failure by the Applicant to comply with the terms of the agreement may cause suspension of all obligations by and a return of any monies received to the State of Indiana. The Federal or State agency will promptly notify the Applicant in writing of the determination and the reasons for the termination, together with the effective date. Payments made to Applicant or recovery of funds by the State or Federal agency under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

The Applicant, State and Federal agencies may terminate the grants in whole, or in part at any time before the date of completion, when all parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Applicant shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Federal agency may allow full credit to the State agency or Applicant for the Federal share of the noncancellable obligations, properly incurred by the grantee prior to termination.

Termination either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by the Applicant, State and Federal agencies or that all funds provided by the Federal agency be returned. The Applicant will indemnify the State of Indiana from the obligation of such repayment.

16. Indemnity

The Applicant agrees to hold harmless, indemnify and defend the State of Indiana, its agencies, officers and employees from all claims, demands, suits and judgments which may result from any loss or damage to property or injury or death of any persons on the project site or in any other way connected with the issuance of this grant.

17. General Compliance

The Applicant shall comply with all applicable laws, rules and regulations and to the further terms and conditions specified by the Federal and/or State agencies. Applicant acknowledges that the detailed conditions and terms of these assurances shall be in accord with the guidelines established by State and Federal agencies for the DNR Shooting Range program.

The Applicant agrees that the benefit to be derived by the United States from the full compliance by the Applicant with the terms of this agreement is the preservation, protection, and the net increase in the quality of public shooting and hunter education facilities and resources which are available to the people of the State of Indiana and of the United States, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the United States by way of assistance under the terms of this agreement. The Applicant further agrees, therefore, that the appropriate remedy in the event of a breach by the Applicant of this agreement shall be the specific performance of this agreement.

PROJECT SEQUENCE

Once the project has Federal approval and has obtained environmental clearance, the Applicant can advertise for bid, sign contracts, and start construction. Donations of cash, materials, equipment and labor for the project may be accepted after the grant is approved. Cash may also be received both before and after federal approval. Refer to the construction guidelines in Chapter 4. Please note the reviews which must be completed and the information which must be sent to the State Fire Prevention and Building Safety Commission and the Division of Outdoor Recreation prior to construction.

Progress billings may be submitted after the project is approved. Chapter 5 explains billing procedures and the items needed before federal assistance is reimbursed to the applicant.

During the project period, the DNR will make periodic inspections to insure that the development is in accord with the project application. The project sponsor is usually notified prior to these inspections and invited to accompany the inspecting officers.

If changes occur or problems are encountered during the project period, the Division of Outdoor Recreation should be contacted immediately. As indicated previously, changes may result in a need to amend the project in order to insure full federal assistance for the project.

AMENDMENTS

During the project period, various situations may result in changes or deviations from the Project Agreement. An amendment is necessary to add to, or alter the signed agreement. Changes that may necessitate an amendment are increases or decreases in the project scope or an extension of the project period.

Changes in Project Scope

Only those items approved for the project are eligible for federal assistance. Similarly, facilities must be constructed in the same location as designated on the site plan and according to the design plans submitted with the application. Due to unforeseen changes in project costs or revisions in the plans for the facility, certain items may have to be added or deleted from the project after it is approved. These changes may require submission to the Federal Government for approval. In the case of adding an item to the project, construction on that item cannot begin until the amendment is approved. The amount of federal assistance specified on the Project Agreement is the maximum amount reserved for that particular project. Costs over this amount have to be paid by the applicant.

All changes in project scope should be in accord-
ance with the intent of the original application, and must be justifiable. The need for the change must be documented by a letter to the Division of Outdoor Recreation, accompanied by revised cost estimates, construction plans and maps.

Project Period Extensions

All development must take place within the project period, which is identified in the Project Agreement. The Agreement is sent to the project sponsor after the project has received Federal approval. For most projects, the target date for project completion will be based on a one or two year project period.

If the project cannot be completed during the period identified on the Agreement, a request may be submitted for a time extension. The request must justify why the project cannot be completed before the expiration date. This justification should include a time schedule for completing the remaining items. Work performed after the project has expired will not be eligible for federal assistance. Final payments for work done during the project period can be made after the project has expired. These payments should specify that the work had been completed before the project expired.

Submission of an Amendment Request

The sponsoring agency initiates the amendment by submitting a request for the changes to the Division of Outdoor Recreation. This request should include all project revisions desired, including cost estimates, maps or design plans, and justification of the need for the changes. It is recommended that a project staff member of the Division of Outdoor Recreation be contacted prior to the submission of the amendment request. The staff member will be able to provide advice on the feasibility of an amendment approval.

An amendment for a change in project scope can be requested anytime prior to the construction of the added item or acquisition of the added tract. An amendment for an extension of time should be submitted to the Division of Outdoor Recreation forty-five days before the project is scheduled to expire.

It is essential that amendment requests be kept to a minimum. Amendments are used to cover items that could not be anticipated in the original project. Major deviations from the original project will not be accepted. It is the responsibility of the project sponsor to thoroughly determine the type of project prior to submission and, upon approval, carry through with that project.

PROJECT COMPLETION

Upon notification by the project sponsor that a project has been completed, the Division of Law Enforcement, Outdoor Recreation or Fish and Wildlife staff will conduct a final inspection. The Federal agency may also make a final inspection, but this inspection may not take place until several months or years later. If the project has been completed in accord with the Project Agreement, the final billing can be processed. Certain additional documentation will be needed for the final billing as indicated in Chapter 5 and 6.

In order for a project to be considered completed and ready for final billing, it should be submitted within sixty days of the completion of the project or expiration date, whichever comes first. This procedure will enable both the applicant and the Division of Outdoor Recreation to complete the final project data and terminate administrative procedures as soon as possible.

The Applicant's long-term obligations regarding project sites are explained in Chapter 7.

CHECKLIST FOR AMENDMENTS

Listed below are specific items to be included in submitting amendment requests.

For changes in project scope:

_____1. One (1) copy of a revised cost breakdown showing the cost of items completed and the estimated cost of work yet to be done, including the items to be added to the project.

_____2. For buildings being revised or added to the project, three (3) copies of the floor plans and elevation diagrams.

_____3. Three (3) copies of a revised site plan, showing the locations of the facilities to be added or a plat map showing the location of the additional land to be purchased.

_____4. One (1) copy of a justification for the revisions, which may be included in the transmittal letter.

For project period extensions:

_____1. One (1) copy of a time schedule showing the dates the remaining project items are to be completed.

_____2. One (1) copy of a justification for the project period extension, which may be included in the transmittal letter.

CHAPTER 4

DEVELOPMENT PROJECT CRITERIA AND PROCEDURES

CRITERIA FOR DEVELOPMENT PROJECTS

Selecting Development for a Grant Application

A development project may consist of new construction or renovation of an improvement or group of related improvements designed to provide facilities for public shooting or archery. A project may include the complete or partial development of one area, or it may include a series of identical developments on several separate sites. In either case, the project must be a logical unit of work to be accomplished in a specified period of time. Projects should meet the needs of local citizens, be attractive, safe, and compatible with the site's natural features.

All organizations should refer to the National Rifle Association (NRA) Shooting Range Manual and develop their facilities to meet these standards. Once developed, a project must remain in public use for the life of the facility. Any proposed changes in the use of the facility must have the approval of the Department of Natural Resources and the U.S. Fish and Wildlife Service.

Site Location, Control and Tenure

Facilities may be built on sites owned by the state, park and recreation boards, land owned by not-for-profit agencies or a city or county. If the land is owned by another city or county department or local governmental unit, it must either be leased or title must be transferred to the applicant.

Project sites may be leased or conveyed by easement to the applicant from another public entity or the private sector. Leases and easements must be for a minimum of 25 years. If the development will have a longer period of service, the lease or easement must extend for a greater time, equal to the expected useful life of the facilities to be built.

According to federal regulations, an applicant that is going to develop shooting facilities will have to enter into an agreement with the State concerning the use, operation and maintenance of the site. The agreement will state that if the project sponsor fails to keep the facility open for public use or does not operate and maintain it according to federal standards, as explained in Chapter 6, control for the facility will revert to the Division of Fish and Wildlife for the remaining useful life of the facility or until the problems are corrected.

Eligible Types of Development

Development projects eligible for assistance include, but are not limited to, the following types of facilities which provide public use of sport shooting facilities: backstops, berms, target holders, baffles, gun racks, trap and skeet houses, field courses, signs, benches,
classrooms, platforms, shelters, protective fencing, storage areas, parking lots, restrooms, and other support facilities.

ELIGIBLE DEVELOPMENT COSTS

Consultant Services

Consultants for projects may be hired through the competitive negotiation process. A scope of services desired by the applicant needs to be prepared and normal advertisement procedures followed. The advertisement must identify the evaluating criteria the local sponsor will use. The local sponsor must request proposals from firms and interview several of those submitting proposals. Firms are to be selected objectively based on their professional qualifications, experience and quality of past performance. Hiring the lowest bidder is not required; however, a written explanation of the process used in hiring a consultant must be submitted to the Division of Outdoor Recreation with the contract. During the negotiation process, all bidders must be treated equally and given the same opportunities to revise their bids. Agencies should consult with their attorney regarding hiring a consultant according to I.C. 5-16-11.

Federal regulations do not authorize payment of fees for consultant on a "percent of the construction contract" basis. The consultant may be paid according to: (1) fixed price, (2) per hour, (3) per diem, or (4) actual expenses incurred. The contract must specify the payment method. No consultant fee may be paid to any federal, state, or project sponsor's employee unless such a payment is specifically agreed to by the Division of Outdoor Recreation.

Typical eligible consultant costs include: feasibility studies, site planning, environmental assessment preparation, cost estimates, archaeological work, construction plans and specifications. Costs incurred for designing facilities not developed in the project are ineligible. If a consultant is hired after the application is submitted, the project sponsor must notify the Division of Outdoor Recreation.

Construction

Allowable construction costs include all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a facility. Construction may be carried out through a contract with a private firm, by use of the agency's own personnel and equipment (force account), or by in-kind contributions. Regulations regarding these three types of construction are explained later in this chapter.

Contract Construction Wages

Wage rates established for construction project employees must be the prevailing wage rate for the area. Since those rates change periodically, a new State Wage Rate Scale must be requested and included in the specifications each time construction is bid in a project.

The program is <u>not</u> subject to the Davis-Bacon Act, so contractors are not bound to construction wage rates established by the U.S. Department of Labor, unless other federal funds subject to the Davis-Bacon Act are used as the local share. To obtain the most recent copy of the prevailing wage rate scale for a local area, please contact:

Prevailing Wage Department
Indiana Division of Labor
402 W. Washington, Room #195
Indianapolis, IN 46204
Telephone: (317) 232-2683

Supplies and Materials

Supplies and materials may be purchased for a specific project or may be drawn from a central stock. The former should be charged to a project at their actual price, less discounts, taxes, rebates, etc. and the latter should be charged at cost under any recognized method of pricing which is consistently applied. Incoming transportation charges are a part of these costs. Eligible project supplies are those needed for the construction of a project. Supplies needed for the operation and maintenance of a facility are not eligible. Examples include paper towels, toilet paper, cleansers, soap and others.

Information and Interpretation

Fund assistance may share the costs of providing information directly related to a project, as distinguished from publicity. These may include: signs giving information and directions at the entrances of recreation areas and other necessary places throughout the project site; display boards; dioramas; interpretive facilities for the explanation of items of interest; and other facilities required to explain the site and bring it to public attention.

METHODS OF DEVELOPING FACILITIES

Development of a project site may be by contract, force account, in-kind contribution, or a combination of these methods. The method(s) which will be used must be indicated in the Program Narrative as part of the grant application. The procedures regarding each of these construction methods are explained below.

Contract

The most common and preferred method of developing an area is by contract because the project sponsor is assured the construction will be completed by a designated date according to predetermined work standards.

The federal government requires that competitive, open bidding be undertaken for all federally assisted contracts in excess of $25,000, unless this requirement is waived by the federal agency. All construction associated with a DNR Shooting Range project which exceeds $25,000 must be competitively bid, as required by federal law. Additional information on federal and state bidding requirements is included in the Appendix under "Provisions for Procurement". Please note the total contract, rather than the amount of federal assistance, shall be the governing factor in determining whether contracts or subcontracts exceed $25,000.

Local sponsors must inform bidders that federal funds are to be used to assist in the development, and that all relevant federal requirements will apply. It is preferable to include this information in the bid invitations or in notices released prior to bid invitations.

The federal government requires that certain information be included in the specifications for and thus as part of all contracts, and that certain documents be filed, for construction for which federal reimbursement will be requested. These requirements titled "Provisions for Procurement" can be found in the Appendix.

There are three sections to the "Provisions for Procurement". The first section explains the procedures and responsibilities of the local agency with regard to state and federal procurement practices.

The second section is an explanation of how prime and subcontractors can meet the federal requirements and which documents they must retain on file. This section may either be included as part of the specifications or may be given to the contractor at the preconstruction meeting.

The third section, Federal Contract Provisions, must appear verbatim in the specifications for any contract or purchase for more than $25,000. If these pages are not included in the specifications given to bidders prior to bidding, the cost of the resulting construction contract will not be eligible for reimbursement.
If an architectural or engineering firm prepares the specifications, make sure their standard contractual statements do not conflict with federal requirements. Examples of conflicts include termination or breach of contract and types and amounts of bonds required.

The contracts must be written in such a way that the construction specifications, including the federal requirements supplement, are incorporated into the scope of the contract. Failure to follow these procedures will jeopardize reimbursement for the project.

A copy of all plans and construction specifications, including the addenda must be submitted to the Division of Outdoor Recreation for approval prior to advertising for bids. In addition, copies of the bid tabulation summary sheet and all construction contracts must be submitted within fifteen (15) days after award of the contract. Any proposed change orders to the contract should first be cleared with the Division of Outdoor Recreation before the change order is negotiated.

The contract award should be made to the individual or firm whose bid is most advantageous to the local sponsor. Contracts must be awarded to responsible contractors or suppliers who have the ability to perform successfully under the terms and conditions of the contract. Consideration should be given to such matters as contractor integrity, record of past performances, financial and technical resources, and accessibility to the necessary resources.

When the local sponsor considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bidder may be awarded the contract. If a no-bid contract is awarded by the local sponsor, or a contract is awarded to other than the lowest bidder, a letter of justification for this action must be sent to the Division of Outdoor Recreation with the bid summary. Federal approval must be obtained prior to awarding the contract in these two cases.

Force Account

The second method which may be utilized to develop a project site is a force account. A local sponsor may choose to use its own employees, machinery, or materials in the development of facilities, rather than contract with an outside company.

Force accounts cannot be used to circumvent a competitive bidding process required by State law. Indiana law requires that all construction over $25,000 be competively bid. The Federal Government does not limit the amount of work which can be done by force account, so in accordance with State Law, all force account projects must cost no more than $25,000. Information about state bidding regulations and federal procurement procedures is in the Appendix. Further interpretation of the Indiana laws regarding this issue should be directed to the State Board of Accounts.

If a local sponsor plans to claim force account costs, this intent must be stated in the application documentation and in the explanation of any subsequent project amendment requests. The Appendix contains a special Force Account Labor Form which is completed by the laborer and the local agency director. This statement is needed to certify the rate and number of hours the laborer worked on the project.

In-Kind Contribution

Facilities may also be developed by in-kind contributions which might consist of labor, equipment, materials and supplies donated to a local sponsor by private organizations or individuals.

In-kind contributions are eligible in a project only to the extent that there are additional development costs to be met by the federal assistance requested for that project. These must be fully described and explained in the project proposal.

The Division of Outdoor Recreation must agree on the local sponsor's method of valuing in-kind contributions of goods and services before the project approval for such contributions to be considered as part or all of the agency's matching share. Unexpected donations which occur after project approval may also be eligible for reimbursement if requested by the local sponsor and agreed to by the State. The procedures for determining the value of in-kind contributions from private sector sources are as follows:

1. Valuation of Volunteer Services. Volunteer services may be contributed by professional and technical personnel, consultants, and skilled or unskilled labor. Each hour of volunteered service may be counted as part of the local sponsor's matching share if the service is an integral and necessary part of an approved project. The records of in-kind contributions of personnel services must include time sheets containing the signature of the person whose time is contributed and of his or her supervisor verifying that the record is accurate. The **Donated Labor Form** in the Appendix may be used for this purpose. The value for a person donating services should be figured at the same rate as that paid to an entry level laborer. Sponsors must contact the clerk-treasurer and ask for a letter specifying the amount paid to general laborers, and from that information calculate value of the donated service.

If the donor is professionally skilled in the trade or service to be provided, such as an electrician installing the electrical wiring or a plumber connecting the water supply, the rate this individual is paid for performing this trade may be claimed for matching assistance. A letter from the donor's employer, on company letterhead, must document this rate.

The method for determining donated labor must be calculated in the project application and documentation substantiating the wage rate to eventually be claimed must be provided.

2. Valuation of Donated Supplies, Materials, and Equipment. The value of donated supplies, materials and equipment which are permanently acquired should be reasonable and not exceed the current market prices at the time they are purchased for the project. Records of in-kind contributions of supplies and materials must indicate the fair market value by listing the comparable prices from other vendors or the amount paid by the donor.

3. Valuation of Loaned Equipment. Occasionally, equipment used in the construction of a facility will be loaned to the project sponsor. The sponsor may claim the value of the equipment use as an in-kind contribution to the sponsor's share of project costs.

In order to receive reimbursement, project sponsors must supply documentation signed by the donor stating: the date(s); number of hours used per date; the type and model number of the equipment used; price per hour or day; and total cost claimed as a donation.

4. Valuation of Other Donations. Other donations received by the board specifically for and in direct benefit to the project may be accepted as part of a local agency's matching share, provided that the values of these donations are adequately supported and permissible under the law. Such donations must be reasonable and properly justifiable.

PROJECT REVIEWS

Another step in processing a project requires the submission of the project plans and specifications to various agencies for the appropriate reviews. This section discusses the five major reviews required for development projects.

Fire Prevention and Building Safety

If a local agency proposes the development of a new building or alterations to an existing building, the plans and specifications for the new construction must be sent to the department of Fire Prevention and Building Safety for review at least one month before the bids are to be let or construction started. These plans are to be prepared by an architect or engineer registered in the State of Indiana, or under his or her direct supervision. Sponsors completing projects in Marion County must submit four sets of plans and specifications; all other sponsors need to submit only three. The Department will distribute copies of the plans to the State Board of Health if necessary. For more information, you write to the following address:

Indiana Department of Fire Prevention & Building Safety
1099 Meridian Street, Suite 900,
Indianapolis, IN 46204
Telephone: (317)232-6422

Applicants should expect to pay a fee for this review.

Environmental Management

If a local agency proposes construction of a sanitary sewer system, including additions or alterations to existing systems, plans and specifications must be submitted directly to the Indiana Department of Environmental Management for review and issuance of a construction permit. Such projects include public buildings, restrooms, dump stations, etc. The plans submitted must show all water supply lines and where those lines connect into existing systems. Copies of the permit application forms, and additional information related to these requirements may be obtained from:

Indiana Department of
Environmental Management
Office of Water Management
105 S. Meridian Street, P.O. Box 6015
Indianapolis, IN 46206-6015
Telephone: (317) 232-8472

If there is a question as to whether a project will require a permit from the Department of Environmental Management, be sure to call before project construction begins. Applicants can expect to pay a fee to obtain the permit.

Division of Water

When a local sponsor proposes construction in the 100 year floodplain the agency must submit copies of the plans and specifications to the Division of Water for review. Such construction includes fills, buildings, dams, excavations, or bridges. More information may be obtained by writing to the following address:

Indiana Department of Natural Resources
Division of Water
402 W. Washington, Room #264
Indianapolis, IN 46204
Telephone: (317) 232-4167

A fee is charged for this review.

The Division of Outdoor Recreation will not process project applications requiring a construction permit until the Division of Water has reviewed the plans and specifications. A copy of the review letter or, when necessary, a construction permit should accompany the project
application so that processing may begin as soon as possible.

The Federal Flood Disaster Protection Act of 1973 (P.L. 93-234) requires purchase of flood insurance for certain types of facilities constructed in the flood plain. Although Indiana regulations prohibit the construction of items in the flood plain, these federal regulations apply to existing developments as well. Communities affected by designated flood hazard areas as determined by the Department of Housing and Urban Development and later by the Federal Emergency Management Agency, will initially be required to join the flood hazard insurance program. Project sponsors may wish to contact their city/county executive or the Division of Water regarding the community's status in the flood insurance program and the eligibility of existing structures for insurance.

Army Corps of Engineers

Section 404 of the Federal Water Pollution Control Act Amendments of 1972 gave the U.S. Army Corps of Engineers regulatory responsibility to maintain certain water quality in our nation's navigable waters. A 1975 court case mandated that the Corp's authority be expanded to regulate the disposal of dredged or fill material in all waters of the U.S. Thus, agencies proposing construction involving the discharge of dredged or fill material will be required to obtain a Corps of Engineers permit.

Along with the discharge of material which has been dredged or excavated from any waters of the United States, the following additional types of activities are regulated by this program: site development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, bulkheads and fills; beach nourishment; levees; sanitary land, and backfill required for the placement of structures such as sewage treatment facilities.

Applications for a permit under this program may take up to six months to be approved. Project sponsors are urged to contact the applicable district office of the Corps of Engineers well in advance of the application deadline, so that processing of the project is not delayed. Applications for permits should be submitted to the offices listed below, depending on which river basin the project is in. If the applicant is uncertain of the river basin in which the project is located, the Division of Water should be contacted.

The Louisville U.S. Army COE
Regulatory Division
P.O. Box 59
Louisville, KY 40401-0059
Phone: 502-315-6733
FAX: 502-315-6677

U. S. Army Corps of Engineers
South Bend Field Office
2422 Viridian Dr. Suite 101
South Bend IN 46628
Phone: (574) 232-1952
FAX: (574) 232-3075

Division of Outdoor Recreation

The last review required for all development projects is a review of the plans, specifications and contracts by the state project officer. The officer will review the project for compliance with federal regulations and specific compliance with the Architectural Barriers Act of 1968. Federal regulations regarding bidding procedures must be adhered to. The grants staff will check to insure that the Federal Contract Provisions have been included in all specifications for contracts which exceed $25,000. The project will be reviewed for compliance with the scope of the project as written in the Project Agreement. Sponsors needing additional information regarding this final review should contact their state project officer at the following address:

Indiana Department of Natural Resources
Division of Outdoor Recreation
402 W. Washington, Room #271
Indianapolis, IN 46204
Telephone: (317) 232-4070

OTHER CONSIDERATIONS REGARDING DEVELOPMENT

In addition to the types of development costs, and methods of developing facilities, there are other factors which must be considered for an Indiana DNR Shooting Range project. These considerations are explained below.

Overhead Utility Lines

Overhead utility lines are a safety hazard and a major detraction from the natural quality of many outdoor recreation areas and should be eliminated where possible.

Adaptation of Facilities for Persons with Disabilities

The Federal Government requires that all facilities developed with assistance from the program must be designed in conformance with the Architectural Barriers Act of 1968. The Act ensures that structures financed with Federal funds are designed and built to be accessible to persons with disabilities. Acceptable design criteria have been published online by the U.S. Access Board at **http://www.access-board.gov** or contact them at:

The Access Board
1331 F Street NW, Suite 1000
Washington , DC 2004-1111
1-800-872-2253 (v) 1-800-993-2822 (TTY)
Fax: (202) 272-0081
Email: info@access-board.gov

Project sponsors should consider the needs of persons with disabilities in every aspect of a facility's design. Most of the adaptations are relatively inexpensive, especially if designed into the facility prior to initial construction. Some examples included are:

1. Curb cuts or ramps which provide easy access to sidewalks.

2. Gradually-sloped, hard-surfaced walkways leading to all facilities commonly visited by site users.

3. Water fountains, public telephones and similar facilities designed to permit use by persons with disabilities.

4. Hard-surfaced parking spaces beside the curb cuts in a parking lot, with signs reserving them for persons with disabilities.

On September 3, 2002, the Access Board published new guidelines that address access for persons with disabilities to a variety of recreation facilities. The guidelines specify the minimum level of accessibility required in the construction or alteration of amusement rides, boating facilities, fishing piers and platforms, golf courses, miniature golf courses, sports facilities, swimming and wading pools, and spas. The Board issued these guidelines under the Americans with Disabilities Act (ADA), which ensures access to a wide range of facilities in the private and public sectors. The Board is also making thse guidelines applicable to facilities covered by the Architectural Barriers Act (ABA), which requires certain federally funded facilities to be accessible.

The guidelines for shooting facilities are:

15.7.4 Shooting Facilities. Where fixed firing positions are provided at a site, at least 5 percent, but not less than one, of each type of firing position shall comply with 15.7.4.1.

15.7.4.1 Fixed Firing Position. Fixed firing positions shall contain a 60 inch (1525 mm) diameter space and shall have a slope not steeper than 1:48.

Signs

Project sponsors are encouraged to display temporary signs identifying the use of grant funds on project sites during the construction period, as illustrated in this chapter. Permanent signs must be installed on all project sites once projects are completed. A model for a permanent sign is available from Division of Outdoor Recreation. The sign must use the logo of the Federal Aid to Wildlife Restoration Program.

Support Facilities Only

Projects which contain support facilities only will not usually be eligible for assistance through the Indiana DNR Shooting Range grant program. Parking lots, restrooms, and similar support facilities may be eligible at sites where shooting range facilities currently exist. The eligibility of these types of projects will be decided on a case by case basis.

SUMMARY OF CONSTRUCTION CONTRACT PROCEDURES

The following steps apply to all construction over $25,000 which by federal law must competitively bid.

1. Prepare the plans and specifications. Include the Federal Contract Provisions and make sure all facilities are designed for handicapped accessibility.

2. Submit the plans and specifications for review to the Department of Natural Resources, Division of Outdoor Recreation. Allow 1 week for approval. As applicable, the following reviews must also be completed:

a. U.S. Army Corps of Engineers. Allow 6 months for approval.

b. Department of Natural Resources, Division of Water. Allow 2-3 months for approval.

c. Department of Fire Prevention and Building Safety. Allow 1 month for approval.

3. Advertise for bids after all approvals are received. Bid advertisements must include a statement informing bidders, that federal funds are being used on the project, and that contractors will be required to comply with Federal Contract Provisions included in the specifications.

4. Open bids, prepare the bid tabulation sheet and award the contracts. If a firm other than the lowest bidder is to be selected request that the Division of Outdoor Recreation obtain federal approval prior to signing the contract. An explanation for accepting other than the lowest bidder must accompany the written requests. If the lowest bidder is to be selected, award and sign the construction contract. Send copies of the bid advertisements (proof of publication), bid tabulation sheet (summary of bids), and signed contracts to the Division of Outdoor Recreation.

5. OFCCP Notification. Within 10 days of awarding a contract, send the OFCCP Construction Notification Form to the Office of Federal Contract Compliance Programs. The OFCCP address is on the form.

6. Preconstruction Meeting.

a. Hold a preconstruction meeting with the contractor(s) involved in the project. Reaffirm the contractor's obligation for complying with the Federal Contract Provisions in the specifications. Provide each contractor with a supply of CC-257 forms and a copy of the "Obligations of Federally Funded Construction Contractors and Subcontractors," (in the Appendix) if these pages were not included in the specifications.

b. If a preconstruction meeting is not held, send each contractor a copy of the "Obligations of Federally Funded Construction Contractors and Subcontractors" and a supply of CC-257 forms. These should be sent by certified mail, return receipt requested.

7. Notice to Proceed. If the contractor is issued a "notice to proceed", send a copy of the notice to the Division of Outdoor Recreation.

8. Proceed with Construction. When approval has been given by the Division, you may proceed with the construction. If any change orders are to be given, request approval in advance and then send a copy of all such changes to the Division of Outdoor Recreation.

The Division will conduct progress inspections of the development.

9. Project Completion. When the final billing is prepared, submit the Post Construction Certificate and "as built" site plans. The Division of Outdoor Recreation or Fish and Wildlife will conduct a final inspection of the project before processing the final reimbursement and closing out the project. Refer to Chapters 5 and 6 for final billing and close-out procedures.

CHAPTER 5

BILLING FOR FEDERAL REIMBURSEMENT

After federal approval and reservation of funds, the local sponsor may begin development. The grant will be made available to the project sponsor on a reimbursement basis. In order to receive the money reserved for the project, a billing must be submitted to the Division of Outdoor Recreation. The Division will process this information and transmit the billing request to the Fish and Wildlife Service. It takes approximately four to six weeks for a reimbursement check to be transmitted back to the project sponsor.

CASH FLOW

Since the federal assistance is administered as a reimbursement process rather than a direct grant prior to undertaking the work, project sponsors must first pay the bills and then request reimbursement. During the more active periods of the project work, the sponsor may encounter times when the cash flow for expenses increases and the reimbursement checks are not returned in time to assist in the bill payments. In those instances, the sponsor may have to transfer funds among its own accounts or request a short-term loan from another account, such as the city utilities. These transfers are permissible; however, the clerk-treasurer or auditor must be aware of the proper Board of Accounts procedure to follow. The total amount of the project costs must be shown in the budget, although 75% of this amount can be shown as coming from federal grant funds rather than local tax sources.

INCURRED COSTS

To be eligible for matching assistance, the costs must be incurred within the project period. The local sponsor may not begin development until the project has been approved by the Fish and Wildlife Service. The only costs incurred before project approval eligible for retroactive reimbursement are those architectural, archaeological, and grant application preparation fees which were documented as preagreement costs in the project application. Other preagreement costs are not eligible for matching assistance.

Any costs incurred after the project has expired are also ineligible for assistance. Items added to a project by a change in scope amendment must be approved before costs may be incurred for the item.

INCOME FROM PROJECT SITES

Income earned by the project sponsor during the project period from sources, other than the intended use, will either be used to reduce the total project cost (thus reducing the grant by up to 50% of the earned income), or to do additional development at the site. Examples of such income include the sale or rental of structures, and the lease or rental of the shooting facility. An explanation of all anticipated types of income must accompany the project application.

According to federal regulations, user fees can be instituted to cover operation and maintenance costs only and not to produce extra revenue for the sponsor agency. Because facilities developed through this program must be open to the general public, and user fees can be discriminatory to some persons, the Fish and Wildlife Service discourages the collection of user fees. Charging for the cost of clay pigeons for trap and skeet facilities will not be discouraged.

If the project sponsor feels that it is necessary to collect a user fee for the facilities built in this project a complete schedule containing all charges to be assessed against those using the facilities must be submitted for approval. Any net revenues accruing from the operation of the facilities must be separately accounted for and reserved by the project sponsor for the future operation, maintenance and/or expansion of the facility or, with the Department's approval, for construction of other recreational shooting or archery facilities. The agency must submit to the Division of Outdoor Recreation a yearly summary throughout the project period of fees collected and an explanation of how they were expended.

BILLING SUBMISSIONS

Separate billings must be submitted on each project for which a sponsor has a grant. These billings should be numbered consecutively for each project, beginning with number one. Billings may be submitted monthly; however, project sponsors are encouraged to submit billings on a quarterly basis. The federal amount of each billing should total at least 10 percent (10%) of the grant amount, with the exception of the final billing.

Final Billings

Billings may be submitted for up to 95% of the project costs prior to the final billing. Reimbursement for 5% of the project cost is withheld until the project is completed and a final inspection is made by the Division of Outdoor Recreation staff.

One copy of the signed Post Construction Certificate (found in the Appendix) must accompany the final billing for development projects. This form is completed by the supervising architect or engineer on the project. If the project did not involve a consulting architect or engineer, then the county or city engineer should inspect the project and sign the Post Construction Certificate. The final billing should be submitted to the Division within 60 days of the project completion or expiration, whichever comes first.

Project sponsors should expect the final billing to take longer to process than progress billings, and should arrange their financing accordingly. An "as built" site plan which clearly delineates the completion date, dimensions of the site, location of federally assisted development must be submitted with the final billing. This site plan will serve as a permanent record of federal assistance at the site, and thus be agreed to by the DNR and the Applicant. The Division of Outdoor Recreation staff will work with the Applicant in documenting the "as built" site plan.

Billing Documentation

All billings are submitted on the Indiana Local Agency Billing Form, accompanied by various documents depending upon the type of project. One copy of this billing form is submitted with each reimbursement request. The form is located in the Appendix. A billing for federal assistance should include the following items:

1. Invoices. One copy of invoices from firms or individuals performing work or supplying materials or equipment for the project. The project name and number should be specified on invoices. The eligible costs should be identified if the invoices include items which are not a part of the project.

2. Claim Vouchers. One copy, front and back of itemized claim vouchers corresponding to the invoices. The claim vouchers must be certified by the authorized sponsoring agency members or the proper city and county officials. The project name and number should be specified on the claim vouchers. If the claim voucher contains items which are not part of the federal project, all eligible items need to be identified. The eligible site should be designated with the project number. This designation should be made at the time the claim voucher is prepared.

Park and Recreation boards, cities and counties, and not-for-profit agencies are tax exempt and therefore, cannot be reimbursed for payment of any sales tax. If a sales tax is inadvertently included in a vendor's invoice, it should be identified as an ineligible cost and deducted from the billing.

3. Cancelled Checks. One copy, front and back of the cancelled checks corresponding to the claim voucher. If the check includes payments of ineligible items, the amount included in the billing should be written on the check and labeled as eligible costs.

4. Force Account Information. If force account costs are claimed in a development billing, the following types of information are required.

a. Payroll. One copy of the agency's payroll for the time period for which force account costs are being claimed. The names of those individuals for which force account costs are claimed should be circled or underlined.

b. Cancelled Checks. One copy, front and back, of the cancelled checks corresponding to the force account items. The amount paid for eligible costs should be indicated on the checks by writing across the checks "Eligible Costs" and the amount.

c. Force Account Labor Form. One copy of the form, which includes a statement that the individuals, for which force account costs are claimed, actually performed the listed work. This statement should be signed by both the employee involved and the park superintendent, appropriate city or county official, or agency director. An example of this statement may be found in the Appendix.

5. In-kind Contributions. The following documentation is required for each of these types of contributions:

a. Donated Labor. One copy of the donated Labor Form (in the Appendix) must be completed for each person donating labor for construction and signed by the donor and agency supervisor. The per hour value of the labor donations will usually have been documented in the project application by clerk/treasurer's and/or employers' letters as explained in Chapter 2. If a skilled construction person donates time that has not previously provided evidence of his or her per hour wage rate, it should be submitted with the billing.

b. Donated Materials. A letter from the donor, which briefly describes the items and indicates they were given for the project, needs to be provided. To establish the value of the gifts, quotations of prices for similar materials should be provided from two local commercial suppliers, the lower of the two quotations will establish the donated value.

c. Donated Equipment. A letter from the donor, which briefly describes the equipment and its use in the project construction must be submitted. For equipment to be installed at the site, price quotations from suppliers of similar equipment will be the value for billing purposes. In the case of construction equipment, some types of equipment will be valued on a per hour rate according to the local value described in Chapter 4. A copy of the quotations for local rental rates from other suppliers and the donor must be included to determine the donated rate per hour. The donor's letter for construction equipment needs to list the dates, hours and types of work performed for the project.

d. Donated Cash. Since these contributions are used to pay expenses for a project, the regular payment documentation suffices for cash gifts.

Billing Assembly

To speed the billing process, the billing documents should be compiled in an orderly manner. One copy of the signed Indiana Local Billing Agency Form, claim vouchers, cancelled checks, and invoices are required. It is recommended the invoice, claim voucher and cancelled check for each payment be stapled together separately, along with other applicable construction documents as outlined earlier. For donated elements of the project, each contribution should be stapled together separately.

These supporting materials for payments and gifts should be compiled into one stack with the billing form on top. A transmittal letter should identify any items on claims that were deducted due to ineligibility and provide a short summary of the project's status to date.

Although a claim or invoice may be familiar to the project sponsor, it may be highly questionable for processing by the State. Claims or invoices marked simply "paint", "lumber", "plumbing supplies" or claims which are illegibly written will be returned for further explanation. Construction materials need to be properly identified with a project item such as "paint for trap house". Failure to identify all eligible costs may result in billing process delay. In most cases, questionable billings will be returned for clarification.

State Processing Of Billings

Once the billing is received by the Division of Outdoor Recreation, all the documentation is reviewed. This process usually takes between seven and fourteen weeks. The State Auditor must then prepare a reimbursement either through check or electronic transfer payable to each project sponsor.

BILLING CHECKLIST

The agency president or project officer will want to review the billing to make sure that it has been properly assembled. The checklist has been developed to aid this review.

____1. One copy of the Indiana Local Agency Billing Form.

____2. One copy of the invoices for development costs.

____3. One copy, front and back, of itemized claim vouchers.

____4. One copy, front and back, of cancelled checks.

____5. One copy of the force account information, if applicable.

____a. Payroll
____b. Cancelled Checks
____c. Force Account Labor Form

_____6. One copy of the in-kind contribution information, if applicable.

____a. Donor's Letter or Donated Labor Form
____b. Evidence of Value

_____7. One copy of the Post Construction Certificate, if a final billing.

_____8. A short summary of the project's status to date.

CHAPTER 6

PROJECT COMPLETION & FUTURE RESPONSIBILITIES

PROJECT COMPLETION

The date of completion is the date when all work in a project is completed, or the date the project expires, whichever comes first. The project sponsor should submit the final billing for the project within sixty days of the date of completion.

Upon notification of project completion, the Division of Outdoor Recreation staff will conduct a final inspection of the project site. An “as built” site plan must be prepared and submitted along with other closeout documents. The plan must identify the work funded by the grant, completion date, and boundaries of the site. In a few cases, there may be no changes from the site map submitted with the application other than labeling it with the completion date. The Division of Outdoor Recreation may make additional notations or revise information on the map. When the final version has been agreed upon by all parties, a copy will be provided to the local sponsor.

This map becomes part of the permanent records of the DNR. It is also to be kept permanently in the project sponsor’s public property records and available for public inspection with the project agreement. The site must be identified as having been developed with assistance from “Indiana DNR Shooting Range Program" funded by the Federal Aid to Wildlife Restoration Program, and the project must remain open to the public for the useful life of the facility.

In order for a project to be considered completed and ready for final billing, a DNR Shooting Range sign must be displayed on the site.

PERMANENT SIGN

An Indiana DNR Shooting Range sign must be erected and permanently displayed on all projects when completed. The sign should give adequate recognition to each agency involved in the development of the particular project site and indicate the project was a cooperative project which was partially funded by the Federal Aid to Wildlife Restoration Program and it must show the program logo. The cost of constructing the sign is eligible for matching assistance and should be included within the cost breakdown in the project application. Assistance concerning the design and suggested wording for the sign is available from the Division of Outdoor Recreation.

RETENTION OF RECORDS FOR AUDIT

In addition to the copies submitted to the State, all construction plans, specifications, bid advertisements and tabulations, contracts, and change orders must be retained by the project sponsor for a period of three years, commencing after the final reimbursement has been received, or until audit findings have been resolved. All accounting records and project data are subject to the State and Federal audit. The Federal Government reserves the right to question any item for which reimbursement was received until audit findings have been resolved. All agency files are subject to audit by the State Board of Accounts, which reviews all Indiana governmental fiscal procedures for state and federal compliance.

INSPECTIONS

Upon project completion, a final inspection is made by the Division of Outdoor Recreation prior to the authorization of the final reimbursement. Completed projects will be inspected periodically by the Divisions of Outdoor Recreation, Law Enforcement and Fish and Wildlife. Copies of this report will be sent to the Fish and Wildlife Service and the project sponsor. These inspections are made to ensure that: the site is being used for the purposes intended; the site is attractive and properly maintained; the area is accessible and open to the general public; the site has an Indiana DNR Shooting Range Program sign; and there appears to be adequate staff to ensure proper safety and servicing of the facilities. It must be emphasized that neither the State of Indiana nor the Federal Government desires to become involved in the daily operation and maintenance of a funded facility. The operation and maintenance requirements are no more restrictive than those required by the local taxpayers or users for the facility they helped to finance.

OPERATION AND MAINTENANCE

Property developed with federal assistance must be properly operated and maintained for general public use. The site should appear attractive and inviting to the public. Proper sanitation and sanitary facilities should be maintained in accord with applicable health standards. The site should be kept safe for public use. Buildings, roads, and other improvements should be kept in reasonable repair throughout their lifetime to prevent undue deterioration and to encourage public use. Evidence of vandalism should be repaired as quickly as possible.

PUBLIC USE AND FEES

The facility should be kept open for general public use at reasonable hours and times of the year according to the type of area or facility. Property developed with federal assistance shall be open to entry and use by all persons regardless of race, religion, color, sex, national origin, age, handicap, or place of residence.

The site cannot be restricted for use only by community or county residents. A higher user fee may be charged to out-of-city or out-of-county 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. Reservations, 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. These provisions apply only to general park entrance fees as described in the Project Agreement.

If fees are charged to use federally funded sites or facilities, the agency must submit a complete schedule of all charges to be assessed for those using the facilities to the Division of Outdoor Recreation. The project sponsor must also submit a yearly summary of the fees collected and an explanation of how they were expended during the life of the facility.

Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities developed with federal assistance when such a limitation is necessary for maintenance or preservation. Thus, limitation may be imposed on the number of persons using an area or facility for the type of users. All limitations shall be in accord with the applicable grant agreement and amendments. Facilities may also be scheduled for use by private groups. Such a reservation system cannot be used to the extent that a facility is reserved for the exclusive use by any special interest group and is never available during general use hours for the general public. Permits for the use of facilities must be in accord with federal nondiscrimination provisions.

FUTURE NONDISCRIMINATION AUDITS

The Department of the Interior, Office for Equal Opportunity periodically conducts desk and on-site audits of agencies which have received federal assistance. The reviews involve compliance with Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act, as explained in Chapter 3. An audit may take place long after a project has been completed, since grant recipients must comply with the nondiscrimination provisions in perpetuity
Project sponsors are responsible for voluntarily complying with any audit findings which need to be resolved.

RETENTION OF THE SITE FOR THE USE INTENDED

At the time of project approval, the project sponsor will sign an agreement with the Indiana Department of Natural Resources' Division of Fish and Wildlife concerning the use, operation and maintenance of the facilities developed with federal funds. The agreement will last for the useful life of the facility. When a project sponsor feels the facility has reached the end of its useful life the DNR must be contacted. The Department staff and the U.S. Fish and Wildlife Service must concur that the facility is obsolete.

This agreement will state that the facilities developed with federal assistance must remain open for general public shooting range use and will be operated and maintained according to federal standards for the useful life of the facility. The useful life of the facility will be determined as described earlier. If these conditions are not met, the Division of Fish and Wildlife will assume control of the site for the remainder of the agreement or until the problem is corrected.

FUTURE RESPONSIBILITIES

Any property developed with these funds shall not be wholly or partly converted to other than public shooting range use during the following time period. All federal responsibilities end when the facilities have been determined by the project sponsor, the IDNR and the Fish and Wildlife Service to be obsolete, therefore terminating the project agreement.

LEASING OF PROJECT SITES

A project sponsor may provide for the operation of a site developed with federal assistance by leasing the facility to a private organization or individual. The project sponsor must irrevocably agree to terminate the lease should public use of the leased facility be restricted.

All lease documents for the operation of Indiana DNR Shooting Range assisted sites by private organizations or individuals must address the following:

1. In order to protect the public interest, the project sponsor must have a clear ability to periodically review and if necessary terminate the lease if the terms and provisions of the grant agreement, including standards of maintenance, public use and accessibility are not met.

2. The document should clearly indicate that the leased area is to be operated by the lessee for public shooting range purposes in compliance with provisions of the Indiana DNR Shooting Range program and implementing guidelines.

3. The document should require that the area be identified as being open to the public and operated as a public shooting facility in all signs, literature, and advertising and that the lessee be identified so the public will not be misled into believing that the area is private. Signs should be posted which identify the facility as being open to the public.

4. The lease must include requirements that the lessee comply with Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act in providing equal opportunity for public use and in the lessee's employment practices. The site must be maintained for access to persons with disabilities under the Architectural Barriers Act. All leases must be approved by the Division of Outdoor Recreation prior to their execution.

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Items in bold are part of the application, and should be submitted with original signatures.

Shooting Range Application Form

Organization: XYZ Conservation Club

Contact Person,Title: Jack Smith, President

Employer Identification Number: 12-345678
(assigned by the Internal Revenue Service)

Permanent Mailing Address: City Street

City, Zip: Anywhere, IN 55555

Phone/Fax Number: 222/555-5555 Email: xyz@club.net

Name and Brief Description of Project: Club Renovation

Development of 2 trap fields, lighting, clubhouse and grounds renovation for ADA accessibility.

To the best of my knowledge, information in this application is true and correct, the document has been duly authorized by the applicant and it will comply with all conditions of the program if funding is approved.

Signed_____ Date_____

Printed name, title Jack Smith

Cost Classification

1. Preliminary expenses	5000.00
2. Architectural and Engineering Basic Services	5,000.00
3. Construction and equipment	90,000.00
4. TOTAL PROJECT AMOUNT (lines 1 through 3)	100,000.00
5. Grant request of line 4 (75%)	75,000.00
6. Applicant's share of line 4 (25%)	25,000.00

SAMPLE

METHOD OF FINANCING APPLICANT'S SHARE

1. Appropriations (by applicant)	$	10,000.00
2. Bonds		
3. Tax levies		
4. Donations		
a. cash		
b. labor		5,000.00
c. equipment		10,000.00
d. materials		
5. Federal source (specify below)		
6. Force account (specify below)		
7. Other (specify below)		
8. TOTAL APPLICANT'S SHARE		25,000.00

Remarks:

Application Form - Instructions

COST CLASSIFICATION

1. Preliminary Expenses Enter any costs incurred prior to grant award and/or submittal. Eligible types of costs would include archaeological literature searches, architectural/engineering preliminary design services, and grant application preparation services. Other costs are not eligible.

2. Architectural and Engineering Basic Services Specify the anticipated costs for architectural/engineering design services, including project plan and specification preparation, project inspection fees, and any other necessary professional services.

3. Construction and Equipment State the projected costs for all construction, materials, and labor costs which will be incurred in this project.

4. Total Add lines 1 through 3. This amount will equal the total cost for the project.

5. Grant Request State the amount of grant assistance which will be requested for this project. This usually will be 75% of line 4. It may not exceed the grant application limit established.

6. Applicant's Share State the amount of the local applicant's contribution for this project. This usually will be 25 % of line 4.

METHOD OF FINANCING APPLICANT'S SHARE

Identify the amount and source(s) of the local agency's share (usually 25%). The total must equal the amount specified in the *evidence of local share* item on the application checklist. Explain details of the costs in the remarks section.

Shooting Range Application Form

Organization:
Contact Person,Title:
Employer Identification Number:
(assigned by the Internal Revenue Service)

Permanent Mailing Address:

City, Zip:
Phone/Fax Number: Email:

Name and Brief Description of Project:

To the best of my knowledge, information in this application is true and correct, the document has been duly authorized by the applicant and it will comply with all conditions of the program if funding is approved.

Signed_____ Date_____

Printed name, title_____

Cost Classification

1. Preliminary expenses	$
2. Architectural and Engineering Basic Services	
3. Construction and equipment	
4. TOTAL PROJECT AMOUNT (lines 1 through 3)	
5. Grant request of line 4 (75%)	
6. Applicant's share of line 4 (25%)	

METHOD OF FINANCING APPLICANT'S SHARE

1. Appropriations (by applicant)	$
2. Bonds	
3. Tax levies	
4. Donations	
a. cash	
b. labor	
c. equipment	
d. materials	
5. Federal source (specify below)	
6. Force account (specify below)	
7. Other (specify below)	
8. TOTAL APPLICANT'S SHARE	

Remarks:

COST BREAKDOWN

County Park Shooting Range

1.	Preliminary expenses		
	archaeological reconnaissance	150.00	
	preparation of site plan	350.00	
		500.00	500.00
2.	Architectural and engineering fees	1,500.00	1,500.00
3.	Construction of shooting Range		
	grading and limestone path/parking lot	3,000.00	
	Shooting run construction	8,500.00	
		11,500.00	11,500.00
4.	Construction of classroom		
	grading	1,000.00	
	construction of building w/restrooms	10,000.00	
	waterline and drinking fountain	400.00	
	electricity	4,000.00	
	landscaping	600.00	
		16,000.00	16,000.00
Total			29,500.00

SAMPLE

DEPARTMENT OF THE INTERIOR
SECTION 504 GUIDELINES FOR FEDERALLY-ASSISTED PARK AND RECREATION PROGRAMS AND ACTIVITIES

I. General

A. Authority. These guidelines are issued under the authority of Section 504 of the Rehabilitation Act of 1973. Pub. L. 93-112, as amended; and Department of the interior Regulations 43CFR 17, Subpart B.

B. Purpose. These guidelines provide basic information on the compliance requirements of Section 504 of the Rehabilitation Act of 1973 with respect to federally assisted park and recreation programs and activities of the Department of the Interior. These guidlines are intended to facilitate compliance with Departmental Regulations 43 CFR 17, Subpart to the end that no qualified handicapped person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance from the Department, included in these guidelines are procedures and standards for determining whether current, and anticipated recipient practices conform to the requirements of Section 504.

C. Scope and Applicability. These guidelines apply to each recipient of Federal financial assistance from the Department that administers a recreation program or activity. When a recipient receives financial assistance from the Department for park and recreation programs, all such programs and activities of that recipient must be in compliance with Section 504 including those programs and activities not receiving direct Federal aid. The final decision as to whether a specific activity or program is or is not federally-assisted within the context of Section 504 rests with the Director. In instances where real property has been acquired through Federal financial assistance or developed prior to 1973, Section 504 applies to such recipients retroactively.

D. Covered programs. Federal financial assistance subject to Section 504 and covered by these guidelines includes, but not limited to, that authorized by the following statutes:

1. Land and Water Conservation Fund Act of 1964, (Pub. L. 88-578, 78 Stat. 897);

2. Title X of the National Parks and Recreation Act of 1978, (Pub. L. 95-625), Urban Park and Recreation Recovery Program;

3. Reservation of Land for Park, Playground, or Community Center (38 Stat. 72743U.S.C. 569);

4. Recreation and Public Purposes Act (44 Stat. 741, as amended, 43 U.S.C. 869-869-4);

5. Federal Aid in Sport Fish Restoration Act (64 Stat. 430) as amended, 16 U.S.C. 777- 777K.

E. Definitions

1. **"Section 504"** means Section 504 of the Rehabilitation Act of 1973.

2. **"Subpart B"** means interior's Departmental Regulations at 43 CFR 17, Subpart B, which implements Section 504 in federally assisted programs.

3. **"Department"** means the U.S.Department of the Interior.

4. **"Director"** means the Director of the Office for Equal Opportunity, Office of the Secretary, U.S. Department of the Interior.

5. **"Secretary"** means the Secretary of the Department of the Interior.

6. **"Federal Financial Assistance"** means any grant, loan, contract (other than insurance or guaranty contract), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of: (a) funds; (b) the detail of Federal personnel; or (c) real and personal property.

7. **"Recipient"**

   a. **"Primary Recipient"** means a State that is authorized to contract for or extend Federal financial assistance to itself or subrecipient for the purpose of carrying out a program of the Department.

   b. **"Subrecipient"** means any political subdivision or instrumentality of a State, public or private entity or individual to whom Federal assistance is extended through a recipient.

8. **"Compliance Review"**

a. **"Post-Award Compliance Review"** means an onsite or off-site, comprehensive assessment of the Section 504 compliance posture of an agency that has received Federal financial assistance from the Department. Such reviews as designed to determine if programs and activities of the agency are administered and operated in compliance with the requirements of Section 504.

b. **"Follow-up Compliance Review"** means a subsequent examination of specific aspects of a recipient's federally-assisted program or activity to determine whether the recipient has resolved outstanding conditions of noncompliance.

c. **"Desk Audit"** means an off-site review of a recipient's practices to determine compli ance with Section 504.

9. **"Compliance Officer"** means an official of the Department assigned the responsibility of conducting a compliance review or complaint investigation of a recipient or subrecipient.

10. **"Major Life Activities"** means functions such as caring or one's self, performing manual tasks, walking, seeing, speaking, hearing, breathing, and learning.

11. **"Handicapped Person"** means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such and impairment, or is regarded as having such an impairment. For a detailed definition of these categories, see Depart mental Regulation Subpart B, 43 CFR 17, 202 (j)(2).

12. **"Qualified Handicapped Person"** means:

a. With respect to covered employment, a handicapped person who, with reasonable accommodation, can perform essential eligibility requirements for the receipt of services or for program participation.

b. With respect to programs, activities, and services, a handicapped person who meets the essential eligibility requirements for the receipt of services or for program participation.

13. **"Reasonable Accommodation"** in employment, means accommodations provided to a handicapped job applicant or employee so that she/he can qualify for and/or perform the job. Reasonable accommodation includes, but is not limited to: (a) making facilities used by employees accessible; (b) job restructuring, part-time or modified work schedules; (c) acquisition or modification of equipment;(d) readers for the visually impaired; and (e) interpreters for the hearing impaired. This interpretation of reasonable accommodation applies solely to recip ient employment practices.

14. **"Beneficiary"** means an individual who is entitled to benefit from, or otherwise participate in, programs or activities receiving Federal finan cial assistance.

15. **"504 Coordinator"** means the individual within the recipient organization who is responsible for coordinating all efforts to comply with Section 504.

16. **"Section 504 Self-Evaluation"** means a process whereby the recipient, in consultation with handi capped individuals and organizations representing such persons, examines its policies, practices, programs, services, and activities to determine whether they are in compliance with Section 504.

17. **"OEO"** means the Office for Equal Opportunity, Office of the Secretary, U.S. Department of the Interior.

18. **"Transition Plan"** means a document detailing the recipient's plans for achieving compliance with Section 504 when structural changes to exist ing facilities are required. The plan must identify physical obstacles; describe methodology for pro viding accessibility; specify the schedule for achieving program accessibility; and indicate the person responsible for implementing the plan.

19. **"Intergrated Setting"** means a setting in which handicapped persons are fully integrated with nonhandicapped persons and are not sub jected to different or separate treatment.

20. **"Program Accessibility"** means that when viewed in its entirety, a program is readily accessible to qualified handicapped persons. This does not mean that every existing facility or part thereof has to be made accessible. Program accessibility may or may not require structural modifications to facilities. Methods of achieving program accessibility include such things as reas signment of services to accessible buildings; assignment of aids to program beneficiaries; home visits; delivery of services at alternate sites; and

alteration of existing facilities.

21."LWCF" means the Land and Water Conservation Fund of the Department.

II. Compliance Responsibilities

A. OEO's Responsibilities. The Office for Equal Opportunity (OEO), shall ensure that no person par ticipating in a program funded in whole or in part by the Department is subjected to discrimination on the basis of handicap. This shall be accomplished through continuing policy direction, oversight, tech nical assistance, program evalutions, investigations and compliance reviews.

B. Bureau Responsibility. Each Bureau or Office, as primary grantor of Federal financial assistance, has direct responsibility for ensuring that recipients and applicants to whom Federal aid is awarded are in compliance with the basic nondiscrimination provi sions of Section 504.

The granting Bureau or Office shall execute its responsibility through:

1. Notifying OEO of any Section 504 violation having arisen from onsite program reviews conducted by Bureau or Office personnel; and

2. Cooperating with OEO in securing voluntary compliance with Section 504 in recipient pro grams and activities.

C. Primary Recipient Responsibility. The States, as primary recipients of Federal assistance, are required to give reasonable assurance that all applicant and subrecipients will comply with Section 504. This includes providing equal benefits, services, financial aid, and utilizing methods of administration which give reasonable assurance of compliance and that any noncompliance will be corrected. This shall be accom plished through:

1. Notifying all applicants and subrecipients of their Section 504 compliance responsibilities;

2. Determining the Section 504 compliance posture of all new applicants prior to an award of Federal financial assistance and where necessary, aiding applicants in complying with Section 504;

3. Apprising all of its employees of the prohibition against discimination, of the basis of handicap, in employment;

4. Ensuring that all of its employees are informed of "when, where, and how" to file employment complaints alleging handicap discimination;

5. Ensuting that all of its programs and activities are in compliance with Section 504;

6. Consulting with interested individuals including handicapped persons or organizations represent ing handicapped persons in achieving compliance with Section 504;

7. Designating a Section 504 Coordinator;

8. Conducting a self-evaluation of all primary recipient programs, activities, services, facilities, practices, ane policies to ensure compliance with Section 504 and maintaining the results of this evalutation on file for public inspection upon completion;

9. Accomplishing a transition plan in the event that structural changes to facilities are neccesary;

10. Meeting equal opportunity public notification of nondiscimination requirements;

11. Securing nondiscrimination assurances from applicants and subrecipients of Federal financial assistance;

12. Providing technical assistance to subrecipients in complying with Section 504;

13. Notifying OEO of any inconsistencies with Section 504 having arisen from onsite project reviews conducted by State personnel;

14. Cooperating with OEO toward seeking a satisfacotry resolution of any Section 504 violation;

15. Where required by the Director, investigating Section 504 complaints of alleged discrimination against applicant or subrecipients; and

16. Ensuring that each applicant/subrecipient is provided a copy of these guidelines.

D. Coordination of Responsibility. OEO will periodi cally conduct on site Section 504 compliance reviews and/or desk audits of primary recipients and subre cipients. OEO will provide any recipient with such technical assistance as necessary to assure compliance with Section 504, Federal, State, and local officials are expected to cooperate fully toward securing voluntary compliance where violations in programs or activities may be found.

III. Section 504 Compliance Provisions

A. General. This section applies to each recipient of financial assistance from this Department who funds or administers a park and/or recreation pro gram. This section covers general prohibitions against discrimination based on handicap as well as the required compliance provisions of Section 504. These standards are set forth in Departmental Regulations at 43 CFR 17, Subpart B.

Subrecipients are reminded that public and private organizations to whom they provide assistance are also covered by Section 503. Such arrangements are interpreted by the Department as being extensions of Federal financial assistance.

B. Prohibitions. Departmental Regulation 43 CFR 17.203 contains specific prohibitions related to services and benefits based on the standard that "no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance."

Recipients should study Section 17.203 in its entirety, and refer to it for further guidance in this area.

C. Technical Compliance Requirements. Each recipient must comply with the following:

1. **Assurances Required.** A recipient of Federal financial assistance shall provide assurances that its programs will operate in compliance with Section 504 and Subpart B, as follows:

   a. Written assurance that a recipient's program will be operated in compliance with the regu lation is required, [43 CFR 17.204(a)]. In instances where primary recipients or subre cipients extend assistance to others (besides the ultimate beneficiary) written assurances must be secured and maintained by the recip ient extending the assistance; and

   b. If a recipient gives, leases, or transfers real property, there must be a covenant in the agreement transferring the property that discrimination on the basis of handicap will not occur [43 CFR17.204(c)]. This obligates the recipient or the transferee, for the period during which the real property is used for the purpose for which it was extended to operate in a nondiscriminatory manner.

2. **Self-Evaluation.** All recipients are required to evaluate their programs, activities, policies, and practices to determine what actions need to be taken in order to comply with Section 504. This process is call a **Self evaluation** and must involve interested persons, including handicapped persons or organizations representing handicapped per sons. If the recipient employs fifteen or more per sons (either full or part-time), a copy of the self-evaluation must indicate the areas examined, problems identified, and the remedial steps the recipient will take to eliminate discriminatory pol icies and practices toward handicapped persons from participating in recipient programs and activities [43 CFR 17.205(c).

   a. **Remedial Action.** The Director can order a recipient to take remedial action when a recipient program or activity is found to be in violation of Section 504. The Director can also order a primary recipient to take reme dial action if one of its subrecipients are found to be in violation of Section 50-4 [43 CFR 17.205(a)].

   b. **Voluntary Action.** All recipients are authorized and encouraged to take voluntary steps, in addition to any required action, to overcome the effects of conditions that restrict qualified handicapped persons from participating in recipient programs and activities [43 CFR 17.205 (b)].

3. **Designation of Section 504 Coordinator.** Every recipient that employs 15 or more persons (either full or part-time) must designate at least one person responsible for ensuring compliance with Section 504. The Department neither encourages not suggests that recipients employ persons exclusively for this responsibility; instead recipients are advised to designate this responsibil ity to an existing staff member.

4. **Adoption of Grievance Procedures.** Each recipient that employs fifteen or more persons (either full or part-time) must adopt grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of handicap. [43CFR 17.206(b)].

5. **Public Notification Required.** Each recipient must proclaim to the public its policy of non discrimination and the procedures for filing complaints. This requirement can be met through the use of program publications and/or the Department's nondiscrimination poster which

covers all of the required Federal anti-discrimina tion provisions. It must be communicated to the public that the program receives Federal financial assistance from the Department and, conse quently, Federal law prohibits discrimination on the basis of handicap in the recipient's programs and activities. Each recipient must also explain that if any individual feels that he or she has been discriminated against or desires further informa tion regarding the Department's nondiscrimation requirements, the person may write to;

Director
Office for Equal Opportunity
U.S. Department of the Interior
Washington, D.C. 20240

Appropriate steps must be taken to inform those with impaired vision or hearing, the mentally retarded, the learning disabled and any other person with a communications impairment of when, where, and how to file complaints of alleged handicap discrimination.

6. **Other Public Notification Requirements.** Each recipient that employs fifteen or more persons (either full or part-time) must take initial and continuing steps to notify program participants, beneficiaries, applicants, and employees, including persons with impaired vision and hearing that they do not discriminate on the basis of handicap. Methods such asposting notices at appropriate locations, placement of notices in local newspapers, are all acceptavle methods. This notice of nondiscriination must also be included in recruitment materials and publications [43 CFR 17.207].

7. **Transition Plan Responsibilities.** In instances where structural changes to facilities are neces sary to achieve program accessibility, each recipient shall develop a transition plan setting forth steps necessary to complete such changes. New recipients shall develop transition plans within one year of receipt of the financial assistance.

   The plan *must* be developed with the assistance of handicapped persons and/or organizations repre senting handicapped persons. At a minimun, a transition plan must:

   a. Identify physical obstacles in the recxipient's facilities that limit accessibility of its pro grams or activities to handicapped persons;

   b. Describe in detail the methods that will be used to make facilities accessible;

   c. Specity the schedule for taking the steps nec essary to achieve full program accessibility; and

   d. Indicate the person responsible for imple mentation of the plan [43 CFR 17.217(e)].

8. **Compliance Information.** Each recipient shall keep such records and submit to the Director or her/his designee timely, complete, and accutate reports, at such time, and in such form and containing such information, as the Director or her/his designee may determine to be necessary to enable her/him to ascertain whether the recipient has complied or is complying with Section 504 and Departmental Regulations at 43 CFR 17, Subpart B.

IV. Small Recipients

A. **General.** A small recipient is any recipient that employs less than fifteen full or part-time employees. **All recipients, regardless of size, must comply with Section 504.** As stated in Departmental Regual taion 43 CFR 17.208, the Director, in certain situa tions, may require any recipient with fewer than fif teen employees to comply with Sections 17.206 and 17.207, whole or in part.

B. **Waivers from Compliance With Section 504.** It is the Department's policy that there shall be no waivers from compliance with Section 504 because there is enough flexibility in the department's Section 504 Regulations for small recipients to comply without undue expense [47 FR 29543, July 7, 1982].

C. **Program Accessibility and Small Recipients.** If a small recipient finds, after consultation with a handi capped person seeking its services, that there is no method of complying with the program accessibility requirements of the Department's section 504

   Regulation other than making a significant alteration in is existing facilities, the recipient may, as an alternative, refer the handicapped person to other pro viders of services whose facilities are accessible [43 CFR 17.217 (c)].

   As a means to ensure compliance with Section 504, each referral made by a small recipient must be approved beforehand by the Director prior to referring any handicapped person to other providers of services whose facilities are accessible. There shall

be no exceptions to this rule.

V. Recipient Employment Practices and the Handicapped

A. General. No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity which receives Federal financial assistance from the Department.

B. Discrimination Prohibited. The Department's Section 504 Regulation prohibits discrimination against qualified individuals in a wide range of employment activities. Specific activities covered by Section 504 are:

1. Recruitment, advertising, and the processing of applications for employment;
2. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, termination, right of return from layoff, and rehiring.
3. Rates of pay or any other form of compensation and changes in compensation;
4. Job assignments, job classifications, organizational structures, position descriptions, lines of progressions, and seniority lists;
5. Leaves of absence, sick leave, or any other leave;
6. Fringe benefits available by virtue of employment whether or not administered by recipient;
7. Selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities and selection for leaves of absence to pursue training;
8. Employer-sponsored activities, including social or recreation programs;
9. Any other term, condition, or privilege of employment, such as granting awards, recognition and/or monetary recompense for money-saving suggestions or superior performance; and
10. A recipient's obligation to comply with Section 504 is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

C. Section 504 Equal Employment Compliance Requirements. All recipients are required to make employment decisions which do not discriminate on the basis of handicap. Recipients may not limit, segregate, or classify job applicants or employees in any way that adversely affects their opportunities or status because of handicap. Other requirements include:

1. **Statements of Nondiscrimination.** If a recipient organization has a written nondis crimination policy statement ensuring that all employment opportunities and services are available on an equal basis, a clause prohibiting discrimination on the basis of "handicap" should be included.

2. **Contractual Arrangements.** If a recipient has a contract, subcontract, or other arrangement or agreement with organizations such as labor unions, employment agencies, health/mainte nance organizations administering training and apprenticeship programs, the recipient is required to:

   a. Ensure that these organizations do not pro vide services to handicapped job applicants and employees in a discriminatory fashion; and

   b. Ensure that these contracts, subcontracts, or agreements contain nondiscrimination clauses prohibiting discrimination on the basis of handicap against job applicants or employees.

3. **Notifying Employees of their Rights Under Section 504.** Recipients are required to notify their employees of their rights under Section 504 and the procedure for filing complaints with the Department.

4. **Concessionaires.** The employment practices of concessionaires operating under contractual agreements with recipients are covered by Section 504. In such instances, the recipient shall be responsible for ensuring that each concessionaire complies with Section 504.

5. **Self evaluation Required.** As prescribed in Section III.C.2, of these guidelines, all recipients must conduct a self-evaluation of their employment practices, policies, and decisions to ensure nondiscrimination on the basis of handicap. The self-evaluation must be conducted with the assistance of interested persons, handicapped individuals and organizations representing the handicapped.

6. **Communicating Effectively with Applicants, Employees, and Beneficiaries.** Recipients must take the necessary and appropriate steps to communicate effectively with job applicants, employees, and program beneficiaries. This requirement applies especially to communicating effectively with the visually and hearing impaired as well as the mentally retarded and learning disabled.

7. **Reasonable Accommodation.** All recipients are required to make reasonable accommodation to the known physical or mental limitations of otherwise qualified handicapped applicants or employees, unless it creates an "undue hardship." Reasonable accommodation includes making facilities accessible to handicapped employees, instituting part-time or modified work schedules, allowing extended rest periods, job restructuring, and permitting work assignments to be accom plished at home or other accommodating placed. In determining whether an accommoda tion would impose an "undue hardship" the fol lowing shall be considered by the Director:

   a. The overall size of the recipient park and recreation system, including:

      i. Size of recipient agency;
      ii. Number and type of facilities;
      iii. Size of recipient's overall operating budget;

   b. The type of operation;

   c. Composition and structure of the recipient's workforce;

   d. The type of accommodation needed; and

   e. The cost of the accommodation needed.

8. **Employment Tests.** Recipients must examine all employment tests or other selection criteria to ensure nondiscrimination towards handicapped persons. Tests and employment selection proce dures must be shown to be job related. Moreover, tests must measure a person's ability, not an impaired sensory, manual or speak essential job functions.

   If a test of employment criterion is job related and tends to screen out qualified handicapped persons and the Director cannot identify alterna tive job-related tests that do not screen out as many handicapped persons, the recipient may use the test or employment criterion.

9. **Pre-employment Inquiries.** A recipient may not conduct pre-employment medical tests or examinations or make pre-employment inquiries as to whether an applicant is handicapped or as to the severity or nature of a handicapping condi tion. This standard applies to all aspects of the selection process including:

   a. Job applications; and

   b. Employment interviews.

10. **If Remedial or Voluntary Actions are Taken.** If a recipient is taking remedial or voluntary actions to correct the effects of past discrim ination, the recipient may invite a person to indicate whether, and to what extent, they are handicapped. Inquires of this nature are only per mitted if:

    a. The applicant is informed of the reasons the recipient if requesting the information:

    b. The applicant is informed that providing the information voluntary and will be kept confi dential; and

    c. The applicant is informed that refusal to provide the information will not result in any adverse treatment.

VI. Program Accessibility.

A. General. A recipient will have afforded equal opportunities to handicapped persons if each of its programs, activities, and services, when viewed in their entirety, are accessible. A qualified handi-capped person cannot be denied the benefits of ,or be kept from participating in, any recipient's programs or activities because existing facilities are inaccessible to or unusable by handicapped persons.

1. **Time Limitation.** For those that were recipi ents as of July 7, 1982, all nonstructural accessibility modifications should have been com pleted by September 8, 1982, while structural accessibility changes are to be accomplished expe ditiously as possible, but in no case later than July 8, 1985.

2. **Methods for Achieving Program Accessibility.** Methods for ensuring accessibility include:

   a. Redesigning park and recreation equipment, i.e., swimming pools, play equipment, park

benches, water fountains, etc.;

b. Assigning aids to handicapped persons;

c. Moving classes or activities to accessible buildings;

d. Conducting home visits; and

e. Structural changes.

3. **Program Availability Must be Advertised Effectively to Interested Persons.** The Department's Section 504 Regulation requires that each recipient adopt and implement procedures to ensure that interested persons, including those with impaired vision and hearing, can obtain information about the avail ability and location of recipient services, activities, and facilities that are accessible to and usable by handicapped persons.

VII. Drug and Alcohol Abusers

A. **Drug and Alcohol Abusers are Covered by Section 504.** Drug and alcohol abusers or any individual having a record of such an affliction are covered by the indiscrimination requirements of Section 504.

B. **Exceptions.** Drug and alcohol abusers are not covered by Section 504 when current use of drugs or alcohol prevents them from performing the duties of the job in question or when the current use of drugs or alcohol imposes and immediate threat to public safety or property.

VIII. Complaint Procedures

A. **General.** This section describes the procedures of the Department and its primary recipients with respect to the prompt processing and disposition of section 504 complaints.

B. **Who May File.** Anyone who believes that she or he has been subjected to discrimination on the basis of handicap, may file a complaint. A representative may also file a complaint on behalf of persons who feel that they have been discrimi-- nated against because of their handicap.

C. **How, When and Where to File.** All complaints filed under Section 504 must be in writing and must be signed by the complainant and/or the complainant's representative. In the event that a complaint is made in other than written form, the official receiving the complaint must instruct the complainant to reduce the complaint to writing and submit it to:

Director
Office for Equal Opportunity
U.S. Department of the Interior
Washington, D.C., 20240

The complaint should contain: The name, address, and telephone number of the complainant; the name and address of the alleged discriminating official, recipient or subrecipient; the basis of the complaint, and date of the alleged discrimination.

D. **Time Limitation.** All complaints must be filed within 180 days from the date of the alleged discriminatory action. The time limit for filing may be extended by the Director.

Complaints should be filed directly with the Director. In the event that complaints are received by other entitles, such complaints must be forwarded to the Director within 10 days of receipt.

E. **Complaint Notification Requirements.** Bureaus and Offices shall be responsible for ensuring that its recipients inform the public of their right to file a complaint. The primary recipients extend Federal assistance to subrecipients, the primary recipients shall also be responsible for ensuring that this standard is met.

Bureaus Offices and recipients shall include information on Section 504 requirements, complaint procedures and the rights of beneficiaries in handbooks, manuals, pamphlets, and other materials which are ordinarily distributed to the public to describe the federally-assisted program or activity. In instances where handicapped persons have visual and hearing impairments or other disabili ties that impede their communications processes, steps must be taken to inform them of their rights under Section 504.

IX. Compliance Review Procedures

A. **General.** This section describes the types of compliance reviews which will be conducted periodically to ensure that the Department's federally-assisted recreation programs are operated in compliance with Section 502. Such reviews will cover the granting Bureau or Office, primary recipient and subrecipient.

B. **Compliance Review Responsibilities.** OEO shall perform periodic Section 504 compliance reviews

of the Department's primary recipient and subrecipient recreation programs. These reviews shall be part of a continuous effort by the Department to ensure that its Federal assistance programs are conducted in compliance with Section 504.

1. **Primary Recipient Reviews.** As a part of routine project inspections or program reviews, primary recipients shall review the operations and practices of its subrecipients.

2. **Reporting Requirements.** All section 504 violations, that are found during a review, must be reported to the Director in a timely manner.

3. **Reviews Conducted by OEO.** OEO Shall periodically conduct compliance reviews of primary recipients and subrecipients which may consist of either on onsite review or a desk audit review. Recipients will be notified by letter at least 20 days prior to a scheduled onsite review and 30 days prior to a desk audit. Information necessary to conduct the review/audit will be identified and requested. Within a thirty day period after the review/audit is completed, OEO shall prepare and issue a report of its findings and recommendations to the primary recipient to assist it in voluntarily complying with Section 504. Remedial action must be initiated where necessary by the recipient to correct any deficiency(s). Where conditions of noncompliance have been found, such conditions must be resolved by the recipient within a reasonable period of time. A copy of the report and related correspondence shall be kept on record by OEO for a period of three years.

C. Criteria Used for Selecting Recipients for Review. In selecting recipients for post-award compliance reviews, OEO shall base selections on such factors as:

1. Availability of information collected from prior reviews;

2. The frequency of past reviews conducted of the recipient;

3. Complaints of alleged discrimination;

4. The size and nature of the federally-assisted program; and

5. The amount and type of Federal assistance received by the recipient.

D. Procedures for Effectuating Voluntary Compliance. Departmental regulations require the resolution of any apparent condition of noncompliance be informal and voluntary means wherever possible. Voluntary compliance means the willingness of a recipient to correct conditions of noncompliance identified through complaint investigations or compliance reviews.

The procedures for effectuating voluntary compliance are as follows:

1. In every case where a complaint investigation or compliance review results in a finding of noncompliance, the Director shall notify the recipient by certified mail of the conditions of noncompliance. The notice shall clearly identify the conditions of noncompliance and afford a reasonable time to comply voluntarily;

2. OEO shall record the date the recipient received notice, and shall note and record and last day afforded the recipient for voluntary compliance before initiating the administrative process to terminate Federal assistance;

3. The recipient may request a meeting for the purpose of discussing the violations or requirements for compliance; and

4. OEO shall approve the recipient's proposed voluntary compliance actions if such actions will result in compliance with Section 504.

E. Sanctions Available to the Department to Remedy Noncompliance. When an applicant or recipient is found to be in noncompliance with Section 504 and compliance cannot be achieved by voluntary means, the enforcement alternatives under Title VI of the Civil Rights Act of 1964 shall be invoked. If Section 504 violations are found, OEO can recommend temporary deferral of Federal funds to the granting Bureau or Office until full compliance has been satisfactorily achieved. If the grant has been made, the Director may initiate administrative proceedings for the termination of current or future funding. Alternatively, OEO may enforce Section 504 by "any other means authorized by law. "Although not explicitly stated, such other means include referral to the U.S. Department of Justice for Appropriate judicial enforcement.

No order suspending, terminating, or refusing to grant assistance to a recipient can become effective until the Director has:

1. Advised the recipient of its failure to comply and determined what compliance cannot be secured

by voluntary means;

2. Made an express finding on the record after the opportunity for a hearing, of a failure by the recipient to comply with Section 504.

3. Obtained approval of the action to be taken from the Secretary of the Interior; and

4. Filed with the appropriate committees of the U.S. House of Representatives and the U.S. Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action.

ASSURANCE OF COMPLIANCE
SECTION 504
OF THE REHABILITATION ACT OF 1973

The_____ (Agency) has received and read the guidelines for compliance with Section 504 of the Rehabilitation Act of 1973 issued by the United States Department of the Interior and will comply with these guidelines and the Act.

SIGNATURE_____
AGENCY PRESIDENT

_____
(president's printed name)

SIGNATURE_____
AGENCY SECRETARY

_____
(secretary's printed name)

DATE_____

Certification for Development Projects

This certification must be provided for development projects for which the land was acquired within the last 5 years, if the acquisition procedures were not in accord with P.L. 91-646, the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.

I,_____,_____

President Local Agency

hereby certify, under penalty for willful misstatement (18 U.S.C. 1001) that at the time of the acquisition and last known displacement on the project lands for which this Federal financial assistance is being sought, no planning had been initiated by this agency to obtain this financial assistance.

SIGNATURE_____

DATE_____

*"Whoever, in any matter within jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up any trick, scheme, or devise a material fact, or makes any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

Indiana Department of Natural Resources
Assurance of Compliance
"DNR Shooting Range Program"

Project Name:_____ Project Number:_____
(assigned later)

In Submitting this Assurance of Compliance and acting for and in behalf of_____ (hereafter referred to as "Applicant") and its assignees and successors, and pursuant to the attached resolution, the following assurances are now given:

1. The Applicant is legally established, possesses the authority to apply for this grant, has passed a resolution authorizing the filing of the application, has the ability to and will operate and maintain the property described in the project agreement, has sufficient funds to meet the non-federal share of the project cost and upon project completion sufficient funds shall be made available to operate and maintain the site and facilities consistent with Federal Aid to Wildlife Restoration Act (16 U.S.C. 699-669i), the rules and regulations of the U.S. Fish and Wildlife Service, (hereafter referred to as the "Federal Agency") Indiana Department of Natural Resources (hereafter referred to as "State Agency"), and other federal, state and local regulations for such facilities. The project site and facilities shall be open to the public during reasonable hours.

2. The project site is currently (or will be upon acquisition) under the control and tenure of the State Agency or the Applicant. The Applicant will not dispose of or otherwise encumber its title or other interest in the site and facilities without the prior approval of the State and Federal agencies. The Applicant shall notify the State agency, in advance, of any proposals to use the property or facilities for purposes other than those described in the project application. Facilities renovated or constructed with federal assistance must remain for public use through the "useful life of the facilities," as mutually agreed upon by the Applicant, State, and Federal agencies. The Applicant agrees to enter into an agreement, lease or easement giving the State Agency the right to assume control and tenure of the site should the Applicant not develop, operate, or maintain the site in accord with the project agreement.

3. If the Applicant charges a general entry or target fee, it must submit to the State Agency, for prior approval, any fee proposal for the federally funded project and annual reports of the revenues and their expenditures thereafter.

4. The project will commence within a reasonable time after project approval and will be completed with reasonable diligence within the project agreement period. Any changes that alter the cost or scope of the project, use of space, or functional layout will be submitted to the State agency for approval. The Applicant will furnish progress reports and other such information as the State agency or Federal agencies may require. In the event that the project cannot be completed according to the plans and specifications, the Applicant shall bring the project to the point of usefulness agreed upon by the Applicant, State and Federal agencies. The Applicant shall use all funds received from the Federal agency, solely for the project described in the agreement.

5. The Applicant will not enter into a contract for the project until grant requirements concerning construction contracts have been met. The Applicant will provide and maintain competent architectural and engineering supervision to insure that the work conforms with the approved plans and specifications and is safe for public use. The Applicant will insure that contractors will comply with all nondiscrimination laws. The Applicant will comply with all applicable federal and state laws concerning public works and procurement, including the following:

a. Competitive bidding and Construction Contract Requirements as outlined in OMB Circular A-102.
b. Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330).
c. The Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented by the Department of Labor Regulations. (29 CFR, Part 3)
d. Stevens Amendment to the Department of Defense, Appropriations Act.
e. Certification Regarding Debarment and Suspension.
f. Executive Order 11246, Equal Opportunity Employer

6. The Applicant insures that all facilities, activities and employment practices, in its jurisdiction, are available to all persons on an equal opportunity basis regardless of their race, color, national origin, sex, age, or handicap. This requirement is pursuant to all federal, state and local nondiscrimination laws and includes the following:

a. Age Discrimination Act of 1975 (42 U.S.C. 6101), as amended (Title III of P.L. 94-135.)
b. Title VI of the Civil Rights Act of 1964 (P.L. 88-352, 42 U.S.C. Sec.. 2000d to 2000d-4).
c. Executive Order 11246, Equal Employment Opportunity, as amended by Executive Order 11375.
d. Architectural Barriers Act of 1968 (P.L. 90-480).
e. Section 504 of the Rehabilitation Act (P.L. 93-112), as amended (P.L. 95-602).

7. The Applicant will insure that: it will comply with Executive Order 12432, Minority Business Enterprise Development, it will comply with the minimum wage and maximum hours provisions of the federal Fair Labor Standards Act (P.L. 95-151, 91 Stat.. 1245) as they apply to hospital and educational institution employees of state and local governments; it will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508), as amended which limits the political activity of employees; it will establish safeguards to prohibit employees from using their positions for a purpose that is or give the appearance of being motivated by a desire for private gain for themselves or others; it will insure that no person performing service for the Board has financial or personal interest other than employment; it will insure that no member or delegate of Congress will benefit from any share of this agreement; will be responsible for enforcing the "conflict of interest" provision.

8. The Applicant will comply with applicable regulations, policies, guidelines, and requirements including Executive Order 12372, Clearinghouse Review, and Office of Management and Budget Circulars A-102 (Uniform Administrative Requirements for Grants Section to State and Local Governments), A-87 (Cost Principles for State and Local Governments) and A-128 (Audits of State and Local Governments), as they relate to the application, acceptance and use of federal funds for this project.

9. The Applicant agrees to protect and preserve the environment by adhering to the following laws:

a. The Clean Air Act, as amended (42 U.S.C. 7609),
b. The Clean Water Act 933 U.S.C. Sec.. 1288, 1314, 1341, 1342, 1344)
c. Coastal Zone Management Act of 1972 (P.L. 92-583) 16 U.S.C. Sec. 1451, 1456)
d. The Endangered Species Act of 1973 (P.L. 16 U.S.C. Sec. 1531 et seq.)
e. Executive Order 112185, Conservation of Petroleum and Natural Gas
f. Executive Order 11288, Prevention , Control and Abatement of Water Pollution
g. 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.
h. Executive Order 11987, Exotic Organisms
i. Executive Order 11988, Floodplain Management
j. Executive Order 11514, Protection and Enhancement of the Natural Environment, as amended by E.O. 11991
k. Executive Order 11990, Protection of Wetlands
l. Federal Act for Protection and Restoration of Estuarine Areas (P.L. 90-454)
m. Federal Environmental Pesticide Control Act of 1972 (86 Stat.. 973)
n. Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135 et seq.)
o. The Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661, 662)
p. Flood Disaster Protection Act of 1973 (P.L. 93-234), (87 Stat.. 975), (12 U.S.C. Sec. 24, 1701-1 Supp.), (42 U.S.C. Sec. 4001 et seq.)
q. National Environmental Policy Act of 1969, as amended (P.L. 91-190, 42, U.S.C. 4321 et seq.) r. The Rivers and Harbor Act of 1899 (33 U.S.C. Sec. 401 et seq.)
r. Wild and Scenic Rivers Act of 1968 (P.L. 90-542) 16 U.S.C. 1274 et seq.)

10. The Applicant will insure that the project site(s) or facilities are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities, and that it will notify the State and Federal Agencies upon the receipt of any communication from the EPA indicating that a project site or facility is under consideration for listing by EPA.

11. The Agency will comply with national policies relating to the preservation of historical and cultural resources pursuant to the following laws:

a. The Archaeological and Historic Preservation Act of 1974, as amended (P.L. 93-291, 16 U.S.C. 469a-1)
b. Archaeological Resources Protection Act of 1979 (P.L. 96-95)
c. The Antiquities Act of 1906 (16 U.S.C. Sec. 431)
d. Executive Order 11593, Protection and Enhancement of the Cultural Environment, (16 U.S.C. 470)
e. National Historic Preservation Act of 1966 (80 Stat.. 915, 16 U.S.C. 470)
f. National Historic Preservation Act Amendments of 1980 (P.L. 96-515, 94 Stat.. 2987)

12. The Agency will comply with the Power Plant and Industrial Fuel Use Act of 1978 (P.L. 95-620) and the Federal Highway Act of 1973 (P.L. 93-87).

13. The Agency will give the State of Indiana, Secretary of the Interior, Comptroller General of the United States and any of their authorized representatives, access and right to examine all records, books, papers, and documents related to the project for the purpose of making audit, examination, excerpts and transcripts. The Agency will retain supporting documents, statistical records, and all other records pertinent to this grant for a minimum of three years or until audit findings are resolved. The Federal and State agencies may inspect the project site or facilities and the Applicant agrees to comply with the recommendations outlined in the inspection reports. The Applicant agrees to keep a permanent record of the project in its county public property records.

14. The Applicant may request withdrawal of the project prior to the expenditure of any grant funds. After expenditure of grant funds, the agreement may be rescinded, modified, or amended only by written mutual agreement of the Applicant and State Agency. Failure of the Applicant to comply with the terms of the project proposal or the intent of the program may cause suspension of all obligations and a return of any monies received to the State of Indiana. Further, that in the event that any of said funds are required to be repaid to the Federal Government, the Applicant will indemnify the State of Indiana from the obligation of such repayment.

15. The Applicant agrees to hold harmless, indemnify and defend the State of Indiana, its agencies, officers and employees from all claims, demands, suits and judgements which may result from any loss or damage to property or injury or death of any person on the construction site or in any other way connected with the issuance of this grant.

16. The Applicant shall comply with all applicable laws, rules, and regulations and of the further terms and conditions specified by the Federal and State Agencies.

Signed this _____day of _____, 20__

_____

President's Signature

ATTEST: _____

Secretary's Signature

Civil Rights Act of 1964
Title VI Guidelines

1. GENERAL

A. Authority • These guidelines are issued under authority of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq; Executive Order 11764; Department of Justice Regulations 28 CFR 42; and Department of Interior Regulations 43 CFR 17.

B. Purpose • (43 CFR 17.1; 28 CFR 42.401) These guidelines provide detailed information on the compliance requirements of Title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination with respect to federally assisted programs administered by the Department of the Interior. Included in the guidelines are procedures for filing complaints and the responsibilities of the Department and its grantees in attaining compliance with the Act.

C. Definitions • (43 CFR 17.12; 28 CFR 42.402)

(1) "Act" means the Civil Rights Act of 1964, and any guidelines, rules, and regulations of the Department effectuating Title VI of this Act.

(2) "Applicant" means a qualified entity which submits an application for assistance under the Federal Aid in Fish Restoration Act.

(3) "Department" means the U.S. Department of the Interior.

(4) "Director" means the Director of the Office for Equal Opportunity of the Department.

(5) "Federal Financial Assistance" means (a) the grants and loans of Federal Funds, (b) grants or donations of Federal property and interests in property, (c) the detail of Federal personnel, (d) the sale or the lease of, or the permission to use (on other than a casual or transient basis) Federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient in recognition of the public interest to be served by such sale or lease to the recipient, and (e) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(6) "Primary Recipient" or "Grantee" means a State that is authorized to contract for or extend Federal financial assistance to itself or to a subrecipient for the purpose of carrying out a program of the Department.

(7) "Subrecipient" or Subgrantee" means any political subdivision or instrumentality of a State, public or private institution, or any entity or individual to whom Federal financial assistance is extended.

(8) "Compliance Reviews"
(a) "Post Award Compliance Review" means an onsite, comprehensive assessment of the Title VI compliance of an agency that has received Federal Financial assistance from the Department. Such reviews are designed to determine if programs and activities of the agency are administered and operated in compliance with the Act.

(b) "Follow-up Compliance review" means a follow-up examination of specific aspects of a grantee's Federally assisted program or activity to determine whether the grantee has resolved reported conditions of noncompliance.

(9) "Compliance Officer" means an Equal Opportunity Specialist assigned the responsibility of conducting Title VI Compliance Reviews.

(10) "Covered Employment" means employment practices covered by Title VI.

D. Covered Employment • (43 CFR 17.3(6)(c); 28 CFR 42.409) Where employment practices directly affect services to beneficiaries under a federally assisted program to which these guidelines apply, that recipient's or subrecipient's employment practices shall be subject to the nondiscrimination provisions of the Act. Enforcement of the Act with respect to covered employment practices shall not be superseded by State or Local merit systems relating to such employment practices.

2. COMPLIANCE RESPONSIBILITIES

A. OEO Responsibility • The Office for Equal Opportunity (OEO), as authorized by the Secretary of the Interior, shall assure that no person participating in a program funded in whole or in part by the U.S. Fish and Wildlife Service (FWS) subjected to discrimination on the basis of race, color, or national origin. This shall be accomplished through continuing policy direction, oversight, and compliance reviews of selected recipients and subrecipients as well as technical assistance and program evaluation of FWS Regional Offices.

B. FWS Responsibility • The U.S. Fish and Wildlife Service as primary grantor of federal assistance for fishing access and development, has direct responsibility for assuring that the State and subrecipients are in compliance with the provisions of the Act.

The FWS shall execute its responsibilities through:

(1) providing guidance to the States in establishing an open project selection process to allocate federal assistance among applicants,

(2) notifying (OEO) of any inconsistencies with Title VI having arisen from onsite facility reviews conducted by FWS per sonnel, and

(3) cooperating with OEO toward seeking a satisfactory resolution of any inconsisten cies found, including efforts toward seek ing voluntary compliance enforcement procedures and follow-up reviews.

C. Primary Recipient Responsibility • (43 CFR 17.4) (28 CFR 42.407) The states, as primary recipients of assistance are responsible to give reasonable assurance that the applicant and all subrecipients will comply with the requirements imposed by Title VI, including methods of administration which give reasonable assurance that any non-compliance will be corrected. This shall be accomplished through:

(1) establishing an objective project selection process,

(2) providing the State Civil Rights Agency or Authority (if it exists) the opportunity to comment upon applications submitted,

(3) notifying OEO of any inconsistencies with Title VI having arisen from onsite facility reviews conducted by State Personnel (where the inconsistency cannot be corrected at the State level),

(4) cooperating with OEO toward seeking a satisfactory resolution of any inconsistencies found, including efforts toward seeking voluntary compliance, enforcement procedures and follow-up reviews, and

(5) assuring that each subrecipient/applicant is provided a copy of these guidelines.

D. Coordination of Responsibility • The Office for Equal Opportunity will periodically conduct compliance reviews of the State's administration of federal programs, including the compliance of subrecipients with the Act. OEO and FWS will provide the State, subrecipients and applicants for assistance with such technical assistance as necessary to reasonably assure compliance with the Act. Federal, State and local officials are expected to cooperate fully toward securing voluntary compliance where deficiencies in program or facilities may be found.

3. TITLE VI COMPLAINT PROCEDURES

A. General • (28 CFR 42.408) (43 CFR 17) This section prescribes the procedures of the Department and its primary recipients with respect to the prompt processing and disposition of complaints.

B. Who May File • Any person, or specific class of persons, who believes that he or she has been subjected to discrimination as prohibited by the Act may personally, or by representative, file a complaint.

C. How, When, and Where to File • (28 CFR 42.408) All complaints filed under Title VI must be in writing, and must be signed by the complainant and/or the complainant's representative. In the event that a complaint is made in other than written form, the official receiving the complaint must instruct the complainant to reduce the complaint to writing and submit it to the OEO, Department of the Interior for prompt processing. The complaint should contain: the name, address and telephone number of the complainant; the name and address of the alleged discriminatory official or recipient; the basis of the complaint and the date of the alleged discrimination.

Complaints must be filed within 180 days from the date of alleged discrimination. The time limit for filing may be extended by the Director of the Office for Equal Opportunity. Complaints should be filed directly with the Office for Equal Opportunity, U.S. Department of the Interior, Washington D.C. 20240. In the event that complaints are received by FWS and/or recipients, such complaints shall be forwarded to the Office for Equal Opportunity within 10 days.

(1) Public Notification of Right to File a Complaint. The FWS shall be respon sible for ensuring that its recipients inform the public of their right to file a complaint. Where primary recipients extend Federal assistance to subrecipients, the primary recipient shall also be respon sible for ensuring that this standard is met. (28 CFR 42.405).

(a) This is to be accomplished by distribution and display of posters explaining the nondiscrimination provisions to Title VI as they apply to State and subrecipient recreation programs.

(b) FWS and its recipients shall also include information on Title VI requirements, complaint procedures, and the rights of beneficiaries in hand books, manuals, pamphlets, and other materials which are ordinarily distrib uted to the public to describe the federally assisted programs or activi ties. Where a percentage of the popu lation in excess of 10% (or 5,000) speaks a language other than English, the above described materials should be prepared in the appropriate lan guage.

D. Complaint Processing • (28 CFR 42.408) (43 CFR 17.6)

(1) Acknowledgments of Complaint. The Office for Equal Opportunity shall acknowledge in writing, the receipt of every complaint within 10 days of reception. Acknowledgments letters shall be sent to the complainant, FWS and the primary recipient.

(2) Complaints Log. Recipients shall maintain a log of any Title VI complaint received. Moreover, OEO shall maintain a log of all such complaints received for processing. The purpose of the complaint log is to provide essential information and data regarding each complaint being processed by the Department. Each log must contain a case number, the complainant's name, address, and telephone number. The log must also include a description of the com plaint; the date the complaint was filed and investigation completed; the disposi tion of the case; all other information pertinent to the complaint. (28 CFR 42.408).

(3) Routing responsibilities. When FWS or any primary or subrecipient receives a complaint, the office in receipt must log in the complaint, note the date of receipt on the complaint and maintain a confi dential copy for its records. The original complaint document must be forwarded to the Office for Equal Opportunity within 10 days of receipt pursuant to Section 650.9.3C. OEO shall acknowl edge its receipt and notify the recipient, as well as FWS, of the assigned case number.

(4) Determination of Jurisdiction. Upon receipt of a complaint by the Department, the Office of Equal Opportunity shall determine whether the complaint comes within the purview of the Act. When the Department lacks jurisdiction over a complaint, the Director shall refer the complaint to the appropriate State or Federal Agency that has responsibility for addressing the concern. Upon receipt of such a complaint, the OEO shall notify the FWS, recipient and complainant's representative of its actions.

E. Complaint Investigations • (43 CFR 17.6(d))

(1) Scope. Investigation shall be confined to issues and facts relevant to allegations in the complaint.

(2) Confidentiality. Complainants shall be offered a pledge of confidentiality as to their identity. This offer, if accepted, shall be binding on the investigator. Complainants shall be interviewed at all times in places which will not create risk of compromising con fidentiality. Except where essential to the investigation, the investigator shall not reveal the identity of the complainant to the respondent or to any third party. If the investigator determines the necessity to reveal the complainant's permission to do so must be secured.

(3) Conduct of Investigation. Upon determination of jurisdiction by the Department, the Office for Equal Opportunity shall promptly initiate an investigation of the matter.

(4) Investigation Reports. In all instances where an investigation has been conducted, an investigation report shall be prepared, with findings and recommenda tions. The complainant and the agency against whom the complaint is made shall be notified in writing of the disposition of the matter.

(5) Investigation by Primary Recipients. The Director, within 10 working days of the receipt of a complaint, may authorize a primary recipient to investigate the complainant and make findings and recommendations subject to OEO approval. Upon delegation of authority by the Director, a primary recipient may investigate complaints filed against subrecipients. The investigative report will be provided to OEO within 30 days of authorization to investigate. The primary recipient may not investigate any

complaint in which it, or any of its officers or employees is implicated. If at any time prior to its completion, it is deter mined that investigation of a complaint has been improperly conducted, the Director may withdraw the primary recip ient's authority to investigate. If the com plainant is dissatisfied with the findings of the investigation, the complainant may appeal the findings to OEO for its deci sion within 5 days of the complainant's review.

4. COMPLIANCE REVIEW PROCEDURES

A. General • 928 CFR 42.407) (43 CFR 17.6a) This section prescribes the types of compliance reviews which will be conducted periodically to ensure that the Department's public fishing programs are operated in compliance with the Act. Such reviews will cover FWS, primary recipient and subrecipient operations.

B. Compliance Review Responsibilities • (28 CFR 42.411) (43 CFR 17.5) The Office for Equal Opportunity shall periodically conduct onsite compliance reviews and desk audits of FWS primary recipients and subrecipients. Moreover, primary recipients shall review the operations of its subrecipients. These reviews shall be accomplished in accordance with Section 650.9.4E. The Office that conducts the compliance review shall prepare and issue a report on its findings and recommendations to the reviewed entity. Often the outside review is completed to assist the review entity in voluntarily complying with the Act; however, remedial action must be initiated by the recipient or subrecipient to correct the deficiency(s). Where conditions of noncompliance have been found, such conditions must be resolved by the recipient within a reasonable period of time. A copy of the report and related correspondence shall be kept on record by the office performing the review for a period of 3 years. This information shall be made available to the OEO upon request.

C. Determinations of Compliance • All determinations of compliance with the Act shall be made by the OEO. It is expected that FWS will review Title VI aspects of the program in conjunction with ongoing program reviews.

D. Selection Criteria •

(1) Post Award Reviews. In the selection of recipients and subrecipients for post-award review, OEO shall base selections on such factors as:

(a) available compliance information collected from previous reviews;

(b) frequency of past compliance reviews conducted of the recipients;

(c) community racial patterns;

(d) Title VI complaints of alleged discrimination;

(e) size of the federally assisted program or activity; and

(f) amount and type of Federal assistance to the recipient.

E. Compliance Reviews •

(1) Compliance Reviews of Primary Recip ients by OEO. Recipient compliance shall be based on the following:

(a) Whether the primary recipient, in allocating Federal funds, has consid ered the criteria set out in Section 650.9.2C in meeting the nondiscrimi nation provisions of Title VI.

(b) Whether the primary recipient is adequately providing Title VI infor mation to its subrecipients and by what means (i.e. through posters and brochures). Where necessary, whether bilingual information is also available.

(c) Whether Title VI complaints received by the primary recipient are forwarded immediately to OEO.

(d) The frequency and quality of all com pliance assistance provided by the pri mary recipient for its subrecipients.

(e) Whether Title VI compliance respon sibilities have been designated to qual ified primary recipient staff personnel and whether such responsibilities are being effectively executed.

(2) Compliance Reviews of Subrecipients. Subrecipient compliance with the Act shall be based on the following:

(a) Whether and by what means the subrecipient notifies the public that its programs are offered on a nondis criminatory basis.

(i) Whether the Title VI (An "Equal Opportunity for All") poster or one comparable is visible in con spicuous areas on the premises.

(ii) Where mailing and/or telephone lists are used to inform the public of subrecipient programs, whether such lists are comprised of a racial and ethnic cross-section of the community.

(iii) Where necessary, whether bilingual informational materials are pro vided to the public.

(b) Whether racial data concerning minority participation in subrecipient programs is gathered and maintained for review, where program participa tion has been found to be deficient.

(c) Adherence to Title VI complaint procedures pursuant to Section 650.9.3.

(d) Whether records indicate that com plaints of alleged discrimination have been received and forwarded to OEO.

(e) Where planning and advisory groups exist, whether membership includes minority representatives.

(f) Whether services and programs are comparable in minority and majority communities with respect to develop ment and maintenance standards.

(g) Whether all persons have an equal opportunity to participate in pro grams and activities without discrim ination or segregation by race, color or national origin. More specifically:

(i) Accessibility of facilities and ser vices to the minority community.

(ii) Where admission fees are charged for program participation, whether such fees are equal in both minority and majority com munities.

(iii) Adequacy of outreach program to the minority community.

F. If Non-Compliance is Found • (28 CFR 42.411)

(1) Voluntary Compliance Defined. Voluntary Compliance means willingness to correct conditions of noncompliance identified by complaint investigations or compliance reviews. Departmental reg ulations (43 CFR 17.7) require the resolu tion of an apparent condition of noncom pliance by informal means whenever posi ble.

(2) Procedures for Achieving Voluntary Compliance.

(a) In every case where a complaint investigation or compliance review results in a finding of noncompliance, the Director shall notify the primary or subrecipient through certified mail of the apparent noncompliance. The notice shall clearly identify the condi tions of noncompliance and offer a reasonable time to willingly comply.

(b) The Office for Equal Opportunity shall record the date the recipient received notice, and shall note and record the last day afforded the primary or subrecipient for voluntary compliance before initiating the administrative process to terminate Federal assistance.

(c) The primary or subrecipient may request a meeting for the purpose of discussing the problem areas or requirement for compliance. The principal investigator will accompany the Director or his designated repre sentative to the meeting for the above stated purpose.

(d) The Director or his designee shall approve the primary or subrecipient's voluntary compliance plans, methods, procedures, and proposed actions if such approval will result in compli ance with the Act.

(3) Sanctions available to the Department. When an applicant for or a recipient of Federal financial assistance is found to be in noncompliance with the Act, and com pliance cannot be achieved by voluntary means, the Act provides several enforce ment alternatives.

If discrimination based on race, color, national origin, or any other technical violation of the Act is found in an appli cant's program, the Office for Equal Opportunity can recommend temporary referral of federal funds to the agency awarding the grant until full compliance has been satisfactorily established. If the grant has been made, the Office for Equal Opportunity may initiate administrative proceedings for the termination of current and future funding. Alternatively, the OEO may enforce the Act, by "any other means authorized by law." Although not explicitly stated by the Act, such other means include referral to the U.S. Depart ment of Justice for appropriate judicial enforcement. No order suspending, ter minating, or refusing to grant assistance to a primary or subrecipient can become effective until the Office for Equal Oppor tunity has:

(a) Advised the primary or subrecipient of its failure to comply and determined that compliance cannot be secured by voluntary means.

(b) Made an express finding on the record after opportunity for hearing of a fail ure by the applicant or primary or subrecipient to comply with a Title VI requirement.

(c) Obtained approval of the action to be taken from the Secretary of the Interior (43 CFR 17.7 (c)).

(d) Ensured that the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved.

(e) Submitted a full written report of the circumstances and the grounds for such action to the Secretary.

G. If No Conditions of Non-Compliance Are Found • Where the Director or his designee determines that review and investigation findings do not support an allegation of discrimination, the complaint shall be administratively closed. Within 5 working days of the closing date, the compliant will be notified through certified mail of the decision and given the reason(s) for the decision reached.

H. Referrals to the U.S. Department of Justice. (28 CFR 42.408 &411) The Department shall report to the Assistant General of the Civil Rights Division on January 1 and July 1, or each year, the receipt, nature and disposition of all process Title VI complaints. Any conditions of noncompliance in a recipient program or activity which cannot be voluntarily resolved by OEO, shall also be reported to the Assistant Attorney General for appropriate judicial enforcement within 60 days.

U.S. DEPARTMENT OF THE INTERIOR
ASSURANCE OF COMPLIANCE
(TITLE VI, CIVIL RIGHTS ACT OF 1964)

_____ (hereinafter called "Applicant-Recipient")
Name of Applicant Recipient

HEREBY AGREES THAT IT will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Department of the Interior Regulation (43 CFR 17) issued pursuant to that title, to the end that, in accordance with Title VI of the Act and the Regulation, no person in the United states shall , on the ground of race, color, or national origin be excluded from participation, be denied the benefits of ,or be otherwise subjected to discrimination under any program or activity for which the Applicant-Recipient receives financial assistance from the U.S. Fish and Wildlife Service and hereby gives assurance that it will immediately take any measures to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant-Recipient, or in the case of any transfer of such property, any transferee for the period during the real property or structure is used for a purpose involving the provisions of similar services or benefits. If any personal property is so provided, this assurance obligates the Applicant-Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant-Recipient for the period during which the Federal financial assistance is extended to it by the U.S. Fish and Wildlife Service.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance were approved before such date. The Applicant-Recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance. This assurance is binding on the Applicant-Recipient, its successors, transferees, and assignees, and the person or persons whose signature appear below are authorized to sign this assurance on behalf of the Applicant-Recipient.

By

_____ _____
Applicant-Recipient President's Signature

_____ Attest _____
Secretary's Signature

_____

_____ Dated _____
Applicant-Recipient's Mailing Address

Equal Employment Opportunity is

THE LAW

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under the following Federal authorities:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

VIETNAM ERA, SPECIAL DISABLED, RECENTLY SEPARATED, AND OTHER PROTECTED VETERANS

38 U.S.C. 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans, qualified special disabled veterans, recently separarted veterans, and other protected veterans.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 or call (202) 693-0101, or an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Private Employment, State and Local Governments, Educational Institutions

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under the following Federal laws:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

DISABILITY

The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal laws.

If you believe that you have been discriminated against under any of the above laws, you should contact immediately:

The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000. For individuals with hearing impairments, EEOC's toll free TDD number is (800) 669-6820.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX

In addition to the protection of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

INDIVIDUALS WITH DISABILITIES

Sections 501, 504 and 505 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance in the federal government. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

If you believe you have been discriminated against in a program of any institution which receives Federal assistance, you should contact immediately the Federal agency providing such assistance.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion

Lower Tier Covered Transactions

1. By signing this proposal, Applicant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the Applicant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Natural Resources (DNR) may pursue available remedies, including suspension and/or debarment.
3. The Applicant shall provide immediate written notice to its assigned IDNR grants coordinator if at any time the Applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," " and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The Applicant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the IDNR or National Park Service.
6. The Applicant further agrees by submitting this proposal that it will include this clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transaction," without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. The Applicant may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. An Applicant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to check the Nonprocurement List on file with the IDNR's, Division of Outdoor Recreation grants staff.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 above, if an Applicant knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the IDNR may pursue available remedies, including suspension and/or debarment.

I. The _____ (Applicant) certifies, by submission of this proposal, that neither It nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

II. If the Applicant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

_____ _____

(Signature) (Date)

_____

(Typed Name and Title of Authorized Representative)

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). To obtain a copy of the regulations, contact:

U.S. Dept. of the Interior
Acquisition and Assistance Division
Office of Acquisition and Property Management
18th and C Streets, N.W.
Washington, D.C. 20240

106 Process for Federal Grant Programs
Updated 2003

1. When submitting an application local project sponsors should hire a qualified archaeologist to perform a records search.

2. Announce and hold public meeting discussing the project. (Document how the meeting was advertised and a list of who attended with your application.)

3. Define the "Area of Potential Effects" (the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist, includes effects that are direct or indirect, cumulative, later in time, or at a distance); and provide a color map or a good quality color photocopy of a map containing the following:

    a. The boundaries of the area of potential effects and the precise location of the project area within those boundaries clearly outlined in dark ink (highlighter and pencil do not photocopy well) on the copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map.
    b. The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes).
    c. Give the precise location of any buildings, structures, and objects within the area of potential effects (e.g., addresses and site map with properties keyed to it).
    d. Gather and organize documentation on buildings, structures, and objects within the APE including: dates of construction, statement of any known modifications to individual buildings, structures, and objects, associations with significant events or persons, and any other historical information known about the land, buildings, and structures within the APE.
    e. Describe the existing condition of any vacant land within the project area; in particular, state whether or not the ground is known to have been disturbed by construction, excavation, grading, or filling, and if so, indicate the part or parts of the project area that have been disturbed; agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose.
    f. Document sources checked (i.e., using correspondence, bibliographical citations [e.g., title, author, page number], or copies of relevant materials obtained from oral history interviews, sample field investigations, field surveys, background research, consultation with a county historian, a local historical or historic preservation organization, or reference materials such as the interim report of a local historic sites and structures inventory).
    g. Provide recent, clear photographs or good quality computer-generated images (not photocopies) showing the exterior (and interior, if feasible) of any buildings, structures, or objects that could be affected in any way (such as by demolition, rehabilitation, expansion, taking of right-of-way, or visual modification or obscuration) by the project.

4. When project approval is granted, a DNR-Outdoor Recreation grant coordinator will forward the information from steps 1, 2, and 3 to the State Historic Preservation Officer (SHPO) for review. The response from SHPO will take approximately 30 days. The more information that is provided them upfront the shorter the review process will take.

5. While waiting for SHPO's response contact appropriate consulting parties and inform them of the nature of your project (i.e. proposed development, location map, site plan, source of federal funds etc.).
   Please include the following language in all early coordination letters addressed to all affected local agencies, and other interested parties.

   "Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic and archaeological properties. In accordance with 36 CFR 800.2(c), you are hereby requested to be a consulting party to participate in the Section 106 process. This process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

   Please respond as to whether you "do" or "do not" agree to be a consulting party. If you indicate that you do not want to be a consulting party, or do not respond at all, you will not be included on the list of consulting parties for this project."

   These groups must be invited to be consulting parties:
   - **County Historians** – found at www.indianahistory.org/cohist.htm
   - **County Historical Societies** – found at www.indianahistory.org/historg.htm
   - **Native American Tribes with ancestral interest in the project area** – found at www.cast.uark.edu/other/nps/nacd/nacd.html
   - **For projects involving historic structures, Historic Landmarks Foundation, Inc.**, 340 West Michigan Street, Indianapolis, IN 46202, 317/639-4534.

   Give the consulting parties 30 days to respond to your inquiry. If you receive no response, the contact letters will act as documentation of identifying the consulting parties. Be sure to compile any and all correspondence throughout the process, as you will need it for the final report. Forward all consulting party letters sent and received to your grant coordinator.

6. When SHPO completes their initial review you may receive a request for additional information such as a reconnaissance. Once completed the archaeologist should forward the report to DNR – Division of Historic Preservation and Archaeology. The SHPO will take 30 days to review the information and announce their finding.

7. Documenting findings - After evaluating the historical significance of the properties within the area of potential effects, the SHPO will provide documentation of its determination and findings to DNR – Division of Outdoor Recreation who will forward the information to the appropriate Federal Agency.

8. Federal findings –

No historic properties affected

In the event that the Federal agency and SHPO find that no historic properties will be affected, then you shall:

a) Notify all consulting parties who responded of the finding and make the above documentation available for public inspection.

b) Publish a public notice which should include the following paragraph:

> *"Pursuant to 36 CFR 800.4(d), the documentation that serves as the basis for the 'no historic properties affected' finding is available for public inspection in the IDNR Division of Historic Preservation and Archaeology Office in Indianapolis. The views of the public on the "no historic properties affected" finding are being sought."*

If there is no disagreement with the "no historic properties affected" finding after the 30-day consultation and public comment period, the Section 106 process is concluded.

Historic properties affected
In the event that the Federal agency finds that there are historic properties that may be affected by the undertaking, or the SHPO disagrees with a finding that no historic properties will be affected, then you shall:

a)Notify all consulting parties and invite their views on the effects
b)Proceed with the assessment of adverse effects

ASSESSING EFFECTS ON HISTORIC RESOURCES
If the Federal agency finds that there are historic resources within the area of potential effects that may be affected, then the Federal agency is responsible for applying the criteria of adverse effect for those properties in consultation with the SHPO and other consulting parties. The Federal regulations state that an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of an historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Finding of no adverse effect
If the Federal agency proposes a finding of no adverse effect, then it shall notify the SHPO, all consulting parties, and the general public of its findings, provide the SHPO and all consulting parties with supporting documentation pursuant to 36 C.F.R. § 800.11(e), make supporting documentation on the finding available to the general public upon request, and maintain a record of the finding. The supporting documentation is recorded below:

Summary of documentation requirements for historic properties affected:

1)A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;

2)A description of the steps taken to identify historic properties;

3)A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;

4)A description of the undertaking's effects on historic properties;

5)An explanation of why the criteria of no adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize, or mitigate adverse effects; and

6)Copies of summaries of any views provided by consulting parties and the public.

Finding of Adverse Effect
If the Federal agency proposes a finding of adverse effect, then the Federal agency shall proceed to resolve the adverse effects.

RESOLVING ADVERSE EFFECTS

When the Federal agency proposes a finding of adverse effect, then the Federal agency shall:

a) Continue consultation to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties pursuant to 36 C.F.R. § 800.6.

b) Notify the Council of the finding, provide the Council with documentation specified under 36 C.F.R. § 800.11(e), and, where applicable, invite the Council to participate in consultation.

c) Assuming there is agreement, execute a memorandum of agreement (MOA) that establishes how the adverse effects will be resolved, and ask the SHPO, and any invited signatories or concurring parties to sign the MOA.

d) Provide a copy of the executed MOA to the Council.

SUMMARY
The best way to reduce the time needed for Section 106 review is for the Federal agency and the applicants for funding or licensing to plan their projects so as to avoid adverse effects on historic properties. This can be done if the applicant identifies all historic properties or important archaeological sites at the beginning of project planning.

Questions should be directed to the Division of Outdoor Recreation at (317) 232-4070
or by writing to:
Indiana Department of Natural Resources
402 West Washington Street, Room W271
Indianapolis, Indiana 46204.

OFCCP CONSTRUCTION CONTRACT NOTIFICATION

Within 10 days of awarding a construction contract, project sponsors should send this form to:

Office of Federal Contract Compliance Programs
Region V
Room 570
230 S. Dearborn Street
Chicago, IL 60604

1. Federal Agency: U.S. Fish and Wildlife Service (USFWS)

2. Grant Program: Federal Aid to Wildlife Restoration Act

3. Federal Project Number:_____

4. Contracting Agency:_____(Name of Applicant)

Address:_____

City/ State/ Zip:_____

Telephone Number: (Area Code)_____

5. Prime Contractor's Name:_____

Address:_____

City/ State/ Zip:_____

Telephone Number: (Area Code)_____

Employer ID Number:_____

6. Contract Number:_____7. Amount of Contract: $_____

8. Estimated Starting Date:_____9. Estimated Completion Date:_____

10. City (if applicable) and County: (Project Location)_____

11. Date Contract Awarded:_____

Date:_____

Signed:_____
(Representative of Project Sponsor)

Name:_____ Title:_____

OFCCP SUBCONTRACT NOTIFICATION

Within 10 days of the award of a subcontract over $25,000, the prime contractor should send this form to:

Office of Federal Contract Compliance Programs
Region V
Room 570
230 S. Dearborn Street
Chicago, IL 60604

A separate notification must be filed for each subcontract over $25,000.

Federal Agency: U.S. Fish and Wildlife Service (USFWS)
Grant Program: Federal Aid to Wildlife Restoration Act

1. Contracting Agency:_____(Name of Applicant)

2. Prime Contractor's Name: _____

Address: _____

City/ State/ Zip: _____

Telephone Number: (Area Code) _____

3. Subcontractor's Name: _____

Address: _____

City/ State/ Zip: _____

Telephone Number: (Area Code) _____

4. Employer ID Number: _____

5. Amount of Subcontract: _____

6. Estimated Starting Date:_____ 7. Estimated Completion Date: _____

8. Subcontract Number: _____

9. City (if applicable) and County: _____(where work will be performed)

10. Crafts that will be used on the project: _____

11. Scope of Subcontract: _____

12. Date of Subcontract: _____

Date: _____Signed: _____

Name: _____Title: _____

U.S. DEPARTMENT OF LABOR Employment Standard Administration, OFCCP	MONTHLY EMPLOYMENT UTILIZATION REPORT	1. COVERED AREA (SMSA OR EA))	3. CURRENT GOALS MINORITY:	4. REPORTING PERIOD FROM:
This report is required by Executive Order 11246, Sec. 203. Failure to report can result in contract being cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts of federally assisted construction contracts.		2. EMPLOYERS I.D. NO.	FEMALE:	TO:
NAME AND LOCATION OF CONTRACTOR		FEDERAL FUNDING AGENCY		

5. CONSTRUCTION TRADE	Classifications	6. WORK HOURS OF EMPLOYMENT (Federal & Non-Federal) 6a. TOTAL ALL EMPLOYEES BY TRADE M F	6b. BLACK (Not of Hispanic Origin) M F	6c. HISPANIC M F	6d. ASIAN OR PACIFIC ISLANDERS M F	6e. AMERICAN INDIAN OR ALASKAN NATIVE M F	7. MINORITY PERCENTAGE	8. FEMALE PERCENTAGE	9. TOTAL NUMBER OF EMPLOYEES M F
	Journey worker APPRENTICE TRAINEE SUB-TOTAL								
	Journey worker APPRENTICE TRAINEE SUB-TOTAL								
	Journey worker APPRENTICE TRAINEE SUB-TOTAL								
	Journey worker APPRENTICE TRAINEE SUB-TOTAL								
	Journey worker APPRENTICE TRAINEE SUB-TOTAL								
TOTAL JOURNEY WORKERS TOTAL APPRENTICES TOTAL TRAINEES GRAND TOTAL									

11. COMPANY OFFICIAL'S SIGNATURE AND TITLE	12. TELEPHONE NUMBER (Include area code)	13. DATE SIGNED	PAGE

OMB APPROVAL NO. 44-R1396

FORM CC-257 (Rev. 9/78)

FORCE ACCOUNT LABOR FORM

Instructions

The Force Account Labor Form documents the labor costs of the applicants employees who worked on a DNR Shooting Range Program project. To justify these expenses, the Force Account Labor Form must be submitted along with copies of the payroll.

Column headings are self-explanatory. The employee's entire day must be documented. If the employee spent half a day on the project site an entry must be made for the remainder of the day.

Overtime pay is not normally eligible unless a written justification accompanies the force account sheet. The justification should explain the circumstances surrounding the additional time needed to complete the work. Overtime reimbursement will be considered only when an employee is working full-time for a period of several days or weeks at the project site. A rule to remember is that salaries and wages for persons working on DNR Shooting Range Program assisted projects shall not exceed wage rate for similar persons working on similar jobs.

FORCE ACCOUNT LABOR FORM

Applicant:_____ Project number:_____

Employee's name:_____ Pay period:_____

Date	Location	Hours	Wage Rate	Eligible Wage Costs	Description of Work	**Overtime**			Total Claimed Costs
						Time in Hours	Wage Rate	Eligible Overtime Costs	
Totals					**Totals**				

I certify, under penalty of perjury, that the above time record is correct, fair, and is based upon work performed and actual payment.

_____ _____

Employee's signature, Date Supervisor's signature, Date

DONATED LABOR FORM

Instructions

This form is used to document labor costs of volunteer workers who worked on the DNR Shooting Range project.

To justify their donated time, the completed form must be submitted with the billing. One form must be completed for each person, listing the date(s), hour(s), wage rate, and type of work completed on the project. The form must be signed by the donor and their supervisor.

A statement form the local fiscal officer, which certifies the wage rate must be attached, if it had not already been submitted. For general **unskilled labor donations**, the applicant needs to provide a **statement of the wage rate paid to the entry level municipal laborers** form the clerk-treasurer. If donors of labor are employed in a **skilled construction trad**e, the time spent doing their particular trade on the project may be valued at their employment wage rate. Either their employers or they (if self employed) need to **verify their rate per hour on company letterhead**. Labor contributed by another public agency would be valued at the rate of pay for the employees who work on the project.

DONATED LABOR FORM

Applicant:_____ Project number:_____

Donor's name:_____

Date	Location	Hours	Wage Rate	Total Eligible Wage Cost	Description of Work
TOTALS					

I certify that, under the penalty of perjury, that the above information is correct, fair, and an accurate representation of the actual work performed.

_____ _____ _____ _____

Donor's signature Date Supervisor's signature Date

BILLING FORM
Instructions

One copy of the DNR Shooting Range Program Billing Form must be completed in order to request reimbursement. Instructions for the completion of the form are as follows:

1 - 4. Self-explanatory.

5. Circle "partial" unless this is the final close-out billing.

6. Note if this is the first, second, third, etc. billing submittal for reimbursement.

7. Indicate the period that is covered by the work incurred for this billing. *For example: From May 16, 1992 to August 4, 1992.*

8. If more than one billing form is used, mark each consecutively and note the total number of pages. *For example: Page 3 of 5*

9. Indicate the name of the vendor, individual, or contractor to whom payment was made. In the case of donations, identify the donor.

10. Provide the number from the check that was used to pay the vendor in column #9. In the case of donations, indicate by the word "donation."

11. Fill in the total dollar amount as written on the check for which reimbursement is being claimed or the full value of the donation.

12. Indicate the amount of the figure in column #11 that is eligible for reimbursement. This amount is usually the same as that in column #11 except when several items, eligible and ineligible, have been included on the same check.

13. Describe exactly what was purchased for each reimbursable item. Identify the facility so that the grants coordinator can determine the eligibility of the item. *For example: Seven poles for lighting the new shooting range.*

14. Add all of the figures in column 12 and indicate the sum here.

15. Multiply the figure in item #14 by .75 and indicate the amount here. This will be the amount of the reimbursement check for this billing.

16. The agency president or person responsible for project administration must certify to the accuracy of the reimbursement request.

17. Fill in the current date.

BILLING FORM

1. Name of project:_____ 2. Project number:_____

3. Applicant:_____ 4. Phone number:_____ 5. Type of request (circle): Partial Final

6. Billing number:_____ 7. Period covered: From_____ To_____ 8. Page number:_____of_____

9. Name of vendor	10. Check number	11. Total claim paid or donated amount	12. Amount eligible for reimbursement	13. Specific explanation of payment or donation

$_____ **x .75 (or 75%) = $**_____

14. Amount eligible for reimbursement 15. Amount requested for reimbursement

I certify that, to the best of my knowledge and belief, the above costs are in compliance with the terms of the project and that the reimbursement request represents the Federal share due which has not been previously reimbursed, and that all work meets the terms of the grant.

16. _____ 17. _____

Signed, agency president Date

POST CONSTRUCTION CERTIFICATE

Instructions
This certificate must be submitted with the final billing. The form is signed by the applicant and the architect or engineer who supervised the construction. If the project did not involve a consulting architect or engineers, the town, city, or county engineer should inspect the project and sign the form.

As-Built Plans
If deviations in design or site location were made from the plans previously submitted to the Division of Outdoor Recreation, "as-built" plans must accompany this form. As-built plans must include:
a) site plan showing the location of the project area and facilities;
b) elevations and floor plans of structures.

Two copies of as-built plans are to be submitted. The project sponsor must record one set of plans which identifies the work done with federal funds at the site, at both the Town Hall and County Courthouse.

POST CONSTRUCTION CERTIFICATE

I hereby certify that construction of Project Number _____ has been completed in accordance with the original and revised plans and specifications on file with the Indiana Department of Natural Resources, Division of Outdoor Recreation. The plans and specifications are consistent with the scope of the project approved by the National Park Service and the Indiana Department of Natural Resources. The project has been constructed in accord with all applicable State and local building rules and regulations and is acceptable for public use.

_____
President date

_____
Project Engineer/Architect date

_____
Certification Number of Stamp

Check One:

__Attached are 2 copies of as-built plans

__Plans did not change from those previously submitted and approved