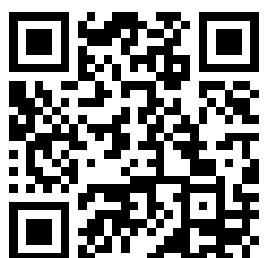


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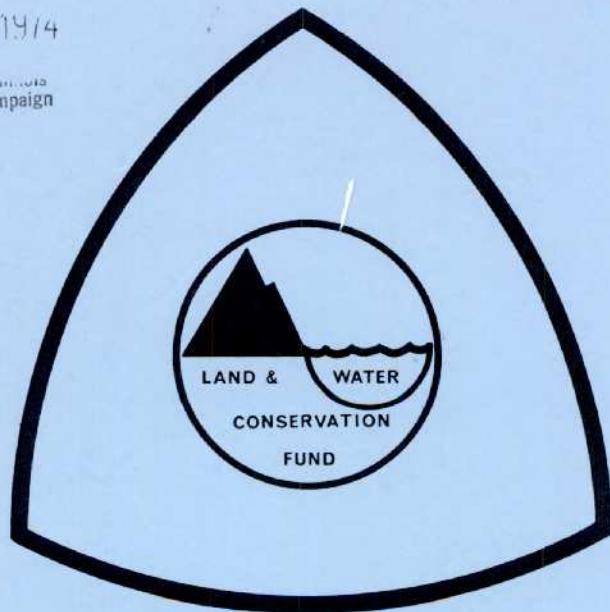
OUTDOOR RECREATION GRANTS-  
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## **Land and Water Conservation Fund**

# **OUTDOOR RECREATION GRANTS-IN-AID MANUAL**

**Revised December 1973**

UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Outdoor Recreation  
Washington, D.C. 20240

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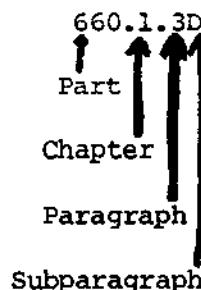
INSTRUCTIONS FOR USING AND MAINTAINING THE OUTDOOR RECREATION

GRANTS-IN-AID MANUAL

This Manual is best maintained in a three ring binder. Use instructions are given below.

Organization and Numbering Procedure.

This Manual has Parts, Chapters, Paragraphs and Subparagraphs. Page numbers are identified in the top right of each page, on the second line beneath agency titles, underscored, as follows: The first three digits indicate the respective Part, the next digit within periods the Chapter, and the remaining digits and letters the Paragraph and Subparagraph commencing on that page or continued from the previous page. For example:



This Manual is a portion of a larger Manual used by the Bureau of Outdoor Recreation (BOR) for all its administrative programs and activities. The Part numbers used or reserved for latter use in the Outdoor Recreation Grants-in-Aid Manual always start with "6" and end in either "0" or "5". Other Part numbers are used only for the aforementioned within-Bureau administrative activities.

How to know if you have the latest portions of this Manual.

The Table of Contents shows the titles of all Parts and Chapters published to date. When new Parts or Chapters are released, the Table of Contents is revised to reflect them. (Occasionally a title is enclosed in parentheses in the Table of Contents. This signifies that the Part or Chapter is being processed and will be released at some later date.) Tables of Contents are filed in the front of the Manual.

1/27/75 (Rel. No. 131)  
Replaces Rel. No. 125, 12/14/73

Sheet 1

Each Transmittal Sheet (BOR Form 8-113) has an individual release number in the upper right corner. Since this form is also used to transmit changes to the larger BOR Manual, these numbers will not be received in sequence and should be disregarded by Grants-in-Aid Manual holders.

However, under the "Summary of Instructions" portion, each amendment to the Grants-in-Aid Manual will be enumerated sequentially, e.g., "This release constitutes the sixth amendment to the Outdoor Recreation Grants-in-Aid Manual," or wording to that effect.

From time to time Bureau of Outdoor Recreation staff personnel and certain State recreation agency personnel will receive changes to the Grants-in-Aid Manual in the form of Program Directives printed on pink paper. These Program Directive changes will be reprinted semi-annually as a formal amendment to the Grants-in-Aid Manual and distributed to all subscribers through the normal distribution process. Consequently, the Transmittal Sheet (BOR Form 8-113) contains separate instructions regarding pages to be removed by recipients of Program Directives and by regular subscribers. The Program Directives being incorporated in each formal amendment will also be enumerated in the Summary of Instructions. These references should be disregarded by non-recipients of Program Directive materials.

How to obtain the Manual and revisions.

This Manual and all revisions to it may be purchased from the Government Printing Office. Send orders to the Superintendent of Documents, Washington, D. C. 20402, and order the "Outdoor Recreation Grants-in-Aid Manual." The cost will entitle you to receive all portions published to date plus revisions as they are released until 1977.

How to file revised pages and transmittal sheets.

When you receive a transmittal sheet:

1. Place new pages in their proper location in the Manual. (In the lower left corner of each revising page will be shown the word "Replaces," followed by the date of the formal amendment page to be replaced, and also, when applicable, by the date of the Program Directive page to be replaced.)
2. Throw away the pages replaced by the new ones.
3. File the Transmittal Sheet at the back of the Manual.

Please file this instruction sheet in the front of your Manual.

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- .1 Purpose. The Basic authority for the grants program is stated in Section 1 (b) of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897):

"The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

Section 6 of the Act contains the basic requirements and conditions for fulfilling (1), above.

- .2 Section 6 of the Act. "GENERAL AUTHORITY; PURPOSES.--(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interest in land or waters, or (3) development.

"(b) APPORTIONMENT AMONG STATES: NOTIFICATION.--Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

- (1) two-fifths shall be apportioned equally among the several States; and  
(2) three-fifths shall be apportioned on the basis of need to

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individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

"The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 7 per centum of the total amount allocated to the several States in any one year.

"The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection.

"The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated as States for the purposes of this title, except for the purpose of paragraph (1) of this subsection. Their population also shall be included as a part of the total population in computing the apportionment under paragraph (2) of this subsection.

"(c) MATCHING REQUIREMENTS.--Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

"(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.--A comprehensive statewide outdoor recreation plan shall be required

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prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act. The plan shall contain--

- (1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;
- (2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;
- (3) a program for the implementation of the plan; and
- (4) other necessary information, as may be determined by the Secretary.

"The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

"The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

"(e) PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.--In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan.

- (1) ACQUISITION OF LAND AND WATERS.--For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interest in land or waters acquired from

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the United States for less than fair market value), but not including incidental costs relating to acquisition.

(2) DEVELOPMENT.--For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more.

"(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.--Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: Provided, that the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

"Payments for all projects shall be made by the Secretary to the Governor of the State or to a State Official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

"No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

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"No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

"Each recipient of assistance under this Act shall keep such records as the Secretary of the Interior shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

(g) COORDINATION WITH FEDERAL AGENCIES.--In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to Title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations."

- .3 Delegation of Authority. Authority to administer Section 6 of the Land and Water Conservation Fund Act of 1965 has been delegated to the Director, Bureau of Outdoor Recreation by the

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Secretary of the Interior (29 F. R. 13406). This authority is also covered in the Departmental Manual 248 DM 1 which states "the Director, Bureau of Outdoor Recreation, is authorized except as provided in 200 DM 2.1, to exercise the program authority of the Secretary of the Interior with respect to the supervision, management, and operations of the Bureau of Outdoor Recreation: . . . 248.1.1 (f): by performing those responsibilities and carrying out the authorities of the Secretary which are contained in Title 1, Section 6, Public Law 88-578, Land and Water Conservation Fund Act of 1965 (78 Stat. 897); . . ." The Secretary, however, retains the authority to make final apportionments to States as provided in Section 6(b).

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<u>Chapter 2 Definitions</u>		<u>600.2.1</u>

- .1 The definitions given below apply to terms used in the Grants-in-Aid Series of the Bureau of Outdoor Recreation Manual.

**ACCRUED EXPENDITURES:** Accrued expenditures are the charges incurred by the grantee during a given period requiring the provision of funds for: (1) goods and other tangible property received; (2) services performed by the employees, contractors, subgrantees, and other payees; and (3) amounts becoming owed under projects for which no current services or performance are required.

**ACCRUED INCOME:** Accrued income is the earnings during a given period which is a source of funds resulting from (1) services performed by the grantee; (2) goods and other tangible property delivered to purchasers; and (3) amounts becoming owed to the grantee for which no current services or performance are required by the grantee.

**ACT:** The Act of Congress, approved September 3, 1964, entitled "Land and Water Conservation Fund Act of 1965" (78 Stat. 897), as amended.

**AMENDMENT:** An official alteration of the project agreement which, when signed by the State and the Bureau, modifies the agreement in a specified manner.

**APPLICANT:** The State.

**APPORTIONMENT:** The amount of funds annually reserved for a State by the Secretary of the Interior from Congressional appropriations for financially assisting projects under the provisions of the Act.

**APPROPRIATION:** The amount of funds which the Congress makes available yearly from the Land and Water Conservation Fund for purposes of the Act.

**APPROVAL:** The signing by the Director or his designee of a project agreement and amendments resulting in the obligation of a specified amount of Federal funds for a specific purpose.

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Chapter 2 Definitions

600.2.1 (cont.)

ARCHITECTURAL CONCEPT: Sketches, layouts, renderings, and similar drawings describing a proposed facility.

ASSISTANCE: Funds made available by the Bureau to a State in support of a public outdoor recreation project.

BUREAU: The Bureau of Outdoor Recreation.

CASH CONTRIBUTIONS: Cash contributions represent the grantee's cash outlay, including the outlay of money contributed to the grantee by other public agencies and institutions, and private organizations and individuals.

CONTINGENCY RESERVE: That portion of Land and Water Conservation Fund money appropriated by the Congress for State use that is not immediately apportioned to the several States, and those funds reverted from expired apportionments, but is held by the Secretary to meet high priority, unforeseen, or emergency needs and which is granted at his discretion.

DATE OF COMPLETION: The date when all work under a project is completed or the date in the grant award document, or any amendment thereto, on which Federal assistance ends whichever comes first.

DIRECT EXPENDITURES OR DIRECT COSTS: Those expenditures or costs that can be associated with a specific project.

DIRECTOR: The Director of the Bureau of Outdoor Recreation or any other officer or employee of the Bureau to whom he delegates the authority involved.

DISALLOWED COSTS: Disallowed costs are those charges to a grant which the Bureau or its representative determines to be unallowable.

DISBURSEMENTS: Disbursements are payments in cash or by check represented by valid invoices and documentation.

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**EXPENDITURES:** Outlays by cash or check represented by valid invoice and disbursement documentation. (See disbursements.)

**FEDERAL FUNDS AUTHORIZED:** Funds authorized represent the total amount of the Federal funds authorized for obligations and establish the ceilings for obligation of Federal funds.

**FISCAL YEAR:** A period of time which begins on July 1, and ends on the following June 30.

**FORCE ACCOUNT:** The performance of a development project with the forces and resources of the participant, including personal services, equipment, and materials, as opposed to development by contract with an outside organization or individual.

**FUND:** The Land and Water Conservation Fund; the financial resource created and maintained through authority and operation of the Act.

**GRANT:** The act of providing a specific sum of money toward the execution of a specific project, consistent with the terms of a signed agreement. Also the amount of money provided.

**GRANTEE:** See participant.

**GRANT CLOSEOUT:** The process by which the Bureau determines that all applicable administrative actions and all required work of the project have been completed and a Federal audit conducted.

**INDIRECT COSTS:** Those costs related to the operation of the State's grants program but which, because of their incurrence for common or joint objectives, are not specifically identified with individual projects (see OMB Circular A-87).

**IN-KIND CONTRIBUTIONS:** In-kind contributions represent the value of noncash contributions provided by (1) the grantee; (2) other public agencies and institutions; and (3) private organizations and individuals. In-kind contributions may consist of the value of services directly benefiting and specifically identifiable to the project.

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**MAJOR CONSTRUCTION:** Construction work with a total cost of \$100,000 or more; including any complex of structures or group of interrelated or appurtenant facilities.

**MARKET VALUE:** As determined by competent appraisal or court decision, the highest price which the property could reasonably be expected to bring if exposed for sale in the open market for a reasonable time, unaffected by the project, taking into consideration all lawful uses to which such property is adapted and could reasonably be put.

**OBLIGATIONS:** Obligations are the amounts of orders placed, contracts and grants awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

**OUTLAYS:** Outlays represent charges made to the grant project. Outlays can be reported on a cash or accrued expenditure basis.

**PARCEL:** A piece of land, regardless of size, in one ownership.

**PARTICIPANT:** The State agency or other public agency receiving Fund assistance.

**PLANS AND SPECIFICATIONS:** The detailed working drawings and technical specifications necessary to guide the construction, determine the scope of the work, and provide a firm basis for competitive bidding and contractual obligations.

**POLITICAL SUBDIVISION:** A city, town, township, borough, county, parish, district, or other political unit created under authority of State law.

**PROGRAM INCOME:** Program income represents earnings by the grantee realized from the grant-supported activities. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, sale of assets purchased with grant funds, and royalties on

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patents and copyrights. Program income can be reported on a cash or accrued income basis. (See 675.1.8 for program income that must be reported.)

PROJECT:

- A. Planning Project: The preparation by the State of the State-wide Comprehensive Outdoor Recreation Plan, or the subsequent updating of that plan.
- B. Acquisition Project: The acquisition of real property or interest and rights thereto for a well-defined outdoor recreation area and/or purpose.
- C. Development Project: The development of structures, utilities, or facilities necessary for the outdoor recreation use of an area.
- D. Combination/Concurrent Project: Acquisition of real property and the subsequent development of outdoor recreation facilities in a single project.

PROJECT AGREEMENT: A contract executed between the United States and a State setting forth the mutual obligations with regard to a portion or all of a specific project.

PROJECT COSTS: Project costs are all necessary charges made by a grantee in accomplishing the objectives of a project during the project period. (See 670.1)

PROJECT PERIOD: The specified period of time covering the approved portions of a project during which all work must be accomplished.

PUBLIC AGENCY: Any non-private entity which serves a governmental purpose. The term includes but is not limited to State agencies, political subdivisions, and public authorities and commissions having governmental functions. For purposes of this Manual, it does not include agencies of the Federal Government.

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Part 600

General

Chapter 2 Definitions

600.2.1 (cont.)

QUALIFICATION: The determination by the Director that a project is in accord with the comprehensive statewide outdoor recreation plan and meets other Bureau criteria for recreation projects. Qualification does not constitute an obligation of funds or a commitment to obligate funds, but rather a technical finding of a project's adequacy and eligibility at the time of qualification.

REAL PROPERTY: Land, immovable improvements on land, and rights appurtenant thereto.

SECRETARY: The Secretary of the Interior.

SPONSOR: See Participant.

STAGE: A logical, identifiable portion of a project, consisting of one or more elements of acquisition, development or planning, specifically activated by a signed agreement or amendment.

STAGED PROJECT: A project that consists of two or more stages that are activated by an agreement and one or more subsequent amendments.

STATE: Any State of the United States, the District of Columbia, Puerto Rico, the American Virgin Islands, Guam, and American Samoa.

STATE LIAISON OFFICER: The person designated to act for his State in routine matters pertaining to the grant program.

STATE PLAN: The comprehensive statewide outdoor recreation plan required by the Act.

SUPPORT CEILING: The maximum amount of financial assistance that will be provided on a project as specified on the agreement.

SUPPORT FACILITIES: Those facilities that are not themselves used for recreation but are, nevertheless, required for public recreational use of an area, such as access roads, parking areas, water systems, toilet buildings, etc.

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General

Chapter 2 Definitions

600.2.1 (cont.)

**SUSPENSION:** The suspension of a grant is an action by the Bureau which temporarily suspends Federal assistance under the project pending corrective action by the grantee or pending a decision to terminate the grant by the Bureau.

**TERMINATION:** The termination of a project means the cancellation of Federal assistance, in whole or in part, under a project at any time prior to the date of completion.

**TRACT:** A piece of land, composed of one or more contiguous parcels.

**UNOBLIGATED BALANCE:** The unobligated balance is the portion of the funds authorized by the Federal agency which has not been obligated by the grantee as shown on the Federal agency records and is determined by deducting the cumulative obligations from the funds authorized.

**UNPAID OBLIGATIONS:** Unpaid obligations represent the amount of obligations incurred by the grantee which have not been paid.

**URBANIZED AREA:** According to the Bureau of the Census, a central city, or twin cities, and surrounding closely settled territory. (A "central city" is a city of 50,000 inhabitants or more in 1970 or a special census conducted by the Bureau of the Census; "Twin cities" are cities with contiguous boundaries with a combined population of at least 50,000 inhabitants, with the smaller of the two cities having a population of at least 15,000.)

**WITHDRAWAL:** The unilateral retraction, by the State, of a previously approved Fund project prior to its commencement. A project is deemed commenced when the Bureau reimburses any project costs incurred by the participant.

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This release supersedes all amendments, program directives and releases issued prior to this date.

Sheet 4



## DEPARTMENT OF THE INTERIOR

## Bureau of Outdoor Recreation Manual

Grants-in-Aid Series	Part 600	General
Chapter 3 Program Summary		600.3.1

- .1 **Purpose.** This deals with general features of the BOR grants-in-aid program, and summarizes the steps to be taken to obtain financial assistance.
- .2 **Authority.** The Land and Water Conservation Fund Act of 1965 (P.L. 88-578, 78 Stat. 897), as amended, authorizes the Secretary of the Interior to provide financial assistance to States for outdoor recreation purposes. Except for the apportionment of funds among States and the approval of Contingency projects, this authority has been delegated to the Director. (See 600.1.3.)
- .3 **Where to Send Inquiries.** Generally, all correspondence should be addressed to the appropriate Bureau of Outdoor Recreation regional office. The offices are listed next to the index of this Manual.
- .4 **Type of Assistance.** Funds may be provided to help:
  - A. Prepare or maintain a comprehensive statewide outdoor recreation plan.
  - B. Acquire lands and waters or interests in lands and waters for public outdoor recreation purposes.
  - C. Develop lands and waters to facilitate their use by the public for outdoor recreation. This includes, but is not limited to, architectural planning, site planning, site preparation, and construction.
- .5 **Eligibility.** Only States may apply directly for financial assistance, however, funds can be made available to political subdivisions of the State and other appropriate public agencies, including recognized Indian tribes which qualify for grant assistance under the Fund program through the State. The Bureau expects that all non-Federal public agencies having outdoor recreational functions will have an opportunity to share in the benefits of the Fund, commensurate with their responsibilities for providing outdoor recreation.

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Grants-in-Aid Series	Part 600	General
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- .6 Designation of Responsible Officers. To be eligible for financial assistance under the Act, the Governor of each State must designate in writing, the official who has authority to represent and act for the State as the State's Liaison Officer in dealing with the Director for purposes of this program and who, if such is required by State law or practice, is to act in the liaison officer's stead. In addition, the State must designate the official who is authorized to serve as the State's fiscal officer to receive Federal funds for the purposes of this program before any payments can be made. The States shall promptly notify the Director of any changes in the designations of these officials.
- .7 Statewide Plan Required. To be eligible for assistance for acquisition or development, a State must prepare a comprehensive statewide outdoor recreation plan which the Bureau finds to be adequate for the purposes of the Act. To continue eligibility for acquisition and development assistance, the plan must be maintained and updated periodically or on a continuing basis (see Part 630).
- .8 Basis for Assistance. Financial assistance is provided on a project-by-project basis. Before any apportioned funds may be granted, the State must submit and secure approval of specific project proposals. The Bureau may approve only those project proposals submitted by the designated State Liaison Officer. The Act provides that Federal support shall be on a matching basis, to a maximum fifty percent of total project related allowable costs.
- .9 Priorities of Assistance. Project priorities will be established by States consistent with the general framework of priorities contained in the State Plan.
- .10 Basic Policy Guides for Establishing Priorities. Generally, in the submission of acquisition and development proposals for assistance, priority should be given to meeting urban needs, to activities of the general public over those for a limited group, to basic over elaborate facilities, to active over spectator type facilities, to projects not having other public or private funds available to them, and, where a scarcity of recreation lands exists, to acquisition over development. Projects which would enhance, preserve or restore natural beauty are encouraged.

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<u>Grants-in-Aid Series</u>	<u>Part 600</u>	<u>General</u>
<u>Chapter 3 Program Summary</u>	<u>600.3.11</u>	

- .11 Allowable Costs. Insofar as Federal rules and practices and the Act permit, most costs related to an approved project are allowable and are subject to Fund assistance. However, there are exceptions, as given in Part 670 "Allowable Costs."

Generally, such charges must be consistently applied by the participant in accordance with its own rules applying to similar situations. The project agreement negotiated between the Bureau and the State will establish a basis for costing, charging, matching, and cost incurrence.

- .12 Responsibility for Project Execution. It is the responsibility of the State to administer projects and to determine satisfactory completion of a project by contractors and participating agencies. However, the Bureau also will undertake to assure itself of satisfactory performance, and will deal with participants through the State Liaison Officer.

- .13 Summary of Steps Required to Obtain Assistance. To obtain grants from Fund money apportioned among the States, the State Liaison Officer must take the following steps:

- A. Submit to the Bureau a comprehensive statewide outdoor recreation plan, and receive a finding by the Bureau that the plan is adequate for the purposes of the Act. A finding of adequacy of its plan enables a State to apply for qualification or funding of acquisition and development projects. This step does not apply to planning projects, as assistance may be obtained at any time for preparing and maintaining the State plan. (See Parts 630 and 635.)
- B. Submit project agreement, project proposal and other necessary documentation to the Regional Office. A signed agreement form may accompany the proposal, or be submitted later, if preferred. The Bureau will review the project agreement and proposal on the basis of compliance with the State Plan and for its merits. When executed by the Bureau, the agreement constitutes approval of the portion of the project being activated, and it obligates the requisite Federal funds.

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Grants-in-Aid Series      Part 600      General

Chapter 3 Program Summary      600.3.13C

- C. The State may choose to submit a proposal for qualification only; that is, for Bureau review of its technical adequacy with no immediate obligation of money. No agreement is needed for qualification. (See 660.1.2B.)
- D. Obtain the Bureau's concurrence in certain major actions by submitting project amendments. Such actions, to be taken during the active stages of the project include, but are not limited to:
  - (1) Changing the original scope or cost of the project, or to activate a previously qualified project phase.
  - (2) Changing the approved project period.
- E. Present billings for reimbursement or for advance of funds. (See Part 675.6.)
- F. After project completion, retain and maintain Fund assisted areas and facilities according to acceptable standards. (See Part 685.)

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<u>Grants-in-Aid Series</u>	<u>Part 600</u>	<u>General</u>
<u>Chapter 4 Project Numbering System</u>		<u>600.4.1</u>

- .1 Applicability. Each project, including projects proposed for Contingency Reserve funding, shall be assigned a separate official Bureau number by the Regional Office, whether or not it is ultimately approved. Agreements, amendments, and all other documentation relating to a given proposal, including letters and memorandums, shall contain this number.
- .2 System for Numbering: A 7-digit system shall be used as follows:
  - A. First two digits: State Identification Number
 

01 - Ala.	15 - Hawaii	26 - Mich.	37 - N.C.	49 - Utah
02 - Alaska	16 - Idaho	27 - Minn.	38 - N.D.	50 - Vt.
04 - Ariz.	17 - Ill.	28 - Miss.	39 - Ohio	51 - Va.
05 - Ark.	18 - Ind.	29 - Mo.	40 - Okla.	53 - Wash.
06 - Calif.	19 - Iowa	30 - Mont.	41 - Oreg.	54 - W.V.
08 - Colo.	20 - Kans.	31 - Nebr.	42 - Pa.	55 - Wis.
09 - Conn.	21 - Ky.	32 - Nev.	44 - R.I.	56 - Wyo.
10 - Del.	22 - La.	33 - N.H.	45 - S.C.	60 - Am. Samoa
11 - D.C.	23 - Me.	34 - N.J.	46 - S.D.	66 - Guam
12 - Fla.	24 - Md.	35 - N.M.	47 - Tenn.	72 - P.R.
13 - Ga.	25 - Mass.	36 - N.Y.	48 - Tex.	78 - V.I.
  - B. Next five digits: The Project Number is serially assigned in chronological order of receipt. This number shall also serve, after project approval, and in conjunction with the State Identification Number, as the project agreement number.
  - C. Amendment to Agreement: Amendment numbers shall be added immediately following the project number by using a decimal point and appropriate number (beginning with 1) in serial order.
- .3 Use of Numbering System. A project number shall be used only once and shall be the official method of identifying each project and related project documentation.

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<u>Chapter 4 Project Numbering System</u>		<u>600.4.3A</u>

- A. Immediately upon receipt of a project proposal, the Regional Office shall assign the 7-digit basic identification number consisting of the 2-digit State number, followed by (but separated by a dash) the 5-digit project number. These numbers shall be permanently affixed to the case file, and shall serve as a permanent reference number.

Example:

08-00004  
State of      Fourth project  
Colorado      proposal received  
                  from Colorado

- B. Whenever the original project agreement is altered, the amendment number assigned to the executed amendatory document shall be serially increased.

Example:

08-00004.1

First  
amendment

- C. Subprojects within a master project (see 640.1.5D and 660.1.3F) shall be identified by the State, by submission to the Bureau of a Standard Form 240 on the subproject at the time the State approves the subproject, by one or more letters, as appropriate, following the project number.

Example:

08 - 00004A  
First subproject approved within the master project.

08 - 00004Z  
Twenty-sixth subproject approved within the master project.

08 - 00004AA  
Twenty-seventh approved within the master project.

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<u>Chapter 4 Project Numbering System</u>		<u>600.4.3C (cont.)</u>

The numbering of amendments to master project agreements shall be the same as that indicated in 600.4.3B. When it is necessary to refer to a particular subproject in the body of the amendment, the subproject identification should follow the form indicated above.

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## DEPARTMENT OF THE INTERIOR

## Bureau of Outdoor Recreation Manual

<u>Grants -in-Aid Series</u>	<u>Part 620</u>	<u>Apportionment</u>
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<u>Chapter 1 Basis</u>	<u>620.1.1</u>
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- .1 Purpose. This chapter supplies basic features of the system of apportionment of funds.
- .2 Apportionment Percentage to States. The Act creates a Fund consisting of certain earmarked revenues from which the Congress may annually appropriate money for public outdoor recreation purposes. Unless otherwise provided for in the annual appropriation act, funds shall be made available in the ratio of 60 percent to the States and 40 percent for Federal purposes.
- .3 The Amount Apportioned is Essentially a Reserve. Apportionment of funds to the States does not confer absolute entitlement to such funds. The apportionment is evidence of a commitment by the Federal Government to withhold from other uses a specified amount for a State for a given period of time. To receive apportioned funds for recreation acquisition and development purposes, the States must (a) prepare and maintain a comprehensive statewide outdoor recreation plan that has been found by the Bureau to be adequate for the purposes of the Act; (b) submit and receive approval of projects requiring the use of apportioned funds; and (c) request the Federal Government to obligate apportioned funds for use on approved projects.
- .4 Basis for Apportionment. Apportionment is made by the Secretary on the basis of the following:
  - A. Two-fifths of the appropriation is apportioned equally among the 50 States. The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa do not share in this portion.
  - B. Three-fifths of the appropriation plus lapsed apportionments will be apportioned among the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of need in such amounts as in the Secretary's judgment will best accomplish the purposes of the Act.

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- .5 Notice of Apportionment. The Secretary will notify each State of its apportionment following an appropriation of funds by the Congress.
- .6 Reports on Status of States Apportionment. The Bureau will notify each State periodically, on the status of each fiscal year's apportionment. This financial report shall include for each fiscal year: the total amount of current apportionments (including adjustments), the total obligations, and the total expenditures. The report will also notify the State of the balance remaining available in each apportionment. The State is expected to maintain its own accounting records on the status of apportionments.
- .7 Life of States Apportionments. The funds apportioned to a State will remain available for obligation during the fiscal year in which notification is given and for two fiscal years thereafter. Any portion of an apportionment that remains unobligated at the expiration of this 3-year period shall revert to the Bureau for reapportionment among the several States on the basis of need as determined by the Secretary.
- .8 Disposition of Unexpended Balances of Obligated Funds. Funds obligated for an approved project will remain available for expenditure by the participant until the project is completed or terminated under procedures provided in 675.8. When the total project expenditures are less than the obligated amount and the 3-year period has expired, the unexpended balance will revert to the Secretary's Contingency Reserve for reapportionment by the Secretary on a project-by-project basis. Project underruns which occur within the 3-year obligation period may be reobligated in that period.

When an approved project is canceled by the State prior to the start of any work, and after the 3-year period for obligation has expired, the amount obligated for that project also shall revert for reapportionment.

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Grants-in-Aid Series

Part 620

Apportionment

Chapter 3 Purpose and Use of Contingency Reserve

620.3.1

- .1 Authority. Sec. 6(b) of the Act requires the Secretary of the Interior (1) to apportion three-fifths of each year's appropriation among the States on the basis of need, and (2) to reapportion any unobligated or deobligated amounts from expired apportionments among the States on the basis of need. The Contingency Reserve consists of sums reserved from the annual appropriations and reverted sums from expired apportionments which will be apportioned or reapportioned by the Secretary on a project-by-project determination of need. No money from the Contingency Reserve may be obligated or otherwise committed for any project without the prior approval of the Secretary.
- .2 Specific Criteria. Requests for assistance from the Contingency Reserve must meet the same basic requirements as required for assistance from the State's regular apportionment. Such projects must represent a bona fide emergency or be a project of such a nature which necessitates urgent action to avoid the loss of a significant opportunity to the general public. Generally, acquisition projects which will save critical, unique or unusual recreation lands from loss to competing or incompatible use will receive highest priority for consideration. Only projects of exceptional quality and sufficient merit will be considered for Contingency Reserve assistance. In addition, Contingency Reserve requests will be considered on the basis of the extent to which the project embodies the following attributes;
- A. The project fulfills a critical need as identified in the State plan and would otherwise have a high priority for funding from the State's regular apportionment;
  - B. The State's regularly apportioned funds are insufficient because they have been either obligated or officially committed to other high priority projects and it is imperative to seek Contingency Reserve funds to avoid the loss of a significant opportunity;
  - C. The project is outstanding in the quality or quantity of recreational opportunities offered, or seeks to preserve a unique or unusual resource which will provide specific outdoor recreational opportunities;
  - D. The project is easily accessible to large numbers of people in crowded urban areas; and

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Chapter 3 Purpose and Use of Contingency Reserve

620.3.2E

- E. The project demonstrates a new idea in outdoor recreation or otherwise is of broad significance.

The Secretary may from time to time expand or modify these criteria to meet the changing needs and priorities of the American public.

- .3 Amount of Assistance. In appropriate cases, the Secretary may limit Contingency Reserve assistance to less than the full Federal share of a project and require the State to provide the balance of the Federal share from regularly apportioned funds. Amounts granted from the Contingency Reserve must be matched by the State in the same manner as amounts granted from the regular apportionments.
- .4 Application Procedures. Requests for assistance from the Contingency Reserve should be submitted on the same forms and in the same manner as requests for assistance from regular apportioned funds. In addition, the proposal should also include:
- A. A statement that Contingency Reserve assistance is requested and the amount of Reserve assistance requested placed in Part III, Section E of OMB Form No. 80-R0184.
- B. A separate statement narrative justification for use of Contingency Reserve funds based on the criteria set forth above.
- C. An Environmental Assessment (for preparation instructions, see 650.1.3).
- In addition to the above required project documentation, the Bureau may require a list of firm commitments against the State's regular apportionment on a project by project basis with a copy of the instrument committing funds to each project. This documentation, if requested, is to assure that the State's regular apportionment is insufficient to fund the entire project and also aid in evaluating the request for Contingency Reserve assistance.
- .5 Project Execution. Normally, projects receiving assistance from the Contingency Reserve should be completed within one year from the date of approval. The ending date of the project period on the project agreement will reflect an appropriate project period from the approval date. The date will be entered on the agreement at the time it is signed by the Director.

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Grants-in-Aid Series      Part 620      Apportionment

Chapter 3   Purpose and Use of Contingency Reserve      620.3.6

- .6 Approval Authority for Contingency Reserve Agreements and Amendments.  
The Director shall approve all agreements and amendments for Contingency Reserve projects except when it can be fully substantiated that all Contingency monies obligated for the project have been fully spent. It is within the Regional Director's authority to approve amendments to Contingency Reserve projects when all approved Contingency monies have been spent and the remaining project involves only regularly apportioned funds.

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DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation Manual

Grants-in-Aid Series      Part 630 State Outdoor Recreation Plan

Chapter 1 General Objectives and Policy Guidelines      630.1.1

.1 Purpose. This chapter sets forth objectives and policy guidelines designed to assist the States in preparing statewide comprehensive outdoor recreation plans. The Land and Water Conservation Fund Act (P.L. 88-578) requires that each State have a statewide comprehensive outdoor recreation plan as a basis for financial assistance from the Fund for acquisition and development of land and water for outdoor recreation purposes. The Bureau is authorized to provide financial assistance from the Fund to the States for preparation and maintenance of the State plan.

The guidelines set forth in this chapter and the planning requirements set forth in succeeding chapters, reflect the States key position in responding to local conditions and needs and in integrating effectively Federal, State, local and private programs and actions in outdoor recreation. The Bureau's planning guidelines and requirements are not oriented solely to federally-assisted outdoor recreation activities, but are intended to influence the entire range of recreation resources and programs in the State.

.2 General Objectives.

- A. State Recreation Planning. The primary objective of outdoor recreation planning is creative action. The State plan should be directed to the needs of the people of the State for satisfying outdoor recreation experiences, and should provide a framework to guide public and private actions designed to meet this objective.
- B. Scope of State Plan. All planning for the future development and the provision of public services within a State should proceed from common assumptions and projections of statewide growth. Therefore, States are encouraged to prepare the State outdoor recreation plan as an integral part of a statewide comprehensive development plan and land use planning process to coordinate closely recreation planning with parallel

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Part 630 State Outdoor Recreation Plan

Chapter 1 General Objectives and Policy Guidelines 630.1.2B(Con.)

efforts directed to urban areas; transportation; water resources development including water quality, river basin and flood plain planning; health and welfare; education and other functional areas which influence outdoor recreation.

The scope and content of a State outdoor recreation plan will be influenced in large part by unique conditions within each State, and the States are encouraged to seek those solutions which best fit their individual needs. However, to the maximum extent possible, the State outdoor recreation plan should be:

- (1) Comprehensive - encompassing all outdoor recreation activities, resources and programs that are significant in providing outdoor opportunities within the State; recreation needs of all segments of the population, including special requirements of urban residents, the aged, low income groups, and the handicapped; recreation resources and factors of influence in neighboring States; and measures to preserve and enhance the quality of the outdoor recreation environment in both natural and manmade settings.
- (2) General - focusing on significant needs, trends, problems, and policies; not directed to detailed questions such as site planning, use regulations or specific locations.
- (3) Long-Range - looking at least 15 to 30 years into the future; reflecting creative foresight rather than relying solely on the projection of existing trends.
- (4) Action-Oriented - geared to the requirements of the decisionmaking process; containing actions that the State proposes to undertake directly, recommended actions of the Federal Government, local governments, and the private sector.

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Part 630

State Outdoor Recreation Plan

Chapter 1 General Objectives and Policy Guidelines

630.1.2C

C. Planning Program. A State outdoor recreation plan should not be viewed as a static document, but rather the record of findings and decisions resulting from an ongoing planning process. The plan should be flexible and designed to be modified and updated in response to changing development patterns, socio-economic conditions, and other factors which influence the demand for, and the provision of recreation opportunities. In order to secure maximum benefit from recreation planning, States are encouraged to:

- (1) Establish, or designate, an appropriate unit of State government with responsibility for long-range planning and coordination of recreation programs within the State.
- (2) Provide technical and financial support necessary for the conduct of an effective, long-range recreation planning program, including the updating and refinement of the State outdoor recreation plan. Land and Water Conservation Fund assistance, as well as other Federal technical planning assistance may be used in support of such efforts.

D. Participation in the Planning Process. The planning process should develop and communicate information that will broaden the base of public understanding of outdoor recreation needs and opportunities. It should include provision for active participation by program administrators, legislators, special interest groups, and the general public. Appropriate Federal, local, and other public and private agencies should be consulted in the formulation and revision of the State outdoor recreation plan in order to secure:

- (1) An understanding and acceptance of the roles of these groups in the total outdoor recreation effort within the State.
- (2) Maximum coordination of specific recreation programs and activities.

In addition to the Governor's review (see 630.1.2.F) the appropriate agencies and interests at the State, Federal and local levels and the private sector should participate in plan development and review. Some examples:

Private: Chamber of Commerce, Boy/Girl Scouts

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Part 630

State Outdoor Recreation Plan

Chapter 1 General Objectives and Policy Guidelines      630.1.2D(cont.)

Federal: Corps of Engineers, Bureau of Reclamation, Soil Conservation Service, U.S. Fish and Wildlife Service, Department of Transportation, U.S. Forest Service, Department of Housing and Urban Development, Department of Health, Education and Welfare.

State: Departments of Industry and Trade, Tourism, Highways, Game and Fish, State Parks, Water Board, River Authorities, State Forests.

Local: Regional Planning and Development Authorities, Councils of Governments, Cities, Towns, Counties.

To insure this involvement and input, evidence of their consultation, review and comment in the form of official correspondence should be included with the SCORP submission for official BOR review. Footnotes in the text could further document such coordination. The Regional Office and respective States would formally agree as to which agencies and interests would take part in this formulation and review process.

- E. Relation to Recreation Programs. The State outdoor recreation plan should be designed to serve as a guide to all outdoor recreation programs and activities within the State including the acquisition and development of land and water areas. Based upon the findings and policies expressed in the plan, it should be possible to establish priorities within and among recreation programs, and to determine general types of projects to be funded through Federal assistance programs, direct State support, and through other sources.
- F. Official Review. Prior to submitting the comprehensive outdoor recreation plan to the Bureau for review, the Governor shall be afforded a period of 45 days, if needed, to review and comment on the relationship of it to the comprehensive State plan and other State plans and programs as required by Revised Circular A-95 issued by the Office of Management and Budget. (See 630.3.2B).

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Grants-in-Aid Series                    Part 630                    State Outdoor Recreation Plan

Chapter 2 Basic Requirements

630.2.1

- .1 Purpose. This chapter sets forth eligibility requirements for a statewide comprehensive outdoor recreation plan for purposes of State participation in the Land and Water Conservation Fund program. The requirements are based on provisions of the Land and Water Conservation Fund Act as well as determinations of the Director regarding planning considerations essential for the effective administration of the grants-in-aid program.
- .2 Planning Coordination. For purposes of participation in the Land and Water Conservation Fund program, including qualification for planning assistance from the Fund, a State outdoor recreation plan may be prepared by an agency of the State government, either independently or jointly with assistance of its political subdivisions or other public agencies; or by or with assistance of a qualified planning consultant engaged by the State.

When a statewide comprehensive development plan or statewide land use plan exists or is in preparation, the State outdoor recreation plan shall be based upon the same population, economic, and other growth factors established in such plans. Further, the State plan shall take into account relevant Federal recreation resources and programs and shall be correlated, insofar as practicable, with other State, regional, and local plans.

.3 Planning Regions.

A. The use of planning regions has distinct advantages for outdoor recreation planning in that it:

- (1) Facilitates coordination with the planning and programming of transportation, water development, land use, and other functions which have an important impact on outdoor recreation.
- (2) Permits more precise measurement of deficiencies of recreation areas and facilities and the establishment of priorities on a geographic basis, particularly in urban-metropolitan areas.

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Chapter 2 Basic Requirements      630.2.3A(2)(Con.)

When used, appropriate regions for State recreation planning purposes should be delineated and used consistently in all elements of the State outdoor recreation plan.

B. In determining and using appropriate regions for a federally assisted planning project, and in designing programs to meet the needs of specific regions, consideration shall be given to:

- (1) Consistency with regions which have been delineated by the State for all comprehensive planning purposes. Where the State has established such regions and/or development districts, the boundaries of the recreation planning regions and/or districts shall be coterminous with the designated State regions, unless there is compelling justification for divergence.
- (2) The relationship to Regions established in surrounding States (particularly where urban-metropolitan development spreads across State boundaries) and with major units of general local government.

C. Prior to formally establishing recreation planning regions or districts within the State, the proposed regional delineations shall be submitted for review and comment to the State agency charged with responsibility for comprehensive State development planning. Where no such agency has been established, the proposed regional delineations shall be submitted directly to the Governor of the State for review in terms of relationship to other planning and development regions established by the State. (See Revised OMB Circular A-95). In any case, the appropriate State official, in transmitting the State outdoor recreation plan to the Bureau, shall certify that the Governor of the State has reviewed and concurs in the regional delineations used in the plan.

.4 Plan Elements. The State may develop, as an integral part of its outdoor recreation plan, segments or functional plans relating to

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Part 630 State Outdoor Recreation Plan

Chapter 2 Basic Requirements

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certain specific recreation programs or activities such as scenic highways, recreational boating, scenic waterways, historical preservation, a statewide trail system, or State parks. Such segments, however, should be statewide in scope and while their level of detail may include general location of areas and facilities, it should not extend to the detailed design of areas or facilities. In addition, the relationship between the segments and to the overall plan generally must be clearly set forth within the plan.

- A. Regardless of the approach the State follows, all segments of the State outdoor recreation plan must be founded on a comprehensive analysis of the total recreation resources and needs of the State, and should be projected at least fifteen years into the future.
- B. The outdoor recreation requirements of the State's urban areas including the special needs of minority populations should be considered as an integral part of the State planning process. The findings, policies, and recommendations of the State outdoor recreation plan must reflect these considerations, and set forth the role of State government in meeting these needs, including, where appropriate, the allocation of Land and Water Conservation Fund assistance as well as other types of financial and technical assistance.
- C. The elements of the State outdoor recreation plan shall be presented in an orderly manner and in sufficient detail to provide general understanding and to support the plan's findings, policies, and recommendations. The actual format and style of the plan are at the discretion of the State. Graphic media should be used as necessary to emphasize or clarify significant aspects. Detailed supply and demand data, background information, and methodological description may be included in the form of technical appendices to the plan.

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.5 Plan Requirements. The mandatory requirements for a State outdoor recreation plan are set forth below. They have been arranged in a sequence and general format which the State may wish to use as a general guide.

A. Introduction.

- (1) Statement of objectives and scope of plan.
- (2) Citation of legal authority for the State to participate in the Land and Water Conservation Fund program.
- (3) Designation of State agency that will have authority to represent and act for the State for purposes of the Land and Water Conservation Fund Act and the agency if different from the former responsible for preparation and maintenance of the State outdoor recreation plan.
- (4) Certification that the plan is the State's official comprehensive outdoor recreation plan.
- (5) Statement of manner in which the plan will be maintained and, as necessary, amended.

This section of the plan should establish the broad interest of State government in the provision of outdoor recreation opportunities for its citizens. The principal areas of concern to which the plan is directed should be set forth and the legal status of the plan described. The manner in which the plan will be maintained, amended, and used as a guide for State programs and activities should be stated.

In addition, the procedures established by the State to coordinate outdoor recreation planning with that directed to related functions should be described. Cooperative arrangements among State agencies and, at the regional level, with appropriate regional and local agencies, for the common use of planning resources (funds, personnel, facilities, services, etc.) should be set forth.

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**B. Summary of Findings, Policies, and Recommendations.**

- (1) A summary statement of the major findings of the State's planning program.
- (2) Statement of major policies, standards, and general priorities that will guide the State's programs and activities in outdoor recreation and environmental quality.
- (3) Recommendations for State programs, legislation, financing, coordinating mechanisms, and other actions required to implement the plan.
- (4) Recommendations regarding the respective roles of the Federal Government, local units of government, and the private sector in meeting outdoor recreation and environmental quality requirements within the State.

This section should set forth the general commitment of State government to the satisfaction of outdoor recreation needs and to the preservation and enhancement of the quality of the environment. The anticipated or recommended relationship of Federal, local, and private efforts in outdoor recreation and environmental quality should be generally described.

**C. State Characteristics.** A brief general description of those factors, such as climate, topography, scenic resources, wildlife, history, population composition, and urbanization which influence the character and magnitude of outdoor recreation activity within the State.

The objective of this section should be to present an overview of the physical and social characteristics of the State, highlighting those factors which relate to outdoor recreation and environmental quality.

This section need not be rewritten for each complete revision of the plan, but should be included in each republished edition to provide the background for a clearer understanding of the States recreation problems and opportunities to enhance its recreation programs.

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D. Outdoor Recreation Inventory.

- (1) Identification of governmental agencies (Federal, State, and local) that administer significant recreation resources or programs and a statement regarding levels of responsibility and significance in meeting demands for outdoor recreation opportunities.
- (2) Aggregate listing, by counties or planning regions, and by administering jurisdiction (State, Federal, and local), of lands and waters presently dedicated to outdoor recreation, including the design capacity of the areas. Listing resources by counties will make the data more useful for other planning efforts also. (States may utilize the Bureau of Outdoor Recreation Classification System, see Illustration 1, or design an alternate system which facilitates the analysis of supply data.)
- (3) Summary evaluation of the potential of existing public lands and waters for additional development without impairment of scenic, recreational, ecological, or other values.
- (4) Identification (by planning regions where they are used) of private lands and waters which presently provide significant outdoor recreation opportunities or represent an important potential for this purpose. This category might include private forest lands, water impoundments, or shorelines. Future use and availability of these areas for recreation purposes should be analyzed.
- (5) Identification of all sites within the State included in the National Register of Historic Places, areas eligible for the National Register of Natural Landmarks, areas eligible for the Register of National Historic Landmarks, as well as other areas and facilities of statewide historic significance.

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- (6) Identification of routes, if any, which offer significant potential for development as elements of a statewide or a nationwide trail system, including:
- (a) extended routes having recreation use potential of national significance which may be recommended for designation by the Congress as National Trails;
  - (b) routes within areas now under public ownership or administration in or reasonably accessible to urban areas which will provide a variety of outdoor recreation use and which may be designated by appropriate Federal agencies as part of the nationwide system;
  - (c) routes of State and local significance which may be established by State and local interests on lands owned or administered by States or in or near urban areas and which may be designated by the Secretary of the Interior as part of the nationwide system.
- (7) Identification of rivers, streams, or portions thereof, if any, and related lands which offer significant potential for conservation as elements of a statewide or nationwide system of wild or scenic rivers, including:
- (a) rivers or portions thereof, and related adjacent lands having recreation and similar values of national significance which may be recommended for designation by the Congress as National Wild or Scenic River Areas; and
  - (b) rivers or portions thereof, and related adjacent lands having recreation and similar values of State or local significance which may be established as wild or scenic river areas by State or local interests and which may be designated as part of the nationwide system by the Secretary of the Interior.

The inventory should represent a relatively complete catalog of the location, size, and capacity of those areas in public and private ownership which are significant in terms of providing

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outdoor recreation opportunities. As part of its inventory, the State should assess lands and waters whose future development presents special problems or opportunities and which should be preserved or restored in a natural state for recreational use. These might include floodplains, sharply-sloping topography, areas of poor soils, marsh and tidal areas, mined-over lands, ground water recharge areas, etc.

E. Demand for Outdoor Recreation Opportunities. Identification of existing and predicted demand by major types of outdoor recreation activity. Predictions should extend over at least a 15-year period into the future. In an effort to achieve and maintain comparability among State, regional and other plans, predictions should be made to the next year divisible by 5 and years divisible by 5 thereafter (e.g., 1975, 1980, 1985, 1990). The basic purpose of the predictions is for planning comparability; predictions beyond 5 years generally cannot be considered for project justification.

(1) The objectives of the demand analysis should be to secure an approximate measure of the present and projected demand for opportunities to participate in major categories of outdoor recreation, with particular emphasis on those types of activities and levels of satisfaction which fall within the responsibility and capability of the various levels of government. The projection of future demand should not be predicated solely upon present patterns of outdoor recreation use. Since present use is controlled largely by the character, amount, and location of existing recreation resources, it is not necessarily an indication of future demand. Demand studies undertaken as part of the State outdoor recreation plan should include consideration of the effect of the following factors on present and future participation rates:

(a) socio-economic factors, such as age, sex, family composition and disposable income;

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- (b) minority composition of the population;
  - (c) alternative arrangements in the availability and use of recreation resources and types of recreation activities;
  - (d) user fees and charges;
  - (e) technological advances, education, interpretation, and promotion; and
  - (f) impact of non-resident use on recreation areas and resources. (This is particularly important when recreation areas are located in proximity to population concentrations in other States and thus are subject to continuous and intensive use by out-of-State visitors.)
- (2) Demand analysis should also include recognition that the quality of the environment, while not always susceptible to quantitative measurement, is an important component of the outdoor recreation experience. Therefore, scenic areas, wilderness areas, scenic waterways and highways, and historical and cultural sites which are related to the quality of the environment should be assessed for their impact on the outdoor recreation experience.

**F. Policies, Standards, Needs, and Recommendations.**

- (1) Statement of the appropriate role of the public and private sectors in meeting outdoor recreation needs; and in assuring the future quality of the environment, including:
  - (a) designation of those types of outdoor recreation opportunities and aspects of environmental quality which have been determined to be the primary responsibility of State government, and the general level of demand which will be met through State programs;

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- (b) statement of the goals, policies, standards, and general priorities which will guide State programs and actions;
  - (c) identification of specific State actions such as legislation, new programs, financing, and allocation of Federal assistance funds which are required to meet deficiencies;
  - (d) identification of urban recreation problems and problems relating to minority populations and a statement of policies to guide actions to alleviate those conditions;
  - (e) designation of those types of outdoor recreation activities and aspects of environmental quality which have been determined to be the appropriate responsibility of the Federal Government, local units of government, and the private sector; and
  - (f) recommendations regarding the level of demand to be met by other levels of government and the private sector; specific actions required to meet the level of demand, and the manner in which State government will participate, i.e., legislation, financial support, technical assistance, coordination of interagency planning, etc.
- (2) Statement of existing and estimated future requirements (by planning region where they are used) projected over at least a 15-year period into the future (using the same quinquennial projection years that were used for projecting recreation demand) for outdoor recreation lands, waters, and facilities, including:
- (a) land, water, and facility requirements related to types of outdoor recreation activities; and
  - (b) requirements to improve and maintain the quality of the environment.
- (3) Identification of special problems and opportunities, including recommendations for State, private, and intergovernmental actions directed to these concerns.

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- (4) Identification of types of development that can and should be accomplished by the private sector which, if undertaken by a public agency, would create a competitive situation with privately managed and financed developments already providing identical or similar recreation opportunities. Such findings should be based on regional and local surveys of use and occupancy of facilities on private lands as well as those already developed on public lands.

This section of the plan should represent the conclusions of the analysis of the entire range of factors, including supply and demand, which influence the provision of outdoor recreation opportunities within the State. The objective of this section should be to determine the types of outdoor recreation opportunities which will be provided, their priority, and the general level of demand to be met; to translate activity demands into requirements for land, water, facilities, and programs; and to set forth the policies, guidelines, general priorities, and specific actions which will be undertaken to meet the agreed-upon level of demand over the period of the plan.

The determination of deficiencies will necessarily involve the development and application of standards to convert activity demands into land, water, and facility requirements. The standards adopted by the State should be set forth explicitly in this section of the plan. They should reflect the acceptable level for provision of outdoor recreation opportunities to the public, taking into consideration the carrying capacity of the land and the attainment of user satisfaction. Standards adopted by the State should also consider realistically the financial capability of public agencies to meet deficiencies in accordance with the standards adopted.

Consistent with the central coordination and leadership role of State government, explicit responsibilities and recommended actions should be set forth in terms of the involvement of the Federal Government, local units of government, and the private sector.

As a basis for the preparation of the implementation program, requirements must be identified, insofar as possible, in terms of land, water, and facilities by planning region.

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(The use of the Bureau of Outdoor Recreation Classification System, see Illustration 1, is encouraged, but, in any case, the classification system used to express requirements should be consistent with that used in other sections of the plan.)

G. Implementation Program. Identification of State actions proposed to effectuate the policies and recommendations of the plan, including:

(1) A description of those actions which are proposed to be undertaken regardless of the source of financing within the first 5-year plan period. Actions should cover the entire range of measures by which the State proposes to influence the provision of outdoor recreation opportunities and the quality of the environment, including: legislation, planning, technical and financial assistance, research and education, direct programs, intergovernmental coordination, etc.

The implementation program should provide information and direction for the orderly and coordinated execution of the plan. It must establish a general framework of priorities which will guide the conduct of all actions designed to meet outdoor recreation needs within the State, including those activities for which Fund assistance will not be sought. The program must be related logically to results of the analysis completed as part of the planning process and specifically correlated with the sections of the plan which identify demands and deficiencies.

(2) (OPTIONAL) As a means of further identifying their programs of implementation, States may, if they wish, prepare as a part of their plans a schedule of acquisition and development, with cost estimates, proposed to be undertaken within the first 5-year plan period, arranged by planning regions (if used), unit of government, and fiscal year. This section can be updated annually and extended one additional year as each year's program is completed. (A suggested format is shown in Illustration 2 of 630.2.5G(2).) Such a schedule might include:

(a) acquisition and development proposals of the Federal Government which have a significant relation to the

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satisfaction of outdoor recreation deficiencies identified in the plan. (The State may wish to indicate its assessment of the priority of actions proposed, and to elaborate its position on the timing, scale, and other aspects of the Federal proposals.);

- (b) all acquisition and development proposals of State government which have a significant relation to the satisfaction of outdoor recreation deficiencies identified in the plan; and
- (c) those acquisition and development proposals of local units of government which have a significant relation to the satisfaction of outdoor recreation deficiencies identified in the plan, and which will be assisted by State government, either through direct State funding or through the allocation of the Land and Water Conservation Fund assistance made available to the State.

The acquisition and development schedule should represent the best estimates the State can make of the magnitude, cost, and priority of outdoor recreation actions that are planned in the succeeding 5-year period. To facilitate annual or biennial updating and use in budget preparation, it is suggested that the schedule be prepared as a separate plan document.

For advanced planning purposes, States may not consider it necessary or desirable to identify proposed acquisitions and developments in terms of specific geographic locations. The degree of detail set forth in the program of implementation will be dependent on capital budgeting procedures utilized in each State.

- H. Appendix. Background studies, detailed demand and supply data, descriptions of methodology and other separate, but related, documents may be submitted as appendices to the State plan. A complete list of such documents should appear in the table of contents of the plan.

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- .6 Promulgation of State Plan. In order to secure broad understanding and acceptance of the State's objectives and programs in outdoor recreation, it is strongly urged that the State plan be disseminated widely to interested public and private groups and individuals within the State. For these purposes, the State should prepare and distribute a summary of the plan's major policies, findings and recommendations in popular form.
- .7 State-Federal Collaboration. The States are urged to develop close working relationships with the Bureau Regional Offices and to seek guidance and assistance freely in the preparation and maintenance of a State outdoor recreation plan.

States may wish to contact regional or State offices of Federal agencies directly or may request the assistance of the appropriate Bureau Regional Director in making such contacts. The Bureau will assist States in obtaining information about Federal plans and programs. Conferences between State and Federal recreation planners are encouraged to facilitate the exchange of information relating to their respective plans and programs.

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BUREAU OF OUTDOOR RECREATION CLASSIFICATION SYSTEM

Class I: HIGH DENSITY RECREATION AREAS

1. Class Examples

Intensively developed portions of Palisades Interstate Park, N.J. and N.Y.; Jones Beach, N.Y.; intensively developed parts of Cook Co. Forest Preserve, Ill.; Huntington Beach State Park, Calif.; Patapsco State Park, Md.; beach and boardwalk area in Atlantic City, N.J.; Colter Bay recreation center in Grand Teton National Park, Wyo.

2. Physical Characteristics

Physiographic features such as topography, soil type, drainage, etc., should be adaptable to special types of intensive recreation use and development. An attractive natural setting is desirable; however, man-made settings are acceptable. There are no specific size criteria and there is great variation in size from one area to another.

3. Location

Usually within or near major centers of urban population but may occur within such units as national parks and forests remote from population concentrations.

4. Activities

Intensive day or weekend type, such as picnicking, water sports, group field games, winter sports, and other activities for many people. Although high density areas are subject to heavy peakload pressure at certain times, they often sustain moderate use throughout the year.

5. Developments

High degree of facility development which often requires heavy investment. They are usually managed exclusively

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for recreation purposes. Development may include a road network, parking areas, bathing beaches and marinas, bath houses, artificial lakes, playfields, and sanitary and eating facilities.

6. Responsibility

Commonly held under municipal, county, regional, or State ownership. Many commercial resorts have similar characteristics and collectively provide a significant portion of recreation opportunities for urban population centers.

Class II: GENERAL OUTDOOR RECREATION AREAS

1. Class Examples

Rock Creek Park, Washington, D. C.; Kensington Park, Huron-Clinton Authority, Mich.; and Golden Gate Park, San Francisco, Calif.

2. Physical Characteristics

May have varied topography, interesting flora and fauna within a generally attractive natural or manmade setting adaptable to providing a wide range of opportunities. These areas range in size from several acres to large tracts of land.

3. Location

Usually more remote than Class I areas, however, relatively accessible to centers of urban population and accommodate a major share of all outdoor recreation. Included are portions of public parks and forests, public and commercial camping sites, picnic grounds, trail parks, ski areas, resorts, streams, lakes, coastal areas, and hunting preserves.

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4. Activities

Extensive day, weekend, and vacation use types such as camping, picnicking, fishing, hunting, water sports, winter sports, nature walks, and outdoor games.

5. Developments

Generally less intensive than Class I areas. Includes, but not limited to, access roads, parking areas, picnic areas, campgrounds, bathing beaches, marinas, streams, natural and/or artificial lakes. Areas are equipped with some manmade facilities, which may vary from simple to elaborate. Thus, campgrounds may have only the barest necessities for sanitation and fire control or they may have ample and carefully planned facilities such as cabins, hot and cold running water, laundry equipment, stores, museums, small libraries, entertainment, juvenile and adult playfields. Other features may include permanent tows for ski areas, fully equipped marinas, lodges, dude ranches and luxury hotels.

6. Responsibility

Federal, State, or local governments, including regional park and recreation authorities, and private clubs and other forms of private ownership assisted by public agencies on problems of access and development of basic facilities.

Class III: NATURAL ENVIRONMENT AREAS

1. Class Examples

Portions of the Allagash country of northern Maine and cutover areas in northern Lake States. Public lands of this category often adjoin outstanding natural Class IV, and primitive Class V areas in national and State parks and forests as in the case in the Grand Teton National Park and the Superior National Forest.

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2. Physical Characteristics

Varied and interesting land forms, lakes, streams, flora and fauna within attractive natural settings.

3. Location

Usually more remote from population centers than Class I and II areas and occur throughout the country and on an acreage basis are the largest class in both public and private ownership.

4. Activities

Extensive weekend and vacation types dependent on quality of the natural environment, such as sightseeing, hiking, nature study, picnicking, camping, swimming, boating, canoeing, fishing, hunting, and mountaineering. The primary objective is to provide for traditional recreation experience in the out-of-doors, commonly in conjunction with other resource uses. Users are encouraged to enjoy the resource "as is," in natural environment.

5. Developments

Access roads, trails, picnic and campsite facilities and minimum sanitary facilities. There may be other compatible uses of the area such as watershed protection, water supply, grazing, lumbering, and mining provided such activities are managed so as to retain the attractiveness of the natural setting.

6. Responsibility

Federal, State, or local governments, including regional park and recreation authorities and private ownerships.

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Class IV: OUTSTANDING NATURAL AREAS

1. Class Examples

The scenic sites and features in this class are limited in number and are irreplaceable. They range from large areas within Yosemite Valley and the Grand Canyon to smaller sites such as Old Faithful in Yellowstone National Park; Old Man of the Mountain, N.H.; and the Bristle Cone Pine Area in the Inyo National Forest, Calif.

2. Physical Characteristics

Outstanding natural features associated with an outdoor environment that merit special attention and care in management to insure their preservation in their natural condition. Includes individual areas of remarkable natural wonder, high scenic splendor, or features of scientific importance. One or more such areas may be part of a larger administrative unit, such as a national park or forest.

3. Location

Any place where such features are found.

4. Activities

Sightseeing, enjoyment, and study of the natural features. Kinds and intensity of use limited to the enjoyment and study of the natural attractions so as to preserve the quality of the natural features and maintain an appropriate setting. May be visited on a day, weekend, or vacation trip.

5. Developments

Limited to minimum development required for public enjoyment, health, safety, and protection of the features.

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Wherever possible, access roads and facilities other than trails and sanitary facilities should be kept outside the immediate vicinity of the natural features. Visitors should be encouraged to walk to the feature or into the area when feasible. Improvements should harmonize with and not detract from the natural setting.

6. Responsibility

Public agencies, (Federal, State, and local), and private landowners, with assistance from public agencies, who may identify, set aside, and manage natural features. Generally, the Federal Government assumes responsibility for the protection and management of natural areas of national significance; the States for areas of regional or State significance; and local government and private owners for areas of primarily local significance.

Class V: PRIMITIVE AREAS

Class Examples

This class will be composed of two types of areas:

V-A includes only those areas designated under the provisions of P.L. 88-577, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131). Examples:

Bob Marshall Wilderness, Flathead and Lewis & Clark National Forests, Montana; Great Gulf Wilderness, White Mountain National Forest, N.H.

V-B includes all other areas having the characteristics of this class. Examples:

Sawtooth Primitive Area, Boise, Sawtooth and Challis National Forests, Idaho; the undeveloped portion of Anza Borrego Desert State Park, Calif.

Note: Some Federal lands may change from V-B to V-A under the provisions of the Wilderness Act.

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2. Physical Characteristics (V-A and V-B)

Extensive natural, wild and undeveloped areas and setting essentially removed from the effects of civilization. Essential characteristics are that the natural environment has not been disturbed by commercial utilization and that the areas are without mechanized transportation. The area must be large enough and so located as to give the user the feeling that he is enjoying a "wilderness experience." The site may vary with different physical and biological conditions and may be determined in part by the characteristics of adjacent land. Size may vary in different parts of the country. These areas are inspirational, esthetic, scientific, and cultural assets of the highest value.

3. Location

V-A - Wherever established by law.

V-B - Usually remote from population centers.

4. Activities (V-A and V-B)

Those activities that are usually done without or with a minimum of mechanized transportation or permanent shelter or other conveniences.

5. Developments

V-A - As prescribed in Wilderness Act.

V-B - Usually no development of public roads, permanent habitations or recreation facilities except trails. No mechanized equipment allowed except that needed to control fire, insects and disease. Commercial use of the area that may exist at the time of establishment should be discontinued as soon as practical.

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6. Responsibility

V-A - Federal.

V-B - Usually Federal but may also be by State agencies or private landowners (such as the high mountain country held by large timber and mining companies.)

Class VI: HISTORIC AND CULTURAL SITES

1. Class Examples

The Hermitage; Mount Vernon; the Civil War battlefields; and historic Indian dwellings, Mesa Verde National Park.

2. Physical Characteristics

These are sites associated with the history, tradition or cultural heritage of National, State or local interest and are of enough significance to merit preservation or restoration.

3. Location

The location of the feature establishes the site.

4. Activities

Sightseeing, enjoyment, and study of the historic or cultural features. Kinds and intensity of use limited to this type of study and enjoyment.

5. Developments

Management should be limited to activities that would effect such preservation and restoration as may be necessary to protect the features from deterioration and to interpret their significance to the public. Access to the area should be adequate but on-site development limited to prevent overuse. Development should not detract from the historic or cultural values of the site.

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<u>Grants-in-Aid Series</u>	<u>Part 630</u>	<u>State Outdoor Recreation Plan</u>
		Illustration #1
<u>Chapter 2</u>	<u>Basic Requirements</u>	<u>630.2.5D(2)</u>

6. Responsibility

Public agencies (Federal, State, and local), and private landowners who identify, set aside, and manage historic and cultural areas.

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prior to this date.



STATE \_\_\_\_\_  
PLANNING REGION \_\_\_\_\_

SCHEDULE OF ACQUISITION AND DEVELOPMENT  
1974-1979

Illustration 2  
630.2.5G(2)

		ACQUISITION						Source of Funding (%)						
				FY Programmed		Acreage Proposed for Acquisition		Anticipated Cost		General	State	Federal	Other (Specify)	
Level of Govt	Type of Recreation Area	Number	Water	Land	Total					Approp.	Bond	Grant	I.M.W.C.E	Other
State	Neighborhood Park/ Recreation Area	20	1974	-	100	100	\$400,000	50%					50%	
	Regional Park/ Recreation Area	1	1974	25	175	200	\$500,000	50%					50%	
	State Park	2	1974	50	450	500	\$100,000	50%					50%	
	State Recreation Area	1	1974	5	95	100	\$300,000	50%					25%	25% (Donation of Land)
	Fishing Access Site	6	1974	-	25	25	\$15,000						50%	50% (Parti- Mutual Fund)
	Wildlife Refuge	1	1974	150	150	300	\$60,000	25%					75%	
Federal	Bureau of Reclama- tion Reservoir	1	1974	400	50	450	\$500,000	100%						
	National Seashore	1	1974	25	1,000		\$1,500,000						100%	
	TOTAL	33		655	2,020	2,675	\$3,375,000							
							(Note: Sheets should be continued in consecutive order for remaining 4-year period of schedule)							
Sheet 1														

\*State assisted (See 630.2.5G(c))

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(See Reverse Side for Instructions)

Sheet 1

## SCHEDULE OF ACQUISITION AND DEVELOPMENT - ACQUISITION FORM

1. State - Indicate name of State.
2. Planning Region - Indicate number and/or name.
3. Under title indicate the specific five-year period covered.
4. Under title indicate "ACQUISITION".
5. Level of Gov't - Indicate either Local (defined as City, County, Special District); State (defined as any agency of State Government); Federal (defined as any agency of the Federal Government).
6. Type of Recreation Area - Indicate major administrative unit, i.e., State Park, State Recreation Area, State Wildlife Refuge, National Park, National Seashore Area, etc. It is suggested that urban park and recreation areas be indicated as follows: Neighborhood Park/Recreation Area (defined generally as serving the same general population as an elementary school; located within walking distance of primary users; facilities for children under 14 years of age, but may have features to interest teenagers and adults. Usually administered by a municipal park and recreation department); Community Park/Recreation Area (defined generally as serving several neighborhoods or the same general area as a junior high school; basic facilities for all age groups. Usually administered by a municipal park and recreation department); City-Wide Park/Recreation Area (defined generally as serving total community recreation needs; includes a wide range of facilities for all age groups, including specialized areas and facilities. Usually administered by a municipal park and recreation department); Metropolitan Regional Park/Recreation Area (defined generally as serving more than one municipality; in metropolitan area may serve groups of municipalities and counties; includes a wide range of facilities for all age groups; specialized areas and facilities, including open space and resource-oriented activities. Usually administered by a county park and recreation department or a special regional or metropolitan park authority).
7. Number - Indicate number of administrative units to be acquired.
8. FY Programmed - Indicate the fiscal year in which the acquisition will be undertaken.
9. Acreage Proposed for Acquisition
  - Land - Indicate total land area proposed for acquisition
  - Water - Indicate total water area proposed for acquisition
  - Total - Indicate total of land and water area proposed for acquisition
10. Anticipated Cost - Indicate total cost figure for each entry.
11. Source of Funding
  - General approp. - Indicate percentage of funding estimated to come from general funds to be appropriated.
  - Bond - Indicate percentage of funding estimated to come from general obligation or other bond funds.
  - State Grant - Indicate percentage of funding of local projects estimated to come from State funds through grant assistance.
  - Federal
    - L&WCF - Indicate percentage of funding estimated to come from the Land and Water Conservation Fund.
    - Other - Indicate percentage of funding estimated to come from other Federal assistance programs such as the Federal Aid in Fish and Wildlife Restoration Programs (P-R and D-J), administered by the Bureau of Sport Fisheries and Wildlife or supplemental grants through the Economic Development Administration, etc. It is not necessary to specify the program from which such funding is to be derived.
    - Other - Indicate percentage of funding estimated to come from other sources such as donation of land, gifts, special funds. Specify program or source.
12. Sheet - Indicate number of sheet of total for acquisition portion of the Schedule (i.e., Sheet 1 of 5). Use separate sheet for each fiscal year.

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## Illustration 2 (Cont.)

630.2.5G(2)

STATE \_\_\_\_\_

PLANNING REGION \_\_\_\_\_

## SCHEDULE OF ACQUISITION AND DEVELOPMENT

1974-1979

## DEVELOPMENT

Level of Gov't	Type of Recreation Area	FY Programmed	Number	Units	Anticipated Cost	Source of Funding (%)			
						General Approp.	Bond	State Grant	Federal LAWCF
<b>Local*</b>									
Neighborhood Park Rec Area	1974	20			\$1,930,000	25%		25%	50%
Swimming Pools Tennis Courts		4			\$245,000				
		16			48,000				
Regional Park/ Recreation Area	1974	1			671,000				
Picnic Areas		5	30 sites		2,160				
Hiking Trail		1	8.5 mi.		2,550				
Marina		1	10 berths		20,000				
Bicycle Trail		1	20 mi.		18,300				
State Park	1974	2			761,350	50%			
Picnic Areas		5	56 sites		5,040				
Camping Areas		3	35 sites		48,000				
Nature Study Area		1			16,200				
Winter Sports Area		1			168,000				
Fishing Access Areas	1974	1			11,600	2%			
Launching Ramp		1			2,000				

\*State assisted (See 630.2.5G2(c))

(Continued on Sheet 2)

(See Reverse Side for Instructions)

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Sheet 2

## SCHEDULE OF ACQUISITION AND DEVELOPMENT - DEVELOPMENT FORM

1. State - Indicate name of State.
2. Planning Region - Indicate number and/or name.
3. Under title indicate the specific five-year period covered.
4. Under title indicate "DEVELOPMENT".
5. Level of Gov't - Indicate either Local (defined as City, County, Special District); State (defined as any agency of State Government); Federal (defined as any agency of the Federal Government).
6. Type of Recreation Area - Indicate major administrative unit, i.e., State Park, State Recreation Area, State Wildlife Refuge, National Park, National Seashore Area, etc. It is suggested that urban park and recreation areas be indicated as follows: Neighborhood Park/Recreation Area (defined generally as serving the same general population as an elementary school; located within walking distance of primary users; facilities for children under 14 years of age, but may have features to interest teenagers and adults. Usually administered by a municipal park and recreation department); Community Park/Recreation Area (defined generally as serving several neighborhoods or the same general area as a junior high school; basic facilities for all age groups. Usually administered by a municipal park and recreation department); City-Wide Park/Recreation Area (defined generally as serving total community recreation needs; includes a wide range of facilities for all age groups, including specialized areas and facilities. Usually administered by a municipal park and recreation department); Metropolitan Regional Park/Recreation Area (defined generally as serving more than one municipality; in a metropolitan area may serve groups of municipalities and counties; includes a wide range of facilities for all age groups; specialized areas and facilities, including open space and resource-oriented activities. Usually administered by a county park and recreation department or a special regional or metropolitan park authority).
7. FY Programmed - Indicate the fiscal year in which the acquisition will be undertaken.
8. Number - Development of facilities should be summarized under the major administrative units set forth in 6. - "Type of Recreation Area." The identification of major facilities to be developed within each unit (i.e., swimming pools, tennis courts, camp units, etc.) is suggested to facilitate comparison with deficiencies and to clearly establish priorities. The level of detail in the identification of facilities, however, will be dependent upon the capital budgeting system utilized within the State.
9. Unit - Indicate appropriate unit of measurement, i.e., miles of trails, number of camp units, number of boat berths, etc.
10. Anticipated Cost - Indicate total estimated cost by each administrative unit. While major facilities may be identified under administrative units, it is not necessary to set forth a complete breakdown to equal the total cost for the unit.
11. Source of Funding - Indicate total by each administrative unit. It is not necessary to indicate source of funding for the major facilities which may be identified.

General approp. - Indicate percentage of funding estimated to come from general funds to be appropriated.  
Bond - Indicate percentage of funding estimated to come from general obligation or other bond funds.  
State Grant - Indicate percentage of funding of local projects estimated to come from State funds through grant assistance.  
Federal - L&WCF - Indicate percentage of funding estimated to come from the Land and Water Conservation Fund.  
Other - Indicate percentage of funding estimated to come from other sources such as donations, gifts, special funds. Specify program or source.
12. Sheet - Indicate number of sheet of total for development portion of the Schedule (i.e., Sheet 1 of 5). Use separate sheet for each fiscal year.

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Illustration 2 (Cont.)  
630.2.5G(2)

SCHEDULE OF ACQUISITION AND DEVELOPMENT

1974-1979

DEVELOPMENT (Continued)

Level of Gov't	Type of Recreation Area	FY Programmed	Number	Units	Anticipated Cost	Source of Funding (%)					
						General Appropri.	Bond	State Grant	LWCF	Federal Other	Other (Specify)
Federal	Bureau of Reclam. Reservoir	1974			\$70,085	100%					
	Boat Launch Ramp Beach		1		\$55,575 12,750						
	National Seashore	1974			350,000	100%					
	Visitor Center		1		350,000						
				TOTAL	3,794,035						
(Note: Sheets should be continued in consecutive order for remaining 4-year period of schedule)											
Sheet 2											

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DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation Manual

Grants-in-Aid Series      Part 630      State Outdoor Recreation Plan  
Procedures for Plan Submission and  
Chapter 3 Establishment of State Eligibility      630.3.1

- .1 Purpose. This chapter sets forth procedures for the formal submission of a statewide comprehensive outdoor recreation plan to the Bureau and the establishment of State eligibility to participate in the Land and Water Conservation Fund program.
- .2 Formal Submission of Plan. The following are the requirements for formal submission of State outdoor recreation plans, plan amendments, and other required plan documents:
  - A. Number of Copies. Ten copies of each plan document are required for formal submission to the Bureau. Following acceptance by the Bureau, additional copies of the plan may be requested for distribution to other Federal agencies.
  - B. Gubernatorial Comments. The Governor's comments, if any, on the relationship of the plan, amendment, or report to comprehensive and other State plans and programs must be signed by him and submitted with the plan. (See 630.1.2F) He must also sign the letter transmitting the plan to the Bureau.
  - C. Where to Submit. Submissions shall be made to the appropriate Bureau Regional Director.
  - D. When to Submit. Plan submittals may be made to the Bureau at any time even though the State's eligibility period has not expired. However, for the establishment of a new period of eligibility, submittals shall be made at least 60 days before the expiration date of the current State eligibility period. Failure to comply with this requirement may result in the lapse of State eligibility pending formal acceptance of the plan document by the Bureau.
  - E. Amendments. (Applicable to Eligibility Option I, See 630.3.3A) Due to changed conditions or further technical studies, a State may wish to amend its plan during a period of eligibility. Amendments are considered to be formal changes or additions to the policies, findings, general priorities, and action portions of the plan. Such amendments should be adopted formally or approved by the State in the same general manner as

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Chapter 3 Establishment of State Eligibility      630.3.2E(Con.)

the original plan. Upon formal action by the State, plan amendments should be submitted to the Bureau in the same manner provided for submission of the basic plan.

- .3 Establishment of Eligibility. States will be afforded two options for establishing and maintaining eligibility to receive grants under the Land and Water Conservation Fund for acquisition and development projects. Regardless of the option selected by the State, it must publish its basic plan and make it available to those State, Federal and local agencies having recreation responsibilities in that State. Distribution should be made also to key legislators, budget officials and others having need for the plan. Preparation of a summary edition for broader distribution to those interests not in need of the complete detailed plan should be considered.

Under either option, but especially under Option 2, States should consider preparing their plan in loose leaf form using a decimal identification system similar to that used in this Manual so that updated material can be issued as available and readily substituted in the plan document. A reasonable fee for copies of the plan and for the updating service may be charged if the State so chooses.

- A. Option I. A State may submit a revised and updated plan which will be the basis for a stated period of eligibility. Only complete plans will be considered under this option. Based on an evaluation of the manner and degree of compliance with the general guidelines of 630.1 and the requirements set forth in 630.2, the Bureau will establish a period of eligibility for a specific span of time. Continuation or re-establishment of eligibility upon expiration of the period set by the Bureau will require submission of an updated and revised plan. Publication and distribution of the plan should occur immediately following the establishment of a new period of eligibility.

While eligibility under Option I is based to a large extent on the plan document, consideration will be given also in establishing the period of eligibility to the implementation and coordinative effectiveness of the State's recreation planning process.

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Chapter 3 Establishment of State Eligibility      630.3.3B

B. Option II. A State may be granted continuing eligibility based on approval of: an acceptable basic plan, a continuing planning process to update the plan, and a program of implementation of the plan. Because of the requirements of a number of programs that they must be in accord with the State's comprehensive outdoor recreation plan, it is necessary that each State choosing this option have an initial basic plan which will be improved and updated through its continuing planning process.

The updated plan must be published in its entirety at least every 5 years and distributed to those having a need for it. In addition, States choosing this option must issue, as they are completed, (but at least annually) correction sheets and supplements to the basic plan as new information is developed during the interim between plan publications. These should be distributed to all agencies and individuals who have copies of the basic plan.

Failure to maintain an adequate continuing planning process or implementation program will be considered justification for termination of eligibility under this option. Upon a finding by the Bureau that the planning process or implementation program is inadequate, a State will be placed on probation for a period of 90 days within which it must initiate actions to correct the deficiencies of its program to the satisfaction of the Bureau. If such actions are not taken within the probationary period, the State will be notified of its loss of eligibility which will remain in effect until program deficiencies are corrected. Reviews of the planning process and implementation program will be conducted as often as deemed necessary by the Bureau, but at least annually.

(1) Criteria for Continuing Planning Process. In judging the adequacy of the State's continuing planning program, the following will be considered:

(a) Staff. The State must maintain on a continuing basis a professionally competent outdoor recreation planning staff adequate to carry out the State's planning program for preparing or updating its statewide outdoor recreation plan. The staff must be of sufficient size to accomplish the State's planning objectives in a timely manner.

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	Procedures for Plan Submission and	
Chapter 3 Establishment of State Eligibility		630.3.3B(1)(b)

- (b) Planning Program. The State must adopt a planning program and schedule which will assure regular updating and revision of the basic plan. At least once every 5 years the basic plan will be republished in its entirety, incorporating all amendments, changes and corrections made since the adoption of the previous edition. The revised and updated revision will be considered a new basic plan and must be distributed in the same manner as the previous basic plan.
- (c) Budget. The State must show annually that adequate funds have been budgeted and allocated to assure that outdoor recreation planning as programmed and scheduled will be accomplished and will proceed on a continuing basis. Grants from the Land and Water Conservation Fund will be available to assist in funding projects for preparing and maintaining the statewide outdoor recreation plan.
- (d) Coordination. The State must show that its outdoor recreation planning program and the implementation of its plan are being coordinated on a continuing basis with the plans and programs of all agencies at Federal, State and local levels that are involved in outdoor recreation, land use planning and regulation, and environmental, conservation and other comprehensive planning in the State.
- (e) Participation in Planning. The State must show how it is providing for public participation, including minority populations, in its planning efforts.
- (f) Plan Accomplishments. The State must provide evidence of its planning accomplishments during the past year of operation in the following areas:
- (i) Studies and Reports. Copies of all studies reports, supplements and correction sheets and a report of progress on uncompleted elements of the State's outdoor recreation planning program.
- (ii) Legislation and Budgeting. The planning program will be reviewed to determine how the State plan is affecting or influencing legislative and budgeting processes in the State.

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Procedures for Plan Submission and  
Chapter 3 Establishment of State Eligibility      630.3.3B(1)(f)(iii)

(iii) Administration. The planning program will be reviewed to determine how the plan is serving as a guide to or influencing recreation actions at all levels of government in the State including the selection of projects to be assisted under the Land and Water Conservation Fund.

(2) Criteria for Judging Program Implementation. The following will be considered in judging the State's program of implementation:

(a) Staff. The State must assign sufficient personnel to the administration of the Land and Water Conservation Fund program to assure timely and adequate monitoring and inspection of all current and completed grant-in-aid projects in the State and the expeditious handling of all grant applications.

(b) Accomplishments.

(i) Land and Water Conservation Fund. All Fund-assisted projects for the past year will be reviewed for their contribution to the accomplishment of the objectives, goals and recommendations of the statewide outdoor recreation plan.

(ii) Other Actions. The State's entire program will be reviewed for other actions not supported by the Land and Water Conservation Fund, such as acquisition and development projects, new legislation, executive orders, reorganization of agencies and programs, technical assistance programs, zoning actions, bond programs, and coordinative arrangements and procedures which contribute to the implementation of the statewide outdoor recreation plan.

.4 Notification of Eligibility.

A. Option I. Upon formal acceptance of the State plan by the Bureau, the Director will inform the Governor of the State of the new eligibility period and any conditions required for continuing eligibility.

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	Procedures for Plan Submission and	
<u>Chapter 3 Establishment of State Eligibility</u>		<u>630.3.4B</u>

B. Option II. A State that elects to use Option II, as set forth in 630.3.3B, will be notified by the Director of its continuing eligibility if its current plan is determined by the Bureau to be acceptable as the basic outdoor recreation plan and it meets other requirements of Option II.

.5 Expiration of Eligibility.

A. Option I. Eligibility automatically expires at the end of the period granted under this option unless a new, revised or updated plan has been submitted and found adequate by the Director for a new period of eligibility. When a State plan is found inadequate for purposes of participation in the Land and Water Conservation Fund program, it will be returned to the State through the appropriate Bureau Regional Director. The transmittal to the State will set forth the basis for the Bureau's action, including the specification of the deficiencies in relation to the requirements of Part 630. The Director will notify the Governor approximately 90 days before the date of eligibility expiration under this option. In the event that a revised State plan has not been received by the Bureau within 60 days of the date of expiration, the Regional Director will advise the State's Liaison Officer of the impending lapse of the State's eligibility.

B. Option II. When the Bureau determines that a State's planning process and implementation program are not adequate to maintain continuing eligibility, the Regional Director will notify the State of its probationary status specifying the actions that must be taken to regain unencumbered eligibility. If the State fails to initiate corrective measures to the satisfaction of the Bureau within the probationary period, the Director will notify the Governor of the State's ineligibility specifying actions required to regain eligibility.

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<u>Grants-in-Aid Series</u>	<u>Part 635</u>	<u>Planning Assistance</u>
<u>Chapter 1 Guidelines for Planning Assistance</u>		<u>635.1.1</u>

- .1 Purpose. This chapter sets forth general guidelines relating to financial assistance from the Land and Water Conservation Fund for preparation and maintenance of statewide comprehensive outdoor recreation plans.
- .2 Eligible Applicant. Only the State agency formally designated as responsible for the preparation and maintenance of the State outdoor recreation plan is eligible to apply for planning assistance from the Fund. The designated agency may, with approval of the Bureau, delegate preparation of all or portions of the State outdoor recreation plan to local public agencies, other appropriate non-Federal public agencies, or any other qualified contractor. Costs to the State for such efforts, where properly contracted for, are eligible for assistance from the Fund. The designated State agency, however, shall maintain adequate supervision and assume responsibility for the work performed.
- .3 Eligible Planning Projects. To be eligible for Fund assistance, a planning project shall have an identified end product which is clearly related to the refinement or improvement of the State outdoor recreation plan. Accordingly, grants from the Fund may be made for surveys, technical studies, data collection and analysis and other operations required to prepare, revise and maintain the State plan in accordance with the requirements set forth in Part 630.

Detailed project plans, sketch plans or site plans, individual area master plans, economic feasibility studies, landscape design, architectural and engineering studies are not eligible for planning assistance. However, site and facility planning may be submitted for Fund assistance as part of a development proposal. (See 640.3.1 and 670.1.3B(2)).

As described in Part 630, the State outdoor recreation plan should be directed primarily to the needs of the people of the State for satisfying outdoor recreation experiences. Attention should be given within the State's planning program to the impact of out-of-state visitor use and to filling the recreation needs of these visitors, but studies of tourism, or other investigations which

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Chapter 1 Guidelines for Planning Assistance

635.1.3(Con.)

have as their objective the enhancement of the State or local economy through recreation development are not eligible for assistance under the Land and Water Conservation Fund program. While these are legitimate concerns for State policy and programs, they call for a different approach and may involve a different set of priorities than do studies for satisfying recreation needs of residents or visitors. It would appear more desirable that such economic concerns be included within the economic development segment of the State's comprehensive development plan. There is no objection to the State including such economic development considerations within the outdoor recreation plan, but in the event that Federal financial assistance is required for these purposes, it should be sought through programs such as those administered by the Economic Development Administration or the Department of Housing and Urban Development (See 635.1.6) rather than through the Land and Water Conservation Fund.

- .4 Planning Innovations. Wherever possible, new methods and techniques in developing the various elements of the State plan should be explored. For example, methods to measure demand for outdoor recreation activities, resources and programs; techniques to inventory the quantity and quality of resources and the development of standards to determine deficiencies are of particular importance in improving the State outdoor recreation plan. To the maximum extent possible, the Bureau will assist the State to plan creatively to meet existing and future outdoor recreation needs.
- .5 Staffing Requirements. States are encouraged to consider the staffing requirements necessary for the maintenance of the State outdoor recreation plan. A major objective of the State's outdoor recreation planning program should be the development of an in-house capacity to conduct long-range planning and coordinating activities. The use of outside consultants may be justified in completing specialized segments of the plan.

In evaluating planning proposals, the Bureau will consider the extent to which the State has authorized and staffed a sound, on-going planning effort.

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Chapter 1 Guidelines for Planning Assistance      635.1.6

- .6 Planning Assistance from other Federal Agencies. Financial assistance for other planning associated with outdoor recreation planning may be available from other Federal sources. Information on such sources of planning assistance is available in the Catalog of Federal Domestic Assistance, compiled by the Office of Management and Budget.
- .7 Acknowledgement of Fund Assistance. When financial assistance from the Land and Water Conservation Fund is provided for a planning project, the resulting plan documents shall include the following acknowledgement of financial assistance from the Department of the Interior, Bureau of Outdoor Recreation:

The preparation (updating and revising) of this plan (report, map) was financed in part through a planning grant from the Bureau of Outdoor Recreation, Department of the Interior, under the provisions of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).

This statement may be expanded at the State's discretion to reflect the manner in which the non-Federal share of the total cost was financed.

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<u>Chapter 2 Submission of Planning Projects</u>		<u>635.2.1</u>

- .1 Purpose. This chapter sets forth requirements for submission of planning grant proposals relating to the preparation and maintenance of statewide comprehensive outdoor recreation plans.
- .2 Funds Available for Planning Projects.
- A. Matching funds are made available to the State from its annual apportionment from the Land and Water Conservation Fund in amounts up to 50 percent of the total cost of a planning project.
- B. A State may submit more than one planning application during any period. However, if two or more planning projects are to be carried out concurrently, the following conditions shall be met:
- (1) One project must not duplicate the other.
- (2) The projects must be correlated with the State's long-range outdoor recreation planning program.
- (3) If planning is being financed under other Federal programs, there must be no duplication of financial assistance for the same planning project.
- .3 Allowable Costs. Costs necessary to the conduct of the planning project may be supported by grant-in-aid funds. These include costs for: professional services, including travel; data collection and analysis, including automatic data processing; preparation, editing and publishing costs of appropriate reports, plans, maps, charts, and other documents forming a part of the plan; and other supporting costs, supplies, and approved indirect costs. (See Part 670)
- .4 Pre-Application Conference. In the preparation of a planning project proposal, States are encouraged to discuss with Regional personnel the adequacy of the proposal in meeting the Bureau's requirements for a statewide comprehensive outdoor recreation plan. Prior to formal submission, the project proposal should be reviewed with the Bureau Regional Office serving the State.

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Planning Assistance

Chapter 2 Submission of Planning Projects

635.2.5

- .5 Pre-Application State Clearinghouse Review. Notice of intention to submit a planning project must be forwarded at the earliest feasible time to the State Clearinghouse established in accordance with OMB Circular A-95 for review and comments.

A. Planning Project Notification. The planning project notification must be accompanied by a summary description of the project for which assistance is being sought. The summary description must include the following information:

- (1) Identity of the applicant.
- (2) The geographic location of the project to be assisted.
- (3) A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the State Clearinghouse to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed planning project.
- (4) The Federal program and agency under which assistance will be sought.
- (5) The estimated date by which the applicant expects to formally file an application.

The complete planning project proposal may be submitted with, or instead of, the summary referred to here as long as the above information is included with the notification.

B. Review System. The State Clearinghouse has 30 days to review the project notification and to submit back to the State any comments and advice. Comments will, as appropriate, address themselves to, or include information about the extent to which the project contributes to both the fulfillment of comprehensive planning and to the achievement of objectives. The State Clearinghouse may choose to review the final application before it is submitted to the Bureau; in such case, it has an additional 30 days for this second review.

.6 How to Apply for Funding. When the State is ready to submit formally an application for a planning project, the following documents shall be submitted to the Bureau, accompanied by the required attachments:

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Planning Assistance

Chapter 2 Submission of Planning Projects

635.2.6A

A. Standard Application Form. The standard application form to be used for all Federal assistance programs, OMB 80-R0184, will be used for applying for planning grants from the Land and Water Conservation Fund. Consistent with the Bureau's efforts to keep to a minimum the number of forms used for participation in the Fund program, the same forms will be used for planning grant applications that are used for other grants from the Fund. Instructions for the use of the forms found in Part 660.1.3A will apply to planning applications, but with some exceptions.

- (1) Part II, Section A. In addition to the shaded parts, Items 5, 7 and 9 are not applicable to planning grants. These should be answered with the letters NA.
- (2) Part II, Section B. None of the items on this sheet are applicable to planning grants. Mark all items NA.
- (3) Part III, Section B. Items 3 through 12 are not applicable to planning grants. Planning costs should be entered in Item 13. Attach a sheet summarizing in tabular form the major project elements, their costs and the estimated beginning and ending periods of work on each element. The breakdown of work items should be sufficiently detailed to permit a clear understanding of the work to be performed and the basis for estimated costs.
- (4) Part III, Section C. Not applicable.
- (5) Part III, Sections D and E. Self-explanatory.
- (6) Part IV. Applicants should respond to Item 3c in addition to those items not shaded. Item 5a should be expanded to explain the relationship of the proposed project to other State comprehensive planning completed, underway or proposed. The information given under Part IV should provide a description of the proposed accomplishments with the funds involved, showing how the project will contribute to the development or maintenance of the statewide outdoor recreation plan.

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- B. Project Agreement, Form BOR 8-92. A Project Agreement must be completed for all planning grants. Part 660.1.3C provides instructions for its preparation.
- C. State Clearinghouse Comments. Comments made by or through the State Clearinghouse, along with a statement that such comments have been considered, or a statement that comments have been requested but not received, must be submitted with the project proposal.
- D. Certified Projects. Project certification procedures described in Part 660.1.3E are not applicable to planning projects.
- .7 Financial Procedures. Adequate financial records must be maintained to support all expenditures or costs involved in the project. A documentation "trail" adequate to withstand audit should be maintained. Generally accepted accounting and auditing principles will apply to project records, accounts and documentation. (See Part 675.5 for detailed procedures regarding project administration.) Billings for planning projects will be made on OMB Form No. 80-R0183.
- .8 Amendments to Planning Projects. Changes which materially alter the scope, or change the cost or completion time of a planning project financed in part by the Land and Water Conservation Fund must be submitted for Bureau approval. Such amendments will be reviewed and processed in the same manner as original proposals. Whenever a State wishes to propose changes in a planning project, it should consult with the appropriate Regional Director for assistance in preparing the project amendment.
- .9 Progress Reports. Reports of progress towards completion of planning projects must be made with each billing for costs incurred.

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Reports shall be submitted annually on March 31 for all projects approved more than one year previously, but for which no billing has been submitted during the past year. Where a planning project will not result in a completed plan or study in a published form, but is for the purpose of accumulating statistical data resulting from field studies and surveys which will not be published, the State shall submit a summary report in duplicate upon completion of the project period describing the work accomplished and its relation to the preparation or improvement of the State's comprehensive outdoor recreation plan. Additional requirements for performance reporting relating to all grant projects are found in Part 675.5.

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<u>Chapter 1</u>	<u>General Criteria</u>	<u>640.1.1</u>

- .1 Action by State. The Bureau encourages the States to share the benefits derived from Fund assistance among all State and local agencies responsible for providing public outdoor recreation opportunities, consistent with the needs expressed in the State Plan. Proposed projects may originate in a State agency, in a public agency of a subordinate level of government, or, for master projects, in a combination of State agencies and/or subordinate levels of government.

All project proposals from a State, regardless of origin, must be recommended by the State Liaison Officer or the State agency acting for the State Liaison Officer if they are submitted to the Bureau. Additionally, all project proposals sponsored by State agencies or local units of government must be reviewed by the OMB Circular A-95 clearinghouse(s) prior to submission, as appropriate.

- .2 Purpose of Proposal. Only those acquisition and development proposals which involve areas or facilities primarily related to outdoor recreation may be considered.
- .3 Relation to State Plan. Only project proposals in accordance with a State Plan found by the Bureau to be adequate for purposes of the Act, may be considered.

All proposals for acquisition or development projects must be submitted to the Bureau during the period of eligibility established for the current plan, or, for States having been granted continuing eligibility by the Bureau, prior to the revocation of the period of eligibility. The Bureau will make every effort to complete processing of any project received in the last 60 days of eligibility, but, if processing cannot be completed before eligibility expires, final action will not be taken until eligibility has been regained. All projects which cannot be processed prior to the loss of eligibility will be returned to the State as inactionable. This will not mean that the projects have been disapproved and will not prevent them from being resubmitted by the State as soon as eligibility has been regained.

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640.1.4

- .4 Project Proposals. The State has the initial prerogative and responsibility for determining the scope and efforts involved in project proposals.

A project can be designed as follows: 1) Acquisition and/or development work at one site, 2) acquisition and/or development work, sponsored by a single State agency or local unit of government, at several sites, or 3) a particular type of facility, such as swimming pools or miniparks, sponsored by State agencies and/or local units of government and located at several sites.

The Bureau reserves the right to require the segmenting of project proposals into smaller projects or the combining of small, related projects into a larger one when, in the judgement of the Bureau, such proposals do not lend themselves to effective and economical management and costing.

A project proposal, except in the most unusual circumstances, should embrace only those efforts that can be accomplished within a five-year period.

Adequate information on the project's probable environmental impact must be provided to the Bureau in order that a determination can be made by the Bureau whether or not to prepare an environmental impact statement, in accordance with the National Environmental Policy Act of 1969. (See Part 650.)

.5 Types of Projects.

- A. Acquisition. These include the acquisition of land and waters or partial rights to them.
- B. Development. These include the development of certain outdoor recreation activity and support facilities needed by the public for recreation use of an area.
- C. Combined. When it is advantageous to do so, a State may submit projects which combine acquisition and development.

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640.1.5D

- D. Master. When it is advantageous to do so, a State may combine several subprojects into a master project embracing all of the subprojects. The master project may be one of two types: 1) Acquisition and/or development work, sponsored by a single State agency or local unit of government, at several sites, or 2) a particular type of facility, such as outdoor ice skating rinks or boat launching ramps, sponsored by State agencies and/or local units of government and located at several sites. (See 660.1.3F.)
- .6 Multiple-Purpose Projects. Multiple-purpose projects in which uses other than outdoor recreation are involved may be eligible for assistance under the Act. The State must include a careful and complete justification and explanation with each proposal.

Two general types of multiple-purpose projects are eligible for assistance:

- A. Those in which a specifically designated portion of the multiple-purpose area or facility, such as picnicking facilities adjacent to a new public reservoir, will be used primarily for outdoor recreation and/or outdoor recreation support. Fund assistance is limited to this designated outdoor recreation and/or outdoor recreation support portion.
- B. Those in which the project as a whole, as opposed to specific segments of it, will provide identifiable outdoor recreation benefits. For example, a water impoundment constructed primarily for flood control might also have important recreation benefits. In such a case, at the Bureau's discretion, assistance might be made available only for the portion of the cost, on a prorata basis, of the facility which is clearly attributable to outdoor recreation above and beyond the facility's cost for its non-recreation function.

The proposal must fully disclose the nature and extent of other uses and the relationship of the proposed outdoor recreation project to the total area and development. Additionally, if the project is located in a flood plain, the project proposal must evaluate the flood hazard to the Fund-assisted facility.

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Chapter 2 Criteria for Acquisition Projects

640.2.1

.1 Types of Acquisition. Acquisition of lands and waters for public outdoor recreation, including new areas or additions to existing parks, forests, wildlife areas, beaches, and other similar areas dedicated to outdoor recreation may be eligible for assistance. Acquisition can be by fee simple title or by whatever lesser rights will insure the desired public use. The types of acquisitions that are eligible for assistance include, but are not limited to:

- A. Areas with frontage on oceans, rivers, streams, lakes, estuaries, and reservoirs that will provide water-based public recreation opportunities, or the acquisition of water bodies themselves.
  - B. Land for creating water impoundments to provide water-based public outdoor recreation opportunities.
  - C. Areas that provide special recreation opportunities, such as floodplains, wetlands, and areas adjacent to scenic highways.
  - D. Natural areas and preserves and outstanding scenic areas where the objective is to preserve the scenic or natural values, including areas of physical or biological importance and wildlife areas. These areas must be open to the general public for outdoor recreation use to the extent that the natural attributes of the areas will not be seriously impaired or lost.
  - E. Land within urban areas for day-use picnic areas, neighborhood playgrounds, and tot lots, areas adjacent to school playgrounds and competitive nonprofessional sports facilities, as well as more generalized parklands.
- .2 Activities Covered. Areas acquired may serve a wide variety of outdoor recreation activities including, but not limited to, driving and walking for pleasure; sightseeing; swimming and other water sports; fishing; picnicking; nature study; boating; hunting and shooting; camping; horseback riding; bicycling; snowmobiling; skiing; and other outdoor sports and activities.

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640.2.3

- .3 Acquisition of Structures. Acquisition projects may include impoundments and structures which are: (a) to be used primarily for outdoor recreation or outdoor recreation support or (b) a part of the outdoor recreation area to be acquired, and are to be removed or demolished (or drained in the case of impoundments). Project proposals must list all improvements and their proposed use or disposition.
- .4 Acquisition of Lesser Interests. Proposed acquisitions of interests in lands and waters of less than fee simple title are encouraged where such lesser rights will insure the desired public use. Such proposals will be considered on the basis of their merit and contribution to outdoor recreation. (See 640.3.3 for limitations on assistance for development of leased property.)
- .5 Acquisition Involving Compatible Uses. Non-recreation uses, such as timber management, grazing, and other natural resource uses, may be carried out within the area if they are clearly described in the project proposals, are compatible and secondary to outdoor recreation use, and are approved by the Bureau. (See 675.1.8 for disposition of income.)
- .6 Means of Acquisition. Acquisition of lands and waters, or interests therein, may be accomplished through purchase, eminent domain, transfer, or by gift. When the acquisition is by gift, the nature of any restriction on the use of the area or condition of the donation will be examined to assure that it is compatible with the purpose of the project. If the property or interest is being acquired from another public agency, see 670.1.8K.
- .7 Reservations and Rights Not Acquired. Reservations and rights held by others are permissible only if it is determined that the outdoor recreation purposes and environment would not be significantly affected. The participant shall list all outstanding rights or interests held by others on Part II, Section B of OMB Form 80-R0184. Further, the environmental information submitted to the Bureau on the project must explain how these outstanding rights are to be dealt with to assure that the outdoor recreation interests and the environment will not be affected significantly. (See 650.1.3A and 660.1.5.)

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- .8 Land Acquisition for Delayed Development. In some cases, it will be advantageous for the participant to acquire a specific piece of land while it is still available and undeveloped, although outdoor recreation development may not be planned for some years and little or no public outdoor recreation use is envisioned in the interim. Such acquisition will be matched, provided the participant clearly indicates why the acquisition is necessary immediately, what type of development is envisioned, approximately when it will take place, and what the site will be used for in the interim. Acquisition for preservation of scenic or natural values may be a valid purpose, provided that public access for compatible recreation will be provided within a certain length of time.

The acquisition of submarginal lands for conversion to outdoor recreation through landfill can be a potentially good land-use practice. However, precautions must be taken to prevent unwise alteration of such lands if the lands are providing important environmental contributions in their existing natural state. The Bureau may seek the advice of other Federal agencies during its attempt to determine the relative environmental importance of any land proposed for acquisition as an interim landfill site.

Unless there is unusual extenuating circumstances, the interim use of such lands for landfill operations shall not exceed three years and the State shall not receive payment from the Fund for the acquisition of such lands until the participant has terminated the landfill operations and initiated development of the outdoor recreation facilities described in the project proposal.

For such projects, the following condition shall be inserted in the special project terms and conditions section of the project agreement:

"The State will receive no payment from the Land and Water Conservation Fund for this project until the participant has terminated the landfill operations and initiated development of the outdoor recreation facility described in the project proposal."

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It is not necessary that the eventual development of lands acquired with Fund assistance be carried out with Fund assistance, or that such unassisted development be approved by BOR as long as it is in accord with the purposes for which the acquisition was made. Once developed, however, all improvements on land acquired with Fund assistance must be operated and maintained in accordance with BOR requirements (see 685.2.3).

- .9 Uniform Relocation and Acquisition. All acquisitions with Fund assistance must be effectuated in accordance with the applicable provisions of Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (see Part 645).
- .10 Acquisition Which Will Not Be Assisted. Generally, Fund assistance will not be made available for:
- A. Acquisition of historic sites and structures. Exceptions may be made only when it is demonstrated clearly that the acquisition is primarily for outdoor recreation purposes and that the historic aspects are a corollary to the primary recreation purposes. This exclusion need not prevent the consideration by States and the Bureau of projects calling for acquisition of real property interests contiguous to or near historic sites and structures which meet priority outdoor recreation needs. The acquisition must be in accordance with the National Historic Preservation Act of 1966 if it is adjacent to or includes a site listed in the National Register of Historic Places. (See 640.4.)
  - B. Acquisition of museums and sites to be used for museums or primarily for archaeological excavations.
  - C. Acquisition of land to help meet a public school's minimum site size requirement, as established by State or local regulations.
  - D. Acquisition of areas and facilities to be used primarily for semi-professional and professional arts and athletics. Such uses may be permitted on Fund-assisted areas and facilities when compatible with the uses for which assistance was made available when the area or facility was acquired and when they are secondary to use of the area or facility by the general public.

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- E. Acquisition of areas and facilities to be used solely for game refuges or fish production purposes. However, such areas and facilities may be eligible if they will be open to the public for general compatible recreation, or if they directly serve priority public outdoor recreation needs (such as a fish hatchery to support a stocking program which is biologically sound and for which a need is identified in the State Plan).
- F. Acquisition of areas to be used mainly for the construction of indoor facilities and areas where existing indoor recreation facilities, if left in place, will leave insufficient area at the site for the development of sufficient outdoor recreation facilities to justify the cost of the acquisition.
- G. Acquisition of railroad "hardware," trestles, stations, yards, and the like if such are to be used for the operation of railroad trains.
- H. Acquisition of sites containing luxury lodges, motels, cabins, and similar elaborate facilities which are to be operated by the participant or a concessionaire to service recreators with food and sleeping quarters (see 640.3.4E).

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- .1 Coverage. Subject to appropriate policies and regulations covered elsewhere in this Manual, financial assistance is available to provide most facilities necessary for the use and enjoyment of outdoor recreation areas.

Facilities may be developed on land and waters owned by or adequately controlled by the participating agency. (See 640.3.3.)

Plans for the development of land and/or facilities should be based on the needs of the public, the expected use, and the type and character of the project area. Facilities should be attractive for public use and generally be consistent with the natural setting and topographic limitations. Improvements and structures should be so designed that they harmonize as much as possible with the natural environment. Emphasis should be given to public health, the safety of users, and the protection of the recreation values of the area. These considerations should be part of the design criteria for all Fund-assisted facilities.

All facilities developed with assistance from the fund must be designed in conformance with the Architectural Barriers Act of 1968 (Public Law 90-480). Acceptable design criteria has been published in "American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by The Handicapped". Copies of the publication may be obtained from American National Standards Institute, Inc., 1430 Broadway, New York 10018.

Where recreation needs are being adequately met through private investment or where such investment will result in the use of public funds for higher priority projects, proposals that will create a competitive situation with privately financed and managed developments already providing indentical or similar recreation opportunities should be avoided. The findings should be based on a survey of use or occupancy of privately operated facilities as well as those already developed on public lands. The participant shall provide the State Liaison Officer with the survey material. Marinas, ski facilities, and campgrounds are examples of the types of competitive facilities to be considered under this criterion. (See 660.2.2I concerning survey requirements.)

Development projects may consist of an improvement or group of related improvements designed to provide basic facilities for outdoor recreation, including access, safety, health, protection of an area, as well as the facilities required for the use of the area. A

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640.3.1 (cont.)

project may consist of the complete or partial development of one area, such as a State park or a city playground, or it may consist of a series of developments on a number of geographically separated areas, such as the development of picnic facilities in a number of parks or the construction of fishing piers on a number of lakes in the State. (See 640.1.5.) In any case, the project must be a logical unit of work to be accomplished in a specific time frame.

Development project proposals may include, in addition to construction and renovation, site planning, demolition, site preparation, architectural services, and similar activities essential for the proper conduct of the project.

In general, developments which do not have a well-defined objective are not acceptable. Also, developments which do not contribute directly to outdoor recreation are not acceptable, such as supporting facilities not directly related to outdoor recreation activities, or facilities which contribute primarily to indoor recreation.

.2 Types of Developments. Developments may include, but are not limited to, the following:

- A. Observation and sightseeing facilities, such as overlooks, turnouts, and trails.
- B. Boating facilities, such as launching ramps, breakwaters, mechanical launching devices, docks, boat sewage pumping facilities, buoys, and excavated boat basins and channels.
- C. Picnic facilities, including tables, fireplaces, shelters, and paths.
- D. Camping facilities, including tent and trailer sites, tables, fireplaces, and utility outlets for campers.
- E. Outdoor water sports facilities for swimming and bathing, including beaches, swimming areas, outdoor swimming pools, lifeguard towers, children's wading pools, and bathhouses. (See 640.3.4K.)

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- F. Fishing and hunting facilities, such as trails, fishing piers, initial clearing and planting for food and cover, and stream improvement.
- G. Winter sports facilities, such as ski trails and lifts, slopes and trails for sledding, tobogganining, and snowmobiling, facilities for ice skating and iceboating, bobsled runs, outdoor ice hockey rinks, and shelters.
- H. Urban recreation areas, such as neighborhood playgrounds, bicycling paths, marinas, walking or riding trails, and competitive sports facilities, including playing fields, tennis courts, and golfing facilities. A scarcity of urban open space may make it necessary to develop recreation facilities in vacated streets and alleys and on other urban sites, such as the rooftops of buildings.
- I. Supporting facilities, including entrance and circulation roads, fences, utility and sanitation systems, dams, erosion control works, maintenance structures, parking areas, restroom buildings, and information, guidance, and interpretive facilities for the project area.
- J. Extensive renovation or the redevelopment of an existing facility. When the facility or area has deteriorated to the point where its usefulness is impaired (although, not because of inadequate maintenance), or has become outmoded, renovation to bring the facilities up to standards of quality and attractiveness suitable for public use or redevelopment to a more useful form may be undertaken with Fund assistance.
- K. Sport shooting facilities, such as skeet, trap, rifle, pistol, and archery ranges.
- L. Beautification of an outdoor recreation area, such as landscaping to provide a more attractive environment; the clearing and restoration, for outdoor recreation use, of areas which have been exploited, polluted, littered, or have been damaged

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640.3.2L(cont.)

by a natural disaster; the screening, removal, relocation, or burial of overhead power lines; the installation of sprinkler systems; and the dredging and restoration of publicly-owned lakes, boat basins, and boat channels (where such action is not part of a regular maintenance program for the facility) which have deteriorated to a point where adequate outdoor recreation usefulness is impaired.

- M. Playgrounds and outdoor recreation facilities on public school grounds for joint school/general public use are strongly encouraged, provided that the facilities are not part of the normal and usual program and responsibility of educational institutions and that they otherwise meet requirements for a grant under the Fund program. Facilities needed to meet the physical education and athletic program requirements of a school may not receive Fund assistance. The grant application must include a schedule of the time the facility will be available to the public. Additionally, adequate signs must be installed, prior to final payment on the project, at the site indicating when the outdoor recreation facilities are available to the general public. (See 660.1.5 concerning control and tenure and 640.3.4J concerning ineligible facilities.)
- N. The development of outdoor recreation facilities on Indian lands. The Fund-assisted facilities must be available for use by the general public, in addition to tribal members. (Note that the tribe must be eligible under State law to participate in the Fund program.)
- O. Group camps open to organized and unorganized groups on a "first come, first served" basis are considered to be open to the general public and are eligible for Land and Water Conservation Fund assistance. Group camps designated for specific groups or for which specific groups will be given priority in use are not considered to be open to the general public and are not eligible for assistance. Many group camps may be considered to be public camps but all group camp use is not identical to the type of public use required for participation under the Land and Water Conservation Fund program.

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P. As a general rule roads constructed within the boundaries of parks are eligible for Land and Water Conservation Fund assistance. Roads outside park or recreation area boundaries would be eligible only when they meet the following tests:

- (1) They are in fact access roads to a designated park and recreation area and not part of a State, county or local road system extending beyond or through the boundaries of the area.
- (2) The access corridor must be owned or adequately controlled by the agency sponsoring or administering the park or recreation area.
- (3) The principal objective is to serve the park and visitors. Any use or service to private parties must clearly be incidental to the primary use of the access road for recreation purposes. Roads designed to serve undesigned recreation areas or Federal areas are not eligible.

.3 Limitations on the Development of Leased Property. Assistance may be given to develop real property that is leased to the participant provided that control of such property is commensurate with the proposed development. This control must be adequate in two regards:

A. Time. The time remaining on the lease will be a term sufficient, in the Bureau's judgement, to insure a period of public use and enjoyment commensurate with the expenditure of money. The lease cannot be revocable at will by the lessor.

On Federal land, the original lease must have been for at least 25 years, although some of that time may have elapsed.

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Chapter 3 Criteria for Development Projects

640.3.4

.4 Development Projects Which Will Not be Assisted. Generally, Fund assistance will not be made available for the following facilities. However, there will be no prohibition on the erection of such facilities, with funds other than Land and Water Conservation Fund monies, on land purchased with Fund assistance if compatible with the outdoor recreation uses made of the area, if secondary to those uses and if concurred-in by the Bureau.

- A. Restoration or preservation of historic structures. However, outdoor recreation facilities and their support facilities in conjunction with historical structures or sites may be eligible for Fund assistance. (They must be in accordance with the National Historic Preservation Act of 1966 if the development is adjacent to or on a site listed in the National Register of Historic Places (see 640.4.1).)
- B. Development of areas and facilities to be used primarily for semiprofessional or professional arts and athletics, such as professional-type outdoor theatres, rodeo arenas, and similar facilities.
- C. Development of amusement facilities (such as merry-go-rounds, Ferris wheels, children's railroads, "pioneer towns," livestock and produce exhibit facilities, and allied exhibit-type developments), convention facilities, commemorative exhibits, or the construction of facilities, including their furnishings, that are only marginally related to outdoor recreation.
- D. Construction of, and furnishings for, employee residences.
- E. Construction or renovation of lodges, motels, luxury cabins, or non-austere cabins. However, cabins and group camp dormitories of a simple, austere design may qualify for Fund assistance. If the group camp facilities are to be designated for specific groups or if specific groups will be given priority, the facilities do not qualify for Fund assistance. (See 640.3.2 O.)

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F. Development projects in new or previously undeveloped recreation areas may not consist solely of support facilities, unless it is clearly indicated in the project proposal that they are required for proper and safe recreation use of a recreation area which does not require additional outdoor recreation facilities if it is to be functional (such as the construction of restrooms at a public nature study area) or that the necessary outdoor recreation facilities are being developed concurrently with the Fund-assisted support facilities. (In the latter case, the project agreement must include a provision that the non-Fund assisted outdoor recreation facilities are to be completed within a certain time frame agreeable to the Bureau and that, if they are not, the Fund monies will be refunded.)

If the first stage of a multi-staged Fund project consists wholly of support facilities, and approval is requested only for the first stage, the project agreement must contain the provision that the first-stage Fund monies will be refunded if the later stages, which include the recreation facilities, are not completed within a certain time frame.

- G. Support facilities, such as roads and sewer systems, exclusively to serve ineligible facilities. However, if the support facilities will serve both eligible and ineligible facilities, Fund assistance may be provided for that portion of the support facility, on a prorata basis, that will serve the eligible facilities.
- H. Development of nature and geological interpretive facilities which go beyond interpreting the project site and its immediate surrounding area.
- I. Development of outdoor recreation and outdoor recreation support facilities which an Exhibit "R" of the utility company or authority's license application, filed with the Federal Power Commission, indicates are to be developed without Federal financial assistance.

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Chapter 3       Criteria for Development Projects                  640.3.4J

- J. The development of school "athletic plant" facilities, such as stadiums, running tracks for interscholastic athletics, and athletic fields with grandstands or more bleacher seating than would normally be required for non-interscholastic or non-intercollegiate athletic use. (See 640.3.2M.)
- K. Swimming pool or ice rink enclosures. However, Fund assistance may be utilized for either a sun shade over the pool or rink, or screens against the prevailing wind, but not both. This either-or limitation does not prohibit the construction of vertical curbs or dasher boards to a maximum height of four feet. If a sun shade is placed over the pool or rink, the sides must be open to a normal roof height of approximately 12 feet to maintain the desired openness.

Adjacent structures offering support services are not permitted to effectively enclose the facility. Such necessary support structures may, however, be developed along one end of the outdoor facility if its enclosing effect is kept to a minimum.

Structures such as windscreens and sunshades, which effectively enclose outdoor facilities, may be developed without Fund assistance, but their use is restricted to periods other than the facility's normal season for outdoor use. Enclosures not concurred in by the Bureau constitute a conversion of the facility to other than outdoor use. (see 685.2.2)

- L. The development of outdoor recreation and outdoor recreation support facilities to be used exclusively by the handicapped. However, adaptations for use by the handicapped of facilities otherwise eligible for funding is strongly encouraged. In all cases facilities must be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," pursuant to the Architectural Barriers Act of 1968 (Public Law 90-480).
- M. Facilities at a zoo for the purpose of housing, caging, displaying, or caring for animals. However, facilities which clearly contribute to the outdoor recreation use of the zoo area, such as interpretive facilities, landscaping, picnic facilities, and walks, may be eligible for Fund assistance.

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Chapter 4 and Historic Protection		640.4.1

- .1 National Register of Historic Places. The Historic Properties Preservation Act of 1966, the National Environmental Policy Act of 1969, Executive Order 11593 (Protection and Enhancement of the Cultural Environment), and appropriate National Park Service regulations contain the policies relative to the assessment of the effects of Fund-assisted projects on sites listed in the National Register of Historic Places and the removal or mitigation of any adverse effects.

The National Register is a register of districts, sites, buildings, structures, and objects significant to American history, architecture, archeology, and culture. Sites listed in the National Register may be of national, State, or local significance. The National Register is maintained by the Office of Archeology and Historic Preservation, National Park Service.

- .2 Criteria for Effect. A Fund-assisted project shall be considered to have an effect on a site listed in the National Register when any condition of the project causes or may cause any changes in the quality of the historical, architectural, archeological, or cultural character of the qualified property, under the Criteria for Effect, listed below:

- A. Destruction or alteration of all or part of the property.
- B. Isolation from or alteration of its surrounding environment.
- C. Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting.

- .3 Procedures to be Followed for Compliance with Section 106 of the National Historic Preservation Act of 1966 (80 Stat. 915 16 U.S.C. 470):

- A. State Action. When the State receives a Fund project proposal from a potential participant, it shall check the project site against the National Register. If the project is found to be on a site listed in the National Register, or near enough to

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the site that it has an effect on the site (see 640.4.2, above), the State Liaison Officer shall provide the State's Historic Preservation Officer with a copy of the project proposal and allow him 30 days in which to comment on the effects of the proposed Fund project. If the comments are unfavorable, the State and the above official shall try to resolve the historic preservation problem prior to submitting the project to the Bureau. The State Historic Preservation Officer's comments, if any, shall be made part of the project proposal submitted to the Bureau. If any project for \$50,000 Fund assistance or less may have unfavorable effects on any site listed in the National Register, it may not be submitted to the Bureau under the certification procedure (see 660.1.3E).

B. Bureau Action. At the time a project is submitted to the Bureau for qualification or grant approval, the Bureau shall consult the National Register to determine if a National Register site is involved. Upon finding involvement, and if the project proposal does not indicate that all historic preservation problems have been worked out between the State Liaison Officer and the State Historic Preservation Officer, the Bureau shall apply the Criteria for Effect, above.

- (1) If there will be no effect, the Bureau may take final action on the project.
- (2) Upon finding that the undertaking will have an effect on a National Register-listed site, the Bureau shall notify the State Historic Preservation Officer and the Executive Director of the Advisory Council on Historic Preservation and, in joint consultation, which may include a pre-award inspection, determine whether or not the effect will be adverse.

If the effect is not found to be adverse, the Bureau, the State Historic Preservation Officer, and the Executive Director shall execute a joint memorandum acknowledging

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		640.4.3B(2) (cont.)

no adversity and forward the document to the Chairman of the Advisory Council on Historic Preservation for review. If any of the consulting parties find the effect to be adverse, the Bureau shall consult further with the State Historic Preservation Officer and the Executive Director to determine whether there is a feasible and prudent alternative to remove or satisfactorily mitigate the adverse effect.

If the Bureau and the above officials select and unanimously agree upon a feasible and prudent alternative to remove the adverse effect, they shall execute a joint memorandum stating how the adversity had been resolved. This document shall be forwarded to the Chairman of the Advisory Council on Historic Preservation for review. If the parties are unable to unanimously agree upon a feasible and prudent alternative to remove the adversity, the Bureau shall not qualify or approve the project until the Advisory Council has had an opportunity to comment on the project (see Federal Register, Vol. 38, No. 39 for procedures to follow in this regard). When a final decision on the project has been reached by the Bureau, the Bureau shall submit a written report to the Council containing a description of actions taken by the Bureau subsequent to the Council's comments, a description of actions taken by other parties pursuant to the actions of the Bureau, and the ultimate effect of the Fund project on the National Register site involved.

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Grants-in-Aid Series

Part 640

Acquisition and Development

Chapter 5

Projects in Special Flood Hazard Areas

640.5.1

1. Purpose. This chapter establishes the requirements for application of the Flood Disaster Protection Act of 1973 (P.L. 93-234), to Land and Water Conservation Fund assisted projects.
2. Scope. P.L. 93-234 requires the purchase of flood insurance after March 2, 1974, as a condition of receiving any Federal assistance (including Land and Water Conservation Fund assistance) for acquisition or construction purposes in a flood plain area identified by the Secretary of Housing and Urban Development as an area which has special flood hazards and is located within any community currently participating in the National Flood Insurance Program authorized by the National Flood Insurance Act of 1968.
3. Improvements Eligible for Flood Insurance Coverage.
  - A. Definitions. For the purposes of the National Flood Insurance Program the term "financial assistance for acquisition or construction purposes" means any form of financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein. The terms building and mobile home are further defined as any walled and roofed structure that is principally above ground and affixed to a permanent site. Structures and their contents which meet these definitions are referred to as insurable improvements in this manual chapter.
  - B. Examples of insurable improvements (those for which insurance is required) include but are not limited to the following:
    - (1) Restroom facilities.
    - (2) Administrative buildings.
    - (3) Bathhouses.
    - (4) Interpretive buildings.
    - (5) Maintenance buildings and sheds for landscaping tools or other equipment.

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Replaces: Rel. No. 125, 12/14/73, or  
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- C. Examples of improvements for which insurance is not required include, but are not limited to the following:
- (1) Open or semi-open picnic shelters and tables.
  - (2) Permanently affixed outdoor play equipment such as swings and slides.
  - (3) Sun shades covering outdoor ice skating rinks.
  - (4) Outdoor swimming pools.

4. Requirement for Flood Insurance.

- A. Flood insurance will be required for insurable facilities located within special flood hazard areas for which the Federal Insurance Administration has issued a flood hazard boundary map. If the Federal Insurance Administration withdraws such map for any reason the insurance requirement is suspended for projects located in the special flood hazard area which are approved during the period the map is withdrawn.
- B. Prior to July 1, 1975, no insurance purchase requirement exists under the Act unless both of the following conditions exist:  
(1) the property is located in a formally identified special flood hazard area (i.e., one in which a Flood Hazard Boundary Map has been formally issued) and (2) flood insurance is being sold on properties in that area at the time of project approval.
- After July 1, 1975, the insurance requirement will apply to all identified special flood hazard areas within the United States. No financial assistance can legally be provided for acquisition or construction of insurable improvements in these areas unless the community has entered the program and flood insurance is purchased by the participant.
- C. Flood insurance required by P.L. 93-234 must be carried on insurable improvements throughout their useful life.

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- D. Where a project includes an insurable improvement only as a small and incidental portion of the total project, flood insurance is not required if the value of the insurable improvement is less than \$10,000. An example would be a combination project of which the total project cost of \$100,000 includes only \$5,000 for insurable improvements.
- E. Flood insurance is not required on any State-owned property that is covered under an adequate State policy of self insurance satisfactory to the Secretary of the Department of Housing and Urban Development (HUD). The Secretary (HUD) will publish and periodically revise a list of States to which this exception applies.

5. Amount of Insurance.

- A. The amount of insurance required by P.L. 93-234 is the lesser of (1) the development cost of the insurable improvement or (2) the maximum limit of coverage made available with respect to the particular type of facility under the National Flood Insurance Act of 1968. The amount is based on the total cost of the insurable improvement, not just the Federal share.
- B. Whenever flood insurance is available to cover a facility during construction, the participant will obtain such coverage as soon as the facility becomes insurable. Coverage is usually available as soon as construction progresses beyond the excavation phase.

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Uniform Relocation Assistance and Real  
Grants-in-Aid Series Part 645 Property Acquisition Policies

Chapter 1 General 645.1.1

- .1 Purpose and Policy. This part provides for the application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereafter referred to as the Act, to undertakings by State agencies with financial assistance from the Land and Water Conservation Fund program. The Act provides for the uniform and equitable treatment of persons displaced from their homes, businesses or farms and establishes uniform and equitable land acquisition policies for Federal and federally assisted programs.

In implementation of the Act, it is the policy of the Bureau of Outdoor Recreation to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses or farms.

The procedures prescribed in this part are based on the Act, Office of Management and Budget Circular No. A-103 and the Department of the Interior final regulations. The Department regulations are included in their entirety as Appendix I, 645 BOR 2.2.

This chapter provides general guidance for compliance with the Act. Chapter 2 incorporates Department of the Interior regulations which set forth in detail the prescribed policies and procedures to be applied by State agencies which receive assistance from the Land and Water Conservation Fund program.

- .2 Scope. The provisions of the Act and the regulations in this Part 645 apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects which receive Land and Water Conservation Fund assistance for all or a part of the cost thereof. The Act and these regulations apply regardless of whether Land and Water Conservation Funds actually contribute to the cost of the real property acquired for the assisted project. Specifically, in those instances where a State agency acquires land subsequent to the effective date of the Act, solely with State funds, and seeks to obtain Land and Water Conservation Fund assistance to develop the land acquired, the State must provide assurances that it has or will make all payments and provide all assistance and services required by this Part 645.

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645.1.3

- .3 Assurances. The Bureau will not approve any project which will result in the acquisition of real property and/or the displacement of any person unless the State is able to provide the assurances required by sections 210 and 305 of the Act and the regulations in this Part 645. These assurances specify that:
- A. Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided under sections 202, 203, and 204 of the Act (Part 114-50, Appendix I, 645 BOR 2.2);
  - B. Relocation assistance programs offering the services described in section 205 of the Act shall be provided to displaced persons (Subpart 114-50.4, Appendix I, 645 BOR 2.2);
  - C. A survey and analysis of available replacement housing has been made in accordance with Department of the Interior Regulations, and that within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of the Act (Subpart 114-50, Appendix I, 645 BOR 2.2);
  - D. In acquiring real property, the State agency will be guided, to the greatest extent practical under State law, by the land acquisition policies set forth in sections 301 and 302 of the Act (Subsection 114-50.313(b) and section 114-50.1003, Appendix I, 645 BOR 2.2);
  - E. Property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Act (Sections 114-50.306 and 114-50.310, Appendix I, 645 BOR 2.2);
  - F. The affected persons will be adequately informed of the benefits available under Title II of the Act and the policies and procedures relating to the payment of such benefits (Section 114-50.311, Appendix I, 645 BOR 2.2).

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645.1.3 (cont.)

Terms for compliance with these assurances are contained under the general provisions section of the project agreement.

.4 Responsibility of the State.

- A. The State has the responsibility for implementing the provisions of the Act and the regulations contained in this Part 645. The official who has authority to represent and act for the State as the State's Liaison Officer for the Land and Water Conservation Fund program must keep participating State agencies advised on, and assure compliance with, all relocation and acquisition matters as they relate to the Act and these regulations.
- B. Project applications will contain an estimate of the number of individuals, families, businesses, and farms being displaced (Application for Federal Assistance, OMB Form No. 80-R0184, Part 11, Section A., item 9) and the estimated relocation payments (No. 80-R0184, Part III, section B., item 9).
- C. The following documentation will be needed for each project which involves acquisition unless waived by the Bureau:
  - (1) Appraisal documentation including review material and written approval of the appraisal report;
  - (2) A copy of the written offer to purchase including a statement of just compensation; (see subsection 114-50.303, Appendix I, 645 BOR 2.2)
  - (3) Relocation Plan, advisory services program and appeals procedure where displacement occurred;
  - (4) A statement of difference in value, in accordance with 675.2.6., if the purchase price is greater than the approved appraisal of fair market value;

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645.1.4C(5)

- (5) Documentation showing that the owner or his designated representative has been given an opportunity to accompany the appraiser during his inspection of the property;
  - (6) Evidence that occupants of property acquired were furnished at the time of initiation of negotiations adequate information explaining their eligibility to payments under Title II of the Act (Section 114.50.311; Appendix I, 645 BOR 2.2);
  - (7) Copies of waivers where applicable (645.1.9);
  - (8) Appropriate claims forms and supporting documentation; and
  - (9) Evidence of purchase price and of title.
- .5 Bureau Action on Relocation and Acquisition Documents. Except for statements of difference in value and waivers to benefits, the Bureau will not generally require the documentation under 645.1.4C to be submitted at the time of billing unless otherwise requested. Waivers of documentation requirements will be requested by the State in accordance with 675.2.4B. All required documentation should be kept on file in the office of the State Liaison Officer for purposes of audit and State inspections.
- .6 Relocation Plan. As outlined in section 114-50.402, and 114-50.500, Appendix I, 645 BOR 2.2, a relocation plan shall be developed for all areas or projects where land acquisition activities will cause displacement of persons from their dwellings, business, or farm operations. The relocation plan shall be undertaken during the planning phase of the project prior to the initiation of land acquisition negotiations for the project. Based on this plan the State agency will proceed with a project only after it has been determined that within a reasonable period of time, prior to displacement, decent, safe and sanitary housing will be available.
- .7 Appeals. Situations may occur when an applicant for payments under the Act will be aggrieved by a displacing agency's determination as to the applicant's eligibility for payment or the amount

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645.1.7 (cont.)

of payment. Each State shall establish procedures that provide for adequate review by the involved State agency of the concerns of the person aggrieved. The procedures should assure that a person aggrieved may have his application reviewed by the head of the State agency. The procedures should also provide for an appeals process that can be followed should decisions remain disputed following review by the head of the State agency. Each State Liaison Officer shall furnish to BOR a description of the review and appeal procedures established by the State.

The State should provide for possible resolution of an appeal by the displacing agency with a final appeal to the State. The procedures shall insure that:

- A. Each appellant applicant has the opportunity to present his basis of disagreement with the displacing agency's determination of eligibility for payment or the amount of payment.
- B. Each appeal will be decided promptly.
- C. Each appeal decision will include a statement of the reasons upon which it is based and a copy of such decision will be furnished the appellant.
- D. Each appellant applicant has a final appeal to the State.
- E. All eligible relocatees shall be furnished a written notice of their right to appeal. Such notification may be provided by brochure if the right to appeal is adequately described therein.

.8 Appraisals.

- A. Reference is made in section 114-50.305, Appendix I, 645 BOR 2.2, to the current Uniform Appraisal Standards for Federal Land Acquisition. Copies of these standards are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402--price 35 cents.

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645.1.8A (cont.)

Policies respecting methods of acquisition and appraisal as set forth in 675.2.1 conform with these standards and are to be followed. The abbreviated appraisal as set forth in 675.2.5.B., will be acceptable for use for projects which involve acquisition with a value estimated between \$1,000 and \$25,000. Where a parcel has a value of less than \$1,000 the Bureau will accept a written finding of value as set forth in 675.2.5C.

- B. Except for projects involving donations, the State will have responsibility for reviewing and approving project-related appraisals prior to initiation of negotiations (see Part 675.2.5). BOR reviews will be limited to spot checking and post audit program reviews. BOR reviews shall include an evaluation of the adequacy of the appraisal in terms of thoroughness, reasonableness, impartiality and conformance to the Uniform Appraisal Standards for Federal Land Acquisition. Where the review results in substantive concerns as to the adequacy of the approved appraisal, the State Liaison Officer will be responsible for providing the BOR with supplemental appraisal documentation or a new appraisal in accordance with the review findings. The value established by the revised or new appraisal will be used as the basis for determining just compensation and for matching assistance.
- .9 Waiver of Right to Just Compensation. Only in unusual circumstances will real property be acquired at less than the estimate of fair market value as determined by an approved appraisal. However, if this occurs, there must be evidence that the owner was first provided with a written offer to purchase for the full amount established as just compensation. This amount will not be less than the approved appraisal of fair market value.

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645.1.9 (cont.)

Such evidence will include a signed statement by the owner waiving his right to just compensation and indicating that he (1) has been informed of all of his rights and benefits under the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 (2) has been provided with a statement of just compensation and a written offer to purchase for this amount (state the amount) and (3) is satisfied with the price paid even though it is less than the approved appraisal of fair market value and the reasons why he has elected to accept this lesser amount. This statement along with evidence that the owner was first provided with a written offer to purchase for the full amount of the approved appraisal must accompany the request for reimbursement.

- .10 Annual Report. Section 114-50.1200 of Appendix I, 645 BOR 2.2, requires each Bureau and office within the Department having responsibilities for federally assisted programs that come within the purview of P.L. 91-646 to prepare and submit an annual report on its activities by not later than September 1 of each year to the Assistant Secretary--Management and Budget. In order to accumulate the required statistical data, copies of forms BOR 180A, 180B and 180C will be submitted in accordance with 675.5.8. The narrative portion of the report shall be prepared by each Regional Office for all items included in Section 114-50.1200-1 of Appendix I, 645 BOR 2.2, and submitted to the Washington Office for consolidation into the Bureau report.
- .11 State Agency. For purposes of this part and its appendices, State agency shall include any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

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Chapter 2 Final Regulations of the Department of the Interior      645.2.1

- .1 Purpose. The purpose of this chapter is to prescribe policies and procedures to be applied by State agencies which receive assistance from the Land and Water Conservation Fund. The final regulations of the Department of the Interior, issued as an appendix to this chapter, have been prepared to cover both Federal and federally assisted programs. Subparts 114-50.5 and 114-50.10 have particular application to federally assisted programs such as the Land and Water Conservation Fund. In addition, all other requirements and procedures of the Departmental regulations should be read as applicable to State agencies and agency heads where federally assisted programs are involved to the same extent as they apply to Federal agencies and agency heads in strictly Federal programs. This recognition of authority and responsibility of the State Liaison Officer to make determinations under the Act with respect to programs and projects assisted by the Land and Water Conservation Fund does not negate the authority and responsibility of the Director, Bureau of Outdoor Recreation in administering the Fund program and therefore for providing policy and guidance to insure the proper implementation of P.L. 91-646.
- .2 Department of the Interior final regulations are made a part of this chapter and appear at the back of this chapter as Appendix I, 645 BOR 2.2.
- .3 Department of Housing and Urban Development Rules and Regulations concerning last resort housing replacement by displacing agency, and loans for planning and preliminary expenses-relocation are made a part of and appear at the back of this chapter as Appendix II, 645 BOR 2.3.
- .4 Application by displaced persons for reimbursement of moving and related expenses under the Act may be accomplished by using Proposed Standard Claim Forms 260 through 267, attached as Appendix III, 645 BOR 2.4. State approved forms which accomplish the same purpose may be used in lieu of Proposed Standard Claim Forms if prior approval is obtained from BOR, through the Regional Office.

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Chapter 2 Final Regulations of the Department of the Interior      645.2.5

- .5 The payment for any increased interest costs including points, incurred by the displaced person, shall be determined in accordance with Appendix I, 645 BOR 2.2, section 114-50.802.2. Appendix IV, 645 BOR 2.5 provides an example of computing a payment for increased interest costs.

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**Subpart 114-50.1—General**

**§ 114-50.100 Purpose.**

These regulations prescribe policies and procedures to insure the fair, equitable, and uniform treatment of persons displaced by Federal and federally assisted programs. They implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Act, and General Services Administration Guidelines. All references in these regulations to sections or subsections are references to sections or subsections of the Act.

**§ 114-50.101 Adjudication of claims.**

Any claims made under these regulations and the Act shall be adjudicated on the basis of the regulations in effect when the claim was filed.

**§ 114-50.102 Scope.**

The regulations in this Part 114-50 apply to the programs of all Bureaus and Offices of the Department of the Interior. The geographical coverage includes the fifty (50) States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

**§ 114-50.103 Applicability.**

The provisions of the Act and the regulations in this Part 114-50 apply to the acquisition of all real property for, and the relocation of all persons displaced by, Federal programs and projects and programs and projects undertaken by State agencies which receive Federal financial assistance for all or a part of the cost thereof. The Act and these regulations apply regardless of whether the real property is acquired by a Federal or State agency or whether Federal funds actually contributed to the cost of the real property acquired for a federally assisted project.

**§ 114-50.104 Notice of displacement.**

Department of the Interior officials responsible for the administration of programs affected by the Act must ensure that a written notice of displacement is given to each individual, family, business, or farm operation to be displaced at least 90 days in advance of the date by which a move is required. Such notice shall be served personally or by certified (or registered) first-class mail. In the case of a federally assisted program, the State agency is responsible for ensuring that such notice is given.

**§ 114-50.105 Eligibility requirements.**

To be eligible for benefits under title II of the Act as a displaced person, either of the following conditions must be fulfilled:

(a) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property; or

(b) The subject real property must, in fact, have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by sections 217 and 219).

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(c) All persons contacted by the negotiating Bureau or Office shall be advised that the benefits of the Act are not available to (1) persons who move prior to the initiation of negotiations if they have not received a notice to vacate the property, or (2) to persons who move subsequent to the initiation of negotiations when the Bureau or Office does not acquire the property or does not issue a notice to vacate the property.

**§ 114-50.105-1 Extension of eligibility.**

In addition to the basic eligibility requirements specified in IPMR § 114-50.105, certain of the benefits provided by Title II of the Act are available as follows:

(a) Whenever the acquisition of, or notice to move from, real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move his personal property from such other real property, such person is entitled to the benefits provided by sections 202(a), 202(b), and 205.

(b) When the head of the displacing agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services pursuant to section 205(c).

**§ 114-50.106 Relocation costs treated separately from purchase price of real property acquired under Federal law.**

Contracts or options to purchase real property under Federal law shall not incorporate provisions for making payments for relocation costs and related items in title II of the Act.

(a) Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by title II and section 303 of the Act.

(b) In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under title II of the Act.

**§ 114-50.107 Filing applications for benefits.**

All applications for benefits under the Act by a displaced person shall be submitted to the acquiring agency and be supported by such documentation as is required by the regulation. In this Part 114-50, Bureaus and Offices shall make every effort to pay promptly any displaced person who makes application for authorized payments and may authorize advance payments in hardship cases. In the case of a project or program undertaken with Federal financial assistance, all applications shall be submitted to the State agency and be supported by such documentation as may be required by the State.

**§ 114-50.107-1 Time limitation for filing applications for benefits.**

Applications for benefits shall be made within eighteen (18) months from the date on which the displaced person moves from the real property acquired or to be acquired or the date on which the displacing agency makes final payment of all costs of that real property, whichever is the later date. The head of the Bureau or Office may extend this period upon a proper showing of good cause.

**§ 114-50.107-2 Forms used for filing applications for benefits.**

Department of the Interior Forms DI-380 and DI-381, "Application for Reimbursement, Moving and Related Expenses Under Act of January 2, 1971," and instructions for their preparation. Forms DI-380a, and DI-381a, are prescribed for use by all Bureaus and Offices.

**§ 114-50.108 Payments not to be considered as income.**

Bureaus and Offices shall advise all displaced persons that no payment received under title II of the Act shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

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**§ 114-50.109 Multiple occupancy.**

Where two or more individuals, not families, living together in a single family dwelling are displaced from such dwelling, they shall be treated as one displaced person for purposes of entitlements for replacement housing benefits under sections 203 and 204 of the act. However, each individual displaced may receive a payment for actual reasonable moving expenses as authorized under section 202(a) of the act, and in the case of families, each family shall be considered separately.

**§ 114-50.110 Effects upon property acquisition.**

(a) Nothing in the regulations in this Part 114-50 shall be construed as creating in any condemnation proceeding brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to January 2, 1971.

(b) The provisions of section 301 of the Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

**§ 114-50.111 Withholding from relocation payments.**

To insure equitable treatment, no displaced person is to have a relocation payment withheld or amounts deducted therefrom (including closings in escrow) to satisfy claims or obligations to others, including the acquiring agency. Moving costs and relocation payments are intended to lessen the impact of the forced relocation and to permit satisfactory relocation into decent, safe, and sanitary housing. Other legal remedies are available to the displacing Bureau or Office to satisfy the displacee's credit obligations rather than withholding amounts from relocation payments.

**§ 114-50.112 Bureau and Office procedures.**

The head of each Bureau and office shall issue such procedural instructions, not inconsistent with the provisions of this Part 114-50, as he deems necessary to assure proper implementation and administration of the Act and these regulations.

## Department of the Interior DEPARTMENTAL MANUAL

### Interior Property Management Regulations

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### 41 CFR 114-50 Uniform Relocation Assistance and Real Property Acquisition Policies

114-50.200

#### Subpart 114-50.2—Definitions

- 114-50.200      Applicability.  
114-50.201      Definition of terms.

#### Subpart 114-50.2—Definitions

##### § 114-50.200      Applicability.

The terms used in this Part 114-50 shall have the meanings set forth in this Subpart 114-50.2. Heads of Bureaus and Offices may expand these definitions to provide greater clarity and successful implementation of assigned programs. Any such expansion, however, shall not result in a deviation in concept from the definitions set forth herein.

##### § 114-50.201      Definition of terms.

(a) *The Act.* "The Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), approved January 2, 1971.

(b) *Bureaus and Offices.* Means the following agencies of the Department of the Interior:

- (1) Fish and Wildlife Service.
- (2) Bureau of Mines.
- (3) Bureau of Indian Affairs.
- (4) Bureau of Land Management.
- (5) Bureau of Reclamation.
- (6) Bureau of Outdoor Recreation.
- (7) National Park Service.
- (8) Geological Survey.
- (9) Bonneville Power Administration.
- (10) Southeastern Power Administration.
- (11) Southwestern Power Administration.
- (12) Alaska Power Administration.
- (13) Office of Water Research and Technology.
- (14) Mining Enforcement and Safety Administration.

(c) *Business.* Any lawful activity, excepting a farm operation, conducted primarily:

- (1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
- (2) For the sale of services to the public;
- (3) By a nonprofit organization; or

(4) Solely for the purposes of section 202(a) of the Act (see Subpart 114-50.6 of this part) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(d) *Comparable replacement dwelling.* For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and:

(1) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(2) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

(3) Open to all persons regardless of race, color, religion, or national origin, consistent with the requirement of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968.

(4) Located in an area not generally less desirable than the one in which the acquired dwelling is located with respect to:

(i) Neighborhood conditions, including but not limited to municipal services and adverse environmental factors,

(ii) Public utilities, and

(iii) Public and commercial facilities.

(5) Reasonably accessible to the displaced person's place of employment or potential place of employment.

(6) Within the financial means of the displaced family or individual, and

(7) Available on the market to the displaced person.

*Note:* If housing meeting the requirements of the above definition is not available on the market, the head of a displacing agency may, upon a proper finding of the need therefor, consider available housing exceeding that basic criteria.

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(e) **Decent, safe, and sanitary housing.** A decent, safe, and sanitary dwelling is one which is found to be in sound, clean, and weathertight condition, and which meets local housing codes. Bureaus or Offices shall be governed by the following criteria in determining if a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the case of unusual circumstances, or in unique geographical areas.

(1) **Housekeeping unit.** A housekeeping unit must include a kitchen with fully usable sink; a cooking stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bath and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) **Nonhousekeeping unit.** A non-housekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the head of the Bureau or Office.

(3) **Water.** Has a continuing and adequate supply of potable safe water.

(4) **Egress.** Each building used for dwelling purposes shall have a safe means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multidwelling buildings of three stories or more, the common corridor on each story must have at least two means of egress.

(5) **Occupancy standards.** Occupancy standards for replacement housing shall comply with Bureau or Office approval occupancy requirements or comply with local codes.

(6) **Absence or inadequacy of local standards.** In those instances where there is no local housing code or a local housing code does not contain minimum standards or the standards are inadequate, the head of the Bureau or Office may establish the standards.

(f) **Displaced person.** Any person who, on or after the effective date of the Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by any Bureau or Office of the Department of the Interior or with Federal financial assistance; and solely for the purposes of sections 202 (a) and (b) and 205 of the Act, as a result of the acquisition of or as the result of the written order of the acquiring Bureau or Office to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(g) **Displacing agency.** A Bureau or Office in the case of a direct Federal project or a State agency, as defined in the Act, in the case of a project receiving Federal financial assistance.

(h) **Dwelling.** The place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multifamily building; a unit of a condominium, or co-operative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost.

(1) For the purpose of section 203 and 204 of the Act the term "dwelling" shall mean the place of permanent abode of a person and does not include seasonal or part-time dwelling units, such as beach houses, mountain, or other vacation cabins.

(i) **Economic rent.** The amount of rent a displaced tenant would have had to pay for a comparable dwelling unit in the area similar to the neighborhood in which the dwelling unit being acquired is located.

(j) **Family.** Two or more individuals who are related by blood, adoption, marriage, or legal guardianship who live together as a family unit. However, upon appropriate determination by the head of the Bureau or Office, others who live together as a family unit may be treated as if they were a family for the purpose of determining benefits under title II of the Act.

(k) **Farm operation.** Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

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(l) **Federal agency.** Any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency) and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(m) **Federal financial assistance.** A grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(n) **Financial means.** For the purpose of determining "financial means" of families and individuals in accordance with section 205(e)(3), a determination should be made as to the displaced person's ability to afford the replacement dwelling (See also paragraph (d)(6) of this section). In making this determination, the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies. Bureaus or Offices may issue regulations providing for determinations that 25 percent of monthly gross income for housing costs or the present ratio of housing payment to the individual income is or is not excessive to the other needs of the displaced family or individual, such as food, clothing, child care, medical expenses, etc. In these cases, the head of the Bureau or Office shall establish criteria for determining the financial means of the displaced family or individual.

(o) **Heads of Bureaus and Offices.** The head of each Bureau or Office listed in paragraph (b) of this section, or his designee.

(p) **Initiation of negotiations.** The date the Bureau or Office makes the first personal contact with the owner or his representative and furnishes him with a written offer to purchase real property. Registered mail may be used in lieu of personal contact only where justified by geographic location and/or scale of negotiations.

(q) **Mortgage.** Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any secured thereby.

(r) **Owner.** A person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interest, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the head of the Bureau or Office, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy of the succeeding owner shall include the tenure of the preceding owner.

(s) **Person.** Any individual, partnership, corporation, or association.

(t) **State.** Any of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Island, and any political subdivision thereof.

(u) **State agency.** The National Capital Housing Authority, the District of Columbia Redevelopment Land Agency and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(v) **Available replacement housing.** The terms "available replacement housing" or "made available," shall mean that the displaced person has either, by himself obtained and has the right of possession of comparable replacement housing, or the Bureau or Office has offered him comparable replacement housing as defined in paragraph (d) of this section, which is available for immediate occupancy.

(w) **Nonprofit organization.** A corporation, partnership, individual, or other public or private entity, engaged in a business, professional or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession, or institutional activity on the premises.

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#### **Subpart 114-50.3—Uniform Real Property Acquisition Policy**

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114-50.302	Acquisition policy.
<b>Sec.</b>	
114-50.303	Statement of just compensation to owner.
114-50.304	Acquisition of improvements required to be removed from land acquired.
114-50.305	Appraisal.
114-50.306	Condemnation.
114-50.307	Uneconomical remnant.
114-50.308	Notice to move.
114-50.309	Temporary occupancy of property after acquisition.
114-50.310	Expenses incidental to transfer of title.
114-50.311	Notice to occupants upon initiation of negotiations.
114-50.312	State acting as agent for Federal program.
114-50.313	Federally assisted programs.

(d) Establish, prior to initiation of negotiations, an amount which is believed to be just compensation for the real property and make a prompt offer to acquire the property for the full amount so established.

(1) In no case will the amount established as just compensation be less than the approved appraisal of the estimated fair market value of the property.

(2) Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

#### **§ 114-50.303 Statement of just compensation to owner.**

Bureaus and Offices shall provide the owner of real property to be acquired with a written statement of, and a summary of the basis for, the amount established as just compensation. In the case of a partial taking, damages to the remaining real property, if any, shall be separately stated. The summary statement shall include the following:

(a) Identification of the real property and the estate or interest therein to be acquired;

(b) Identification of the buildings, structures, and other improvements considered to be part of the real property for which the offer of just compensation is made;

(c) A statement explaining the basis for the determination of just compensation and that such determination:

(1) Is based on the estimated fair market value of the property;

(2) Is not less than the approved appraisal of the property.

(d) A statement that any decrease or increase in the fair market value of the real property prior to the date of valuation caused by the public improvement or project for which the property is to be acquired, or by the likelihood that the property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded by the Bureau or Office in making its determination of just compensation for the property.

#### **Subpart 114-50.3—Uniform Real Property Acquisition Policy**

##### **§ 114-50.300 Applicability.**

This subpart prescribes policies and procedures governing the acquisition of real property for Federal and federally assisted programs administered by the Department of the Interior

##### **§ 114-50.301 Objectives.**

The objectives of the policies and procedures set forth in this subpart are to:

(a) Encourage and expedite the acquisition of real property by agreements with owners;

(b) Avoid litigation and relieve congestion in the courts;

(c) Assure consistent treatment for owners in the many Federal and federally assisted programs; and

(d) Promote public confidence in land acquisition practices.

##### **§ 114-50.302 Acquisition policy.**

To achieve the objectives set out in § 114-50.301, Bureaus and Offices shall, to the greatest extent practicable:

(a) Make every reasonable effort to acquire real property expeditiously by negotiation;

(b) Appraise real property prior to the initiation of negotiations;

(c) Give the owner or his designated representative an opportunity to accompany the appraiser during his inspection of the property; and

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**§ 114-50.304 Acquisition of improvements required to be removed from land acquired.**

Whenever a Bureau or Office acquires any interest in real property it shall acquire at least an equal interest in all buildings, structures, or other improvements located thereon and which it requires to be removed from the real property or which it determines will be adversely affected by the use to which the real property will be put.

(a) If any buildings, structures, or other improvements, required to be acquired in accordance with this § 114-50.304, are the property of a tenant who has the right or obligation to remove them at the expiration of his term, the total just compensation for the real property, including the property of the tenant, shall be apportioned to the landowner and the tenant. The amount payable to the tenant for such improvements will be the greater of:

- (1) The estimated fair market value of the property for offsite removal (salvage value), or
- (2) The contributive value of the tenant's improvements to the value of the entirety.

(b) A payment may be made under paragraph (a) of this section, only in those cases where:

- (1) The landowner disclaims all interests in the tenant's improvements, and
- (2) The tenant, in consideration for such payment, assigns, transfers, and releases to the acquiring agency all his right, title, and interest in and to the improvements.

(c) A tenant may reject payment under paragraph (a) of this section and elect to obtain payment in accordance with other applicable laws.

(d) Payment under paragraph (a) of this section shall not duplicate any payment otherwise authorized by law.

**§ 114-50.305 Appraisal.**

As a general rule, only one appraisal will be obtained on each tract, unless the Bureau or Office determines that circumstances require an additional appraisal or appraisals.

(a) Real property acquisition records shall show that the owner or his designated representative has been given an

opportunity to accompany the appraiser during his inspection of the property.

(b) The head of each Bureau or Office shall establish, for all Federal and federally assisted programs under his jurisdiction, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers.

(c) Standards for appraisals used in Federal and federally assisted programs shall be consistent with the current uniform appraisal standards for Federal land acquisition published by the Interagency Land Acquisition Conference.

**§ 114-50.306 Condemnation.**

Condemnation proceedings, where required, will be instituted by the Bureau or Office. Bureaus and Offices shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

(a) Bureaus and Offices in project planning shall take into consideration the possible liability for the payment of litigation expenses of a condemnee provided in section 304 of the Act.

(b) In no case will a Bureau or Office, in order to compel an owner to agree to a price to be paid for his property:

- (1) Advance the time of condemnation;
- (2) Defer negotiations or condemnation or the deposit of funds in court for the use of the owner; or
- (3) Take any other coercive actions to force a price agreement.

**§ 114-50.307 Uneconomical remnant.**

In any case where acquisition of only part of a property will leave the owner with an uneconomical remnant, the acquiring Bureau or Office shall offer to acquire the entire property.

**§ 114-50.308 Notice to move.**

No owner or tenant who will become a displaced person will be required to surrender possession of his property before payment is made to him or deposited in the registry of the court. In all cases the owner or tenant shall be given at least 90 days' written notice of the date by which he is required to move from the acquired property.

**§ 114-50.309 Temporary occupancy of property after acquisition.**

If an owner or tenant is permitted to remain in possession of property for a short period after acquisition, the rental charged for such occupancy shall not be more than the fair rental value of the property to a short-term occupier.

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#### **§ 114-50.310 Expenses incidental to transfer of title.**

Bureaus and Offices shall take actions necessary to insure that owners are reimbursed for expenses incurred incidental to conveyance of real property by the earliest date practicable. All Bureau or Office land purchase contract forms shall be amended to provide reimbursement to the vendor in an amount deemed by the Bureau or Office to be fair and reasonable for the following:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property;

(b) Penalty cost for prepayment of any preexisting recorded mortgage entered into in good faith encumbering said real property; and

(c) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is the earlier.

#### **§ 114-50.311 Notice to occupants upon initiation of negotiations.**

The following information shall be furnished occupants of real property to be acquired at the time of initiation of negotiations, either in a brochure or such other medium as may be directed by the head of the Bureau or Office:

(a) *Owner-occupants of more than 180 days.* Simultaneous with the fair market value offer, an owner-occupant of more than 180 days shall be furnished:

(1) An explanation of his eligibility to receive a replacement housing payment not to exceed \$15,000 and the manner in which the exact amount to which he will be entitled will be computed, and

(2) An explanation of the eligibility requirements to receive payments for replacement housing, increased interest costs, and incidental expenses, and of his option to rent replacement housing.

(b) *Owner-occupants of 90 days or more, but less than 180 days.* Simultaneous with the fair market value offer, an owner-occupant of 90 days or more, but less than 180 days shall be furnished:

(1) An explanation of his eligibility to receive a rental differential payment not to exceed \$4,000 and the manner in which the exact amount to which he will be entitled will be computed, and

(2) An explanation of his option to receive a downpayment towards the purchase of replacement housing not to exceed \$4,000, and incidental expenses to purchase replacement housing and the requirement therefor.

(c) *Tenants of 90 days or more.* Within 15 days after the initiation of negotiations for the purchase of real property, each tenant of 90 days or more shall be personally contacted and furnished in writing:

(1) The date of initiation of negotiations for purchase of the real property;

(2) An explanation of his eligibility to receive a rental differential payment not to exceed \$4,000 and the manner in which the exact amount to which he will be entitled will be computed, and

(3) An explanation of his option to receive a down payment towards the purchase of replacement housing and incidental expenses, including the matching requirements therefor.

(d) *Owners and tenants of less than 90 days.* Within 15 days after the initiation of negotiations for acquisition of the property, each owner and tenant of less than 90 days shall be personally contacted and furnished in writing:

(1) The date of initiation of negotiations for purchase of the real property; and

(2) An explanation of his eligibility to receive a payment for moving expenses only.

#### **§ 114-50.312 State acting as agent for Federal program.**

In the event that real property is acquired by a State agency at the request of a Bureau or Office for a Federal program or project, such acquisition shall, for purposes of the Act, be deemed an acquisition by the Bureau or Office administering such program or project.

#### **§ 114-50.313 Federally assisted programs.**

The head of each Bureau or Office administering federally assisted programs carried out by State agencies which will result in the acquisition of real property shall require that State agencies:

(a) Reimburse owners for necessary expenses as specified in sections 303 and 304 of the Act, and

(b) Comply with the provisions of sections 301 and 302 of the Act if compliance is legally possible under State law.

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**Subpart 114-50.4—Relocation Assistance  
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- 114-50.400 Relocation assistance advisory program.
- 114-50.401 Organizational requirements.
- 114-50.402 Relocation plan.
- 114-50.403 Coordination of planned relocation activities.
- 114-50.404 Local coordination.
- 114-50.405 Coordination with project work.
- 114-50.406 Public information.
- 114-50.407 Contracting for relocation services.
- 114-50.407-1 Agreements with central relocation agency.
- 114-50.407-2 Contracting with private concerns.
- 114-50.407-3 Additional sources of advisory services.
- 114-50.407-4 Relocation services—federally assisted programs.
- 114-50.408 Displaced person declining to accept relocation services.

**Subpart 114-50.4—Relocation Assistance  
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**§ 114-50.400 Relocation assistance advisory program.**

Whenever the acquisition of real property for a program or project undertaken by a Bureau or Office will result in the displacement of any person, the Bureau or Office shall establish a relocation assistance advisory program for the displaced person or persons. If the head of the Bureau or Office determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition he may offer such person relocation advisory services under this program. Where a federally assisted project is involved in the displacement, the State agency shall provide the advisory services. Each relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate to:

(a) Determine the need, if any, of displaced persons, for relocation assistance;

(b) Provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary ales and rental housing and of comparable commercial properties and locations for displaced businesses;

(c) Insure the availability of adequate replacement housing prior to displacement as prescribed in Subpart 114-50.5 of this part;

(d) Assist a person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(e) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons;

(f) Provide assistance to the displaced persons in completing application forms for benefits under the Act; and

(g) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

**§ 114-50.401 Organizational requirements.**

The head of each Bureau or Office engaged in programs which cause the displacement of persons shall insure that responsibility for administration of relocation assistance programs is properly assigned in accordance with the following:

(a) *Headquarters office.* An official at the Bureau or Office headquarters level shall be assigned responsibility for providing staff guidance and direction for administration of the Bureau's relocation programs.

(b) *Regional or comparable office level.* At least one official in each region, area, or State office where relocation occurs, shall be assigned the responsibility for providing relocation assistance. These officials may be responsible for one or more projects within the region or other geographical area where practicable and appropriate.

(c) *Local relocation office.* A local relocation office, properly staffed, should be established when it is determined that the volume of work or the needs of the displaced persons justify such an office. The determination to establish a local relocation office may be made only by the head of the Bureau or Office on an individual project basis. Local relocation offices, when established, should be reasonably accessible to public transportation or within walking distance of the project and should be open during hours convenient to the persons being displaced.

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### § 114-50.402 Relocation plan.

A relocation plan shall be developed for all areas or projects where land acquisition activities will cause displacement of persons from their dwellings, businesses, or farm operations. The plan shall be developed in accordance with procedures outlined in § 114-50.500.

(a) The plan shall include the following information, as a minimum:

(1) The estimated number of individuals, families, businesses, farms, and nonprofit organizations which are to be relocated;

(2) The availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being displaced;

(3) The estimated total cost of payments to displaced persons for all benefits under the Act for replacement housing; and

(4) The estimated cost of administering required relocation services to displaced persons.

(b) Each relocation plan shall be:

(1) Coordinated with other Federal and State agencies and private concerns having relocation programs within the project area, to ensure that the real estate market from which replacement housing will be obtained is capable of supplying the demands of all users of housing. (See also §§ 114-50.403 and 114-50.404); and

(2) Updated periodically to reflect current real estate conditions. When funds have been appropriated for commencement of real property acquisition, the relocation plan will be continuously updated and serve as a basis for accomplishing required relocation activities.

(c) A more elaborate relocation plan may be required in instances where acquisition of real property for a program or project will result in the displacement of a substantial number of persons in a metropolitan area, particularly where low or moderate income persons are involved. In any such instances, Bureaus and Offices shall be guided by the relocation planning instructions promulgated by the Department of Housing and Urban Development in its Relocation Handbook 1371.1.

### § 114-50.403 Coordination of planned relocation activities.

Where two or more Bureaus of the Department of the Interior plan displacement activities in a given community or project area, they shall coordinate such plans to insure the adequacy of available replacement housing and that displaced persons receive the maximum assistance available to them. Similarly, Bureaus and Offices shall communicate with other Federal agencies, and State and local agencies, contemplating displacement activities in the community or area for the purpose of planning relocation activities and coordinating available housing resources.

(a) Bureaus and Offices causing displacement shall:

(1) Consult with the appropriate field office of the Department of Housing and Urban Development within the jurisdictional area concerning the availability of housing;

(2) Provide the Housing and Urban Development field office with information regarding the projects which will cause displacement; and

(3) Designate at least one representative who will meet periodically with representatives of other Interior Bureaus and other Federal agencies causing displacement in the community to review the impact of their respective programs on the community or area.

(b) A directory of the Department of Housing and Urban Development field offices is contained in Appendix I to this subpart. The Department of Housing and Urban Development will maintain this directory on a current basis and furnish updated copies upon request.

### § 114-50.404 Local coordination.

To further insure maximum coordination of relocation activities in a given community or area, the displacing agency shall consult appropriate local officials prior to approving any proposed project in the community, consistent with the requirements promulgated by Office of Management and Budget Circular No. A-96 (Revised). The circular provides a central point of identifying local officials.

### § 114-50.405 Coordination with project work.

Bureaus and Offices shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

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**§ 114-50.406 Public information.**

The head of each Bureau and Office shall insure that the public receives adequate knowledge of the Bureau's relocation programs and that persons to be displaced are fully informed, at the earliest possible time, concerning relocation plans. In those areas where the number of persons to be displaced is such that it is not feasible to provide such information on a personal basis, the Bureau or Office shall afford all concerned persons an opportunity to discuss the relocation program at public meetings. Brochures describing the relocation program will be distributed at these meetings and to all other individuals and organizations, as appropriate.

(a) Discussions at public meetings shall include, as a minimum, the following:

(1) The availability of relocation assistance and services, eligibility requirements, and payment procedures;

(2) The estimated number of individuals, families, businesses, farm operations, and nonprofit organizations to be relocated;

(3) Specific plans for relocating all eligible displaced persons in suitable replacement housing; and

(4) The right of administrative review by the head of the Bureau or Office and to appeal to the Secretary of the Interior, as provided in Subpart 114-50.11 of this part.

(b) Where appropriate, Bureaus and Offices will, within 15 days after initiation of negotiations on a project, provide public announcements concerning:

(1) The relocation services to be provided;

(2) The payments which can be made; and

(3) The location where the Bureau or Office relocation brochures can be obtained.

(c) Public announcements may utilize any type of mass media which will provide full and adequate notice to the public.

**§ 114-50.407 Contracting for relocation services.**

Bureaus and Offices may enter into agreements with any Federal, State, or local agency, or contracts with private individuals or concerns for the purpose of carrying out relocation activities as provided in §§ 114-50.407-1 and 114-50.407-2. Each such agreement or contract shall require specific performance standards for the services to be provided. Any contract for such services must be executed and administered in conformance with Interior Procurement Regulations.

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**§ 114-50.407-1 Agreements with central relocation agency.**

When a central relocation agency is available in the community or project area, the displacing agency shall consider entering into an agreement with such agency in an effort to reduce costs, prevent duplication, and promote uniform and effective administration of relocation assistance programs for displaced persons. The appropriate Regional/Area Office of the Department of Housing and Urban Development will provide information and assistance concerning these services, upon request.

**§ 114-50.407-2 Contracting with private concerns.**

Bureaus and Offices may provide relocation services through contracts with private individuals or concerns only when the following conditions exist:

(a) A central relocation agency is not available in the community or project area, or a central agency is available but does not have the capacity to provide the necessary services within the time required by the Bureau's program, and

(b) The Bureau or Office does not have the in-house capability to provide the services.

**§ 114-50.407-3 Additional sources of advisory services.**

The following additional sources of advisory services may be available in the project area and should be considered and utilized whenever practicable:

(a) *Veterans Administration (VA).* The Veterans Administration maintains a housing counseling service and a displaced persons priority program for providing VA owned housing to displaced persons. These services may be made available to persons displaced by Federal and federally assisted programs and the local VA Loan Guarantee Office should be contacted.

(b) *Small Business Administration.* The Small Business Administration provides technical and loan counseling services for small businesses. A displaced businessman should be advised of these services.

(c) *Department of Agriculture.* The Department of Agriculture provides many services through its direct action farmer assistance programs, activities in rural nonfarm communities, and also urban communities of under 10,000 population. Coordination with the Farmer's Home Administration, Department of Agriculture is recommended when a farm operation is displaced.

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(d) *Local governmental organizations.* Local governmental organizations and agencies may have rent supplement, public housing, or related relocation assistance programs which may be utilized to provide housing for the occupants displaced from a project. Local programs should be utilized where they exist. The use of local non-governmental associations may also be tried in helping a displaced person. Local real estate boards, apartment owners associations, home builders associations, and other organizations may provide information and services that will help obtain comparable replacement housing for displaced persons and suitable replacement sites for displaced businesses. Also, many States have veterans' organizations which offer services to veterans. The availability of such State organizations should be ascertained and utilized.

**§ 114-50.407-4 Relocation services—  
Federally assisted programs.**

State agencies receiving Federal financial assistance on a project may enter into agreements or contracts for the provision of relocation services in accordance with this Subpart 114-50.4. When a State agency elects to contract for these services, the Bureau or Office providing the Federal financial assistance shall take such action as is necessary to insure that the contract will facilitate a uniform and effective relocation program for the displaced persons. Any such contract shall include the following provisions, as a minimum:

- (a) That payments or services shall be provided in accordance with the regulations in this Part 114-50;
- (b) That records pertinent to the contract will be retained by the State agency for a period of at least 3 years and shall be available for examination by representatives of the Bureau or Office;
- (c) Clauses required by regulations implementing title VI of the Civil Rights Act of 1964 (Public Law 88-353); and
- (d) Any other provision as required by the Bureau or Office administering the federally assisted program or project.

**§ 114-50.408 Displaced person declining to accept relocation services.**

A displaced person is not required to accept the relocation services provided for his benefit. He may choose to relocate on his own and still be eligible for payments under the Act. However, the displaced person must meet the occupancy requirements for decent, safe, and sanitary housing and make application within the prescribed time limits to be eligible for a replacement housing payment.

DIRECTORY-REGIONAL AND AREA OFFICES  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**REGION I**

Regional Administrator, James J. Barry,  
Rm. 800, John F. Kennedy Federal Building,  
Boston, Massachusetts 02203,  
Tel. (617) 223-4066.

**AREA OFFICES**

Connecticut, Hartford 06105,  
999 Asylum Avenue,  
Tel. (203) 244-3638.  
Area Director: Lawrence L. Thompson.  
Massachusetts, Boston 02114,  
Bulfinch Building,  
18 New Chardon Street,  
Tel. (617) 223-4111,  
Area Director: M. Daniel Richardson, Jr.  
New Hampshire, Manchester 03101,  
Davison Building,  
1230 Elm Street,  
Tel. (603) 669-7681,  
Area Director: Creeley S. Buchanan.

*Insuring Offices*

Maine, Bangor 04401,  
Federal Building and Post Office,  
202 Harlow Street,  
Post Office Box 1357,  
FTS Tel. (207) 942-8271,  
Commercial Number: 842-8271,  
Director: Wayne M. Johnson.  
Rhode Island, Providence 02903,  
330 Post Office Annex,  
Tel. (401) 528-4351,  
Director: Charles J. McCabe.

Vermont, Burlington 05401,  
Federal Building,  
Elmwood Avenue,  
Post Office Box 989,  
FTS Tel. (802) 862-6274,  
Commercial Number: 862-6501,  
Director: Leslie E. Snow.

**REGION II**

Regional Administrator, S. William Green,  
26 Federal Plaza, Room 3541,  
New York, New York 10007,  
Tel. (212) 361-8068.

**AREA OFFICES**

New Jersey, Camden 08103,  
The Parkade Building,  
519 Federal Street,  
FTS Tel. (609) 963-2301,  
Commercial Number: 963-2541,  
Area Director: Philip G. Sadler.  
New Jersey, Newark 07102,  
Gateway I Building,  
Raymond Plaza,  
Tel. (201) 645-3010,  
Area Director: James P. Sweeney.  
New York, Buffalo 14202,  
Grant Building,  
560 Main Street,  
Tel. (716) 842-3510.  
Area Director: Frank D. Cerabone.  
New York, New York 10007,  
120 Church Street.  
Tel. (212) 264-2070.  
Area Director: Joseph D. Monticciolo (Acting).

*Commonwealth Area Office*

Puerto Rico, San Juan 00936,  
255 Ponce de Leon Avenue,  
Hato Rey, Puerto Rico,  
Mailing Address:  
G Post Office Box 3869,  
San Juan, Puerto Rico.  
FTS Tel. (Dial 202-967-1221—ask operator  
for 622-0201; from Washington, D.C.—  
dial Code 106—ask operator for 622-  
0201).  
Commercial Number: 809-765-0404,  
Area Administrator: Jose E. Febres Silva  
(Acting).

*Insuring Offices*

New York, Albany 12206,  
Westgate North,  
30 Russell Road,  
Tel. (518) 472-3567,  
Director: Robert J. Wolf (Acting).  
New York, Hempstead 11550,  
175 Fulton Avenue,  
Tel. (516) 485-5000.  
Director: Michael Leen (Acting).

**REGION III**

Regional Administrator, Theodore R. Robb,  
Curtis Building,  
6th and Walnut Streets,  
Philadelphia, Pennsylvania 19106,  
Tel. (215) 597-2560.

**AREA OFFICES**

District of Columbia, Washington 20009,  
Universal North Building,  
1875 Connecticut Ave. NW.,  
Tel. (202) 382-4855.  
Area Director: Harry W. Staller (Acting).  
Maryland, Baltimore 21201,  
Two Hopkins Plaza,  
Mercantile Bank and Trust Building,  
Tel. (301) 962-2121.  
Area Director: Allen T. Clapp.  
Pennsylvania, Philadelphia 19106,  
Curtis Building,  
626 Walnut Street,  
Tel. (215) 597-2665.  
Area Director: Joseph A. LaSala (Acting).  
Pennsylvania, Pittsburgh 15212,  
Two Allegheny Center,  
Tel. (412) 644-2802.  
Area Director: Charles J. Lieberth.  
Virginia, Richmond 23219,  
701 East Franklin Street,  
Tel. (804) 782-2721,  
Area Director: Carroll A. Mason

*Insuring Offices*

Delaware, Wilmington 19801,  
Farmers Bank Building, 14th Floor,  
919 Market Street,  
FTS Tel. (302) 671-6330.  
Director: Henry McC. Winchester, Jr.  
West Virginia, Charleston 25330,  
New Federal Building,  
500 Quarier Street,  
Post Office Box 2948,  
FTS Tel. (304) 343-1321.  
Commercial Number: 343-6181,  
Director: H. William Rogers.

*Special Recovery Office*

Scranton, Pennsylvania 18503,  
Lackawanna County Building,  
Spruce and Adams Avenue,  
Tel. 717-344-7393.  
Director: James D. Corbin.

**REGION IV**

Regional Administrator, E. Lamar Seals,  
Peachtree-Seventh Building,  
60 Seventh Street NE,  
Atlanta, Georgia 30323,  
Tel. (404) 526-5585.

**AREA OFFICES**

Alabama, Birmingham 35233,  
Daniel Building,  
15 South 20th Street,  
Tel. (205) 325-8264.  
Area Director: Jon Will Pitts.  
Florida, Jacksonville 32204,  
Peninsular Plaza,  
861 Riverside Avenue,  
Tel. (904) 791-2626.  
Area Director: Forrest W. Howell.

Georgia, Atlanta 30303,  
Peachtree Center Building,  
230 Peachtree Street NW,  
Tel. (404) 526-4576.  
Area Director: William A. Hartman, Jr.  
(Acting).

Kentucky, Louisville 40201,  
Children's Hospital Foundation Bldg.,  
601 South Floyd Street,  
Post Office Box 1044,  
Tel. (502) 582-5251.  
Area Director: Virgil G. Kinnaird.

Mississippi, Jackson 39213,  
101-C Third Floor Jackson Mall,  
300 Woodrow Wilson Avenue W.,  
FTS Tel. (601) 948-2267,  
Commercial Number: 366-2634,  
Area Director: James S. Roland.  
North Carolina, Greensboro 27408,  
2308 West Cone Boulevard,  
Northwest Plaza,  
FTS Tel. (919) 275-9361.  
Commercial Number: 275-9111.  
Area Director: Richard B. Barnwell.

South Carolina, Columbia 29202,  
1801 Main Street,  
Jefferson Square,  
Tel. (803) 765-5591.  
Area Director: Clifton G. Brown.  
Tennessee, Knoxville 37919,  
One Northshore Building,  
1111 Northshore Drive,  
FTS Tel. (615) 524-4561.  
Commercial Number: 584-8527,  
Area Director: Carroll G. Oakes.

*Insuring Offices*

Florida, Coral Gables 33134,  
3001 Ponce de Leon Boulevard,  
FTS Tel. (305) 350-6221.  
Commercial Number: 445-2581,  
Director: Louis T. Baine (Acting).

Florida, Tampa 33600,  
4224-24 Henderson Boulevard,  
Post Office Box 18165,  
Tel. (813) 228-2601.  
Director: K. Wayne Swiger.

Tennessee, Memphis 38103,  
28th Floor, 100 North Main Street,  
Tel. (901) 594-3141.  
Director: Glynn G. Raby, Jr. (Acting).  
Tennessee, Nashville 37203,  
1717 West End Building,  
Tel. (615) 749-5521.  
Director: George N. Gregson.

**REGION V**

Regional Administrator, George J. Vavouliis,  
300 South Wacker Drive,  
Chicago, Illinois 60606.  
Tel. (312) 353-5680.

**AREA OFFICES**

Illinois, Chicago 60602,  
17 North Dearborn Street,  
Tel. (312) 353-7660.  
Area Director: John L. Waner.

Indiana, Indianapolis 46205,  
Willowbrook 5 Building,  
4720 Kingsway Drive,  
Tel. (317) 633-7188.  
Area Director: Cholice Edwards (Acting).

Michigan, Detroit 48226,  
5th Floor, First National Building,  
660 Woodward Avenue,  
Tel. (313) 268-7900.  
Area Director: John E. Kane (Acting).

Minnesota, Minneapolis-St. Paul,  
Griggs-Midway Building,  
1821 University Avenue,  
St. Paul, Minnesota 55104,  
Tel. (612) 725-4701.  
Area Director: Thomas T. Feeney.

**Ohio, Columbus 43215,**  
90 East Main Street,  
Tel. (614) 460-7845.  
Area Director: Elmer C. Binford (Acting).  
**Wisconsin, Milwaukee 53203,**  
764 North 4th Street,  
Tel. (414) 224-3223.  
Area Director: Richard A. Kaiser (Acting).

**Insuring Offices**

**Illinois, Springfield 62704,**  
Lincoln Tower Plaza,  
524 South Second Street, Room 600,  
Tel. (217) 525-4414.  
Director: Boyd C. Barton.  
**Michigan, Grand Rapids 49505,**  
Northbrook Building Number 11,  
2922 Fuller Avenue, N.E.  
Tel. (616) 456-2235.  
Director: Alfred Raven.  
**Ohio, Cincinnati 45202,**  
Federal Office Building,  
550 Main Street, Room 9008,  
Tel. (513) 684-2834.  
Director: Charles Collins II (Acting).  
**Ohio, Cleveland 44109,**  
Federal Building,  
1940 East 9th Street,  
Tel. (216) 522-4066.  
Director: Charles P. Lucas.

**Region VI**

Regional Administrator: Richard L. Morgan,  
Room 14B35, New Dallas Federal Building,  
1100 Commerce Street,  
Dallas, Texas 75202,  
Tel. (214) 749-7401.

**AREA OFFICES**

**Arkansas, Little Rock 72201,**  
Room 1400, Union National Plaza,  
Tel. (501) 378-5401.  
Area Director: Thomas E. Barber.

**Louisiana, New Orleans 70113,**  
Flame Tower,  
1001 Howard Avenue,  
Tel. (504) 837-2068.  
Area Director: Thomas J. Armstrong.

**Oklahoma, Oklahoma City 73104,**  
301 North Hudson Street,  
FTS Tel. (405) 231-4891.  
Commercial Number: 231-4181.  
Area Director: Robert H. Breden.

**Texas, Dallas 75202,**  
2001 Bryan Tower, 4th Floor,  
Tel. (214) 749-1601.  
Area Director: Manuel Sanchez III.

**Texas, San Antonio 78265,**  
Kallison Building,  
410 South Main Avenue,  
Post Office Box 9163,  
FTS Tel. (612) 226-4685,  
Commercial Number: 226-5511.  
Area Director: Finnis E. Jolly.

**Insuring Offices**

**Louisiana, Shreveport 71101,**  
514 Rioou-Brewster Building,  
425 Millam Street,  
FTS Tel. (918) 425-6601.  
Commercial Number: 425-1241.  
Director: Rudy Langford.

**New Mexico, Albuquerque 87110,**  
626 Truman Street NE.,  
Tel. (505) 766-3261.  
Director: Luther G. Branham.

**Oklahoma, Tulsa 74152,**  
1708 Utica Square,  
Post Office Box 4054,  
Tel. (918) 591-7435.  
Director: Robert H. Gardner.

**Texas, Fort Worth 76102,**  
810 Taylor Street,  
Room 13A01 Federal Building,  
Tel. (817) 234-3288.  
Director: Richard M. Hamwood.

**Texas, Houston 77046,**  
Two Gateway Plaza East, Suite 300,  
Tel. (713) 226-4838.  
Director: William A. Painter.  
**Texas, Lubbock 79408,**  
Courthouse and Federal Office Building,  
1205 Texas Avenue,  
Post Office Box 1847,  
FTS Tel. (806) 747-3265.  
Commercial Number: 747-3711.  
Director: Don D. Earney.

**Region VII**

Regional Administrator, Elmer E. Smith  
Federal Office Building, Room 300,  
911 Walnut Street,  
Kansas City, Missouri 64106,  
Tel. (816) 374-2661.

**AREA OFFICES**

**Kansas, Kansas City 66101,**  
Two Gateway Center,  
6th and State Streets,  
Tel. (816) 374-4855.  
Area Director: William R. Southerland.

**Missouri, St. Louis 63101,**  
210 North 12th Street,  
Tel. (314) 522-4760.  
Area Director: Elmo O. Turner.

**Nebraska, Omaha 68106,**  
Univac Building,  
7100 West Center Road,  
Tel. (402) 221-2801.  
Area Director: Guy J. Birch.

**Insuring Offices**

**Iowa, Des Moines 50309,**  
210 Walnut Street,  
Room 259 Federal Building,  
Tel. (515) 284-4512.  
Director: Nate Ruben.

**Kansas, Topeka 66603,**  
700 Kansas Avenue,  
Tel. (913) 234-8241.  
Director: Jim Haif (Acting).

**Region VIII**

Regional Administrator, Robert C. Rosenfeld  
Federal Building,  
1961 Stout Street,  
Denver, Colorado 80202,  
Tel. (303) 837-4881.

**Insuring Offices**

**Colorado, Denver 80202,**  
4th Floor, Title Building,  
808 - 17th Street,  
Tel. (303) 837-2441.  
Director: Joseph G. Wagner.

**Montana, Helena 59601,**  
616 Helena Avenue,  
Tel. (406) 442-3237.  
Director: Orvin B. Fjare.

**North Dakota, Fargo 58102,**  
Federal Building,  
658 - 2nd Avenue N.  
Post Office Box 2483.  
Tel. (701) 287-5136.  
Director: Duane R. Lifrig.

**South Dakota, Sioux Falls 57102,**  
119 Federal Building U.S. Courthouse,  
400 S. Phillips Avenue,  
FTS Tel. (605) 336-2223.  
Commercial Number: 336-2900.  
Director: Rodger L. Rosenwald.

**Utah, Salt Lake City 84111,**  
125 South State Street,  
Post Office Box 11009,  
Tel. (801) 524-5237.  
Director: L. C. Romney.

**Wyoming, Casper 82601,**  
Federal Office Building,  
100 East B Street,  
Post Office Box 580,  
FTS Tel. (307) 266-3252.  
Commercial Number: 266-5550.  
Director: Marshall F. Elliott (Acting).

**Region IX**

Regional Administrator, Robert H. Baida,  
450 Golden Gate Avenue,  
Post Office Box 36003,  
San Francisco, California 94102,  
Tel. (415) 556-4762.

**AREA OFFICES**

**California, Los Angeles 90057,**  
2500 Wilshire Boulevard,  
Tel. (213) 688-5973.  
Area Director: Roland E. Camfield  
(Acting).

**California, San Francisco 94111,**  
1 Embarcadero Center,  
Suite 1800,  
Tel. (415) 556-2238.  
Area Director: James H. Price.

**Insuring Offices**

**Arizona, Phoenix 85002,**  
244 West Osborn Road,  
Post Office Box 13468,  
FTS Tel. (602) 261-4434.  
Commercial Number: 261-4441.  
Director: Merritt R. Smith.

**California, Sacramento 95809,**  
601 I Street,  
Post Office Box 1978,  
Tel. (916) 449-3471.  
Director: Richard D. Chamberlain.

**California, San Diego 92112,**  
110 West C Street,  
Post Office Box 2648,  
Tel. (714) 293-5310.  
Director: Albert E. Johnson.

**California, Santa Ana 92701,**  
1440 East First Street,  
FTS Tel. (714) 836-2451.  
Commercial Number: (714) 836-2451.  
Director: Robert L. Simpson.

**Hawaii, Honolulu 96813,**  
1000 Bishop Street, 10th Floor,  
Post Office Box 3377,  
FTS Tel. (Dial 415-566-0220 and ask operator for 546-2136).  
Commercial Number: 546-2136.  
Director: Alvin K. H. Pang.

**Nevada, Reno 89505,**  
1050 Bible Way,  
Post Office Box 4700,  
Tel. (702) 794-5356.  
Director: Morley W. Griswold.

**Region X**

Regional Administrator, Oscar P. Pederson,  
Arcade Plaza Building,  
1321 Second Avenue,  
Seattle, Washington 98101,  
Tel. (206) 442-5415.

**AREA OFFICES**

**Oregon, Portland 97204,**  
520 Southwest 6th Avenue,  
Tel. (503) 221-2558.  
Area Director: Russell H. Dawson.

**Washington, Seattle 98101,**  
Arcade Plaza Building,  
1321 Second Avenue,  
Tel. (206) 442-7456.  
Area Director: Marshall D. Majors.

**Insuring Offices**

**Alaska, Anchorage 99501,**  
934 West 5th Avenue,  
FTS Tel. (Dial 208) 442-0150 and ask operator for 265-4790).  
Commercial Number: (907) 272-5561 Ext. 791.  
Director: James Tveit (Acting).

**Idaho, Boise 83707,**  
331 Idaho Street,  
Post Office Box 32,  
FTS Tel. (208) 342-2232.  
Commercial Number: 342-2711.  
Director: Charles L. Holley, Jr.

**Washington, Spokane 99201,**  
West 920 Riverside Avenue,  
Tel. (509) 456-4571.  
Director: E. Daryl Mabee.

Department of the Interior  
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11 CFR 114-50 Uniform Relocation Assistance and  
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114-50,500

**Subpart 114-50.5—Assurance of Adequate Replacement Housing Prior to Displacement**

- 114-50.500 Determination of availability of replacement housing.  
114-50.501 Housing provided as last resort.  
114-50.502 Loans for planning and other preliminary expenses for additional housing.

**Subpart 114-50.5—Assurance of Adequate Replacement Housing Prior to Displacement**

**§ 114-50.500 Determination of availability of replacement housing.**

Bureaus and Offices shall not proceed with any phase of any project or authorize a State agency to proceed with any phase of a project which will cause the displacement of any person until it has determined, or received satisfactory assurances from the displacing State agency that, within a reasonable period of time prior to displacement, decent, safe, and sanitary housing as defined in 114-50.201(e) will be available on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284) and the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals being displaced. Such dwellings are to be equal in number to the number of, and available to, persons being displaced who require dwellings and reasonably accessible to their places of employment.

(a) **Support.** Determinations or assurances shall be based on a current survey and analysis of available replacement housing by the Bureau or Office or displacing State agency and shall take into consideration the competing demands on available housing. (See Subpart 114-50.4 of this part). Information to develop and maintain the survey may be available from the Department of Housing and Urban Development, the Veterans Administration, and real estate associations. The survey should:

(1) Be undertaken during the planning phase for each project,

(2) Be developed sufficiently to provide a means for determining whether or not the project or area is feasible from the standpoint of assuring that suitable replacement housing will be available to displaced persons and to support assurances that replacement dwellings are available to meet the criteria specified in this § 114-50.500, and

(3) Include a listing of the housing currently available.

(b) **Waiver.** The head of the Bureau or Office may waive the requirements of this § 114-50.500 for assuring the availability of replacement housing only in the case of an emergency or other extraordinary situation where immediate possession of real property is of crucial importance. Each such waiver shall be supported by appropriate findings and a determination of the necessity for the waiver which shall be documented in writing and made a part of the record.

**§ 114-50.501 Housing provided as last resort.**

In any case where the survey and analysis of available replacement housing required by § 114-50.500 discloses that adequate replacement housing is not available and cannot otherwise be made available, the head of the Bureau or Office may take action or approve action by a State agency to develop replacement housing as authorized by section 206(a) of the Act. Bureaus and Offices taking or approving such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in 24 CFR Subtitle A, Part 43, Subpart A. A State agency taking such action should comply with the requirements and procedures of the Bureau or Office which provides the Federal financial assistance.

**§ 114-50.502 Loans for planning and other preliminary expenses for additional housing.**

To encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons, the head of the Bureau or Office may provide loans to eligible borrowers for planning and other preliminary expenses authorized by section 215 of the Act. In implementing this paragraph, Bureaus and Offices will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in 24 CFR Subtitle A, Part 43, Subpart B. A State agency providing such loans should comply with the requirements and procedures of the Bureau or Office which provides the Federal financial assistance.

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<u>41 CFR 114-50 Real Property Acquisition Policies</u>	<u>114-50,600</u>

**Subpart 114-50.6—Moving and Related Expenses**

114-50.600	Eligibility.
114-50.601	Payment for moving expenses.
114-50.601-1	Allowable moving expenses.
114-50.601-2	Nonallowable moving expenses and losses.
114-50.602	Payment for expenses incurred in searching for replacement business or farm.
114-50.602-1	Limitation.
114-50.603	Actual direct losses by business or farm operation.

(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the displacing agency; and

(c) Actual reasonable expenses in searching for a replacement business or farm operation.

**§ 114-50.601-1 Allowable moving expenses.**

(a) Actual reasonable expenses incurred by the displaced person in moving may be allowed as follows:

(1) Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond the 50-mile area is justified.

(2) Packing and unpacking, crating and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the displacing agency determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, reestablishment of machinery, equipment, appliances, and other items, including modifications as deemed necessary by the Bureau or Office and reconnection of utilities not acquired as real property.

(7) Property lost, stolen, or damaged (not caused by the fault or neglect of the displaced person, his agent or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses as may be determined to be allowable by the Bureau or Office.

(b) Limitations:

(1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the Bureau or Office determines a greater amount is justified.

**Subpart 114-50.6—Moving and Related Expenses**
**§ 114-50.600 Eligibility.**

(a) Any displaced person, as defined in Subpart 114-50.2 of this part, including one who conducts a business or farm operation, is eligible to receive a payment for moving and related expenses.

(b) A person who lives on his business or farm property may be eligible for both:

(1) Moving and related expenses as a dwelling occupant, and

(2) Moving and related expenses with respect to displacement from a business or farm operation.

(c) A displaced owner-occupant of a multifamily rental dwelling may be eligible for both:

(1) Moving and related expenses as a dwelling occupant, and

(2) Moving and related expenses with respect to displacement from a business.

**§ 114-50.601 Payment for moving expenses.**

Whenever the acquisition of real property will result in the displacement of any person, business, or farm operation, the displacing agency shall make a payment to such displaced person upon proper application for the following, or the "in lieu" payments authorized in Subpart 114-50.7 of this part.

(a) Actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

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<b>41 CFR 114-50</b>	<b>114-50.601-1(b)(2)</b>

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated cost of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the Bureau or Office, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in place value of the display, consideration should be given to acquiring such display or displays as a part of the real property.

**§ 114-50.601-2 Nonallowable moving expenses and losses.**

The following expenses shall not be included in the moving expense payment required to be made by § 114-50.601:

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures or other improvements in which the displaced person reserved ownership, except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Such other items as the Bureau or Office determines should be excluded.

**§ 114-50.602 Payment for expenses incurred in searching for replacement business or farm.**

Actual reasonable expenses incurred by the displaced person in searching for a replacement business or farm may be allowed as follows:

(a) Actual travel costs.

(b) Extra costs for meals and lodging.

(c) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour.

(d) In the discretion of the displacing agency, necessary broker, real estate, or other professional fees to locate a replacement business or farm operation under circumstances prescribed by the Bureau or Office.

**§ 114-50.602-1 Limitation.**

The total amount which a displaced person may be paid for searching expenses may not exceed \$500, unless the Bureau or Office determines that a greater amount is justified based on the circumstances involved.

**§ 114-50.603 Actual direct losses by business or farm operation.**

Whenever the acquisition of or notice to move from, real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move his personal property from such other real property, such person may receive payments for moving and related expenses as provided in § 114-50.601.

(a) When the displaced person does not move personal property he should be required to make a bona fide effort to sell it and should be reimbursed for the reasonable costs incurred.

(b) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving 50 miles, whichever is less.

(c) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated cost of moving 50 miles whichever is less.

(d) When personal property is sold and the business or farm operation re-established, the displaced person is entitled to payment provided in FPMR § 114-50.601-1(b)(2).

(e) The costs of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

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### **Subpart 114-50.7—Payments in Lieu of Moving and Related Expenses**

114-50.700	Eligibility.
114-50.701	Displaced dwelling occupant.
114-50.700-1	Moving allowance schedules.
114-50.702	Displaced farm operation.
114-50.702-1	Farms—partial taking.
114-50.703	Displaced business.
114-50.703-1	Determination of loss of existing patronage to a business.
114-50.703-2	Businesses not eligible to receive "in lieu" payment.
114-50.704	Displaced nonprofit organizations.
114-50.705	Average annual net earnings.

### **Subpart 114-50.7—Payments in Lieu of Moving and Related Expenses**

#### **§ 114-50.700 Eligibility.**

Except as otherwise provided herein, a displaced person, including one who is displaced from a business or farm operation, who is eligible to receive payments for moving and related expenses under Subpart 114-50.6 of this part, may elect to receive payments in accordance with this Subpart 114-50.7 in lieu of payment for actual moving and related expenses.

#### **§ 114-50.701 Displaced dwelling occupant.**

A person displaced from a dwelling who elects to receive the payments authorized by this paragraph, in lieu of payment for actual moving expenses, may receive a moving expense allowance, determined in accordance with a schedule established by the Bureau or Office, not to exceed \$300, plus a dislocation allowance of \$200.

(a) Only those persons who are displaced from a dwelling, as defined in § 114-50.201(h), may elect to receive the payment authorized under section 202(b) of the act in lieu of payment for actual reasonable moving expenses.

(b) Where two or more individuals, not families, living together in a single family dwelling are displaced from such dwelling, they shall be treated as one displaced person for purposes of entitlements under this § 114-50.701.

#### **§ 114-50.701-1 Moving allowance schedules.**

Moving allowance schedules maintained by the respective State highway departments should be used as the basis for the Bureau or Office schedules. These schedules should provide for adequacy of reimbursement in every locality.

(a) The Federal Highway Administration will make current schedules available to displacing agencies upon request.

(b) In areas where there are no highway department schedules, Bureaus and Offices undertaking or providing Federal financial assistance to a project causing displacement in such areas shall cooperate with other displacing agencies in the development of a single moving expense schedule for the use of all such agencies.

#### **§ 114-50.702 Displaced farm operation.**

A person displaced from his farm operation, as defined in Section 114-50.201 (k), may elect to receive a fixed payment of not less than \$2,500 nor more than \$10,000 in lieu of actual moving expenses in accordance with the same criteria established for a person displaced from a business in Section 114-50.703. Such a payment may be made to the displaced operator of a farm operation only if the acquiring Bureau or Office determines that the farm operator has discontinued his entire farm operation at the present location or has relocated the entire farm operation.

#### **§ 114-50.702-1 Farms—Partial taking.**

In the case of a partial taking, the operator will be considered to have been displaced from a farm operation if:

(a) The part taken met the definition of a farm operation prior to the taking and the part remaining does not; or

(b) The taking caused the operator to be displaced from the farm operation on the remaining land; or

(c) The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

**Note:** If application of the above criteria obviously creates an inequity in any given case, the head of the Bureau or Office may approve the use of other criteria as determined appropriate.

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**§ 114-50.703 Displaced business.**

(a) A person displaced from his business, as defined in Section 114-50.201(c) (1), (2), and (3), may elect to receive a fixed payment of not less than \$2,500 nor more than \$10,000 in lieu of actual moving and related expenses, provided that, the displacing Bureau or Office determines that, during the two taxable years prior to displacement, or during such other period as the head of the Bureau or Office determines to be more equitable, the business:

- (1) Had average annual gross receipts of at least \$2,000 in value; or
- (2) Had average annual net earnings of at least \$1,000 in value; or
- (3) Contributed at least 33½ percent of the average gross annual income of the owner(s) from all sources, including welfare.

**Note:** If application of the above criteria obviously creates an inequity in any given case, the head of the Bureau or Office may approve the use of other criteria as determined appropriate.

(b) Care must be exercised to ensure that a fixed payment is made only in connection with a bona fide business. No payment shall be made pursuant to this Section 114-50.703 until after the displacing agency determines:

- (1) That the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and
- (2) That the business cannot be relocated without a substantial loss of existing patronage.

**§ 114-50.703-1 Determination of loss of existing patronage to a business.**

The determination of loss of existing patronage to a business shall be made by the displacing agency only after consideration of all pertinent circumstances, including but not limited to the following factors:

- (a) The type of business conducted by the displaced concern.
- (b) The nature of the clientele of the displaced concern.
- (c) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

**§ 114-50.703-2 Businesses not eligible to receive "in kind" payments.**

Those businesses described in § 114-50.201(c) (4) are not eligible to receive a fixed payment in lieu of payment for actual moving and related expenses.

**§ 114-50.704 Displaced nonprofit organizations.**

A displaced nonprofit organization may elect to receive a fixed payment, in lieu of payment for actual moving and related expenses, in an amount equal to the average annual net earnings of the nonprofit organization, except that such payment shall be not less than \$2,500 nor more than \$10,000. However, no payment shall be made pursuant to this paragraph until after the Bureau or Office determines that:

(a) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(b) The nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

**§ 114-50.705 Average annual net earnings.**

The term "average annual net earnings" as used in this subpart means the average net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 3 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired, or during such other period as the displacing agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period.

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<b>Subpart 114-50.8—Replacement Housing Payments for Homeowners</b>	
114-50.800	<b>Eligibility.</b>
114-50.800-1	Owner-occupant of less than 180 days.
114-50.801	Elements included in replacement housing payment.
114-50.802	Computation of replacement housing payment.
114-50.802-1	Differential payment for replacement housing.
114-50.802-2	Interest payment.
114-50.802-3	Incidental expenses.
114-50.803	Statement of eligibility pending purchase of replacement dwelling.
114-50.804	Advance payment in condemnation cases.

**Subpart 114-50.8—Replacement Housing Payment for Homeowners**

**§ 114-50.800 Eligibility.**

A displaced owner-occupant is eligible for a replacement housing payment not in excess of \$15,000: *Provided*, That he meets both of the following requirements:

(a) Actually owned and occupied the dwelling from which displaced for not less than 180 days immediately prior to the initiation of negotiations (see § 114-50.201(p)) for the acquisition of the property, and

(b) Purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

**§ 114-50.800-1 Owner-occupant of less than 180 days.**

A displaced owner-occupant of a dwelling who is determined to be ineligible for a replacement housing payment under this Subpart 114-50.8 may be eligible for a payment under Subpart 114-50.9 of this part.

**§ 114-50.801 Elements included in replacement housing payment.**

The replacement housing payment authorized by this subpart is in addition to payments otherwise authorized by title II of the Act. It includes the following elements:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, is necessary to purchase a comparable replacement dwelling as defined in § 115-50.201(d).

(b) The amount, if any, necessary to compensate the displaced person for increased interest costs, including points, which he is required to pay for financing the purchase of a comparable replacement dwelling. This amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. A bona fide mortgage is one which was a valid lien on the acquired dwelling for not less than 180 days prior to initiation of negotiations.

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

**§ 114-50.802 Computation of replacement housing payment.**

Bureaus and Offices shall determine the amounts necessary to compensate a displaced person for the replacement housing differential payment, increased interest costs, and incidental expenses in accordance with the following subparagraphs.

**§ 114-50.802-1 Differential payment for replacement housing.**

The replacement housing differential payment may be determined by either establishing a schedule or by using a comparative method.

(a) *Schedule method.* A schedule may be established reflecting reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market.

(1) The schedule shall be based on a current analysis of the market to determine an amount for each type of dwelling required.

(2) When more than one Bureau or Office of the Department of the Interior is causing displacement in a community or an area, they shall coordinate the establishment of a single schedule for replacement housing payments. Similarly, Bureaus and Offices shall cooperate with other Federal agencies causing displacement in the community or area, if any, in the development of such a schedule.

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114-50.802-1(b)

(b) *Comparative method.* The price of a comparable replacement dwelling may be determined by selecting one or more dwellings most representative of the dwelling unit acquired which are available to the displaced person on the private market and which meet the definition of comparable replacement dwelling. A single dwelling shall only be used when additional comparable dwellings are unavailable.

(c) *Alternate method.* In the event that neither the schedule or comparative methods is feasible, the displacing agency should develop criteria for computing replacement housing payments. In the case of a Federally-assisted program, any alternate method proposed by a State agency should be subject to the prior concurrence of the Bureau or Office administering such program.

(d) The method of determining the replacement housing differential payment shall be selected by the acquiring agency.

(e) *Limitations.* The amount established as the differential payment for the replacement housing, plus the costs referred to in §§ 114-50.801(b) and 114-50.801(c), sets the upper limit of this payment.

(1) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the amount established for comparable replacement housing, the differential payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(2) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

§ 114-50.802-2 Interest payment.

Displaced persons shall be compensated for increased interest costs, if any, only if the acquired dwelling was encumbered by a bona fide mortgage. The payment for any increased interest costs including points, incurred by the displaced person, shall be determined in consideration of the following:

(a) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remaining term of the mortgage on the acquired dwelling, reduced to discounted present value.

(b) The discount rate shall be the mean annual interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations. All bona fide mortgages on the dwelling acquired by the displacing agency will be used to compute the increased interest cost portion of the replacement housing payment.

(d) The computation of the payment for increased interest costs will be based on the actual term of the new mortgage or the remaining term of the old mortgage, whichever is the lesser, and the computation will be based on the actual amount of the new mortgage or the unpaid amount of the old mortgage, whichever is the lesser.

(1) Seller's points are not to be included in the interest computation.

(2) The actual interest rate of the new mortgage will be used in the computation.

(3) Purchaser's points and/or loan origination fees will be added to the computed interest payment.

(e) However, the interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount financed not to exceed the amount of the unpaid debt on the acquired dwelling for its remaining term.

(f) The format prescribed in Appendix I to this Subpart 114-50.8 shall be used in the computation of the interest payment.

§ 114-50.802-3 Incidental expenses.

(a) The payment for incidental expenses, i.e., the amount necessary to reimburse a displaced person for reasonable costs incurred by him incident to purchase of a replacement dwelling, shall be determined in consideration of such costs as:

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(1) Legal, closing, and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lenders, Federal Housing Administration, or Veterans' Administration appraisal fees.

(3) Federal Housing Administration application fee.

(4) Certification of structural soundness when required by lender, Federal Housing Administration, or Veterans' Administration.

(5) Credit report.

(6) Title policies or abstracts of title.

(7) Escrow agent's fee.

(8) State revenue stamps, or sale or transfer taxes.

(b) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, title I, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

**§ 114-50.803 Statement of eligibility pending purchase of replacement dwelling.**

Upon request of a displaced owner-occupant who has not yet purchased and occupied a replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, Bureaus and Offices shall furnish a written statement to any interested person, financial institution, or lending agency as to the displaced person's eligibility for a payment and the requirements which must be satisfied before such payment can be made.

**§ 114-50.804 Advance payment in condemnation cases.**

In a condemnation proceeding involving a declaration of taking an advance replacement housing payment may be made to a homeowner if determination of the acquisition price of the acquired dwelling will be delayed pending the outcome of condemnation proceedings. Inasmuch as the exact amount of the re-

placement housing payment cannot be ascertained until final adjudication of the condemnation suit, a provisional replacement housing payment may be determined based on the displacing agency's offer for the property acquired. No such payment may be made, however, unless the homeowner agrees, in writing, that:

(a) Upon final determination of the condemnation proceeding, the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the displacing agency's offer upon which the provisional replacement housing payment was based, the difference up to the extent of the replacement housing payment advanced, shall be refunded (including interest computed at the same rate as that paid by the agency on that portion of the acquisition price above the agency's offer) to the displacing agency; and

(c) If the acquisition price as determined by the court is less than the displacing agency's offer upon which the provisional replacement housing payment was based, the difference shall be paid to the homeowner.

**APPENDIX I**

**FORMAT**

**COMPUTATION OF INTEREST PAYMENT**

**REQUIRED INFORMATION**

1. Outstanding balance of mortgage on acquired dwelling ----- \$-----
2. Outstanding balance of mortgage on replacement dwelling ----- \$-----
3. Lesser of Line 1 or Line 2 ----- \$-----
4. Number of months remaining until last payment is due for mortgage on acquired dwelling -----
5. Number of months remaining until last payment is due for mortgage on replacement dwelling -----
6. Lesser of Line 4 or Line 5 -----
7. Annual interest rate of mortgage on acquired dwelling ----- %
8. Annual interest rate of mortgage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located) ----- %
9. Mean annual interest rate paid on standard passbook savings accounts by commercial banks ----- %
10. If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense ----- \$-----

**DEVELOPMENT OF MONTHLY PAYMENT FIGURES**

- A. Monthly payment required to amortize a loan of \$----- in ----- months at an annual interest rate of ----- % (Line 3) (Line 6) (Line 7) ----- \$-----
- B. Monthly payment required to amortize a loan of \$----- in ----- months at an annual interest rate of ----- % (Line 3) (Line 6) (Line 8) ----- \$-----
- C. Monthly payment required to amortize a loan of \$----- in ----- months at an annual interest rate of ----- % (Line 3) (Line 6) (Line 9) ----- \$-----

**CALCULATION OF INTEREST PAYMENT**

**STEP 1**

- Subtract A from B  
 Monthly payment based on rate for replacement dwelling (B) ----- \$-----  
 Monthly payment based on rate for acquired dwelling (A) ----- \$-----  
 Result (difference) ----- \$-----

**STEP 2**

- Divide result (difference) of Step 1 by C (Carry to 6 decimal places)  
 Result (difference) from Step 1 ----- \$-----  
 Monthly payment based on savings rate (C) ----- \$-----  
 Result (quotient) ----- \$-----

**STEP 3**

- Multiply outstanding balance of mortgage on acquired dwelling by result (quotient) of Step 2  
 Outstanding balance (from Line 3) ----- \$-----  
 Result (quotient) of Step 2 ----- X -----

**STEP 4**

- Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling ----- \$-----  
 Result (product) of Step 3, 1st mortgage ----- \$-----  
 \* Result (product) of Step 3, 2nd mortgage ----- \$-----  
 \* Sum or difference, as applicable ----- \$-----  
 Debt service costs on loan on replacement dwelling (Line 10) ----- \$-----  
 Amount of interest payment ----- \$-----

\* If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made for each mortgage through Step 3. A consolidated Step 4 is then completed.

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**Subpart 114-50.9—Replacement Housing Payment for Tenants and Certain Others**

17. The table of contents for Subpart 114-50.9 is revised to read as follows:

**Subpart 114-50.9—Replacement Housing Payment for Tenants and Certain Others**

Sec.	
114-50.900	Eligibility requirements.
114-50.901	Notification to tenants.
114-50.902	Replacement housing payment.
114-50.903	Computation of replacement housing rental differential payment for tenants and certain others.
114-50.904	Reserved.
114-50.905	Computation of replacement housing payment—purchasers.
114-50.906	Disbursement of rental replacement housing differential payment.

**Subpart 114-50.9—Replacement Housing Payment for Tenants and Certain Others**

**§ 114-50.900 Eligibility requirements.**

(a) *Displaced tenant or owner-occupant of less than 180 days.* A displaced tenant (including a sleeping room occupant) or owner-occupant of a dwelling for less than 180 days, is eligible for a replacement housing payment if he actually occupied the dwelling as a permanent abode for not less than 90 days immediately prior to the initiation of negotiations (see § 114-50.201(p)) for acquisition of the property.

(1) Actually occupied the dwelling for not less than 90 days immediately prior to the initiation of negotiations (see § 114-50.201(p)) for acquisition of the property, and

(2) Is not eligible to receive a payment under Subpart 114-50.8.

(b) *Owner-occupant of 180 days or more who rents instead of purchases.* A displaced owner-occupant of a dwelling for not less than 180 days immediately prior to initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by section 204 of the Act: *Provided, That, instead of purchasing and occupying a replacement dwelling in accordance with § 114-50.800(b), he rents a replacement dwelling which is decent, safe, and sanitary.*

**§ 114-50.901 Notification to tenants.**

Bureaus and Offices shall notify the tenant or other occupant, in writing, of the date of initiation of negotiations.

**§ 114-50.902 Replacement housing payment.**

A displaced tenant or owner-occupant of less than 180 days who meets the eligibility requirements of § 114-50.900(a) is eligible for either:

(a) The differential payment necessary to enable him to lease or rent, for a period not to exceed 4 years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed \$4,000, or

(b) If he purchases and occupies replacement housing within 1 year from displacement, the amount necessary to enable him to make a downpayment, including incidental expenses, on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and commercial and public facilities, but not to exceed \$4,000, except that if such amount exceeds \$2,000, such person must equally match any such amount in excess of \$2,000, in making the downpayment.

**§ 114-50.903 Computation of replacement housing rental differential payment for tenants and certain others.**

Bureaus and Offices shall establish the amount necessary to rent a comparable replacement dwelling. The amount may be determined either by establishing a schedule or by a comparative method.

(a) *Schedule method.* A rental schedule may be established for renting comparable replacement dwellings of the various types required and which are available in the private market. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced person in the past 3 months prior to initiation of negotiations, if such rent was reasonable, or 48 times the monthly economic rent for the dwelling unit, as established by the Bureau or Office, if the actual rent paid was unreasonable.

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(1) The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(2) When more than one Bureau or Office of the Department of the Interior is causing displacement in the same community or area, they shall coordinate with each other in choosing the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area. Similarly, Bureaus and Offices shall cooperate with other Federal agencies causing displacement in the community or areas, if any, in the establishment of the schedule.

(b) *Comparative method.* The average month's rent may be determined by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of comparable replacement dwelling. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations, if such rent was reasonable, or 48 times the monthly economic rent for the dwelling unit, as established by the Bureau or Office, if the actual rent paid was unreasonable.

(c) *Exceptions.* The average month's rent paid by the displaced person may be established by using more than 3 months when deemed advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced person is entitled.

(d) *Alternate method of computing replacement housing rental differential payment.* When neither the schedule or the comparative method of computing the rental differential payment is feasible, the Bureau or Office shall develop criteria for computing the payment.

(e) *Limitation.* The amount of the rental replacement housing payment (within the \$4,000 limitation) for tenants and owner-occupants who rent instead of purchase replacement housing, shall be computed by subtracting the economic rent of the acquired dwelling from the lesser of:

(1) The amount of rent actually paid for the replacement dwelling; or

(2) The amount determined by the displacing agency as necessary to rent a comparable replacement dwelling.

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(f) The amount initially established and approved as the rental replacement housing payment shall not be adjusted to compensate for subsequent increases or decreases, if any, in the amount of rent actually paid by the displacee.

**§ 114-50.904 [Reserved]**

**§ 114-50.905 Computation of replacement housing payment—Purchasers.**

- (a) The amount of the downpayment shall be the lesser of:
- (1) The amount that would be required as a downpayment for financing a conventional loan on a comparable dwelling; or
  - (2) The amount required as a downpayment for financing of a conventional loan on the replacement dwelling actually purchased.

To the amount determined pursuant to (a)(1) or (a)(2) of this section will be added the amount required to be paid by the purchaser as points and/or origination or loan services fee if such fees are normal to real estate transactions in the area, on the comparable dwelling or the replacement dwelling, whichever is the lesser.

**§ 114-50.906 Disbursement of rental replacement housing differential payment.**

The amount of the rental replacement housing payment, determined in accordance with § 114-50.903, shall be paid in a lump sum, except that it shall be paid in installments when this method of payment is requested by the displaced person.

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Replaces: 12/14/73

Department of the Interior  
DEPARTMENTAL MANUAL

<u>Interior Property Management Regulations</u>	<u>400 Addition to FPMR</u>
Uniform Relocation Assistance and	
<u>41 CFR 114-50 Real Property Acquisition Policies</u>	<u>114-50.1000</u>

**Subpart 114-50.10—Federally Assisted Programs**

Sec.

- 114-50.1000 Acceptance of real property furnished by a State incident to Federal program.  
114-50.1001 Assurances—Section 210.  
114-50.1002 Assurances—Section 305.  
114-50.1003 Compliance with Section 210.  
114-50.1004 Compliance with Sections 301 and 302.  
114-50.1005 Inability to provide assurances under Section 305.  
114-50.1006 Assurances not required.  
114-50.1007 Monitoring assurances.  
114-50.1008 Federal share of costs.  
114-50.1009 Relocation assistance programs.  
114-50.1010 Waiving of benefits.  
114-50.1011 Appeal procedures.

**§ 114-50.1000 Acceptance of real property furnished by a State incident to Federal program.**

Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Bureau or Office administering the program or project may not accept such property unless the State agency has made all payments and provided all assistance and assurances as are required of a State agency by sections 210 and 305 of the Act. The State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project.

**§ 114-50.1001 Assurances—section 210.**

Bureaus and Offices shall not approve any grant to, contract, or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of the Act, unless satisfactory assurances are received from the State agency that:

(a) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by Bureaus and Offices under this Part 114-50.

(b) Relocation assistance programs offering the services described in Subpart 114-50.4 of this part shall be provided to the displaced persons;

(c) A survey and analysis of the available replacement housing has been made in accordance with § 114-50.500 and that within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with Subpart 114-50.5 of this part, and

(d) The affected persons will be adequately informed of the benefits available under title II of the Act, and the policies and procedures relating to the payment of such benefits.

**§ 114-50.1002 Assurances—section 305.**

Bureaus and Offices shall not approve any program or project or any grant to contract, or agreement with a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of the Act, unless satisfactory assurances are received from the State agency that:

(a) In acquiring real property, the State agency will be guided, to the greatest extent practicable under State law, by the land acquisition policies set forth in Subpart 114-50.3 of this part.

(b) Property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Act, and

(c) The affected persons will be adequately informed of the benefits available under title III of the Act and the policies and procedures relating to the payment of such benefits.

**§ 114-50.1003 Compliance with section 210.**

In all cases, State agencies must comply fully with the assurances required by section 210 of the act.

**§ 114-50.1004 Compliance with sections 301 and 302.**

A State agency's assurances under section 305 shall be accompanied by a statement indicating the extent to which it can comply with the provisions of sections 301 and 302. In the event a State agency maintains that it is unable to comply fully with any of the prescribed policies, its statement shall be supported by an opinion of the chief legal officer of the State agency. State agencies shall comply with sections 301 and 302 if compliance is legally possible under State law.

**§ 114-50.1005 Inability to provide assurances under section 305.**

If a State agency's assurances are accompanied by a statement that it is unable to comply fully with the provisions of section 305, the head of the Bureau or Office administering the Federally-assisted project involved may prescribe procedures setting forth the conditions under which the project will be approved.

**§ 114-50.1006 Assurances not required.**

If the federally assisted program or project will not result in either the acquisition of real property or the displacement of persons, a grant, contract, or agreement may be executed with the State agency without regard to such State agencies' ability or inability to provide the assurances required by sections 210 and 305.

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<b>Interior Property Management Regulations</b>	<b>400 Addition to FPMR</b>
<b>Uniform Relocation Assistance and 41 CFR 114-50 Real Property Acquisition Policies</b>	<b>114-50.1007</b>

### **§ 114-50.1007 Monitoring assurances.**

Bureaus and Offices shall monitor the assurances provided by State agencies on a continuing basis to insure that federally assisted programs and projects are carried out in conformance with such assurances.

### **§ 114-50.1008 Federal share of costs.**

The cost to a State agency of providing the payments and assistance required by the regulations in this Part 114-50 shall be included as part of the cost of a program or project for which Federal financial assistance is available to the State agency.

(a) The State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other project or program costs.

(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this § 114-50.1008 if the displaced person receives a payment required by State law of eminent domain which is determined by the Bureau or Office to have substantially the same purpose and effect as would a payment under this paragraph, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Bureaus and Offices may advance to a State agency the Federal share of the cost of any payments or assistance by the State agency pursuant to sections 206, 210, 215, and 305 of the Act, when they determine that such action is necessary for the expeditious completion of a program or project.

### **§ 114-50.1009 Relocation assistance programs.**

State agencies receiving Federal financial assistance on a project which will result in the displacement of persons, shall provide relocation assistance advisory services to the displaced persons in accordance with the provisions of Subpart 114-50.4 of this part.

### **§ 114-50.1010 Waiving of benefits.**

The following policy shall be observed in connection with those Federally-assisted projects which are funded in part from the Land and Water Conservation Fund:

(a) Whenever a State agency provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the act and for the purposes of these sections, such owner shall not be considered a displaced person as defined in section 101(6) of the Act. (See sec. 2, Pub. L. 93-303, approved June 7, 1974.)

(b) The above policy applies only to those acquisitions which occurred subsequent to June 7, 1974.

(c) Retention of a residence under a use and occupancy agreement must be compatible with the intended use of the project site. Moreover, the appraisal should properly reflect the effect such a retention of use has upon the property's fair market value.

(d) In no case shall a State refuse to pay relocation payments for homeowners who were allowed temporary occupancy while waiting for replacement property.

(e) An owner of a single-family residence who elects to retain a right of use and occupancy for not less than six months from date of acquisition of such residence shall be informed that any benefits to which he may be entitled under sections 203, 204, 205, and 206 of the Act will be deemed to have been waived as a result of such use and occupancy.

### **§ 114-50.1011 Appeal procedure.**

Prior to approving any federally assisted project, heads of Bureaus and Offices administering federally assisted programs or projects which will result in the displacement of persons shall require the State agency to furnish a description of the appeal procedures that are available to such displaced persons, to assure that any person aggrieved by a determination as to eligibility for a payment authorized by the act or the amount of a payment, may have his application reviewed by the head of the State agency.

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**Subpart 114-50.11—Administrative Review and Appeals**

- 114-50.1100 Compliance reviews.  
114-50.1101 Appeals.  
114-50.1101-1 Appeal procedures.

**Subpart 114-50.11—Administrative Review and Appeals**

**§ 114-50.1100 Compliance reviews.**

The head of each Bureau or Office engaged in Federal or federally assisted programs which involve the acquisition of real property and/or the displacement of persons shall provide for such periodic review of the operations at regional and other field office levels as he deems necessary to insure proper implementation of, and full compliance with, the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the regulations in this Part 114-50.

**§ 114-50.1101 Appeals.**

All eligible relocatees shall be furnished a written notice of their right to appeal. Such notification may be provided by brochure if the right to appeal is adequately described therein.

**§ 114-50.1101-1 Appeal procedure.**

In Federal acquisition programs any dispute concerning a question arising under the act which is not disposed of by agreement shall be decided by the head of the Bureau or Office who shall reduce his decision to writing and mail a copy thereof to the displaced person. This decision shall be final and conclusive unless, within 30 days from date of mailing of such copy, the displaced person mails a written appeal addressed to the Director, Office of Hearings and Appeals, Department of the Interior, Washington, D.C., in accordance with the regulations in 43 CFR Part 4, Subpart G. The decision of the Office of Hearings and Appeals, shall be final and conclusive. In connection with any appeal to the Office of Hearings and Appeals, the displaced person may be afforded an opportunity to be heard and to offer evidence in support of his appeal, as provided for in 43 CFR Part 4, Subpart G.

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Interior Property Management Regulations 400 Addition to FPMR  
Uniform Relocation Assistance and  
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**Subpart 114-50.12—Annual Report**

- 114-50.1200 General.  
114-50.1200-1 Narrative report.  
114-50.1200-2 Statistical report.  
114-50.1200-3 Submission.

**§ 114-50.1200 General.**

Each Bureau and Office having responsibilities for Federal or federally assisted programs that come within the purview of Public Law 91-646 shall prepare and submit an annual report to the Assistant Secretary-Management, on its activities related to programs and policies established or authorized by the Act. This report, which is required by Section 214 of the Act, shall consist of both a narrative and statistical report.

**§ 114-50.1200-1 Narrative report.**

The narrative portion of the report should be consolidated for the Bureau and submitted, in duplicate, in the form of an attachment to a transmittal memorandum. It shall respond to each of the items set out in the following subparagraphs as the item pertains to your Bureau. Narrative comments should be furnished for all items. If an item is not applicable to your Bureau, or if a negative response pertains to a particular item, your report should so indicate.

(a) *Assurance of required replacement housing.* (1) Each Bureau or Office should comment on the effectiveness of the provisions of the Act relating to assurances of the availability of comparable decent, safe, and sanitary replacement housing for displaced homeowners and tenants.

(2) Describe the actions taken by the Bureau or Office to assure compliance with the requirements of sections 205(c), 208(b), and 210(3).

(3) Provide information on all court decisions affecting the Bureau or Office which concern the adequacy of replacement housing.

(b) *Bureau or Office actions to achieve objectives of the Act.*

(1) Describe the actions taken by the Bureau or Office to achieve the objectives of the policies of the Congress to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by or having real property taken for Federal or federally assisted programs.

(2) Describe the provisions adopted by the Bureau or Office for coordination with other Federal State and local displacing agencies.

(c) *Progress in achieving objectives of the Act.* Report the progress of the Bureau or Office in the various programs conducted or administered, indicating:

(1) The success in coordinating Bureau or Office relocation activities with other Federal, State, and local agencies.

(2) Bureau or Office experience and the cost of utilization of section 208(a) authority to provide replacement housing, citing difficulties, if any, in obtaining funds for this purpose and the impact on specific projects.

(3) Bureau or Office experience and cost of implementing section 215, concerning loans for planning and obtaining federally insured mortgage financing for replacement housing.

(4) For federally assisted programs administered by your Bureau or Office, enumerate the States not in compliance with the Act on the reporting date. If compliance by any State does not extend to any or all federally assisted programs conducted or administered by the Bureau or Office, the programs excepted should be indicated and an explanation furnished for the basis of the State's inability to comply. In all such instances, indicate the expected date for full compliance by the State.

(d) *Effect of Act on the public.* Describe any indicated effects of the relocation program and policies on the public, reporting conclusions obtained from surveys, special studies, and other sources relating to the effects of implementation of the Act on a neighborhood or community.

(e) *Recommendations.* Furnish your recommendations for further improvement in relocation assistance and land acquisition programs, policies, and implementing laws and regulations. Include any proposals for amendments or revisions to:

(1) General Services Administration Guidelines.

(2) Federal legislation.

(3) State legislation.

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<u>Interior Property Management Regulations</u>	<u>400 Addition to FPMR</u>
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(f) *Waiver of assurances of replacement housing.* Describe any situations or circumstances which required a waiver of assurance of replacement housing pursuant to subsection 205(c)(3). For any waivers reported, submit the Bureau or Office findings and the determination supporting waiver of the requirements of the subsection.

**§ 114-50.1200-2 Statistical report.**

The statistical portion of the report shall be submitted in the format of Exhibits 1 and 2 of this subpart. The exhibits should be consolidated for the Bureau and submitted in duplicate. Those Bureaus administering both Federal and federally assisted programs shall submit separate consolidated exhibits for such programs.

**§ 114-50.1200-3 Submission.**

The annual report shall be prepared on a fiscal year basis and submitted, in duplicate, to reach the Assistant Secretary-Management by not later than September 1 of each year.

5/11/76 (Rel. No. 135)  
Replaces: 12/14/73

APPENDIX 1  
Subpart 114-50.12AGENCY: \_\_\_\_\_  
PROGRAM: \_\_\_\_\_UNIFORM RELocation AND REAL PROPERTY ACQUISITION  
ACT OF 1970, FY 19  
PAYMENTS & EXPENSES UNDER TITLE II FEDERAL PROGRAM  
 FEDERALLY ASSISTED PROGRAM

SUMMARY - FISCAL YEAR 19						PROJECTED FUND REQUIREMENTS								
NUMBER OF CLAIMS PAID (1)	AMOUNT PAID (2)	AVERAGE AMT. PER CLAIM COL 2 ÷ COL 1 (3)	TOTAL AMT. PAID CONTINUED FEDERAL FUND (4)*	FOR FISCAL YR. 19		FEDERAL CONTRIBUTED FUND (5)	FEDERAL CONTRIBUTED NON-FED FUND (6)	NON-FED FUND (7)						
				FEDERAL CONTRIBUTED FUND	FEDERAL CONTRIBUTED NON-FED FUND (8)									
MOVING AND RELATED EXPENSE (SEC. 202)														
OR PAYMENT FOR ACTUAL MOVING EXPENSE (SEC. 202a)														
Persons Displaced From:														
1 Dwellings														
2 Businesses														
3 Farms														
4 Non-Profit Organizations														
ON PAYMENT FOR MOVING EXPENSE BASED ON FIXED SCHEDULE INCLUDING DISLOCATION ALLOWANCE (102b)														
Persons Displaced From:														
5 Dwellings														
OR IN-LINE PAYMENT FOR MOVING EXPENSE (SEC. 202c)														
Persons Displaced From:														
6 Businesses														
7 Farms														
8 Non-Profit Organizations														
TOTAL (Sum of Lines 1-8)														
EXPENSE FOR SEARCH FOR REPLACEMENT (202a(3))														
9 Businesses														
10 Farms														
11 Non-Profit Organization														
TOTAL (Sum of Lines 9-11)														

\*Amounts shown for lines 9, 10 and 11 are included in amounts shown on lines 2, 3 and 4 above.

AGENCY: \_\_\_\_\_  
PROGRAM: \_\_\_\_\_

UNIFORM EXPENDITURE AND REAL PROPERTY ACQUISITION  
ACT OF 1970, as of 19  
EXPENDITURES & EXPENSES UNDER TITLE II

REVENUE PROGRAM  
 REBATE ASSISTED PROGRAM

FORM I (Continued)

SUMMARY - FISCAL YEAR 19

PROJECTED FUND REQUIREMENTS

NUMBER OF CLAIMS PAID (1)	AMOUNT PAID (2)	AVERAGE AMT. PER CLAIM COL. 2 + COL. 1 (3)	TOTAL AMT. PAID FROM FEDERAL FUND(S) (4)	FOR FISCAL YE 19		FOR FISCAL YE 19				
				CONTRACTED NON-FEDERAL TONES (5)	PROPOSED NON-FEDERAL TONES (6)	FEDERAL CONTRACTED TONES (7)	NON-FED TONES NON-FED TONES (8)			
<b>REPLACEMENT BUILDING</b>										
FOR RECOMMEND (201)										
12	Expenditure for Comparable Replacement									
13	Reimbursement for Interim Expenses (202)(1)(C)									
14	Pay-out for Cleaning Costs (203)(1)(C)									
<b>REPLACEMENT EQUIPMENT PURCHASES</b>										
15	Capital Equipment (204)(1)									
16	Other Equipment (204)(2)									
17	Special Cleaning Supplies									
TOTAL: SUM OF LINES 12 + 13 + 14										
100%: SUM OF LINES 1-8 and 11-15										
<b>RELOCATION AND RELATED SERVICES</b> (205)										
17	Costs of Services (205)									
18	Other Activities (205)(2) (as applicable) (205)(3) (as applicable)									
TOTAL: SUM OF LINES 17 + 18										
19 GRAND TOTAL: SUM OF LINES 1-8 and 12-18										

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APPENDIX I (Cont'd.)  
Subpart 114-50-12AGENCY: \_\_\_\_\_  
PROGRAM: \_\_\_\_\_UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION  
ACT OF 1970, FY 19 PAYMENTS & EXPENSES UNDER TITLE II FEDERAL PROGRAM  
 FEDERALLY ASSISTED PROGRAM

PART II		RANGE OF PAYMENTS TO HOMEOWNERS, TENANTS AND CERTAIN OTHERS FY 19									
REPLACEMENT HOUSING FOR HOMEOWNERS		REPLACEMENT HOUSING FOR TENANTS & CERTAIN OTHERS					ACTUAL DOWN PAYMENTS				
ACTUAL PAYMENTS FOR COMPARABLE REPLACEMENT HOUSING		TOTAL RENTAL CLAIMS APPROVED					NO. OF CLAIMS PAID				
RANGE:	NO. OF CLAIMS PAID	RANGE:	NO. OF CLAIMS	RANGE:	NO. OF CLAIMS PAID	RANGE:	NO. OF CLAIMS PAID	RANGE:	NO. OF CLAIMS PAID	RANGE:	NO. OF CLAIMS PAID
\$ 0 - 2,500	0 - 2,500	\$ 0 - 500	0 - 500	\$ 0 - 1,000	0 - 1,000	\$ 0 - 1,000	0 - 1,000	\$ 0 - 2,000	0 - 2,000	\$ 0 - 2,000	0 - 2,000
2,501 - 5,000	5,001 - 7,500	501 - 1,000	1,001 - 2,000	1,001 - 2,000	2,001 - 3,000	2,001 - 3,000	2,001 - 3,000	2,001 - 4,000	2,001 - 4,000	2,001 - 4,000	2,001 - 4,000
5,001 - 7,500	7,501 - 10,000	1,001 - 2,000	2,001 - 3,000	2,001 - 3,000	3,001 - 4,000	3,001 - 4,000	3,001 - 4,000	3,001 - 4,000	3,001 - 4,000	3,001 - 4,000	3,001 - 4,000
7,501 - 10,000	10,001 - 12,500	2,001 - 3,000	3,001 - 4,000	3,001 - 4,000	4,001 - 5,000	4,001 - 5,000	4,001 - 5,000	4,001 - 5,000	4,001 - 5,000	4,001 - 5,000	4,001 - 5,000
10,001 - 12,500	12,501 - 15,000	3,001 - 4,000	4,001 - 5,000	4,001 - 5,000	5,001 - 6,000	5,001 - 6,000	5,001 - 6,000	5,001 - 6,000	5,001 - 6,000	5,001 - 6,000	5,001 - 6,000
12,501 - 15,000	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL

PART III  
RESIDENTIAL RELOCATION DISPLACEMENT STATISTICS  
\*CLAIMANTS DISPLACED DURING FY

UNDER AGE 62	62 AND OVER	TOTAL	Negro/ Black	Spanish Surname	American Indian	Asian/ Oriental	All Others	Total All Groups			
								Owner	Tenant	Owner	Tenant

## \*PEOPLE DISPLACED DURING FY

	Negro/ Black	Spanish Surname	American Indian	Asian American/ Oriental	All Others	Total All Groups
TOTAL						

\*Total shown should equal the total number of claims paid reported on lines 1 and 5, Exhibit I, Part I.

\*\*Report total number of people displaced.

Note: Under "Spanish Surname" include persons of Puerto Rican, Mexican American, Cuban, Central or South American, or other Spanish descent. Under "Asian American/Oriental" include Chinese, Japanese and Korean. Under "All Others" include white persons not of Spanish descent.

- FEDERAL PROGRAM  
 FEDERALLY ASSISTED PROGRAM

AGENCY: \_\_\_\_\_

PROGRAM: \_\_\_\_\_

## UNIFORM REAL PROPERTY ACQUISITION POLICY - TITLE III

PART I LAND ACQUISITION (301)		NO. OF TRACTS	% OF TOTAL
1/ 1. ACQUIRED BY NEGOTIATION		3/	
2/ 2. ACQUIRED BY CONDEMNATION		4/	
3. TOTAL (SUM OF LINES 1 & 2)		100%	

PART II TRACTS FOR WHICH FINAL SETTLEMENTS WERE COMPLETED					TOTAL AMOUNT PAID FROM FEDERAL FUNDS	TOTAL AMOUNT CONTRIBUTED NON-FEDERAL FUNDS
NEGOTIATED:	NUMBER OF TRACTS	APPRAISED VALUE	OPTION / AWARD PAID	% OVER APPRAISAL		
1. a. At Appraised Value			XXXXXX			
2. b. Over Appraised Value			5/			
3. c. Under Appraised Value			XXXXXX			
TOTAL (Sum of Lines 1, 2&3)			XXXXXX			
CONDEMNED:						
4. a. Awards at Appraised Value			XXXXXX			
5. b. Award over Appraised Val.			5/			
TOTAL (Sum of Lines 4 & 5)			XXXXXX			
TOTAL SETTLEMENTS (Sum of Lines 1 thru 5)		XXXXXX				

PART III INCIDENTAL EXPENSES (303 & 304)				
	NUMBER OF TRACTS	AMOUNT PAID	Fed. Funds	Non-Fed. Funds
1. RECORDING FEES, TRANSFER TAXES PENALTY COSTS & R.E. TAXES (303)				
2. LITIGATION EXPENSES (304)				
TOTAL (Sum of Lines 1 & 2)				

NOTES:

1/ Negotiated tracts include all tracts ac-

quired by any method other than condem-  
nation for reason of price disagreement.2/ Include only tracts condemned because of  
price disagreement.3/ Divide tracts shown on Line 1 by tracts  
shown on Line 3.4/ Divide tracts shown on Line 2 by tracts  
shown on Line 3.5/ Divide amount by which the option or  
award exceeds the appraised value by the  
appraised value.

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## Title 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary,  
Department of Housing and Urban Development

[Docket No. H-72-148]

### PART 43—LAST RESORT HOUSING REPLACEMENT BY DISPLACING AGENCY UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The purpose of these criteria and procedures is to prescribe, for all Federal and State agencies that cause residential displacement in the administration of direct Federal or federally assisted projects, the criteria and procedures for the implementation of section 206(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

On October 28, 1971 (36 F.R. 20700), the Department first published these criteria for public comment as a notice of proposed rule making. The Department has now considered all comments received and promulgates these final criteria and procedures to be effective upon publication in the *Federal Register*. Principal changes and the Department's response to significant comments are set forth below.

Several comments stated that section 206(a) vests primary decision-making authority in the case of federally assisted projects, as well as direct Federal projects, in the Federal funding agency rather than the displacing agency. The Department does not agree with this interpretation. The scheme of the Act and several explicit statements in House Report 91-1656 (91st Cong., Second Session, December 2, 1970) indicate an intent of the Congress that in the case of federally assisted projects the references to "Federal agency" in section 206(a) should be read as "State agency" (see, e.g., pp. 16 and 18).

Nevertheless, Federal agencies are not without necessary authority to assure that the intent of the Act is followed by State displacing agencies. Federal agencies may not approve applications for assistance unless satisfied that the State agency has provided satisfactory assurances as required by section 210 of the Act. Moreover, if at any time during execution of a project the Federal funding agency determines that comparable replacement housing is not available as required by the Act (see, e.g., sections 205(c)(3) and 206(b)), it may take appropriate action to assure protection of the rights of all persons displaced or scheduled to be displaced.

Several comments urged that the invocation of section 206(a) be mandatory, because persons might otherwise be displaced even though no replacement housing was available. Such comments misunderstand the nature of section 206(a), which, though not by its terms mandatory, must be read in the context of other sections of the Act. Adequate

protection to displaced persons is provided under sections 205(c)(3) (comparable replacement housing must be available to displaced persons a reasonable time prior to displacement), 210 (no federally assisted project may be approved without adequate assurances, inter alia, that the State agency will meet the requirements of section 205(c)(3)), and 206(b) (no displacement permitted unless replacement housing is available). None of these sections is discretionary. Whenever the necessary relocation housing is unavailable, and cannot be made available by other means, including the use of section 215 loans, there are generally only three options available: (1) Stop, reject, or abandon the project; (2) revise the project to reduce displacement; or (3) use project funds under section 206(a) to provide the needed housing.

It was decided not to expand the requirement for inventories of relocation needs and resources. The Act's above-cited protections of persons to be displaced, particularly section 206(b), compel displacing agencies to be sensitive to the need for additional relocation housing. In this regard, the Office of Management and Budget Guidelines require that no agency may proceed with any phase of a project without a current survey and analysis of available replacement housing by the displacing agency which takes into account competing demands for such housing. Under these criteria implementing section 206(a), if at any time it appears that such housing may not be available to satisfy the requirements of the Act the inventory of needs and resources becomes mandatory. Such an inventory could also be required prior to project approval, and agencies such as HUD do have such a requirement. But this is more appropriately left to each Federal agency's overall relocation regulations, rather than imposed under these criteria and procedures for section 206(a).

The provisions concerning membership of the Advisory Committee (§ 43.7(b)) have been revised to urge inclusion of representatives of affected residents to be displaced, as well as to make clear that representatives of groups knowledgeable concerning problems of housing discrimination should also be included. Such membership could, of course, be made mandatory at the option of each Federal agency implementing these criteria and procedures.

Several comments found the applicability of Federal equal opportunity provisions either unclear or inadequate. The fullest applicability was intended. Changes have been made in §§ 43.5, 43.7, 43.8, 43.9, and 43.16 to make it clear that equal opportunity requirements apply throughout the implementation of these criteria and procedures. Agencies and persons seeking guidance concerning affirmative action to meet fair housing requirements may consult HUD's Affirmative Fair Housing Marketing Regulations, 24 CFR Part 200, 37 F.R. 75 (January 5, 1972) to become effective February 25, 1972.

References to the National Environmental Policy Act of 1969 have been

Sheet 1

12/14/73 (Rel. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

added to §§ 43.5, 43.7, and 43.8 to clarify the applicability of this new and important law.

A sentence has been added to § 43.7 encouraging the employment of project area residents, and the use of small and minority businesses, and firms located in or near the project area. Executive Order 11625 prescribes arrangements for developing and coordinating National programs for minority business enterprises. With respect to projects receiving HUD assistance, of course, such a provision is mandatory under section 3 of the Housing and Urban Development Act of 1968, as amended. Proposed regulations on Employment Opportunities for Lower Income Persons in Connection with Assisted Projects, implementing section 8, were published in the *Federal Register* for comment on June 16, 1971 (24 CFR Part 76, 36 F.R. 11744). The effective regulations are currently being prepared for final publication in the *Federal Register*.

A number of comments urged inclusion of a requirement for coordination among all Federal and State agencies competing for replacement housing resources, or at least a provision for deciding what specific relocation housing resources each agency may use. This is a legitimate concern, but it was the opinion of the Office of Management and Budget and the agencies consulted during the development of the procedures not to go further than the requirement in § 43.5 (c). It is expected that the revised OMB guidelines will provide for coordination of planned relocation activities at the Federal and local level, in recognition of the fact that coordination is imperative for any meaningful implementation of the Act. This Department's implementing procedures will require that its program participants take competing demands into consideration.

Additional changes were made to clarify that: (1) In the case of federally assisted projects, funds used under section 206(a) are subject to section 211 of the Act (§ 43.6); (2) the Replacement Housing Plan pursuant to section 206(a) shall specify the location of the housing to be provided (§ 43.7); (3) for the purposes of § 43.7, displacing agencies may not divide their total need for last resort housing into packages of 26 units or less (§ 43.8(d)); (4) if time permits, an amended or modified housing plan should be resubmitted for review and comment (§ 43.8); and (5) necessary relocation housing may be provided by rehabilitation, as well as new construction (§ 43.11).

Where appropriate, citations have been made to HUD and other standards, procedures and requirements. Information on minimum property standards, HUD project selection criteria, and HUD regulations and procedures implementing Civil Rights and other Acts and Executive orders cited in § 43.16, are available from each HUD Area or Insuring Office. A list of the Area and Insuring Offices is appended to these regulations.

The Secretary has determined that in view of the urgency for these criteria to

implement section 206(a) of the Act, good cause exists for making this Part 43 effective upon publication in the *Federal Register* without delay.

Accordingly, 24 CFR, Subtitle A, is amended by adding a new Part 43 as follows:

- Sec.  
43.1 Purpose.  
43.2 Legislative authority.  
43.3 Applicability.  
43.4 Definitions.  
43.5 Determination that section 206(a) may be utilized.  
43.6 Determination to use project funds under section 206(a).  
43.7 Development of replacement housing plan.  
43.8 Submission of replacement housing plan for comment.  
43.9 Determination by displacing agency of feasibility and compliance.  
43.10 Approval of plan by Federal agency.  
43.11 Implementation of the replacement housing plan.  
43.12 Housing production.  
43.13 Advice and technical assistance by HUD and other Federal agencies.  
43.14 Aggregate housing under jointly financed programs.  
43.15 Displaced person not required to accept replacement dwelling in lieu of acquisition payments and supplemental payment.  
43.16 Conformity with the Act and other statutes, policies, and procedures.

**Authority:** The provisions of this Part 43 issued under sec. 7(d), Department of HUD Act, 42 U.S.C. 3605(d).

#### § 43.1 Purpose.

It is the purpose of this part to set forth uniform criteria and procedures for the implementation of section 206(a), which shall be applied and administered to promote the purposes and policies of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

#### § 43.2 Legislative authority.

The legislative authority is pursuant to section 206(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

#### § 43.3 Applicability.

Pursuant to paragraph 4 of the President's memorandum of January 4, 1971, to the heads of departments and agencies concerning the Uniform Relocation and Real Property Acquisition Policies Act of 1970, these criteria and procedures are applicable to all Federal and State agencies administering Federal projects causing residential displacement.

#### § 43.4 Definitions.

For purposes of this part the following definitions shall apply:

(a) "Federal agency" means any department, agency or instrumentality in the executive branch of the U.S. Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency) and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

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This release supersedes all amendments, program directives and releases issued prior to this date.

(b) "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, or any political subdivision thereof.

(c) "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(d) "Federal financial assistance" means a grant, loan or contribution provided by the United States, except any Federal guarantee or insurance, and any annual payment or capital loan to the District of Columbia.

(e) "Displacing agency" means a Federal agency in the case of a direct Federal project causing displacement, and a State agency in the case of a project receiving Federal financial assistance causing displacement.

(f) "Federal project" means any direct Federal project or any project receiving Federal financial assistance.

(g) "HUD" means the Area Office (or, where none exists, the Regional Office of the Department of Housing and Urban Development).

**§ 43.5 Determination that section 206(a) may be utilized.**

The Act requires: That displacing agencies provide assurance that within a reasonable period of time prior to displacement adequate replacement housing will be available for those to be displaced; that they provide current and continuing information on the availability, prices, and rentals of comparable replacement housing; and that no person may be displaced unless adequate replacement housing is available to such person. Whenever in connection with the planning, development, or execution of a Federal or federally assisted project, it appears to the head of the displacing agency that adequate replacement housing may not be available to satisfy the requirements of the Act, or that such housing is not available on a nondiscriminatory basis, the head of the displacing agency shall undertake the following, using existing data and supplementing them where necessary, to ascertain more precisely the need to utilize section 206(a) to provide such housing.

(a) *Inventory of household relocation needs.* Prepare an inventory of the characteristics and relocation needs of the families and individuals to be displaced.

(b) *Inventory of available housing.* Prepare (1) an inventory of currently available comparable replacement sale and rental housing, and (2) an inventory of housing planned to be constructed or rehabilitated and which will be available as comparable replacement housing. In preparing such inventories, the displacing agency shall consult Federal,

State, or local agencies which may be able to provide such housing or are knowledgeable with respect to housing programs.

(c) *Inventory of other displacement projects.* In order to avoid reliance by more than one displacing agency on the same replacement housing resources, the displacing agency shall coordinate with the other displacing agencies with respect to the utilization and allocation of these resources.

(d) *Analysis of inventories.* Correlate and analyze the information contained in the above inventories.

**§ 43.6 Determination to use project funds under section 206(a).**

If the analysis undertaken in accordance with § 43.5 indicates that adequate replacement housing is not or will not be available to satisfy the requirements of the Act, the head of the displacing agency may make a determination to use project funds under section 206(a) to provide such necessary replacement housing. In the case of a federally assisted project, the displacing agency shall secure prior approval for such use of project funds under section 206(a) from the Federal agency providing financial assistance for the project. In the case of a federally assisted project, the funds used to provide housing under section 206(a) shall be treated in the same manner as other costs of relocation payments and assistance and shall be subject to the provisions of section 211 of the Act with respect to Federal-local cost sharing.

**§ 43.7 Development of replacement housing plan.**

(a) *General.* Following determination pursuant to § 43.6, the head of the displacing agency, in accordance with paragraph (b) of this section or this paragraph (a), shall develop or cause to be developed a replacement housing plan to produce adequate replacement housing. The plan shall specify how, when and where the housing will be provided, how it will be financed and the amount of project funds to be diverted to such housing, the prices at which it will be rented or sold to the families and individuals to be displaced, the arrangements for housing management and social services, as appropriate, the environmental suitability of the location and environmental impact of the proposed housing, the arrangements for maintaining rent levels appropriate for the persons to be rehoused, and the disposition of proceeds from rental, sale, or resale of such housing. In the development of the plan, innovative approaches and methods for the provision of suitable replacement housing are encouraged. The use of small and minority firms and firms located in or near the project area, and the employment of residents of the project area, are also encouraged. If 25 units or less of replacement housing need to be provided, the head of the displacing agency may proceed under paragraph (d) of this section.

(b) *Replacement housing plan developed by displacing agency.* If the head

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of the displacing agency elects to develop the replacement housing plan, he shall appoint an advisory committee which shall consult with and provide advice and assistance to the displacing agency in the development of the plan. The advisory committee shall include representatives of the following: The displacing agency; the chief executive officer of the jurisdiction in which displacement will occur; and State and local agencies knowledgeable regarding housing in the area, including but not limited to the local housing authority, the local redevelopment agency and the centralized relocation agency, if any. In addition, the committee should include representatives of other appropriate public (e.g., local and areawide planning agencies), and private groups knowledgeable regarding housing and the problems of housing discrimination, as well as representatives of affected residents to be displaced. The failure of any person to participate on the committee shall not preclude the committee from satisfying the requirements of this section.

(c) *Replacement housing plan developed by an agency other than displacing agency.* If the head of the displacing agency elects not to develop a replacement housing plan under paragraph (b) of this section, he shall engage a State or local housing agency, or other agency or organization having experience in the administration or conduct of housing programs to develop the replacement housing plan. In such case, the head of the displacing agency shall appoint an advisory committee to work with the agency or organization so engaged. The advisory committee shall be constituted and shall function as under the provisions of paragraph (b) of this section.

(d) *Provision of housing by head of displacing agency—25 units or less.* If the total need for replacement housing to be provided under section 206(a), by a single project (or in the case of joint development under § 43.14, by several projects), is for 25 units or less, the head of the displacing agency may plan and provide such housing without the assistance of an advisory committee or a housing or other agency pursuant to paragraph (b) or paragraph (c) of this section. The head of the displacing agency undertaking such activities shall be guided by the HUD project selection criteria (24 CFR Part 200, 36 F.R. 203, January 7, 1972) and minimum property standards for comparable Federal housing programs and shall comply with the policies, requirements and procedures specified in § 43.16.

(e) *Consultation.* From the inception of the replacement housing plan and continuing during the course of its development in accordance with this part, the agency developing the plan shall consult with HUD (or the Farmers Home Administration, where appropriate) and with the residents to be displaced or their representatives.

(f) *Use of section 215 for planning and other preliminary expenses.* Consideration should be given to the opportunities for stimulating the development of the required supply of housing

through the use of seed money loans for planning and other preliminary expenses under section 215 of the Act (34 Stat. 1901).

**§ 43.8 Submission of replacement housing plan for comment.**

The head of the displacing agency shall submit any replacement housing plan developed in accordance with § 43.7 (b) or (c) to HUD (or the Farmers Home Administration, where appropriate) and the Regional and State Clearinghouse designated pursuant to OMB Circular A-96. HUD (or the Farmers Home Administration, where appropriate) shall review and comment on the plan with respect to plan feasibility, project selection, minimum property standards, environmental standards and impact, compatibility with local and areawide housing plans (provided that such plans are in compliance with the authorities cited in § 43.16) and compliance with the Civil Rights Acts and Executive orders specified in § 43.16. The Regional and State Clearinghouse shall review and comment on the plan with respect to its compatibility with the areawide housing plan or strategy developed or being developed by the Regional Planning Agency. HUD (or the Farmers Home Administration, where appropriate) and the Regional and State Clearinghouse shall review the plan and submit their comments to the displacing agency within 30 calendar days after receipt of the plan.

**§ 43.9 Determination by displacing agency of feasibility and compliance.**

Upon receipt and consideration of the comments on the plan, or passage of the 30-day review period provided in § 43.8, without receiving any comments, the displacing agency shall determine: (a) Whether the plan is feasible; (b) whether it complies with (1) Federal standards and regulations with respect to HUD project selection criteria (except criteria six, seven and eight) (24 CFR Part 200, 36 F.R. 203, January 7, 1972) and minimum property standards, (2) environmental standards and procedures, and (3) the dwelling and relocation standards, Civil Rights Acts and Executive orders specified in § 43.16; and (c) whether the plan is compatible with local housing plans and the areawide housing plan or strategy (provided such plans and strategies are in compliance with the authorities cited in § 43.16). If any of the above determinations by the displacing agency is negative, the displacing agency (taking into consideration any comments received in connection with the reviews provided in § 43.8) shall revise the plan as necessary. Unless time does not permit, any substantial modifications in the plan, except those made in accord with such comments, should be submitted for review and comment as provided in § 43.8. If necessary for the timely implementation of the plan or execution of the project, the head of the displacing agency may shorten the time allowed for review and comment to some reasonable period less than that provided in § 43.8.

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This release supersedes all amendments, program directives and releases issued prior to this date.

Whenever an amended plan is resubmitted for review and comment, a copy may also be provided to the advisory committee for simultaneous review.

**§ 43.10 Approval of plan by Federal agency.**

In the case of a federally assisted project, the head of the displacing agency shall secure approval of the replacement housing plan from the Federal agency providing financial assistance for the project, before proceeding with the implementation of the plan.

**§ 43.11 Implementation of the replacement housing plan.**

Upon making the determinations required by § 43.8, and securing approval where required by § 43.10, the head of the displacing agency may expend project funds and take such other actions as necessary to provide, rehabilitate, or construct replacement housing pursuant to the approved replacement housing plan through methods including but not limited to the following:

- (a) Transfer of project funds to State and local housing agencies;
- (b) Transfer of project funds to HUD or the Farmers Home Administration;
- (c) Contract with nonprofit or for-profit organizations experienced in the development of housing;
- (d) Interest subsidy payments;
- (e) Direct construction by the displacing agency.

Whenever practicable, the head of the displacing agency shall utilize the services of Federal, State, or local housing agencies, or other agencies having experience in the administration or conduct of similar housing programs.

**§ 43.12 Housing production.**

The head of the displacing agency shall monitor the production of the replacement housing to assure that it is in accordance with the replacement housing plan and in compliance with Federal standards and regulations with respect to project selection, minimum property standards and with the Civil Rights Acts and Executive orders specified in § 43.16.

**§ 43.13 Advice and technical assistance by HUD and other Federal agencies.**

Throughout the entire planning, development, and implementation process, the HUD Area or Insuring Office Director shall provide the displacing agency with advice, technical assistance, and general information as needed. HUD shall also review pending applications for housing subsidy assistance or mortgage insurance to determine the effect on any estimated replacement housing deficit and keep the displacing agency advised as applications are received or commitments are made that are likely to affect any estimated deficit. Where appropriate, the Farmers Home Administration shall provide the displacing agency with similar assistance.

**§ 43.14 Aggregate housing under jointly financed programs.**

Where several agencies are administering programs resulting in residential

displacement, opportunities shall be sought out for joint development and financing in order to aggregate their resources to provide replacement housing in sufficient quantity to satisfy the aggregate needs of such programs.

**§ 43.15 Displaced person not required to accept replacement dwelling in lieu of acquisition payment and supplemental payment.**

No agency may require a displaced person, without his written consent, to accept a dwelling provided by such agency under section 208(a) in lieu of his acquisition payment, if any, for the real property from which he is displaced or the supplemental payment for which he may be eligible under sections 203 and 204 of the Act (84 Stat. 1896 and 1897).

**§ 43.16 Conformity with the Act and other statutes, policies and procedures.**

(a) **Civil Rights and other Acts and Executive orders.** The administration of this part shall be in conformity with the provisions of section 1 of the Civil Rights Act of 1966 (42 U.S.C. 1982), title VI of the Civil Rights Act of 1964, title VIII of the Civil Rights Act of 1968, the National Environmental Policy Act of 1969, Executive Orders 11063, 11246, and 11625, and regulations issued pursuant thereto.

(b) **Dwelling and relocation standards.** Determinations made pursuant to § 43.5 and any plan developed and implemented for providing replacement housing under section 206(a) and all such housing provided thereunder shall be in conformity with all relocation regulations, standards, and guidelines of the Federal agency providing the project funds. Final determination of conformity with such regulations, standards, and guidelines shall be made by the head of the Federal agency providing project funds.

**Effective date.** This Part 43 shall be effective upon publication in the FEDERAL REGISTER (2-18-72).

George ROMNEY,  
Secretary of Housing  
and Urban Development.

**Region I**

**AREA OFFICES**

HUD Area Office, 999 Asylum Avenue, Hartford, CT 06105.  
Bulfinch Building, 15 New Chardon Street, Boston, MA 02114.  
Davidson Building, 1280 Elm Street, Manchester, NH 03101.

**Region II**

**AREA OFFICES**

The Parkade Building, 519 Federal Street, Camden, NJ 08102.  
Gateway I Building, Raymond Plaza, Newark, NJ 07102.  
Grant Building, 560 Main Street, Buffalo, NY 14202.  
120 Church Street, New York, NY 10007.  
Post Office Box 3889 GPO, San Juan, PR 00936.

**Region III**

**AREA OFFICES**

Universal North Building, 1875 Connecticut Avenue NW, Washington, DC 20009.

Appendix II  
645 BOR 2.3

Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, MD 21201.  
Curtis Building, 635 Walnut Street, Philadelphia, PA 19106.  
1000 Liberty Avenue, Federal Building, Pittsburgh, PA 15222.  
701 East Franklin Street, Post Office Box 10011, Richmond, VA 23240.

REGION IV

AREA OFFICES

Daniel Building, 16 South 30th Street, Birmingham, AL 35282.  
Peninsular Plaza, 661 Riverside Avenue, Jacksonville, FL 32204.  
1100 Peachtree Center Building, 230 Peachtree Street NW, Atlanta, GA 30308.  
Children's Hospital Foundation Building, 601 South Floyd Street, Louisville, KY 40202.  
101-C Third Floor Jackson Mall, 800 Woodrow Wilson Avenue West, Jackson, MS 39215.  
2806 West Cone Boulevard, Northwest Plaza, Greensboro, NC 27408.  
1801 Main Street, Jefferson Square, Columbia, SC 29201.  
One Northshore Building, 1111 Northshore Drive, Knoxville, TN 37919.

REGION V

AREA OFFICES

17 North Dearborn Street, Chicago, IL 60602.  
Willowbrook 5 Building, 4720 Kingsway Drive, Indianapolis, IN 46205.  
Fifth Floor, First National Building, 660 Woodward Avenue, Detroit, MI 48226.  
Griggs-Midway Building, 1821 University Avenue, St. Paul, MN 55104.  
60 East Main Street, Columbus, OH 43215.  
744 North Fourth Street, Milwaukee, WI 53208.

REGION VI

AREA OFFICES

Union National Bank Building, 1 Union National Plaza, Little Rock, AR 72201.  
Plaza Tower, 1001 Howard Avenue, New Orleans, LA 70118.  
301 North Hudson Street, Oklahoma City, OK 73102.  
Room 14-A-18, New Dallas Federal Building, 1100 Commerce Street, Dallas, TX 75202.  
Kallison Building, 410 South Main Avenue, Post Office Box 9168, San Antonio, TX 78208.

REGION VII

AREA OFFICES

One Gateway Center, Fifth and State Streets, Post Office Box 1389, Kansas City, KS 66117.  
210 North 12th Street, St. Louis, MO 63101.  
Univac Building, 7100 West Center Road, Omaha, NE 68106.

REGION IX

AREA OFFICES

2500 Wilshire Boulevard, Los Angeles, CA 90067.  
1 Embarcadero Center, Suite 1600, San Francisco, CA 94111.

REGION X

AREA OFFICES

520 Southwest Sixth Avenue, Portland, OR 97204.  
Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101.

INSURING OFFICES, HUD

REGION I

HUD Insuring Office, U.S. Federal Building and Post Office, 202 Harlow Street, Bangor, ME 04401.  
300 Post Office Annex, Providence, RI 02903.  
630 Federal Building, Elmwood Avenue, Burlington, VT 05402.

REGION II

30 Russell Road, Westgate North, Albany, NY 12206.  
176 Fulton Avenue, Hempstead, NY 11550.

REGION III

Post Office Box 2948 (New Federal Building, 500 Quarrier Street), Charleston, WV 25301.  
524 Wilmington Trust Building, Wilmington, DE 19801.

REGION IV

3001 Ponce de Leon Boulevard, Coral Gables, FL 33134.  
4294-38 Henderson Boulevard, Post Office Box 18168, Tampa, FL 33609.  
447 Federal Office Building, 167 North Main Street, Memphis, TN 38102.  
1717 West End Building, Nashville, TN 37208.

REGION V

Lincoln Tower Plaza, 324 South Second Street, Post Office Box 1528, Springfield, IL 62701.  
921 North Division Avenue, Grand Rapids, MI 49503.  
9009 Federal Office Building, 350 Main Street, Cincinnati, OH 45202.  
907 Federal Building, 1240 East Ninth Street, Cleveland, OH 44109.

REGION VI

Ricou-Brewster Building, 425 Milam Street, Shreveport, LA 71101.  
626 Truman Street NE, Albuquerque, NM 87110.  
1708 Utica Square, Post Office Box 4064, Tulsa, OK 74152.  
619 Taylor Street, Room 9A26, Federal Building, Fort Worth, TX 76102.  
Room 7410, Federal Building, 815 Husk Avenue, Houston, TX 77002.  
814 Courthouse and Federal Office Building, 1206 Texas Avenue, Lubbock, TX 79401.

REGION VII

210 Walnut Street, Room 209, Federal Building, Des Moines, IA 50309.  
700 Kansas Avenue, Topeka, KS 66606.

REGION VIII

Fourth Floor, Title Building, 909 17th Street, Denver, CO 80202.  
616 Helena Avenue, Helena, MT 59601.  
Federal Building, 558 Second Avenue North, Post Office Box 3488, Fargo, ND 58102.  
112 Federal Building, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, SD 57102.  
138 South State Street, Salt Lake City, UT 84111.  
Federal Office Building, 100 West B Street, Casper, WY 82601.

REGION IX

244 West Caborn Road, Post Office Box 15468, Phoenix, AZ 85002.  
801 I Street, Post Office Box 1978, Sacramento, CA 95809.  
Post Office Box 2648, San Diego, Calif. 92112, 110 West C Street, San Diego, CA 92101.  
1440 East First Street, Santa Ana, CA 92701.  
1000 Bishop Street, 10th Floor (Street Zip 96813), Post Office Box 8877, Honolulu, HI 96801.  
70 Linden Street, Post Office Box 4700, Reno, NV 89506.

REGION X

226 Federal Building, Post Office Box 480, Anchorage, AK 99501.  
341 Idaho Street, Boise, ID 83701.  
West 920 Riverside Avenue, Spokane, WA 99201.

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This release supersedes all amendments, program directives and releases issued prior to this date.

## Title 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary,  
Department of Housing and Urban Development

[Docket No. H-72-179]

### PART 43—PROVISION OF REPLACEMENT HOUSING UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Subpart A—Last Resort Housing Replacement by Displacing Agency

Subpart B—Loans for Planning and Preliminary Expenses—Relocation

#### SEED-MONEY LOANS

The purpose of these criteria and procedures is to prescribe, for all Federal

and State agencies that cause residential displacement in the administration of direct Federal or federally assisted projects, the criteria and procedures for the implementation of section 215 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646).

On April 15, 1972 (37 F.R. 7520), the Department first published these criteria and procedures for public comment as a notice of proposed rule making. The notice of proposed rule making proposed that the present criteria and procedures pertaining to last-resort housing replacement by a displacing agency be redesignated as Subpart A of Part 43, and that a new Subpart B contain the criteria and procedures governing relocation "seed-money" loans. The Department has now considered the comments received and promulgates these final criteria and procedures to be effective upon publication in the *Federal Register*. Principal changes and the Department's response to significant comments are set forth below.

The suggestion that limited dividend sponsors not be eligible for relocation seed-money loans cannot be accepted. As the statute expressly includes limited dividend sponsors as eligible recipients of section 215 seed-money loans, there is no basis for their exclusion. While there does not appear to be legal authority for granting an absolute preference to nonprofit organizations, a sentence has been added to § 43.32(d) providing for displacing agencies to make a special effort to encourage and assist community groups and other nonprofit organizations to become sponsors.

To clarify the fact that only limited-dividend sponsors, not other profitmaking organizations, are eligible for the seed-money loans, the phrase, "limited dividend sponsor" has been used wherever terms such as "organization established for profit" appeared in the previously published notice of proposed rule making. (See § 43.31(b)(1), 43.31(d), and 43.34(c). The definition of "limited dividend sponsor" is set forth in § 43.28 (b).)

In the preamble to the notice of proposed rule making, the Department indicated that it was considering revising the terms and conditions for loans to include an additional requirement that a loan to a limited dividend sponsor be secured by the personal guaranty of the sponsor's principals. One of the two organizations from whom comments were received opposed this revision on the ground that it might serve to deter rather than facilitate the development of critically needed replacement housing. Experience under the Appalachian Housing Assistance program (section 207 of the Appalachian legislation) has not demonstrated that the imposition of such a requirement has been detrimental to the production of necessary housing. The Department has concluded that the requirement should be imposed as an additional safeguard of Federal funds, and to assure continuity of sponsor interest. Therefore, § 43.31 has been amended by adding a sentence to subparagraph (a)

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and a new subparagraph (7) to § 43.31(e) requiring that a loan to a limited-dividend sponsor must be secured by the personal guaranty of the principals.

No change is made in § 43.32(a), which permits the planning of projects of more units than specifically required as relocation resources, where the number of required units is not enough to constitute an economically feasible project. The alternatives—either not approving seed-money loans where the required units are too few for economic feasibility or not requiring economic feasibility—are both unacceptable. The first would not provide the needed housing; the latter, in addition to being contrary to established Federal policy, would be no more than a short-term solution, because in the long run an economically infeasible project will go into default, thus depriving the displaced persons of their replacement housing. Such flexibility does not, however, permit the sponsors to make use of seed-money loans while providing little actual replacement housing for displacees. Preference for occupancy by those displaced is a condition of the section 215 loan contract. Section 43.32(a) and subparagraph "I" of the Guide Form of Loan Contract and Trust Agreement have been clarified to require the sponsor to withhold approval of applications for occupancy of the housing by persons other than those displaced, until the sponsor has received formal notice from the displacing agency that all displaced persons desiring occupancy have exercised their options to file an application for occupancy.

The suggestion that the several low-rent public housing programs be added to the list of housing programs set forth in § 43.36 cannot be adopted. Public Law 91-646 specifies that relocation seed money loans are "for planning and obtaining federally insured mortgage financing." None of the various programs of low-rent public housing can be construed as a "federally insured mortgage financing" program.

It was suggested that the definition of "federally assisted project" be revised to include insured, guaranteed, and rehabilitated projects. The term cannot be expanded beyond the definition of "Federal financial assistance" set forth in the Act, which explicitly excludes any Federal guarantee or insurance assistance.

The provisions of § 43.32(c) have been revised to emphasize that duplicate relocation planning is not necessary for the purpose of determining whether a section 215 loan may be needed for the development of replacement housing. The relocation plan, updated where necessary, should be used as the basis for this determination.

It was asserted in the comments received that the use of section 215 seed money loans is mandatory. Section 215 is not mandatory, but merely affords displacing agencies an additional tool to facilitate the provision of replacement housing necessary for the project to go forward, and to meet the housing needs and preferences of those to be displaced.

The comment that the last sentence of § 43.38(e) was unnecessary and misleading appears based on the assumption that the Act is applicable to any displacement caused by the development of housing planned by a section 215 loan. HUD's General Counsel has advised that the mere fact that a seed money loan to plan replacement housing comes from the funds of a Federal or federally assisted project may not, in and of itself, make the Act applicable to any displacement caused by the development of such housing. For this reason, the last sentence of § 43.38(e) provides that each Federal agency shall determine in light of each of its programs the eligibility for relocation payments and assistance under the Act of those displaced by the development of housing planned with section 215 loan funds. In any case, however, this section clearly prohibits the placing of housing planned with a section 215 seed money loan in any location requiring displacement that is not covered by the Act. Thus, if the use in a given program of a seed money loan under section 215 is not sufficient to invoke the Act, and the Act is not otherwise applicable, any housing planned with that loan may not be located so as to cause displacement.

The suggestion that the Project Selection Criteria be waived in the case of housing planned with a loan under section 215 appears based on the widespread misapprehension that meeting relocation needs is necessarily inconsistent with meeting the Selection Criteria. First, the criteria do not apply to all HUD mortgage insurance programs, but only to projects insured under sections 235(i) and 236, and projects involving Federal rent supplements. Moreover, when properly applied, the criteria are flexible enough not to be an obstacle to providing needed replacement housing. HUD has stated on numerous occasions that the criteria were never intended to preclude the construction of assisted housing in inner city areas. In addition, HUD's General Counsel has advised all regional and area counsel as follows:

Section 206(b) of the Uniform Relocation Act of 1970 requires that no one be required to move from his dwelling \*\*\* unless the [displacing] agency head is satisfied that there exists replacement housing in accordance with section 205(e)(3) of that Act. Section 205(e)(3) requires \*\*\* that replacement housing for [displaced] persons be "reasonably accessible to their place of employment." \*\*\* When the only available sites \*\*\* [reasonably accessible] to displacees' places of employment are in areas of minority concentration, their housing needs cannot feasibly be met except in those areas of minority concentration. Hence, in such cases, proposals for 206(b) purposes may receive an "adequate" rating under Criterion No. 2(B)(3).

It is important to note that situations of this kind arise only under the limited circumstances where reasonable accessibility to jobs of specific persons displaced from specific dwelling is a limiting factor. Naturally, the reasons for use of Criterion No. 2(B)(3) in this manner should be well documented.

In short, there is no inherent conflict between the criteria and the provision of relocation housing. If a particular replacement housing proposal is rejected

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under the criteria, sponsors are free to seek a reconsideration to insure that the rejection was not based on a misapplication of the selection requirements. Neither a waiver of the criteria, nor the giving of a higher priority to relocation needs in applying the criteria is warranted.

The suggestion that affected residents be able to seek review of a determination that a particular potential sponsor is not eligible for a section 215 loan is unnecessary, since each potential sponsor found ineligible can seek such review itself (see § 43.35).

Two changes have been made in response to comments on involving the displaced persons who will occupy any housing planned with a seed money loan. Section 43.32(d) has been amended to require special efforts to find community groups and other nonprofit housing sponsors. A sentence has also been added to § 43.32(e) providing that in the selection of housing sponsors to receive seed money loans, substantial weight should be given to, among other factors, the degree to which the applicant sponsor has roots in the affected community or neighborhood, and the extent of involvement and participation by affected residents in the planning of the replacement housing.

Some of the other suggestions concerning resident involvement, however, appear to misconceive the role of HUD in the application process for section 215 loans. HUD is not the lending agency. Its role is only a secondary one as a source of technical assistance, since it is principally HUD's mortgage insurance program for which planning is undertaken with seed money loans. Therefore, resident involvement with HUD in the technical aspects of the section 215 loan application process is not likely to contribute to the protection of citizen interests. Citizen involvement in the case of HUD-assisted programs, of course, is a different matter, since HUD is also the funding agency for the displacing project. Such cases will be covered in HUD's own procedures, rather than in these criteria and procedures which apply to all Federal and federally assisted displacement covered by the Act.)

Accordingly, Part 43 is amended as follows:

1. The title of Part 43 is revised to read as set forth above.
2. The Table of Contents is amended by inserting before the listing of sections and headings in the present table a new center heading "Subpart A—Last Resort Housing Replacement by Displacing Agency," and adding a new Table of Contents for Subpart B.
3. A new Subpart B title is added to read as follows:

**Subpart B—Loans for Planning and Preliminary Expenses—Relocation Seed-Money Loans**

Sec.

- 43.26 Purpose.
- 43.26 Legislative authority.
- 43.27 Applicability to Federal agencies.
- 43.28 Definitions.
- 43.29 Eligible applicants.
- 43.30 Eligible expenses.

Sec.	
43.31	Terms and conditions for loans.
43.32	Procedures for provision of section 215 loans.
43.33	Approval of Federal agency.
43.34	Processing the loan application.
43.35	Review by head of Federal agency.
43.36	Housing programs for which section 215 loans generally may be utilized.
43.37	Aggregate housing under jointly financed programs.
43.38	Conformity with the Act and other statutes, policies and procedures.
	Appendix I—Guide Form of Loan Contract and Trust Agreement.
	Appendix II—Request for Preliminary Determination of Eligibility as Nonprofit Sponsor or Mortgagor.

**AUTHORITY:** The provisions of this Subpart B issued under secs. 206, 215, and 216, 94 Stat. 1898, 1900, 1901; 42 U.S.C. 4636, 4638, 4635. (Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 5326(d))

**Subpart B—Loans for Planning and Preliminary Expenses—Relocation**

**§ 43.25 Purpose.**

It is the purpose of this subpart to set forth criteria and procedures for the implementation of section 215 of the Act. The procedures in this issuance shall be applied and administered by all Federal agencies so as to encourage and facilitate the rehabilitation and construction of suitable standard housing to meet the needs of displaced persons.

**§ 43.26 Legislative authority.**

Section 215 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (94 Stat. 1894), hereinafter referred to as the Act, authorizes the provision of loans for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing to meet the needs of persons displaced by Federal projects and federally assisted projects. Such a loan may be made as part of the cost of a project which causes displacement if it is approved by the head of the Federal agency administering the project or the Federal agency providing financial assistance for the project.

**§ 43.27 Applicability to Federal agencies.**

Pursuant to paragraph 6 of the President's memorandum of January 4, 1971, to the heads of departments and agencies concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, these criteria and procedures are applicable to all Federal agencies administering Federal projects or providing Federal financial assistance to State agencies carrying out activities that cause displacement of persons from their dwellings.

**§ 43.28 Definitions.**

In addition to the definitions contained in § 43.4 of Subpart A, of this part, the following definitions apply to this subpart:

- (a) A nonprofit sponsor is a corporation or association organized for purposes other than the making of profit or gain for itself or persons identified with it, and which is in no manner controlled

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by nor under the direction of persons of firms seeking to derive profit or gain from it. The term "nonprofit sponsor" also includes a "cooperative sponsor" as defined in paragraph (c) of this section.

(b) A limited dividend sponsor is a corporation, trust, partnership, individual, association, or other legal entity (including such special limited dividend sponsors as are eligible for mortgage insurance under HUD regulations) which is restricted by law or other regulations as to the distribution of income and rate of return on investment.

(c) A cooperative sponsor is: (1) A nonprofit cooperative ownership housing corporation or trust which restricts permanent occupancy of the housing units to members of the corporation or trust and which maintains requirements for membership eligibility and transfer of membership; or (2) a nonprofit organization which agrees to use the proceeds of a loan received under section 218 for the expenses of planning and obtaining an insured mortgage for housing to be owned by a cooperative as described in subparagraph (1) of this paragraph.

(d) A public body sponsor is a public corporation or entity which is a Federal instrumentality, a State or political subdivision thereof, or an instrumentality of a State or of a political subdivision thereof, eligible to sponsor federally insured housing.

(e) "Condominium" means a combination of coownership and ownership in severalty. It is an arrangement under which a family or individual in a housing development holds full title to a one-family dwelling unit, including an undivided interest in common areas and facilities, and such restricted common areas and facilities as may be designated.

**§ 43.29 Eligible applicants.**

Any nonprofit, limited dividend, cooperative, or public corporation or entity, eligible to sponsor housing insured under the National Housing Act or Title V of the Housing Act of 1949, may apply for a section 218 loan.

**§ 43.30 Eligible expenses.**

Section 218 loans shall not exceed 80 percent of the allowed expense required for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for persons displaced. Eligible expenses include but are not limited to:

- (a) Preliminary surveys and analysis in implementation of site selection criteria;
- (b) Preliminary site engineering;
- (c) Preliminary architectural fees;
- (d) Title and recording fees;
- (e) Application and mortgage commitment fees;
- (f) Construction loan fees and/or discounts;
- (g) Legal and organizational expenses;
- (h) Consultant fees (nonprofit sponsor);
- (i) Land options and site acquisition costs;
- (j) Staff, office expenses, travel.

**§ 43.31 Terms and conditions for loans.**

(a) General. No section 218 loan shall exceed 80 percent of the reasonable and eligible expenses expected to be incurred in planning and obtaining federally insured mortgage financing, and which are expected to be recovered from the proceeds of the insured mortgage. Loans made to limited dividend sponsors must be secured by the personal guarantees of the principals.

(b) Interest rate. (1) A loan to a limited-dividend sponsor shall bear interest at the current market rate as determined by the head of the Federal displacing of funding agency, as applicable. In the interest of uniformity, the head of the appropriate agency shall be guided by the interest rate established by the Secretary of Housing and Urban Development pursuant to section 236 of the National Housing Act, as amended. Information on the current rate applicable to this section is available from all HUD Area and Insuring Offices. (2) A loan to an eligible nonprofit, cooperative, or public body sponsor shall be without interest.

(c) Loan disbursement. (1) The head of the displacing agency shall disburse the section 218 loan in accordance with the terms of the loan agreement. Ordinarily, a requisition for advance of funds to cover cash needs for each succeeding month following the initial disbursement, should be submitted by the sponsor. (2) Before approving the request for funds for the succeeding month, the displacing agency must determine that the development of an application for a commitment is progressing satisfactorily, and that funds advanced are being used for the purpose for which the loan was made. (3) At the time of receipt of each disbursement, the applicant must certify on the receipt that it has spent or incurred expenses (with a description of the expenditures), made in kind contributions, or made deposits in the trust account in an amount equal to the specified portion of its share of the expenditures to date, or estimated to be made in the next month, or such other period as is established by the head of the Federal agency (see § 43.30 for a description of eligible expenses). (4) The loan funds and applicant's portion shall be deposited in a trust account, separate from all other applicant accounts in a bank whose deposits are insured by the Federal Deposit Insurance Corporation. The applicant is not required to spend its portion first, nor deposit its cash contribution in such account in advance of its receipt of the initial disbursement of section 218 loan funds.

(d) Loan repayment. The following provisions apply to loan repayment: (1) Repayments of all or any portion of the loan shall be made, and unused section 218 loan funds shall be returned, to the head of the displacing agency and credited back to the account from which they were taken. In the case of a federally assisted project, the Federal share of such monies shall be credited to the program account of the Federal funding

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agency; (3) principal and interest, where applicable, shall be payable in full at the time of the first disbursement of the mortgage proceeds; (3) if any portion of a section 215 loan is not recovered from the first disbursement of mortgage proceeds, the maturity date for such portion not recovered shall be extended to the date of the final disbursement of the mortgage proceeds; (4) if the commitment of mortgage insurance expires before an initial endorsement can occur, the entire amount of the loan shall become due and payable on the date of expiration. In any event, the entire amount of the loan shall be due and payable not more than 2 years from the date of the first disbursement, unless the date is extended by the head of the agency making the loan; (5) if the loan is made for planning for the development of a project of individual sales type homes, the loan disbursements shall be repaid in installments of principal with interest thereon, if any, as mortgage proceeds on the individual homes are disbursed. The amount of the installment payments of principal shall be prorated in accordance with the number of individual homes for which the mortgage insurance commitment has been issued. The entire principal and interest thereon, if any, shall be paid in full in any event not more than 2 years after the first installment under the loan agreement, unless time for repayment has been extended by the head of the agency making the section 215 loan; (6) repayment of all or any portion of a loan which cannot be recovered from the mortgage proceeds, or from the sale of real property acquired with loan funds, may be waived by the head of the Federal agency financing the loan, except for a limited dividend sponsor.

(e) *Provisions to be included in section 215 loan contract.* A Guide Form Loan Contract and Trust Agreement is appended hereto as Appendix I. In any event each contract covering a section 215 loan shall contain specific provisions:

(1) That the mortgage application for housing planned with a section 215 loan shall be filed within 9 months following approval of the loan, unless the head of the Federal agency determines that an extension of the time period is justified.

(2) For a loan disbursement, which provisions shall be in accordance with paragraph (c) of this section.

(3) For repayment of the loan, which provisions shall be in accordance with paragraph (d) of this section.

(4) That section 215 loan funds, including the applicant's portion (which may be in cash or in kind), shall be used only for the purposes set forth in the approved loan application.

(5) For compliance with the requirements specified in § 43.38.

(6) That priority for occupancy will be given to those displaced by the project(s) providing the loan funds.

(7) Loans made to limited dividend sponsors must be secured by the personal guarantees of the principals.

§ 43.32 Procedures for provision of section 215 loans.

(a) The head of the Federal displacing or funding agency may make a section 215 loan as part of the project cost, or approve a loan as part of the cost of a federally assisted project, respectively, to assist in the development of replacement housing, if such a loan would stimulate the rehabilitation or construction of housing to meet the needs of the persons to be displaced by the project. In the case of a federally assisted project, loans made under section 215 shall be treated in the same manner as other costs of relocation payments and assistance and shall be subject to the provisions of section 211 of the Act with respect to Federal-local cost sharing. If necessary for assuring economic feasibility, the head of the displacing agency may approve a section 215 loan to plan for housing that would not be occupied entirely by persons displaced by the displacing agency. However, the sponsor is required to withhold approval of housing applications from persons other than those displaced until the receipt of a formal notice from the displacing agency that all persons being displaced who desire occupancy have exercised their options to file an application.

(b) Whenever, in connection with the planning, development or execution of a direct Federal or a federally assisted project, it appears to the head of the displacing agency that adequate replacement housing may not be available to satisfy the requirements of the Act, or that such housing is not available on a nondiscriminatory basis, either (1) in the case of a federally assisted project, the head of the displacing agency wishing to make a section 215 loan shall seek approval from the head of the Federal agency providing the assistance; or (2) in the case of a direct Federal project, the head of the Federal agency may decide to provide loans under section 215 to stimulate the development of the housing.

(c) A determination that replacement housing must be constructed or rehabilitated should be based, as a minimum, upon an analysis of the needs and choices of those to be displaced by the proposed project, by income, family size, and type of housing in relation to the nature and volume of competing demands for standard housing of appropriate size and cost in the locality; and information secured from officials administering other programs in the community which will result in displacement, as to their relocation housing resource plans. Existing data, such as that set forth in a project's relocation plan, supplemented and updated where necessary, may be used to ascertain precisely the need to utilize section 215 to provide the required housing.

(d) Invitations to prospective sponsors of housing who may be eligible for a loan. When an assessment has been made of the number and types of housing units which will be required, the displacing agency shall make a diligent effort (e.g., by advertisement of the particulars on

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the required housing, and/or personal appearances before affected citizens and possible sponsors) to find and encourage potential sponsors of housing, particularly community groups and other non-profit organizations, to apply for a section 215 loan. A prospective applicant should be instructed to submit, in writing, a general outline or description of the proposed housing plan. Whenever possible, an estimate of the approximate costs for planning and production of the housing should be included. Advice on the standards and requirements for mortgage insurance and on the contents of the proposed housing plan, and assistance in preparing such a plan are available from HUD Area Offices.

(e) Displacing agency's preliminary assessment of sponsor's eligibility: The head of the displacing agency shall make a preliminary determination, based upon HUD standards and requirements for housing sponsors (available from HUD Area Offices), as to whether the applicant and the loan request are apparently acceptable, and whether the items included in the proposal are reasonable and necessary to cover the planning and other preliminary expenses identified in § 43.30 (see Appendix II for guide form which, though it applies only to non-profit sponsors, also indicates the information required from other sponsors). In determining the applicant's acceptability, the displacing agency shall give substantial weight to the degree to which the prospective sponsor has roots in the community, and the extent to which its planning of the replacement housing involves affected residents. If based upon his preliminary assessment, the head of the displacing agency decides that a prospective sponsor appears to meet the eligibility requirements for a section 215 loan to develop all or a portion of the kind and number of housing units required, he shall notify HUD in writing, with a copy to the applicant. In the case of a federally assisted project, a copy should also be sent to the head of the Federal agency. The notification should request from HUD a preliminary evaluation of the tentative plan for the proposed housing and the eligibility of the applicant for Federal mortgage insurance, and such other advice as may be useful to the displacing agency and the prospective applicant.

(f) Conference with the applicant on project and mortgage financing eligibility: If HUD's preliminary evaluation is favorable, the displacing agency shall advise the applicant to arrange a conference with the HUD Area Office. During the conference HUD will review the tentative plan for the proposed housing, the applicant's eligibility to apply for Federal mortgage insurance, and the general soundness of the plan for the housing. HUD will also advise the applicant on the standards and requirements for mortgage financing approval. Whenever practical, a representative of the displacing agency should attend the conference. The conference with HUD should be held before the section 215 loan applicant makes any definite plans for land acquisition or professional serv-

ices. Within 20 days following the conference, HUD shall notify the head of the displacing agency in writing, with a copy to the applicant, of its preliminary determination that the proposed housing plan is acceptable; or if the plan or the sponsor is not acceptable, an explanation of the reasons therefor, and steps that need to be taken in order to make the proposal acceptable. Approval of an application to cover expenses incidental to the development of an application for mortgage insurance, does not assure that the application so developed will necessarily receive approval for mortgage insurance.

(g) Formal application. Upon receipt by the displacing agency of a HUD notification of acceptability pursuant to paragraph (f) of this section, the prospective loan applicant shall be advised to make formal application to the displacing agency for a section 215 loan. If deficiencies were described in the notification, the displacing agency, in consultation with HUD, shall work with the prospective loan applicant to correct the deficiencies, if possible. The formal application shall include a housing plan, which as a minimum specifies how, when and where the housing will be provided, what insured program(s) (see § 43.38(a)) will be utilized, the prices at which the housing will be rented or sold to the families to be displaced, the arrangements for housing management and social services, as appropriate, the environmental suitability of the location(s), if known, of the proposed housing, and the arrangements for maintaining rent levels appropriate for the persons to be rehoused.

#### § 43.33 Approval of Federal agency.

In the case of a federally assisted project, the head of the Federal agency providing the assistance to the project causing displacement shall establish procedures either (1) to require his approval prior to processing the section 215 loan applicant pursuant to § 43.34 below, or (2) withhold such approval until after the amount of the principal and interest, if any, of the loan has been determined according to § 43.34 (b) and (c).

#### § 43.34 Processing the loan application.

When in the case of a federally assisted project, the displacing agency has received approval of the Federal agency providing the financial assistance, and in the case of a Federal project the head of the Federal agency determines that a section 215 loan application is appropriate, the application should be processed as follows:

(a) The total amount of the costs necessary to cover the preliminary expenses (see § 43.30) shall be computed. Each individual item of expense should be examined. HUD will provide the displacing agency with advice on the reasonableness of the applicant's proposed expenses for planning and obtaining federally insured mortgage financing, including an indication of expenses, if any, which may not be reimbursed from mortgage proceeds, and its approximation of the total amount required.

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(b) The displacing agency shall then calculate the amount of the loan which shall not exceed 80 percent of the necessary expenses.

(c) In the case of a limited dividend sponsor, the interest rate of the dollar amount calculated under paragraph (b) of this section shall be determined in accordance with § 43.31(b). (No interest shall be charged on loans to nonprofit organizations.)

(d) A loan contract shall be prepared by the displacing agency, which shall be signed by the sponsor and the displacing agency. (See § 43.31.)

**§ 43.35 Review by head of Federal agency.**

If at any time the applicant's proposal is rejected by the displacing agency, the prospective applicant may have the plan reviewed by the head of the Federal agency which has the authority for final approval. In making this review, the head of the Federal agency shall consult HUD if the rejection of the applicant's proposal was based on HUD-FHA standards for housing sponsors.

**§ 43.36 Housing programs for which section 215 loans generally may be utilized.**

(a) The following are examples of housing programs (which include rental, single-family homeownership, cooperative and condominium) for which section 215 loans generally may be utilized. Except as otherwise indicated, the programs listed below are authorized by the National Housing Act, as amended (12 U.S.C. 1701 et seq.).

(1) Section 203(b) homes and 203(d) homes in outlying areas.

(2) Section 207 rental housing.

(3) Section 213 cooperative housing.

(4) Section 220 rental housing in urban renewal areas, homes in urban renewal areas

(5) Section 234 condominium.

(6) Section 236 rental and cooperative housing for lower income families.

(7) Section 515 of the Housing Act of 1949, as amended.

(8) Section 235 interest subsidies for housing for sale to lower income families.

(9) Section 221(d)(2) mortgage insurance for housing for low- and moderate-income families.

(10) Section 221(d)(4) mortgage insurance for rental housing.

(11) Section 221(d)(3) market rate mortgage insurance with rent supplements.

(12) Housing developed under section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 where such housing involves a federally insured mortgage.

**§ 43.37 Aggregate housing under jointly financed programs.**

Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought out for the joint planning and development of housing through aggregating section 215 loan funds to plan for the provision of federally insured replacement housing for all such programs.

Where project funds from more than one displacing agency are to be aggregated for this purpose, they may be apportioned among such agencies according to the expected occupancy of such housing by persons displaced by each project.

**§ 43.38 Conformity with the Act and other statutes, policies, and procedures.**

(a) Civil rights and other Acts and executive orders. The administration of section 215 loans shall be in conformity with the provisions of section 1 of the Civil Rights Act of 1968 (42 U.S.C. 1982), Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the National Environmental Policy Act of 1969, and Executive Orders 11063 and 11246, as amended, and regulations pursuant thereto.

(b) Title VI assurance. Title VI of the Civil Rights Act of 1964 provides 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 otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. Every contract for a loan under section 215 and every application for such a loan shall, as a condition of its approval and the extension of any assistance, contain or be accompanied by an appropriate assurance, as specified by the head of the Federal agency providing funds for the loan, that the housing and preliminary planning and other activity assisted will be operated and administered in compliance with all requirements imposed by title VI and the title VI implementing regulations of the Federal agency.

(c) Affirmative marketing. Housing produced with the assistance of a section 215 loan shall be marketed on a non-discriminatory basis to affirmatively promote equal housing opportunity as prescribed in Affirmative Fair Housing Marketing Regulations, Part 206 of this title, 37 F.R. 76 (Jan. 5, 1972), effective February 26, 1972, and as further prescribed in Circular 8000.4, issued by the Department of Housing and Urban Development pursuant to the Affirmative Fair Housing Marketing Regulations. An assurance of compliance with this affirmative marketing requirement must be submitted by each loan applicant, and incorporated in the contract. Among the applications resulting from both affirmative marketing efforts and referrals from the displacing agency, those from persons displaced by the project providing the loan funds must be given preference.

(d) Project selection. Housing planned with a section 215 loan must meet all requirements normally applicable to a federally insured mortgage, and in the case of a section 236, or a section 236(d) project or a project involving Federal rent supplements must be acceptable under HUD's Project Selection Criteria contained in Part 200 of this title, Subpart N (37 F.R. 203, Jan. 7, 1972).

(e) Location. A site may not be approved if it is occupied by persons or business concerns who would have to be displaced unless the head of the Federal

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agency determines that other sites or locations are not available. In any event no site may be approved if those to be displaced would not be eligible for relocation assistance and payments under the Act. Based on the nature of each of its programs, each Federal agency must determine whether the use of project funds for planning replacement housing makes the Act applicable to displacement caused by the development of such housing.

**Effective date.** This regulation shall be effective upon publication in the **FEDERAL REGISTER** (7-25-72).

George Rosenow,  
Secretary of Housing  
and Urban Development.

APPENDIX I

GUIDE FORM OF LOAN CONTRACT AND TRUST AGREEMENT

(Relocation Seed Money Loans)

This Loan Contract and Trust Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_ by and between the \_\_\_\_\_ (enter name of (1) Federal agency if loan is made under a direct Federal project; or (2) State agency if loan is made under a Federally assisted project) (herein called Agency) and \_\_\_\_\_

organized and existing under and by virtue of the laws of the State of \_\_\_\_\_, having its principal office at \_\_\_\_\_ (herein called Sponsor).

WHEREAS, the Sponsor intends to develop a housing project and to make or cause to be made an application to the Farmers Home Administration or HUD for a commitment to insure a loan under the provisions of section \_\_\_\_\_ of \_\_\_\_\_ (enter citation to appropriate statutory provision under which application for federally insured mortgage will be made), and the regulations issued pursuant thereto, and

WHEREAS, the Sponsor has applied for a loan in accordance with section 215 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (herein called Relocation Seed Money Loan) which application has been submitted to the Agency and the \_\_\_\_\_ (enter name of Federal Department or Agency if loan is made under a federally assisted project) for approval, which application is incorporated in and made a part of this agreement.

NOW THEREFORE, the parties mutually agree as follows:

1. The Sponsor has commenced planning a housing project identified as: (herein called Project) and hereby represents that it possesses sufficient financial and/or other resources, combined with the advances to be made by the Agency, to complete successfully the processing preliminary to disbursement of mortgage proceeds to finance construction or rehabilitation of the project. The Sponsor covenants that it shall use its best efforts to meet the requirements of the \_\_\_\_\_ (enter Secretary of Housing and Urban Development or Farmers Home Administrator, as appropriate) to obtain a commitment for insurance under \_\_\_\_\_ (enter citation to appropriate statutory provision under which application for federally insured mortgage will be made) and the relevant regulations. The Sponsor further covenants that it shall file an application for such commitment within 9 months following the date of approval of the relocation seed money loan, unless the \_\_\_\_\_ (enter title of head of Federal Department

or Agency administering the project or federally assisted project under which loan is made) determines that an extension of such 9 months period is justified.

2. Upon approval of the application for the relocation seed money loan the Agency will deliver to the Sponsor a check for the first disbursement. Delivery of this check shall constitute the Agency's acceptance of the terms of this agreement and both parties shall thereafter be fully bound by the terms of this agreement and application. The advance or advances to be made by the Agency pursuant to this agreement shall total \_\_\_\_\_.

3. The Sponsor certifies that it has spent \_\_\_\_\_ (if any) for the expenses listed in the application, and that it will contribute \_\_\_\_\_ representing \_\_\_\_\_ percent (not less than 20 percent) of the estimated cost of planning the project, as it stands, and further agrees that this contribution and all funds received hereunder from the Agency shall be held in trust by the Sponsor and shall be deposited in a trust account, separate from all other accounts in a bank whose deposits are insured by the Federal Deposit Insurance Corporation. Where the Agency's advance is made in a series of staged payments, the Sponsor may make its contribution on the same basis. The Sponsor agrees to certify on the receipt for each advance that it has spent, incurred expenses for, or deposited in the trust account an amount equal to \_\_\_\_\_ percent (not less than 20 percent of the expenditures to date and estimated to be made in the next month for planning this project). Sponsor's expenditures and funds in the trust account shall be used only for the purposes stated herein and unexpended funds shall be returned to the Agency as beneficiary of the trust for appropriate adjustment. Any member of the sponsoring organization receiving funds from the trust account in violation of this agreement shall hold such funds in trust for the Agency.

4. Funds in the trust account shall be expended only for the purposes set forth in the application and in the amounts specified therein, unless such other or additional expenditure shall be approved in advance by the Agency in writing. The Sponsor expressly covenants to exercise its best efforts to obtain all services at the least possible expense. The Sponsor agrees to maintain and keep complete records of all disbursements from the trust account for a period of 3 years after the last disbursement under this agreement. The Sponsor shall make such records available upon request to the Agency, Federal auditors, and the Comptroller General of the United States for audit and inspection.

5. The Sponsor promises to repay to the Agency the full amount of the advance made in accordance with this agreement together with interest at the rate of \_\_\_\_\_ percent per annum. Interest on each disbursement shall be computed on a daily basis from the date of receipt by the Sponsor.

6. Principal and interest, where applicable, shall be payable in full at the time of the first disbursement of the mortgage proceeds. Where any portion of the funds disbursed from the trust account is not authorized by \_\_\_\_\_ (enter HUD or Farmers Home Administration, as appropriate) to be recovered from the first disbursement of mortgage proceeds, the maturity for this portion of the funds shall be further extended to the date of the final disbursement of mortgage proceeds. In the event the \_\_\_\_\_ (enter HUD or Farmers Home Administration, as appropriate) commitment expires before mortgage proceeds are disbursed, the entire amount shall be due and payable on that

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case. In any event the entire amount shall be due and payable not more than 3 years from the date of the first disbursement under this agreement unless extended by the Agency in writing.

5b<sup>2</sup> In the event this contract is for the development of a project of individual sales type homes, principal, and where applicable, interest shall be payable in full, in installments as the mortgage proceeds on the individual homes are disbursed. The amount of the installment payments will be prorated in accordance with the number of individual houses in the project for which \_\_\_\_\_ (enter HUD or Farmers Home Administration as appropriate) issues mortgage insurance commitments. In any event, the entire amount of principal and, where applicable, interest, shall be due 3 years from the date of the first installment under this agreement unless extended by the Agency in writing.

5c<sup>3</sup> The Agency agrees to waive repayment of any expended portion of the loan that it determines cannot be included in the mortgage proceeds or recovered from the sale of real property acquired with loan funds, provided that the Sponsor submits a full and complete accounting, satisfactory to the Agency, of all funds expended, including funds disbursed from the trust account together with the Sponsor's certification that all sums were in payment of expenditures listed in the application and approved by the Agency. Any unexpended funds in the trust account shall be transferred to the Agency for appropriate adjustment. The Agency will not cancel repayment of that portion of the loan which is determined to be in excess of \_\_\_\_\_ percent (enter percentage specific in section 3 above) of the total expenditures certified to by the Sponsor and approved by the Agency.

5d<sup>4</sup> In the event the Sponsor is unable to obtain a federally insured mortgage, the Agency agrees to waive repayment of the loan, provided the Sponsor has complied with all the foregoing requirements of this agreement, has diligently tried to obtain a federally insured mortgage, and submits a full and complete accounting satisfactory to the Agency of all funds expended, including funds disbursed from the trust account together with the Sponsor's certification that all sums were in payment of expenditures listed in the application and approved by the Agency: Provided, That (subject to section 6 above) repayment shall not be waived if the Sponsor shall obtain mortgage financing from some source not insured, by \_\_\_\_\_ (enter HUD or Farmers Home Administration as appropriate) for this or a similar project on the same site. Any unexpended funds in the trust account shall be returned to the Agency for appropriate adjustment. The Agency will not cancel repayment of that portion of the loan which is determined to be in excess of \_\_\_\_\_ percent (enter percentage specified in section 3 above) of the total expenditures certified to by the Sponsor and approved by the Agency.

6. Special conditions:

a. Compliance with title VI of the Civil Rights Act of 1964. The sponsor agrees to comply with all requirements imposed by title VI of the Civil Rights Act of 1964 (Public Law 88-355, 78 Stat. 242), the statement assuring compliance with that title executed as part of the loan application which is hereby incorporated and made a part of this

<sup>1</sup> (The references in paragraphs 5, 6a, and 6b regarding interest are applicable only to loans made to a limited dividend sponsor as determined by the Secretary.)

<sup>2</sup> (Paragraphs 6 and 7 are not applicable to loans made to a limited dividend sponsor as determined by the Secretary.)

contract and the applicable regulations implementing that title issued by \_\_\_\_\_ (enter name of Federal Department or agency administering Federal project or federally assisted project).

b. Compliance with equal employment opportunity requirements. The Sponsor agrees to comply with the provisions of Executive Order 11346 and the regulations of the Secretary of Labor at 41 CFR Chapter 60, and to incorporate or cause to be incorporated into any contract for construction work or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

The Sponsor hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment, advertising, layoff, or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of the nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective-bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the contractor's commitment under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11346 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11346 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

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This release Supersedes all amendments, program directives and releases issued prior to this date.

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(e) In the event of the contractor's non-compliance with the nondiscrimination said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for furnaces of this contract or with any of the other Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11346 of September 24, 1968, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(f) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11346 of September 24, 1968, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Department, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

The Sponsor further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

The Sponsor agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such information as they may require for the supervision of such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Sponsor further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11346 of September 24, 1968, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); 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 for appropriate legal proceedings.

(g) Compliance with affirmative fair housing marketing requirements. The Sponsor agrees to comply with all fair housing and

equal housing opportunity requirements, including affirmative marketing, imposed by Executive Order 11069 (37 F.R. 31587) and Title VIII of the Civil Rights Act of 1968 (Public Law 90-285, 82 Stat. 78) and all regulations issued by the Department of Housing and Urban Development thereunder.

(h) Compliance with project selection criteria. The sponsor agrees to make every effort to plan and develop housing that would be acceptable under the Project Selection Criteria Regulations issued by the Department of Housing and Urban Development.

(i) Environmental protection requirements. The sponsor agrees to supply all information requested by the \_\_\_\_\_ (enter name of Federal department or agency) in order to permit compliance with the (department's) (agency's) implementing the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 538) and the Guidelines of the Council on Environmental Quality.

(j) Preference to "displaced persons." The sponsor agrees that among the applications resulting from both affirmative marketing efforts and referrals from the displacing agency, those from persons displaced by the project providing the loan funds must be given preference. The sponsor further agrees that approval of applications for occupancy for persons other than those being displaced by the project will not be made until receipt of a formal notice from the displacing agency that all displaced persons desiring occupancy have exercised their options to file an application for occupancy.

-----  
(Sponsor)

By: -----

APPENDIX II

FHA Form No. 5458

Rev. 1/68

Form Approved  
Budget Bureau No. 88-R1055.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATOR

REQUEST FOR PRELIMINARY DETERMINATION OF ELIGIBILITY AS NONPROFIT SPONSOR OR MORTGAGEE

Under section 221, 231, or 232 of the National Housing Act

To: The Federal Housing Commissioner,  
c/o -----

-----

Name of Proposed Project -----

Location -----

Section -----

(221, 231, or 232)

The instructions relating to this request have been read and are fully understood. A preliminary determination as to the eligibility of the proposed mortgagor as a nonprofit corporation or association is requested. In order to assist in the determination, the following information and that on the attached exhibit is supplied.

1. The \_\_\_\_\_  
(Name of sponsoring group)  
received its Charter on \_\_\_\_\_ Pursuant  
(Date)  
to \_\_\_\_\_ of the laws of the State of  
(cite Statute)

2. Purpose for which the sponsoring group was formed (as stated in its charter):  
-----

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This release supersedes all amendments, program directives and releases issued prior to this date.

3. Motivation of the sponsoring group with respect to the proposed project:

4. Record of achievement in such fields as housing, human rehabilitation, social service, medical assistance, etc. (Describe the projects, give present status and periods in which involved.)

5. In an attached exhibit, furnish complete information for each of the items set forth below. Where arrangements have not been made, it must be so stated and information supplied as to what is contemplated.

- List of the officers and directors of the sponsoring group including names, addresses, and title of positions.

b. Relationship between sponsoring group and mortgagor (existing connections or proposed, if mortgagor has not been formed).

c. Statement as to the source or sources from which the sponsor acquired its capital and acquires its income.

d. Source and amount of funds for the following expenses requiring cash outlay by the sponsor prior to receipt of the insured loan advances (if borrowed, give terms of the loan):

(1) FHA application and commitment fees;

(2) Option on project site, and

(3) Advance legal, housing consultant, and architect fees.

e. Detailed statement of the arrangements made or proposed for the following, listing the principals involved, the relationship between such principals and the sponsor and mortgagor, giving the terms of the arrangements and describing the circumstances surrounding each:

(1) Land upon which the project is to be built,

(2) Construction of the project, including the selection of the general contractor, subcontractors, and architect,

(3) Legal and housing consultant services;

(4) Financing of the project; and

(5) Management of the project.

To the best of my knowledge and belief, the foregoing information and that contained in the attached exhibit is true and correct.

(Signature)

(Date) (Title—officer of  
sponsoring group)

FHA Form No. 3433—Instructions  
(January 1968)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATION  
*Instructions Relating to Request for Preliminary Determination of Eligibility as Non-profit Sponsor or Mortgagor*

Sections 231, 231, and 232 of the National Housing Act, as amended, provide financing for nonprofit mortgagors. A nonprofit mortgagor is defined in FHA regulations as follows:

"The mortgagor shall be a corporation or association organized for purposes other than the making of a profit or gain for itself or persons identified therewith and which the Commissioner finds is in no manner controlled by nor under the direction of persons or firms seeking to derive profit or gain therefrom."

The purpose of these instructions and form is to obtain the information required to enable the FHA Commissioner to make a determination prior to issuance of a letter

of feasibility and acceptance of an application, that the sponsor or a mortgagor and the mortgagor itself, if the mortgagor has been created, is truly nonprofit in accordance with the definition above. The purpose of the preliminary determination is to prevent, as far as possible, unnecessary outlay of funds for FHA fees, plans, etc., by a sponsor or proposed mortgagor, who may be found ineligible. If found ineligible, the application will not be accepted. If tentatively found eligible, sponsor, mortgagor, and the parties supplying land and services, in accordance with the terms of the commitment to insure, will be required to formally certify as to motives and relationships prior to initial endorsement of the note for insurance. A determination as to eligibility will be made at that time.

Determination of nonprofit eligibility requires a knowledge of the motivation of the sponsor and mortgagor, relationship between the sponsor and mortgagor, and relationship between the mortgagor or sponsor and the various parties or firms concerned with the project and mortgage transaction. It is essential that there be a full disclosure of all relationships and of all facts pertaining to each relationship.

Qualifications for successful sponsorship. It is most important that nonprofit sponsors should have continuity, and a serious and long-range desire to provide housing for low- and moderate-income families and individuals. Well-established institutional sponsors such as churches, labor unions, and fraternal organizations, are more likely to have continuity and a history of community and social service than a group organized for the specific purposes of initiating the project. In certain circumstances, however, a nonprofit group could have been recently formed with sufficiently broad base of community or neighborhood support so as to assure continuity and successful operation of the proposed project.

A group with deep roots in the community or neighborhood will probably be stronger than a national or regional organization without established roots in the community. Moreover, such a locally oriented sponsor is more likely to produce tenants for the project.

A nonprofit sponsor should be motivated not only by a desire to develop an adequate housing project, but also by a concern for the project's continuing successful operation. The entire membership of the sponsoring organization, not just a few of its representatives, should be thus motivated.

Establishing eligibility. In order to establish that a nonprofit sponsor is properly qualified to initiate, complete, and operate a housing project for low- and moderate-income families, FHA requires that:

1. The sponsor is acting on its own behalf and is not, either knowingly or unwittingly, under the influence, control, or direction of any outside party seeking to derive profit or gain from the proposed project, such as a landowner, real estate broker, contractor, or consultant.

2. The sponsor fully understands the responsibilities and obligations that attach to sponsorship of a housing project and its continuing successful operation. The principles and membership of the nonprofit sponsor organization should be prepared to explore in depth with the FHA director problems connected with land acquisition, interim and permanent financing, selection of architects and contractors, construction, rent-up, and management.

3. The sponsor is prepared by resolution of its directors or trustees to acknowledge the responsibilities and obligations of sponsorship and continuing ownership and that

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This release supersedes all amendments, program directives and releases issued prior to this date.

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this position reflects the will of its membership.

4. The sponsor is reliable on the basis of its reputation and past performance or that of its principals. In determining reliability, consideration will be given to any previous experience the sponsor has had in providing housing or related social or community services.

5. The sponsor either has within its own organization or has made arrangements for the necessary professional and management skills which are essential for the successful initiation, development, completion, and operation of the proposed project.

*Capacity of sponsor.* The proposed project should not be beyond the capacity of the sponsor.

One would not expect a small bank to take on the underwriting of a major industrial financing venture. Similarly, it would not be reasonable to expect a small church to assume responsibility for a large housing project. The size of the project must be in keeping with the size and capabilities of the sponsoring organization.

If a well-motivated and reliable sponsor proposes a project beyond its capabilities, efforts should be made to obtain co-sponsors which will permit the combining of capabilities to the extent necessary to satisfy the requirements of the proposal, or the size of the project should be reduced.

*Responsibilities of sponsorship.* Some nonprofit sponsors may assume that the responsibility for the project, particularly in time of stress, rests with the government, the builder, or someone other than themselves; and that their role as sponsor is merely to lend their name to the project. If this attitude exists, it must be dispelled. Sponsors must understand that it is their project, and must evidence a serious intent to provide continuing support and an effective management.

The FHA commitment and mortgage insurance are predicated upon FHA's estimate (1) that there will be sufficient mortgage proceeds plus required escrows to build the project, and (2) that the rental or project income will be sufficient to meet all operating expenses and mortgage payments during the full term. Nonprofit sponsors should understand, however, that owning and operating a housing project involves difficult and trying problems, including the possibility that some unforeseen circumstances could cause project funds to run short. They should understand that FHA would expect them to cope with these problems at the time of need by all means at their disposal, such as promotional help, contributive management or services, appeals to membership or affiliated organizations. They are not legally required to provide such support, but any nonprofit sponsor should by definition feel a strong sense of moral duty to help in these circumstances. There is no reason to distinguish between a housing project and any other social purpose asset of a nonprofit organization, such as an elderly home, a medical facility, a convalescent center or a day-care facility.

It is stressed, however, that FHA does not insist upon or require a pledge or guaranty, except in rare cases where deficits are anticipated during "rent-up." What is required is a full understanding of responsibility on the part of the nonprofit sponsor. Sponsors must, of course, establish that they have the capabilities to meet expenses prior to the drawdown of mortgage funds, including expenses for architectural services, legal and other professional services, etc. Such expenses need not be covered by the sponsor's funds alone. They may be met through assured advances from such other parties as a bank, a federal, state or municipal fund, a foundation, a church hierarchy, or another nonprofit organization.

It is permissible to borrow funds from the contractor or other parties connected with the project if they are for items to be covered by the insured mortgage and if such

sums are paid in full at the time the mortgage proceeds are advanced.

*Potential sponsors.* Although it is not desirable to attempt to establish rigid criteria for determining eligibility of nonprofit sponsors, certain factors will indicate strength, other factors will suggest weakness, and some factors will make the sponsor ineligible. An evaluation of factors applicable to a particular sponsor will assist in reaching a judgment about the eligibility of the sponsor and his ability to successfully carry out the proposed project.

Among factors which indicate strength are: (1) A serious desire to provide housing for qualified low- and moderate-income families and individuals, (2) deep roots in the neighborhood and community, (3) previous experience in successfully operating housing projects, (4) widespread support for the proposal within the membership of the nonprofit organization, (5) professional expertise within the nonprofit organization or available to it from qualified outside sources, (6) adequate financial capacity to meet initial expenses and to provide for unforeseen contingencies during construction and operation of the project, and (7) absence of conflicts of interest.

Among factors which suggest weakness are: (1) No previous housing experience, (2) no previous experience or contacts in the neighborhood in which the proposed project would be located, (3) evidence that a builder, landowner, consultant, or some other party expecting to benefit financially had initiated the project and dominates the sponsorship, (4) lack of assured continuity of support by the nonprofit group as a whole, or the support of individuals who may not continue their association with the sponsoring organization, (5) heavy commitments in other fields which would tax the financial capacity of the group and weaken its support of the proposed project in times of stress, and (6) lack of professional competence to build and operate the project successfully.

Eligible nonprofit sponsors will be found among organizations such as:

A strong local chapter of a national service organization.

A broadly based community action group—such could be recently formed if there is positive assurance of continuity.

An established church with a good record of social services.

A National or State church organization.

An active charitable foundation of long standing—such could be a family foundation with unquestionable motivation, continuity, and no relationship to profit parties.

A labor union with an active local and full support of the membership.

An outstanding local service organization such as a Junior Chamber of Commerce.

Some sponsors are clearly ineligible without considering factors of strength and weakness, such as a nonprofit foundation controlled by the builder or his family, or by any other person or persons who would derive a profit or fee from the project.

*Special Considerations for Section 221(h) Rehabilitation Sales Sponsorship.* The nature of the program; i.e., the rehabilitation and sale of properties to low-income purchasers, requires a special type of sponsorship.

The responsibility as it pertains to the real estate is relatively short term; whereas the responsibility for continued social services to the individual low-income owners is a long-term one. The sponsor must have the capacity or ability to arrange for the continued services required to aid the purchasers to become responsible home owners.

A group of public-spirited citizens organized specifically for the purposes of the program may be qualified if it can be demonstrated that the group has the motivation, determination, and capacity to assemble, rehabilitate, and market the properties to qualified purchasers and at the same time provide the required long-term services to the new home owners.

[FBI Doc.73-11624 Filed 7-24-73 8:56 am]

12/14/73 (Rel. No. 125)

This release Supersedes all amendments, program directives and releases issued prior to this date.

**APPLICATION FOR REIMBURSEMENT OF EXPENSES INCIDENTAL TO CONVEYANCE OF REAL PROPERTY**

Items 1, 2 and 3 to be completed by agency.

**1. PROJECT**

2. AGENCY NAME AND ADDRESS (Include ZIP code)	3. IDENTIFICATION NO.
---	-----------------------

**INSTRUCTIONS**

Title III of Public Law 91-646 provides for reimbursement of expenses incurred by owner(s) of property for costs incurred incidental to conveyance of their real property. The following is a list of items for which you may claim reimbursement. Please show amount for Items 5A through 5F as appropriate and date and sign Items 6A through 6D. The amount shown by you must be validated by copy of appropriate receipts.

**4. LOCATION OF REAL PROPERTY ACQUIRED**

4A. ADDRESS (Include ZIP code)
--------------------------------

4B. OTHER IDENTIFICATION, AS APPROPRIATE
--

4C. NAME(S) OF OWNERS(S) ► (1)	(2)
--------------------------------	-----

**5. INCIDENTAL EXPENSES**

A. RECORDING FEES ----- ► \$ -----

B. TRANSFER TAXES ----- ► -----

C. PENALTY COSTS (For prepayment of pre-existing recorded mortgage) ----- ► -----

D. PRORATION OF TAXES PAID WHICH ARE ALLOCABLE TO A PERIOD SUBSEQUENT TO VESTING OF TITLE IN THE AGENCY OR EFFECTIVE DATE OF POSSESSION BY THE AGENCY, WHICHEVER IS EARLIER. ----- ► -----

E. OTHER (Explain) ----- ► -----

F. TOTAL AMOUNT (Sum of Items 5A through 5E) ► \$ -----

I (We) CERTIFY under the penalties and provisions of U.S.C. Title 18, Sections 286, 287, and 1001, and any other applicable law, that this claim and information submitted herewith have been examined by me (us) and are true, correct, and complete. I (We) further certify that I (we) have not submitted any other claim for, or received, reimbursement or compensation from any other source for any item of this claim, and that any receipts submitted herewith accurately reflect costs actually incurred.

**6. OWNER(S)**

6A. SIGNATURE	6B. DATE	6C. SIGNATURE	6D. DATE
---------------	----------	---------------	----------

**PENALTY FOR FALSE OR FRAUDULENT STATEMENT**

U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies . . . or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain 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."

PROPOSED STANDARD FORM 260 (7-72)  
GENERAL SERVICES ADMINISTRATION

12/14/73 (Rel. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

Sheet 1



**QUALIFICATION STATEMENT FOR BENEFITS UNDER PUBLIC LAW 91-646 - OWNER-DWELLING**

Items 1, 2 and 3 to be completed by agency.

**1. PROJECT**

2. AGENCY NAME AND ADDRESS (Include ZIP code)	3. IDENTIFICATION NO.
---	-----------------------

**NOTICE:** Complete this form carefully and accurately. This information will be used in processing your application for relocation payments.

**4. DWELLING ACQUIRED**

4A. NAME OF OWNER	4B. PRESENT ADDRESS OF OWNER (Include ZIP code)	4C. DATE YOU MOVED INTO PRESENT DWELLING
(1)	(1)	(1)
(2)	(2)	(2)

4D. ADDRESS OF PROPERTY ACQUIRED (Include ZIP code)

5. AT THE TIME YOU RECEIVED THE WRITTEN OFFER TO PURCHASE THE DWELLING AT THE ADDRESS SHOWN IN ITEM 4D ABOVE, WAS THE DWELLING OWNED AND OCCUPIED AS YOUR PERMANENT RESIDENCE?

5A. DATE DWELLING FIRST  
OCCUPIED BY YOU      5B. DATE DWELLING  
VACATED BY YOU

YES (If "YES", complete item 5a) ► \_\_\_\_\_

NO (If "NO", complete items 5a and 5b) ► \_\_\_\_\_

6C. AT THE TIME OF ACQUISITION, WAS THE DWELLING AT THE ADDRESS SHOWN IN ITEM 4D ABOVE, OCCUPIED AS YOUR PERMANENT RESIDENCE?

YES (If "YES", complete item 5c.(1))      5C. (1) DATE DWELLING FIRST OCCUPIED  
BY YOU      ► \_\_\_\_\_

NO (If "NO", complete item 5c. (2))      5C. (2) DATE DWELLING VACATED BY YOU      ► \_\_\_\_\_

The above information is true, correct and complete to the best of my(our) knowledge and belief.

**6. OWNER(S)**

6A. SIGNATURE	6B. DATE	6C. SIGNATURE	6D. DATE
---------------	----------	---------------	----------

PROPOSED STANDARD FORM 261 (7-73)  
GENERAL SERVICES ADMINISTRATION

12/14/73 (Rel. No. 125)

This release supersedes all amendments,  
program directives and releases issued  
prior to this date.

Sheet 2



**QUALIFICATION STATEMENT FOR BENEFITS UNDER PUBLIC LAW 91-646 - TENANTS AND CERTAIN OTHERS**

Items 1, 2 and 3 to be completed by agency.

**1. PROJECT**

<b>2. AGENCY NAME AND ADDRESS (Include ZIP code)</b>	<b>3. IDENTIFICATION NO.</b>
--	------------------------------

**NOTICE:** Complete this form carefully and accurately. This information will be used in processing your application for relocation payments.

<b>4A. NAME</b>	<b>4B. PRESENT ADDRESS (Include ZIP code)</b>	<b>4C. DATE MOVED INTO PRESENT DWELLING</b>
(1)	(1)	(1)
(2)	(2)	(2)

**4D. ADDRESS FROM WHICH MOVED (Include ZIP code)****5. DID YOU OWN, OR RENT, THE DWELLING AT THE ADDRESS SHOWN IN ITEM 4D ABOVE?** **OWN (If "OWN", complete Item 5A)** **RENT (If "RENT", complete Item 5B)****5A. AT THE TIME YOU RECEIVED THE WRITTEN OFFER TO PURCHASE THE DWELLING AT THE ADDRESS SHOWN IN ITEM 4D ABOVE, WAS THE DWELLING OWNED AND OCCUPIED AS YOUR PERMANENT RESIDENCE?****5A. (1) DATE DWELLING FIRST OCCUPIED BY YOU****5A. (2) DATE DWELLING VACATED BY YOU** **YES**

\_\_\_\_\_

\_\_\_\_\_

 **NO**

\_\_\_\_\_

\_\_\_\_\_

**5B. WAS THE DWELLING AT THE ADDRESS SHOWN IN ITEM 4D ABOVE, OCCUPIED AS YOUR PERMANENT RESIDENCE?****5B. (1) DATE DWELLING FIRST OCCUPIED BY YOU****5B. (2) DATE DWELLING VACATED BY YOU** **YES**

\_\_\_\_\_

\_\_\_\_\_

 **NO**

\_\_\_\_\_

\_\_\_\_\_

The above information is true, correct and complete to the best of my (our) knowledge and belief.

**6. TENANT(S)**

<b>6A. SIGNATURE</b>	<b>6B. DATE</b>	<b>6C. SIGNATURE</b>	<b>6D. DATE</b>
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PROPOSED STANDARD FORM 262 (7-72)  
GENERAL SERVICES ADMINISTRATION

12/14/73 (Rel. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

Sheet 3



**QUALIFICATION STATEMENT FOR BENEFITS UNDER PUBLIC LAW 91-646  
MOVING EXPENSES FOR BUSINESS OR FARM OPERATION**

Items 1, 2 and 3 to be completed by agency.

**1. PROJECT**

2. AGENCY NAME AND ADDRESS (Include ZIP code)

3. IDENTIFICATION NO.

NOTICE: Complete this form carefully and accurately. This information will be used in processing your application for relocation payments.

**4. LOCATION AND OWNERSHIP OF BUSINESS OR FARM ACQUIRED**

**4A. BUSINESS**

(1) NAME AND ADDRESS OF BUSINESS (Include ZIP code)

(2) NAME(S) OF OWNER(S)

(3) ADDRESS(ES) OF OWNER(S) (Include ZIP code(s))

**4B. FARM**

(1) ADDRESS OR LOCATION OF FARM

(2) NAME(S) OF OWNER(S)

(3) ADDRESS(ES) OF OWNER(S) (Include ZIP code(s))

5. AT THE TIME OF ACQUISITION WAS THERE A DWELLING OR LIVING QUARTERS AT THE ADDRESS OR LOCATION DESCRIBED IN ITEMS 4A OR 4B ABOVE, WHICH YOU OCCUPIED AS YOUR PERMANENT RESIDENCE? (If "YES", check Item 5A or 5B)

YES       NO

SA.  OWNER    SB.  TENANT

**6. HAVE YOU RELOCATED YOUR BUSINESS OR FARM OPERATION?**

YES (If "YES", complete Item 6A)       NO (If "NO", complete Item 6B)

6A. YOUR NEW ADDRESS (Include ZIP code)

6B. DO YOU PLAN TO?

(Check one)

RELOCATE

DISCONTINUE

The above information is true, correct and complete to the best of my (our) knowledge and belief.

**7. APPLICANT(S)**

7A. SIGNATURE

7B. DATE

7C. SIGNATURE

7D. DATE

PROPOSED STANDARD FORM 263 (7-72)  
GENERAL SERVICES ADMINISTRATION

12/14/73 (Rev. No. 125)

This release supersedes all amendments,  
program directives and releases issued  
prior to this date.

Sheet 4



## APPLICATION FOR MOVING COSTS AND RELATED EXPENSES – FAMILIES AND INDIVIDUALS

Items 1, 2, 3 to be completed by agency

## 1. PROJECT

2. AGENCY NAME AND ADDRESS (Include ZIP code)	3. IDENTIFICATION NO.
---	-----------------------

## INSTRUCTIONS:

Before completing this application you must determine whether or not you wish to receive payment for ACTUAL MOVING EXPENSES or a FIXED PAYMENT (including a dislocation allowance). You should consult with the agency relocation representative before making this decision. If the application is for a FIXED PAYMENT, complete all items except item 9, 10 and 12. If the application is for ACTUAL MOVING EXPENSES complete all items except item 8. If an item does not apply write NA in the space. See reverse for allowable and non-allowable expenses.

## 4. NAME(S) OF APPLICANT(S)

DWELLING UNIT:	ADDRESS (Include ZIP code) (a)	APARTMENT ROOM NO. (b)	NO. OF ROOMS OCCUPIED * (c)	WAS IT FURNISHED WITH YOUR OWN FURNITURE? (d)	DATE YOU MOVED DWELLING (e)
5. FROM WHICH YOU MOVED				<input type="checkbox"/> YES <input type="checkbox"/> NO	
6. TO WHICH YOU MOVED					

\* Excluding bathrooms, hallways and closets

7. TYPE OF PAYMENT CLAIMED	8. AMOUNT OF FIXED PAYMENT
(A) <input type="checkbox"/> FIXED PAYMENT	(B) <input type="checkbox"/> ACTUAL EXPENSES
\$	

## 9. MOVING AND RELATED EXPENSES – ACTUAL COST BASIS

9A. TYPE OF MOVE	(1) <input type="checkbox"/> SELF	(2) <input type="checkbox"/> COMMERCIAL
------------------	-----------------------------------	---

9B. MOVING COSTS (If commercial)\* ..... \$9C. TRANSPORTATION COSTS – FAMILIES & INDIVIDUALS (If any)\* ..... \$9D. STORAGE COSTS (Must be approved in advance by agency)..... \$

## 9E. OTHER (Explain)

9F. TOTAL (Sum of Items 9B through 9E) \$

\*Must be itemized and supported by attached receipts or unpaid bills.

10. METHOD OF PAYMENT (check one)
- 10A.  I(We) have paid the moving expenses and/or moving expenses and storage expenses as evidenced by the attached itemized receipt(s) or bill(s) from the mover and/or storage company or other contractors, and I(we) therefore request reimbursement.
- 10B.  I(We) have not paid the moving expenses and/or moving expenses and storage expenses, and I(we) therefore request that the attached itemized moving and storage bill(s) be paid directly to the mover and/or storage company or other contractors, in accordance with arrangements made in advance, and with my(our) consent, between the agency and the mover and/or storage company.
- 10C.  I(We) hereby request and authorize that the moving and/or moving and storage expenses, to be incurred by me(us), be paid directly to the mover and/or storage company or other contractors, in accordance with the arrangements made at this time, and with my(our) consent, between the local agency and moving and/or storage companies and/or other contractors.

I(We) CERTIFY under penalties and provisions of U.S.C. Title 18, Sec. 1001, and any other applicable law, that this application and information submitted herewith have been examined by me(us) and are true, correct and complete. I(We) further certify that I(we) have not submitted any other application for, or received, reimbursement or compensation from any other source for any item of loss or expense paid pursuant to this application and that any bills or receipts submitted herewith accurately reflect moving services actually performed and/or storage costs actually incurred.

## 11. APPLICANT(S)

11A. SIGNATURE	11B. DATE	11C. SIGNATURE	11D. DATE
----------------	-----------	----------------	-----------

PENALTY FOR FALSE OR FRAUDULENT STATEMENT. U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies . . . or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain 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."



**12. STORAGE COSTS AND RELATED DATA**

DATE PROPERTY MOVED FROM:	12B. STORAGE TO RE- PLACEMENT DWELL- ING	12C. NAME AND ADDRESS OF STORAGE COMPANY (Include ZIP code)	12D. TELE- PHONE NO.
12A. ACQUIRED DWELLING TO STORAGE			

**STORAGE COSTS (Itemization for Item 9D)**

**MOVING AND RELATED EXPENSES**

**ALLOWABLE MOVING EXPENSES**

1. Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond this 50-mile area is justified.
2. Packing and unpacking, crating and uncrating of personal property.
3. Storage of personal property for a period generally not to exceed twelve months when determined necessary by displacing agency.
4. Insurance premiums for loss to and damage of personal property.
5. Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.

**NONALLOWABLE MOVING EXPENSES**

1. Additional expense incurred because of living in a new location.
2. Cost of moving structures or other improvements in which the displaced person reserved ownership.
3. Improvements to the replacement site, except when required by law.
4. Interest on loans to cover moving expenses.
5. Personal injury.
6. Cost of preparing the application for moving and related expenses.
7. Payment for search cost in connection with locating a replacement dwelling.

**PROPOSED STANDARD FORM 264 (7-72) (BACK)**  
GENERAL SERVICES ADMINISTRATION

**12/14/73 (Rel. No. 125)**

**This release supersedes all amendments,  
program directives and releases issued  
prior to this date.**

**Sheet 6**



**APPLICATION FOR REPLACEMENT HOUSING PAYMENT FOR TENANTS AND CERTAIN OTHERS**

Items 1, 2, and 3 to be completed by agency.

**1. PROJECT**

2. AGENCY NAME AND ADDRESS (Include ZIP code)

3. IDENTIFICATION NO.

**INSTRUCTIONS:**

1. Purchased dwelling - If you have purchased a dwelling unit, complete items 4 thru 8 on this application. Attach copies of Offer to Purchase and Closing statement.
2. Rental unit - If you have moved into a rental unit, complete items 4, 5, and 8. Attach Copy of Lease or rent receipts.
3. Homeowner temporarily displaced - If you are a homeowner temporarily displaced because of code enforcement or voluntary rehabilitation, complete items 4, 5 and 8. Attach Copy of Lease or rent receipts.

**4. NAME(S) OF APPLICANT(S)**

5A. DWELLING FROM WHICH YOU MOVED	5B. DWELLING TO WHICH YOU MOVED	
(1) ADDRESS <i>(Include ZIP code)</i>		
(2) MONTHLY RENTAL * ..... ► \$ _____	► \$ _____	
(3) APT. FLOOR OR ROOM NO. (if applicable) ► _____	► _____	
(4) DATE MOVED IN ..... ► _____	► _____	
(5) DATE MOVED OUT ..... ► _____	► _____	
(6) TOTAL NUMBER OF ROOMS ..... ► _____	► _____	
(7) NUMBER OF BEDROOMS ..... ► _____	► _____	
* Item 5A(2) not to be completed by homeowners.		
<i>Items 6A and 6B to be completed only by purchasers of replacement dwellings.</i>	6A. DOWN PAYMENT	6B. DATE OF PURCHASE OF REPLACEMENT DWELLING

**7. EXPENSES INCIDENTAL TO PURCHASE**

(A) LEGAL COSTS ..... ► \$ _____	(H) CERTIFICATION FEE ... ► \$ _____
(B) TITLE SEARCH FEE, POLICY OR ABSTRACT ..... ► _____	(I) CREDIT REPORT FEE ... ► _____
(C) NOTARY FEE ..... ► _____	(J) ESCROW FEE ..... ► _____
(D) SURVEY COSTS ..... ► _____	(K) TRANSFER TAXES ..... ► _____
(E) RECORDING FEES ..... ► _____	(L) OTHER (Explain)..... ► _____
(F) LENDER'S APPRAISAL FEE .....	\$ _____
(G) FHA APPLICATION FEE ..... ► _____	(M) TOTAL 7A thru 7L ..... ► \$ _____ <i>(Sum of Items 7A thru 7L)</i>

I (We) under penalties and provisions of Title 18, United States Code, Sections 286, 287, 1001 and any other applicable law, that the information submitted herewith have been examined by me (us) and are true, correct and complete.

**8. APPLICANT(S)**

8A. SIGNATURE	8B. DATE	8C. SIGNATURE	8D. DATE
---------------	----------	---------------	----------

**PENALTY FOR FALSE OR FRAUDULENT STATEMENT.** U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies . . . or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain 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."

PROPOSED STANDARD FORM 265 (7-72)  
GENERAL SERVICES ADMINISTRATION

12/14/73 (Rel. No. 125)

This release supersedes all amendments,  
program directives and releases issued  
prior to this date.

Sheet 7



## **APPLICATION FOR REPLACEMENT HOUSING PAYMENT – HOMEOWNER**

**Items 1, 2 and 3 to be completed by agency.**

## 1. PROJECT

**2. AGENCY NAME AND ADDRESS (Include ZIP code)**      **3. IDENTIFICATION NO.**

**Instructions:** Attach copies of Offer to Purchase, Closing Statement, and mortgage or note. List incidental expenses for purchase of replacement dwelling and attach receipts.

**4. DWELLING ACQUIRED**

<b>4A. NAME(S) OF OWNER(S)</b>	(1)	<b>4B. ADDRESS(ES) OF OWNER(S)</b> <i>(Include ZIP code)</i>	(1)
	(2)		(2)

**5. DATA ON REPLACEMENT DWELLING**

5A. ADDRESS (Include ZIP code)		5B. NO. OF BEDROOMS	5C. PURCHASE PRICE \$.
5D. ARE YOU OCCUPYING DWELLING?		5E. DATE OF SETTLEMENT	5F. DATE YOU MOVED IN
<input type="checkbox"/> YES	<input type="checkbox"/> NO		

**6. MORTGAGE - INTEREST DATA**

**7. MORTGAGE - INCIDENTAL EXPENSES**

(A) LEGAL COSTS	\$	
(B) TITLE SEARCH FEE	\$	
(C) NOTARY FEE	\$	
(D) SURVEY COSTS	\$	
(E) RECORDING FEES	\$	
(F) LENDER'S APPRAISAL FEE	\$	
(G) FHA APPLICATION FEE	\$	
(H) CERTIFICATION FEE	\$	
(I) CREDIT REPORT FEE	\$	
(J) ESCROW FEE	\$	
(K) TRANSFER TAXES	\$	
(L) OTHER (Explain)	\$	
(M) TOTAL (Sum of Items 7A thru 7L)	\$	

I (We) certify under penalties and provisions of Title 18, United States Code, Sections 286, 287, 1001 and any other applicable law, that the information submitted herewith have been examined by me (us) and are true, correct and complete.

**8. OWNER(S)**

**8A. SIGNATURE**      **8B. DATE**      **8C. SIGNATURE**      **8D. DATE**

**PENALTY FOR FALSE OR FRAUDULENT STATEMENT.** U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies . . . or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain 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."



**APPLICATION FOR PAYMENT OF MOVING COSTS AND RELATED EXPENSES  
BUSINESS AND FARM OPERATION****Items 1, 2 and 3 to be completed by agency****1. PROJECT**

<b>2. AGENCY NAME AND ADDRESS (Include ZIP code)</b>	<b>3. IDENTIFICATION NO.</b>
--	------------------------------

**INSTRUCTIONS:** Complete all applicable items on this page and, as appropriate, Schedules A, B, C and D. See reverse side of this form for "allowable" and "nonallowable" expenses.

**4. NAME OF CONCERN**

<b>4A. PERSON FILING CLAIM ON BEHALF OF CONCERN</b>		
(1) NAME	(2) ADDRESS (Include ZIP code)	(3) TELEPHONE NO.
<b>5. TYPE OF BUSINESS (✓ one)</b> (A) <input type="checkbox"/> BUSINESS (B) <input type="checkbox"/> FARM OPERATION (C) <input type="checkbox"/> NON-PROFIT ORGANIZATION		
<b>6. TYPE OF OWNERSHIP (✓ one)</b> (A) <input type="checkbox"/> SOLE PROPRIETORSHIP (B) <input type="checkbox"/> CORPORATION (C) <input type="checkbox"/> PARTNERSHIP (D) <input type="checkbox"/> NON-PROFIT ORGANIZATION		
<b>8. LOCATION OR ADDRESS (Include ZIP code)</b>		<b>8C. DATE OCCUPIED</b>
<b>8A. FROM WHICH YOU MOVED</b>		FROM                          TO
<b>8B. TO WHICH YOU MOVED</b>		
<b>8D. PRESENT MAILING ADDRESS (Complete, if different from Item 8A or 8B) (Include ZIP code)</b>		

		<b>YES</b>	<b>NO</b>	<b>10. TYPE OF PAYMENT CLAIMED</b>
9A. DID CONCERN DISCONTINUE BUSINESS?		<input type="checkbox"/>	<input type="checkbox"/>	(A) <input type="checkbox"/> ACTUAL EXPENSES (Complete all items except item 12.)
9B. DOES CONCERN PLAN TO REESTABLISH?		<input type="checkbox"/>	<input type="checkbox"/>	(B) <input type="checkbox"/> FIXED PAYMENT (Complete all items except item 11.)

<b>11. MOVING AND RELATED EXPENSES</b>				
<b>REIMBURSEMENT FOR ACTUAL EXPENSES</b>	<b>11A. MOVING (Attach completed Schedule A)</b>	\$		
	<b>11B. STORAGE (Must be approved in advance by displacing agency) (Attach completed Schedule A)</b>			
	<b>11C. ACTUAL DIRECT LOSSES OF PROPERTY (Attach completed Schedule B)</b>			
	<b>11D. REASONABLE SEARCH (Attach completed Schedule C)</b>			
	<b>11E. TOTAL (Sum of Items 11A through 11D)</b>	\$		

<b>12. FIXED PAYMENT \$</b>	<b>13. TYPE OF CLAIM (Check one)</b>	<b>INITIAL</b>	<b>SUPPLEMENTARY</b>	<b>FINAL</b>
-----------------------------	--------------------------------------	----------------	----------------------	--------------

<b>14. METHOD OF PAYMENT - MOVING AND RELATED EXPENSES (Check one)</b>				
(A) <input type="checkbox"/> I (We) have paid moving and related expenses, as evidenced by the attached itemized receipt(s) or paid bill(s) from the mover and/or other contractors, and I (we) therefore request reimbursement.		(B) <input type="checkbox"/> I (We) have not paid the moving and related expenses, and I (we) therefore request that the attached itemized bill(s) be paid directly to the mover and/or other contractors, in accordance with arrangements made in advance, and with my (our) consent, between the agency and the mover and/or other contractors.		

I (We) CERTIFY under the penalties and provisions of U.S.C. Title 18, Sec. 1001, and any other applicable law, that this application and information submitted herewith have been examined by me (us) and are true, correct, and complete. I (We) further certify that I (we) (and, to the best of my (our) knowledge, the concern indicated in Item 4) have not submitted any other claim for, or received, reimbursement or compensation for any item of loss or expense in this application, that I (we) (and, to the best of my (our) knowledge, the concern indicated in Item 4) will not accept reimbursement or compensation from any other source for any loss or expense paid pursuant to this claim, and that any bills or receipts submitted herewith accurately reflect moving services actually performed and/or storage costs actually incurred.

<b>13A. SIGNATURE OF OWNER - PARTNER OR OFFICER</b>	<b>13B. TITLE (If appropriate) (Type or print)</b>	<b>13C. DATE</b>
(1)	(1)	(1)
(2)	(2)	(2)

**PENALTY FOR FALSE OR FRAUDULENT STATEMENT.** U.S.C. Title 18, 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies . . . or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain 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."

PROPOSED STANDARD FORM 267 (7-72)  
GENERAL SERVICES ADMINISTRATION

12/14/73 (Rel. No. 125)

This release supersedes all amendments,  
program directives and releases issued  
prior to this date.

Sheet 9



**A. ALLOWABLE MOVING EXPENSES**

1. Packing, and unpacking, crating and uncrating of personal property.
2. Advertising for packing, crating, and transportation when the displacing agency determines that is necessary.
3. Storage of personal property for a period generally not to exceed twelve months when determined necessary by displacing agency.
4. Insurance premiums for loss to and damage of personal property.
5. Removal and reinstallation of machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personal and that the displacing agency is released from any payment for the property.
6. Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.

**B. ALLOWABLE EXPENSES IN SEARCHING FOR REPLACEMENT BUSINESS OR FARM.**

1. Actual travel costs.
2. Extra costs for meals and lodging.
3. Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour.
4. Necessary broker, real estate or other professional fees to locate a replacement business or farm operation, subject to prior approval of displacing agency.

**C. NONALLOWABLE MOVING EXPENSES**

1. Additional expenses incurred because of living in a new location.
2. Cost of moving structures or other improvements in which the displaced person reserved ownership.
3. Improvements to the replacement site, except when required by law.
4. Interest on loans to cover moving expenses.
5. Loss of good-will.
6. Loss of profits.
7. Loss of trained employees.
8. Personal injury.
9. Cost of preparing the application for moving and related expenses.



**SCHEDULE A: MOVING AND RELATED EXPENSES, INCLUDING STORAGE**

**BUSINESS AND FARM OPERATION**

12/14/73 (Rol. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

Sheet 11

SECTION I - MOVING EXPENSES SUPPORTING DATA					
IDENTIFICATION OF MOVER AND/OR OTHER CONTRACTORS					
WORK AND/OR SERVICE PERFORMED (a)	(b) NAME	(c) ADDRESS (Include ZIP code)	(d) TELEPHONE NO.	AMOUNT CLAIMED (e)	For Agency Use Amount Approved (f)
(1) MOVING				\$	\$
(2) OTHER (Specify)					

Enter "Total Amount Claimed" on Line 1A of first page of this application.

## **SECTION II - STORAGE EXPENSES SUPPORTING DATA**

- 1. DESCRIPTION OF PROPERTY STORED** (Attach storage company manifest or other listing of property stored)

2. NAME OF STORAGE COMPANY	2B. TELEPHONE NO.	
	STORAGE PERIOD	MONTHS
	4. TOTAL PERIOD (If this is not the final claim, enter estimate)	3. DATE PROPERTY MOVED 3A. TO STORAGE
	5. PERIOD COVERED BY THIS CLAIM	3B. FROM STORAGE
	STORAGE	AMOUNT
	6. TOTAL EXPENSES ACTUALLY INCURRED*	\$
	*Enter this amount on Line 11B of first page of this application.	

application.



**SCHEDULE B: STATEMENT OF ACTUAL DIRECT LOSSES OF PROPERTY BUSINESS AND FARM OPERATION**

**NAME OF CONCERN**

12/14/73 (Rel. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

Sheet 12

Enter "Total Amount Claimed" on Line 11C of first page of this application

\* This amount not to exceed the reasonable expenses that would have been required to relocate such property.

**PROPOSED STANDARDS FOR GENERAL SERVICES -ADMINISTRATION**



**SCHEDULE C: STATEMENT OF ACTUAL REASONABLE EXPENSE IN  
SEARCHING FOR A NEW LOCATION - BUSINESS AND FARM OPERATION**

**INSTRUCTION** - Furnish the information indicated below and attach receipts.

NAME OF CONCERN \_\_\_\_\_ IDENTIFICATION NO. \_\_\_\_\_

**NOTE:** Unless the agency determines that an additional amount is reasonable and necessary, reimbursement for search expense is limited to \$500.00.

\*(To be completed in  
advance by agency) \$

1. TRANSPORTATION: NUMBER OF MILES \_\_\_\_\_ X RATE PER MILE\* = \_\_\_\_\_

2. NUMBER OF MEALS: \_\_\_\_\_ X NUMBER OF DAYS \_\_\_\_\_ = \_\_\_\_\_

3. LODGING AT: \$ \_\_\_\_\_ PER NIGHT X NUMBER OF NIGHTS \_\_\_\_\_ = \_\_\_\_\_

4. SEARCHING TIME: NUMBER OF HOURS \_\_\_\_\_ X RATE PER HOUR\* = \_\_\_\_\_

*\*(Compensable at hourly rate of salary or earnings, but not to  
exceed \$10.00 per hour.)*

5. OTHER (Specify and attach receipts)

6. TOTAL SEARCHING EXPENSES CLAIMED (Sum of Items 1 through 5) \$ \_\_\_\_\_

7. ITINERARY (Dates, places, mode of transportation, etc.)

12/14/73 (Rel. No. 125)

PROPOSED STANDARD FORM 267 (7-72)  
GENERAL SERVICES ADMINISTRATION

This release supersedes all amendments,  
program directives and releases issued  
prior to this date.

Sheet 13



<b>PAYMENT IN LIEU OF MOVING AND RELATED SCHEDULE D: EXPENSE PAYMENTS - BUSINESS AND FARM OPERATION</b>		IDENTIFICATION NO.
---	--	--------------------

An eligible displaced business or farm operation may elect to apply for a fixed payment in lieu of all the payments described in Schedules A, B, and C, provided that in the case of a business, the agency determines that the business cannot be relocated without a substantial loss of existing patronage and that the business is not a part of a commercial enterprise having at least one other establishment not being acquired and engaged in a similar business.

## 1. NAME OF CONCERN

1A. ADDRESS OF CONCERN (Include ZIP code)	1B. TELEPHONE NO.
2. NAME(S) USED ON INCOME TAX RETURN(S)	2A. EMPLOYER IDENTIFICATION NUMBER(S) SHOWN ON TAX RETURN(S)

## 2B. PRINCIPAL BUSINESS ACTIVITY REPORTED ON TAX RETURN(S)

<b>3. NAME AND ADDRESS OF OTHER ESTABLISHMENTS OPERATED BY OR AFFILIATED WITH THE BUSINESS</b> (If "None", state "NONE")		
(A) NAME	(B) ADDRESS (Include ZIP code)	(C) TYPE OF BUSINESS OR ACTIVITY
(1)	(1)	(1)
(2)	(2)	(2)
(3)	(3)	(3)

## 4. TAX RETURNS FILED WITH DISTRICT DIRECTOR OF INTERNAL REVENUE IN:

(A)	(B) CITY	(C) STATE	(D)	(E) CITY	(F) STATE
19			19		

## 5. LISTING OF ATTACHMENTS SUPPORTING THIS PAYMENT:



The displaced business or farm operation must complete the appropriate following table and attach supporting documentary proof of the amount claimed. (Net income must be established for two years and that amount is divided by 2 to obtain average).

6. INDIVIDUAL OR SOLE PROPRIETOR <i>(Relates to IRS Form 1040.)</i>			REMARKS <i>(Individual or Sole Proprietor)</i>	RESERVED FOR AGENCY USE
19	19			
(A) GROSS RECEIPTS, OR GROSS SALES, LESS RETURNS AND ALLOWANCES	\$	\$		
(B) GROSS PROFIT				
(C) NET PROFIT (or Loss)*				
(D) SALARIES AND WAGES PAID TO MEMBERS OF OWNER'S FAMILY WHO ARE MEMBERS OF OWNER'S HOUSEHOLD <i>(List names below and amounts to each)</i>				
(E) NET EARNINGS <i>(Total of Lines 6(C) plus 6(D))</i>	\$	\$		
7. CORPORATION <i>(Relates to IRS Forms 1120 and 1120-S)</i>				
19	19			
(A) GROSS RECEIPTS OR GROSS SALES, LESS RETURNS AND ALLOWANCES	\$	\$		
(B) GROSS PROFIT				
(C) NET PROFIT (or Loss)				
(D) SALARIES AND WAGES PAID TO MEMBERS OF PRINCIPAL STOCKHOLDER'S FAMILY, WHO ARE MEMBERS OF HIS HOUSEHOLD** *				
(E) NET EARNINGS <i>(Total of Lines 7(C) plus 7(D))</i>	\$	\$		
8. PARTNERSHIP <i>(Relates to IRS Form 1065)</i>				
19	19			
(A) GROSS RECEIPTS OR GROSS SALES, LESS RETURNS AND ALLOWANCES	\$	\$		
(B) TOTAL INCOME				
(C) ORDINARY INCOME (or Loss)				
(D) COMPENSATION OF PRINCIPAL PARTNERS***				
(E) SALARIES AND WAGES PAID TO MEMBERS OF PRINCIPAL PARTNER'S FAMILY WHO ARE MEMBERS OF PRINCIPAL PARTNERS IMMEDIATE HOUSEHOLD				
(F) NET EARNINGS <i>(Total of Lines 8(C) plus 8(D) plus 8(E))</i>	\$	\$		

\* No deductions should be made for any compensation paid to owner.

\*\* Principal stockholder is one who owns 15% or more of the corporation.

\*\*\* A principal partner is one with a proprietary interest of 15% or more in the concern.



## Example of computation of payment for increased interest cost

## DWELLING TO BE ACQUIRED

Acquisition price-----	\$12,000.00
Existing mortgage:	
Interest rate (percent)-----	6
Remaining term (years)-----	10
Remaining principal balance-----	7,295.93
Monthly principal and interest payment-----	<u>81.02</u>
Owner's equity-----	\$ 4,704.07

## AVAILABLE COMPARABLE DECENT, SAFE, AND SANITARY DWELLING

Price-----	\$15,000.00
Prevailing interest rate (percent)-----	8
Supplemental payment for replacement housing cost differential \$3,000.00	

## COMPUTATION OF PAYMENT FOR INCREASED INTEREST COST

Monthly principal and interest cost for new mortgage of \$7,295.93--for 10 years at 8 percent interest -----	\$88.57
Monthly principal and interest cost for existing mortgage of \$7,295.93--for 10 years at 6 percent interest-----	\$81.02
Monthly interest difference-----	7.55
Present worth of \$7.55 monthly interest difference for 10 years, discounted at the assumed interest rate paid on savings deposits, at 5 percent-----	\$700.00
Points paid by purchaser-----	\$240.00
Increased interest cost payment due property owner-----	\$940.00



DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation Manual

Grants-in-Aid Series      Part 650      Environmental Impact

Chapter 1 Environmental Policy and Assessment      650.1.1

- .1 Environmental Policy. The national policy concerning the assessment of the environmental impact of Federal and federally funded actions significantly affecting the quality of the human environment is contained in the National Environmental Policy Act of 1969 (Public Law 91-190).
- .2 Environmental Assessment. In order to implement the above Act, the Bureau will assess the environmental effect of all Fund projects. The primary basis for this assessment will be environmental information provided with the project submission. This information should cover the eight points in 650.1.3 in sufficient detail to provide a basis for the Bureau to decide whether or not to prepare an environmental impact statement on the project. If the decision is made by the Bureau that no environmental impact statement is required, the environmental information will be made part of the record supporting that decision.
- .3 Preparation of Environmental Information by the Applicant. In preparing the environmental information, the applicant should keep in mind the cumulative impact of the action proposed and of further related actions which are contemplated. For instance, a given project may be for a small portion of trail or stream corridor acquisition which will be obtained eventually through a number of individual projects. The submitted information should describe the eventual goal and the relationship of the action proposed in the project being submitted. The effects of decisions regarding a number of apparently minor projects may be cumulatively substantial. It is possible that a decision at an early stage to prepare an environmental impact statement on an overall concept could mean that a number of individual projects could be submitted to accomplish that goal without the delay of a separate impact statement for each project. The environmental information must be accompanied by sufficient maps to judge the impact of the project as well as the project's relationship to surrounding land uses.
  - A. Standard Environmental Information. For most projects, the initial responses to the eight points, below, will be brief.

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However, sufficient information must be provided so that the Bureau can accurately assess the impact of the project and determine whether or not an environmental impact statement is needed. Whenever possible, impact should be quantified (i.e., number of acres of trees to be removed, cubic yards of fill to be required, etc.). For projects with property rights outstanding, the standard environmental information must be expanded to specifically explain how the outstanding rights are to be dealt with and how the participant plans to assure that the environment will not be affected significantly. The eight points are:

- (1) Description of the Proposed Action. This will serve as an introduction and description of the proposed action and what it is designed to accomplish. It should include such information as the location of the project, its scope, when the action is to take place, and, if applicable, its interrelationships with other Federal, State, or local recreation-oriented projects and proposals.
- (2) Description of the Environment. This section will include a description of the existing environment and the probable future environment of the project site and its surroundings without implementation of the proposed action.
- (3) The Environmental Impact of the Proposed Action. This section will be an objective discussion of the environmental impacts of the proposed action, including further related actions, if any, which are contemplated. "Impacts" are defined as direct or indirect changes in the existing environment, whether beneficial or adverse. To the extent that it applies, the discussion will include impacts of the action, including environmental damage which could be caused by users, upon economic, cultural, esthetic, and social conditions as well as upon the physical and biological environment. Elements on which impacts are unknown or only partially understood should be indicated.
- (4) Mitigating Measures Included in the Proposed Action. Where appropriate, a section on mitigating factors shall be included. It shall include a discussion of measures and/or methods which are proposed or will be required to mitigate adverse environmental impacts.

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- (5) Any Adverse Environmental Effects Which Cannot be Avoided Should the Proposal Be Implemented. This section will consist of a discussion of any adverse environmental effects which cannot be avoided and an analysis of who or what is affected and to what degree affected (unless this already has been accomplished in Item 3).
- (6) The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity. The short-term impacts (such as loss of wildlife habitat, relocation of families and/or businesses, changes in traffic volumes and patterns, and increase in air pollution due to increased auto traffic) should be evaluated as they relate to the project's cumulative and long-term impacts (such as dedication of land to public recreation and open space and providing recreation facilities for future generations).
- (7) Any Irreversible and Irretrievable Commitments of Resources Which Would Be Involved in the Proposed Action Should It Be Implemented. This section will discuss any irrevocable uses of resources which will be involved through implementation of this action. This requires identification of the extent to which the action curtails, restricts, or, possibly, enhances the range of resource uses. Illustrative of matters which should be discussed are resource extraction, erosion, destruction of archaeological or historic sites, elimination of the habitat of endangered species, and significant changes in land use.
- (8) Alternatives to the Proposed Action. The thrust of this section is to describe the alternatives to the proposed action that are available. The alternative of no action shall be discussed specifically. The basis for rejection of alternatives also shall be discussed.
- .4 Guidelines to Determine When an Environmental Impact Statement Should Be Prepared. The Bureau of Outdoor Recreation will prepare an environmental impact statement on a Fund-assisted project when

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that project will have a significant impact on the physical, economic, and/or social environment of the project site and/or surrounding area. In making this determination, cumulative results and/or subsequent actions will be considered. Generally, an environmental impact statement will be prepared when one or more of the following apply:

- A. Marshes, unique animal or plant ecosystems, lakes, streams, or marine areas are affected significantly.
- B. The acquisition of land under the Fund project would involve a major relocation of households and/or businesses.
- C. The development of the project land for outdoor recreation would change significantly the use patterns of the area surrounding the Fund-assisted facility.
- D. Twenty-five or more acres of land in an urbanized area would be acquired or intensively developed under the project. ("Urbanized area," according to the Bureau of the Census, is a central city, or twin cities, and surrounding closely settled territory; 1) a "central city" is a city of 50,000 inhabitants or more in 1970 or a special census conducted by the Bureau of the Census; 2) "twin cities" are cities with contiguous boundaries and constituting, for general social and economic purposes, a single community with a combined population of at least 50,000 inhabitants, with the smaller of the two cities having a population of at least 15,000.)
- E. An archaeological or historical site of at least regional importance not included in the National Register of Historic Places would be affected vitally by the acquisition and/or development project. (The procedures to follow when a site listed in the above publication is involved are covered in 640.4.1 of the Manual.)
- F. Public controversy over the environmental effects of the project exists or is expected to manifest itself.

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- G. The land being acquired, developed, or affected by the project contains rare or endangered species of flora or fauna, contains rare minerals, or contains a unique geologic formation.

There may be Fund projects, not meeting any of the above guidelines, for which the Bureau may determine that an environmental impact statement should be prepared.

.5 Procedures When Decision Has Been Made on Environmental Impact of the Project:

- A. In-Depth Environmental Information. When it has been decided by the Bureau that an environmental impact statement will be required for a Fund project, in-depth environmental information will be provided by the applicant. In addition to covering the eight points listed under 650.1.3A, the in-depth environmental information must include:

- (1) Detailed maps and photographs of the area to be affected by the proposed action.
- (2) Description of secondary impacts, such as increased traffic on neighborhood roads, economic impact on local businesses, and effects of the proposed action on tax structures.
- (3) Quantification, where appropriate, for statements made under the eight points.
- (4) Other documentation as requested by the Bureau.

The in-depth environmental information, plus other pertinent data available, shall be utilized by the Bureau in the preparation of an environmental impact statement for the project, in accordance with Part 516 of the Department of the Interior Manual and other appropriate regulations.

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- B. Negative Declaration. If the Bureau, after assessing the environmental information, the project documentation submitted by the State, and utilizing the criteria found in 650.1.4 of the Manual, determines that the environmental impact of the project is not of enough significance to require the preparation of an environmental impact statement, it shall include such a negative declaration in the project file. The negative declaration shall be signed by the appropriate Regional Director or by his designee.

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.1 Environmental Impact Statements. It is the Bureau's responsibility to prepare environmental impact statements on Fund projects requiring them, in accordance with the National Environmental Policy Act of 1969 and Part 516 of the Department of the Interior Manual. However, the Bureau must depend on the States and participants for much of the information needed for the preparation of the statements.

- A. Comments on Environmental Statements. Comments on draft environmental impact statements prepared by the Bureau on Fund projects will be solicited from the appropriate Federal and State agencies, clearinghouses established under Office of Management and Budget Circular A-95, affected local units of government, private organizations, and citizens. Comments on the draft statement will be incorporated into and/or appended to the final statement, a copy of which will be provided each respondent. The respondent, if it wishes, may comment upon the final statement and such comments shall be considered by the Bureau in deciding whether or not to provide Fund assistance for the project if they are received by the Bureau within 30 days of the filing of the final statement with the Council on Environmental Quality (CEQ).
- B. Approval of Fund Projects which Require Environmental Impact Statements. If the Bureau determines that an environmental impact statement for a proposed Fund project is required, it shall not approve the grant unless: (a) The final environmental statement has been filed with CEQ and at least 30 days have passed since it was filed or a waiver of this period has been obtained by the Department of the Interior from CEQ, (b) sufficient unobligated Fund monies are available to cover the Fund share of the project (or the project stage (s) to be activated by the signing of the project agreement), (c) the project meets all other appropriate Fund program requirements, and (d) the final environmental impact statement and comments on the final statement have been considered by the Bureau in deciding whether or not to approve the project.

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Chapter 1      Procedures for Submission of Proposals      660.1.1

.1 Background to the Application. The foregoing chapters of this manual have dealt with the organization of the Land and Water Conservation Fund program and the preliminary activities and responsibilities leading to the application for an awarding of a grant. The following conditions will have been met prior to the Bureau consideration of any non-master project for acquisition and/or development. Master projects, when initially submitted, must comply with A, B, and C, below. Compliance with 660.1.3E, below, must be accomplished prior to the approval of a particular subproject by the State. (For planning projects, see 635.1 and 635.2.)

- A. The State's outdoor recreation plan has been accepted by the Bureau and has a sufficient period of eligibility remaining to permit thorough processing of a proposal or if the State has been granted continuing eligibility by the Bureau and such will not be revoked prior to a thorough processing of a proposal. Proposals which cannot be processed prior to the expiration of the State plan or revocation of eligibility will not be acted upon until State eligibility has been regained. (See Parts 630 and 640.1.3.)
- B. The State's apportionment balance from the Land and Water Conservation Fund is adequate to cover the proposed project or stage to be activated or Land and Water Conservation Fund Contingency Reserve monies are being requested for that part of the Fund share of the project cost for which the State's remaining unobligated Fund apportionment is insufficient.
- C. The sponsoring agency has developed the plans for its proposed project to the point where the project scope can be described and reasonable estimates of cost can be made. For the submission of master projects, this requirement will be interpreted with some latitude.

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D. Early in the formulation of a proposal, a participant must notify the State and metropolitan/regional clearinghouses, (established in compliance with OMB Circular A-95) of intent to apply for a grant from the Fund. The clearinghouses then have 30 days in which to indicate an interest in the proposal. If no response is obtained within this 30-day period, the participant has fulfilled its obligation and is not required to consult further with the clearinghouses before completing and submitting the application.

A response by the clearinghouse may indicate: (1) No objections with the proposal (in which case the participant can proceed with the application); or (2) a request for further information, a conference, and/or a copy of the completed application. If (2) is the case, the clearinghouse may have an additional 30 days in which to file comments to accompany the application.

If the clearinghouse indicates during the initial 30-day period a desire to confer on the project, the participant and the clearinghouse will arrange for a conference. During the initial 30-day period, the applicant may proceed with preparing the formal application. If conferences with the clearinghouse surface issues or conflicts over the proposal, the clearinghouse may assist in their resolution. The clearinghouse may "sign off" any time problems are resolved, concluding the review.

The initial notification to the clearinghouse will include a summary description of the project which will contain the following information, although additional information may be requested later:

- (1) Identity of the participant.
- (2) Location of the project.
- (3) A brief description of the proposal by type, purpose, general size and scale, estimated cost, beneficiaries,

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or other characteristics which will enable the clearinghouse to identify agencies of State and local government having plans, programs, or projects that might be affected by the proposal.

- (4) A statement as to whether the participant has been advised by the Bureau that the participant will be required to submit environmental impact information in connection with the proposed project. (See 650.1 for guidelines for preparing environmental information.)
- (5) The Federal program and the agency under which assistance will be sought as indicated in the Catalog of Federal Domestic Assistance.
- (6) The estimated date by which time the participant expects to formally file an application.

Each application to the Bureau for Fund assistance, with the exception of master projects and projects with Fund assistance of \$50,000 or less, must be accompanied by either the comments of the appropriate clearinghouses or a statement that the required procedures were followed and no comments were received.

For subprojects and projects of \$50,000 Fund assistance or less, this information must be on file at the State level and available for BOR inspection. (See, also, OMB Circular A-95, revised, dated February 9, 1971.)

- .2 Approval and Qualification. Any project submitted to the Bureau for consideration found to be adequate in the criteria listed in 660.2, as well as any other current requirements, may be considered for approval or qualification.

- A. Approval. When a project has been judged adequate and the State desires funding, a project agreement is signed by an authorized BOR representative, thereby approving the project.

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This approval, or funding, means that the amount of money stated on the agreement is obligated for expenditure from the Fund on this project, and will be paid to the State as acceptable billings are presented to BOR or, at the request of the State, advance payments may be made prior to the submission of billings.

- B. Qualification. The State may wish to submit an acquisition or development project for Bureau consideration so as to ascertain its adequacy, yet not wish to have funds obligated at the time. When so requested by the State, the Bureau will process the application as it would for approval. However, no agreement is signed and no funds are obligated. Qualification is a finding of technical adequacy only, and is valid only until the expiration or termination of the State's period of eligibility. Funds will not be obligated until a project agreement is signed, at which time another review of the project may be required by the Bureau based on policies and requirements then in effect. The State will be notified by letter at the time of qualification. The qualification process is encouraged in order to create a backlog of projects ready for rapid approval when funds become available. (See 660.2.6.)
- C. Staged Projects. Acquisition and/or development projects may be accomplished in stages. The purpose of staging is to schedule logical units of accomplishment and to defer obligations from the Fund for other projects. When a staged project is submitted to the Bureau, funding may be requested for only one stage. The Bureau reviews such projects as if for complete approval. If found adequate, an agreement is signed, thus approving the first stage and qualifying the remaining stages. When the participant is ready to proceed with one or more of the subsequent qualified stages, approval is requested by means of a project amendment (660.2.5).
- .3 Submission of a Proposal. Project proposals should be submitted at least 60 days in advance of the proposed acquisition or the beginning of construction. (See 670.1.3B for exceptions.)

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- A. Application Forms. OMB Form 80-R0184 (see Illustration 1) will be used for all projects. For each project of over \$50,000 Fund assistance, the original plus two copies of the above form will be submitted to the Bureau. For projects of \$50,000 Fund assistance and under (see 660.1.3E), the State shall prepare a OMB Form 80-R0184 on the project and retain it on file at the State level. (See Illustration 1 and 1A for instructions.)

For staged projects (described in 660.1.2C, above), a separate Part III, Section B of OMB Form 80-R0184 for each stage must be included in the project application. As approval is requested on a qualified stage, a revised Part III, Section B must be submitted if changes have occurred in the stage, since initial qualification, which increased or decreased costs or altered the allocation of funds among the stage's scope items.

If an amendment to the project agreement, for both staged and non-staged projects, changes or adds to any information included in the initial application (OMB Form 80-R0184), the State shall provide revised parts of the above form for those parts that are affected by the amendment. (For projects and subprojects of \$50,000 Fund assistance or less, these revised parts need not be submitted to the Bureau but shall be retained on file at the State level.)

- B. Agreement Forms. An agreement, Form BOR 8-92 (see Illustration 2), will be negotiated between the United States and the State for each project. Execution of the agreement by the Bureau constitutes its approval of the project. (See 660.2.4A.) For master projects, the agreement covers all subprojects under the master project, each subproject will not require a separate agreement between the United States and the State.

- (1) Four copies of the agreement will be drafted and submitted by the State, the original and one copy of which must be hand-signed.

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- (2) They must be submitted to the appropriate Regional Office by the State Liaison Officer or by the State agency designated by State law or by the Governor to administer the Fund program in the State. It is important to note that, except for specific cases (see 670.1.3), project costs incurred prior to Bureau signing of the agreement will not be matched.
- C. Agreement and Amendment Procedures. The following terms and procedures shall be used for the preparation and submission of the project agreement (BOR-8-92) and project agreement amendment (BOR-8-92a).
- (1) On Form BOR-8-92, the term "period covered by this agreement" is discontinued and the term "project period" is to be used as the only time frame for the project.
  - (2) Except for a master project which has a minimum time of three years, a period of two years shall be considered as the minimum time for a project period.
  - (3) A period of one year shall be considered as the minimum time extension of a project period when amending a project.

The beginning date of the project shall remain the date of approval and the ending date shall be at least two years hence. If more than two years is needed, the States should specify the length of time necessary to complete each Land and Water Conservation Fund project at the time the project is submitted for approval. If no time is specified, the approving office should automatically assign a two-year project period. The granting of retroactivity or the existence of pre-approval planning and preparation costs will not affect the two-year project period. When a waiver of retroactive capital costs has been granted, the effective date shall be used as the beginning date of the project period. When the project period beginning date is evident, the State should complete the agreement to reflect at least a two-year duration. When the beginning date is not known (i.e., for new projects), the Region should complete the agreement to reflect a minimum two-year period. The States should complete

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all amendments to reflect a minimum time extension of one year from the existing project expiration date. Project periods for master projects will always be assigned by the approving office.

A one-year project period for Contingency Reserve projects will continue to be encouraged. The ending date will be completed by the Washington Office and will reflect a one-year project period from the approval date.

Planning projects are excluded from this policy.

D. Information. All significant data must be disclosed in the application (OMB Form 80-R0184) and its supporting documents. Failure to provide information which might have a significant bearing on Bureau evaluation of a proposal might be cause for refusal, cancellation, or recoupment of Federal assistance. The project proposal, including all information required by the Bureau to be on file at the State level, is considered to be a public record.

However, there may be some information which the participant or the State wishes to keep confidential. These items should be identified specifically to the Bureau. The Bureau will consider such requests on their merits and within the limits imposed by Federal regulations and statutes on public disclosures.

Copies of proposals may be distributed by BOR to other public agencies for information or comment.

E. Projects with Fund Assistance of \$50,000 and Under. Instead of submitting normal documentation to the Bureau for projects with Fund assistance of \$50,000 and under, a State may certify the project. Under this procedure, required documentation generally is limited to:

- (1) A U.S. Government Standard Form 240 (see Illustration 3).
- (2) The project agreement (original and one hand-signed copy plus four other copies).

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- (3) Environmental information on the project (see 650.1.3).
- (4) A site plan (for development projects), a plat (for acquisition projects), and a location map (city street map or county road map).
- (5) A certification by the State that all legal and administrative requirements of the Federal Government which concern the project have been met.

All other project documentation required by the Bureau shall be on file at the State level for not less than three years after the project has been closed out and shall be made available, at request, for examination by duly authorized representatives of the Bureau, the Department of the Interior, and the General Accounting Office.

The above certification shall include assurance that the State's Historic Preservation Officer has been consulted if the project is located on or near any site listed in the National Register of Historic Places (see 640.4). If the project receives adverse comments from the State Historic Preservation Officer which are not subsequently resolved, the certification procedure shall not be utilized for the project. If the project is not located on or near a site listed in the National Register, the certification must so indicate.

- F. Master Projects. When it is advantageous to do, a State may combine several subprojects into a single master project thereby encompassing all of the subprojects. The master project may be one of two types; 1) acquisition and/or development subprojects, sponsored by a single State agency or local unit of government, at several sites; or 2) subprojects which are all of a particular type of facility, such as outdoor ice skating rinks or boat launching ramps, sponsored by State agencies and/or local units of governments and located at several sites.

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A master project may not be submitted that includes any subprojects which, in the judgement of the State, utilizing the criteria found in Part 650.1.4 of the Manual, would require an environmental impact statement. Further, if any of the subprojects are located on or near sites listed in the National Register of Historic Places, the requirements of Part 640.4 of the Manual apply. For other specific requirements for master projects see Manual Part 660.2.6.

- (1) The following documentation must be submitted for master projects composed entirely of \$50,000 and under subprojects;
  - (a) Overview environmental information covering the master project as a whole;
  - (b) An executed Project Agreement (BOR Form 8-92). Note that the project period for master projects may not be less than 3 years nor more than 5 years in duration. Further, all subprojects must be approved by the State within one fiscal year following the fiscal year in which the master project was approved by the Bureau and all work on the subprojects must be completed on or before the expiration of the master project's project period.
  - (c) Separate environmental information covering the individual subprojects as each is approved by the State;
  - (d) A notification of Grants-in-Aid Action (Standard Form 240) for the individual subprojects as each is approved by the State;
  - (e) A certification that all legal and administrative requirements for the individual subprojects have been met as each is approved;

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- (f) A site plan for each different type of subproject development and a locator map pinpointing the location of each subproject. If the exact location of all subprojects is not known at the time the master project is submitted, the location of individual subprojects may be documented as each is approved by the State;
- (g) All other project documentation normally required by the Bureau shall be maintained on file by the State with the exceptions as described below.
- (2) For master projects with one or more subprojects of over \$50,000 Fund assistance, the following additional documentation is required for those subprojects:
- (a) A complete OMB Form No. 80-R0184 (application) including separate environmental information for each subproject to be submitted with the master project. Note that a Standard Form 240 and a certification covering the over \$50,000 Fund assistance subprojects are not required.
- (3) Work may proceed on subprojects of over \$50,000 Fund assistance as soon as the Bureau notifies the State that the master project has been approved. However, subprojects \$50,000 and under are not officially approved until 15 workdays following Bureau acknowledgement of the standard Form 240, the separate environmental information covering the individually State approved subprojects, and the certification.
- .4 Assistance from Other Agencies. Project proposals submitted to BOR for Fund assistance may also be submitted to other public agencies for aid. The application to the Bureau should describe

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any such submissions, and the Bureau should immediately be notified if these result in assistance or the promise of assistance by another organization. Information regarding any previous Federal assistance to the project area should be indicated in Item 10, Part II, Section A of the OMB Form 80-R0184 (grant application).

- .5 Control and Tenure. For development projects, the participant must have title to or adequate control and tenure of the area to be developed. When the participant holds less than fee title, copies of leases, easements, special use permits, or other appropriate documents must be on file at the State level and available for Federal inspection.

The participant shall list all outstanding rights or interest, held by others in the property to be developed, on Part II, Section B of OMB Form 80-R0184. Further, the environmental information submitted to the Bureau on the project must explain how these outstanding rights are to be dealt with to assure that the outdoor recreation interests and the environment will not be affected significantly. (See 650.1.3A.)

In the event that outstanding rights should later prove to be non-compatible with public outdoor recreation use of the site, the participant assumes the risk and responsibility of having to replace the facilities developed with Fund assistance with others of at least equal value and reasonable equivalent usefulness and location.

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- .1 Purpose of Bureau Evaluation. Proposals for acquisition and development will be evaluated on the basis of how they will help accomplish the purposes and meet the requirements of the Act. This will include a consideration of the project's technical adequacy, its financial soundness, and its relationship's to the needs and priorities identified in the State plan (see Part 630). It is especially important, for projects and subprojects of \$50,000 Fund assistance and less, that the State thoroughly review the project or subproject's technical adequacy and financial soundness.

Planning proposals will be reviewed to assure that they contribute to the development or maintenance of the State plan. (See Parts 630 and 635.)

- .2 Criteria of Project Evaluation. The proposed project will be evaluated on the following basis:

- A. The extent to which the project meets urgent needs identified in the State's plan; for example, project location in terms of service area, and the extent to which the project represents an increase in outdoor recreation and is a long-term solution to meeting public outdoor recreation needs.
- B. The amount and degree of use to be made of the project.
- C. The extent to which the project would satisfy basic outdoor recreation needs.
- D. The extent to which the project is coordinated and related with other public services and activities, and with other local, State, and Federal planning and programming.
- E. The extent to which the project purpose is primarily "public outdoor recreation"-oriented, as distinguished from "historic," "economic development," "entertainment," "indoor recreation," or "professional."

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660.2.2F

- F. The extent to which buildings and other design features account for the special needs of the physically handicapped (in accordance with the Architectural Barriers Act of 1968 (Public Law 90-480)). Facilities which are likely to be utilized by persons in wheelchairs or on crutches should include design features to accommodate the physically handicapped, including the use of ramps, extrawide doors, and special parking facilities. It will be the State's responsibility to insure that all Fund-assisted development projects are in conformance with the Architectural Barriers Act of 1968.
- G. Other important factors, such as the extent to which the project makes use of or protects floodplains and similar lands (when doing so would not adversely affect the use and quality of the project site), in conformance with Executive Order 11296 relative to the evaluation of flood hazards; the degree to which the project shows originality of purpose or approach, or demonstrates a new idea or the new application of conventional ideas; the past history of the applicant for 1) adequately completing or carrying out previous federally-assisted projects, 2) protecting existing recreation resources, 3) operating and maintaining areas to acceptable standards, and 4) use of zoning, rules and regulations guiding new developments, and other authorities to set aside and preserve lands for open space and outdoor recreation purposes.
- H. The extent to which the project will affect the environment. The State agencies administering the Fund program, the Bureau, and the project sponsors must set an example by maintaining high standards for the preservation and enhancement of the environment. This includes the elimination and prevention of air and water pollution, and protection and enhancement of natural beauty. Environmental improvement measures are eligible for matching assistance from the Fund (see 640.3.2L). The following guidelines govern:
- (1) Pollution. The introduction of pollutants into the environment must be avoided. Particular attention should be given in project design to sewage effluents,

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contaminated water, burning, dumps, garbage and solid waste disposals, and the siltation of waters.

Developments shall be designed and managed to minimize erosion and siltation. Fill, barrow pits, cuts, and other raw soil surface areas must be protected from erosion during development to the maximum practicable extent, and all disturbed areas must be restored to an attractive condition at the conclusion of development.

Development must comply with applicable Federal, State, and/or local air and water quality standards, including Section 4 of Executive Order 11288.

- (2) Utility Lines. Overhead utility lines constitute a major detraction from the natural quality of many outdoor recreation areas. The participant will be expected to 1) take all reasonable steps to bury, screen, or relocate existing overhead lines at development or acquisition projects, and 2) to put all new electric wires under 15KV and telephone wires underground. (The existence of all overhead lines must be documented in the project application and the participant must indicate what measures are required to mitigate such environmental intrusions; if the participant feels that the overhead lines should not be removed, rerouted, or buried, it must indicate its reasoning.)

Mass recreation use areas (swimming, picnicking, crowded spectator seating, etc.) shall not be located under electric wires on Fund-assisted areas or facilities. Installation of electric wires over any area which has received Fund assistance without the prior consent of the Director constitutes conversion to other than outdoor recreation use.

- (3) Roads and Trails. Roads, trails, and parking areas should be designed to blend and harmonize with existing surroundings.

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- (4) Architecture and Landscaping. Structures should be designed with sensitivity to the natural surroundings and developed areas should be landscaped to harmonize with the natural environment. Unsightly areas should be screened from view.
- (5) Noise Avoidance. Exterior sources of noise, such as highways, airports, railways, or factories, should be considered in the acquisition of land and in the design and location of facilities. Steps should be taken to minimize the disturbing effects of noise by means of vegetative screening and placement of facilities. The locating of facilities, such as trails for trail bikes and snowmobiles, shall take into account the effect of their noise on other recreation activities at the Fund-assisted area. Operational noise should be taken into consideration in the purchase of apparatus and machinery.

The impact, both positive and negative, of the project on the environment shall be covered in the environmental information submitted to the Bureau by the State (see 650.1.3A). On the basis of the environmental information and other information available to the Bureau, a determination will be made by BOR whether or not to prepare an environmental impact statement on the project, in accordance with the National Environmental Policy Act of 1969 (Public Law 91-190) and other pertinent regulations. The final environmental impact statement and the comments pertaining thereto shall be considered by the Bureau in deciding whether or not to approve a project which the Bureau believes is a major Federal action significantly affecting the environment (see 650.2.1B).

- I. The extent to which the project will create a competitive situation with privately financed and managed developments already providing identical or similar recreation opportunities. The findings should be based on a survey of use or occupancy of privately operated facilities as well as those already developed on public lands. The participant shall provide the State Liaison Officer with the survey material.

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(The survey may be conducted by the participant, a private organization, or another unit of government and shall cover the extent to which existing public and/or private facilities are meeting public demands, based on those facilities' 1) present use, during the normal outdoor recreation season, compared to capacity, 2) location, 3) quality, and 4) user restrictions such as high fees.) Generally, competing public projects should not be considered where privately operated facilities of acceptable standards and location are operating below 65 percent of capacity during the regular recreation season. Marinas, ski facilities, and campgrounds are examples of the types of competitive facilities to be considered under this criterion.

- .3 Withdrawal of Changes in Project Proposal. Prior to approval, a project proposal may be altered or withdrawn by a letter, from the State Liaison Officer or State agency administering the Fund program, to the Regional Office. The new material pertaining to a suggested change will be made a part of the proposal and will be evaluated by the criteria found in 660.2.2. A new project agreement may be required if the change is significant.

An approved project can be withdrawn by the State unilaterally at any time before the Bureau honors the first billing on the project.

- .4 Project Approval. All projects submitted to BOR for funding (as well as those submitted for qualification only) are evaluated in relation to the standards in 660.2.2. Those that are found eligible, and for which project agreements have been submitted, are approved and become active projects. Those for which no funds are requested are qualified if found technically eligible (see 660.1.2B).

- A. Coverage of the Agreement. The agreement between the United States and the State establishes the framework for accomplishing the project.

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- (1) It sets forth the obligations assumed by the State through its acceptance of Federal assistance, including:
    - (a) The rules and regulations applicable to the conduct of a project under the Act.
    - (b) Any special terms and conditions to the project established by the Bureau and agreed to by the State.
  - (2) It obligates the United States to provide matching grants up to a designated amount for eligible costs incurred on the project, on the basis of information and cost estimates contained in the proposal. This amount is the "support ceiling."
  - (3) It sets forth methods of costing, accounting, incurrence of costs, and similar matters.
  - (4) The date of approval is the beginning of the project period unless the Bureau has granted, for that project, a waiver of its policy of not approving projects retroactively (see 670.1.3B(1)). A termination date is included. The minimum project period is 2 years. Except in the most unusual circumstances, the total project period shall not exceed 5 years. (Master projects' project period may not be less than 3 years nor more than 5 years in duration.)
  - (5) It describes in some detail what is to be done and how it will be accomplished if the project is to be staged, the sequence and content of the stages are shown.
  - (6) It describes all retroactive costs relating to project planning (see 670.1.3B(2)).
- B. Notification to the State. A copy of the approved agreement will be returned to the State Liaison Officer, and will constitute approval of the project and necessary notification. (For approval of subprojects by a State under a master project agreement, see 660.1.3F(3)).

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C. State - Participant Relations. The agreement binds the Federal Government and the State to certain obligations. When the actual participant is not the State, but is a local unit of government, the State Liaison Officer will make such arrangements with the participant as he deems necessary for the successful completion of the project and the enforcement of Federal laws and regulations.

.5 Project Amendments. An amendment is necessary to add to or alter the signed agreement. Four copies of the amendment form (BOR 8-92a, see Illustration 4) are submitted by the State Liaison Officer or the State agency administering the Fund program for each desired amendment, the original and one copy of which must be hand-signed, plus a letter giving full explanation of the changed conditions and how they affect the project. The amendment describes those items of the agreement that are to be changed or added to. When an amendment is for an increase or decrease in funding or for a scope change which alters the allocation of funding among the approved scope items, a revised Part III .B of OMB Form 80-R0184 (grant application) is necessary. Four copies of the revised form shall accompany the amendment.

The amendment request will be reviewed in the same manner as the original project proposal (except in the case of a project approved under the certification procedure for \$50,000 Fund assistance or less, which the State now wishes to amend by increasing the Fund assistance to over \$50,000); the Bureau may require more detailed documentation than was provided initially to fully document the project in accordance with the requirement for projects of over \$50,000 Fund assistance (see 660.1.3D).

When the amendment is signed by the Bureau it becomes a part of the agreement and supersedes it in the specified matters. If the amendment extends the ending date of the project period, the time extension may not be for less than 1 year.

Amendments are required in two basic situations:

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- A. To activate a qualified stage of a staged project (see 660.1.2C). In this case, an amendment will be necessary each time funding is requested for the activation of another stage. The amendment will indicate the stage to which it applies and the amount of the new obligation.
  - B. When one of the conditions in the agreement changes, such as a change in project scope, a revised estimate of costs, or a need to extend the project period. The amendment will describe the new factors and the signed form will supersede the agreement in those particulars only. Amendments are not necessary to return unexpended project balances, at the time of project completion, to the State's apportionment (see 620.1.8).
- .6 Contingency Reserve Projects. Projects submitted for assistance from the Secretary of the Interior's Contingency Reserve must meet the special criteria found in Part 620.3 of the Manual.
- The certification procedure (see 660.1.3E) may not be used for Contingency Reserve projects. Additionally, master projects (see 660.1.3F) may not be submitted for Contingency Reserve assistance.
- .7 Period of Qualification. Projects will be qualified to receive Fund assistance for a period not to exceed the period of eligibility established for the State. Qualification of projects will expire when the period of eligibility expires or is terminated, if funding has not been requested.
- When a staged project has been partially funded and the remaining stages qualified, it will not be necessary to requalify those stages prior to funding, even if funding is requested under a new period of eligibility.
- .8 Requalification. When a new period of eligibility is established, previously qualified but unfunded projects may be requalified to the end of the new period, provided that they are in accord with the latest version of the State plan.

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Each project should be evaluated before requalification is requested and only those projects with a realistic probability of activation in the foreseeable future should be kept in qualification status.

- A. After a new period of eligibility is established, the State shall, within 30 days, notify the Bureau of the projects it wishes to be requalified. Projects which are not requested for requalification at this time will be considered withdrawn by the State.
- B. Within 20 days of the State's request, the Bureau will notify the State of the action taken on the requalification request.

.9 Bureau Action During Periods of State Ineligibility. During a period of State ineligibility, the following apply:

- A. Requests for project qualification or approval received by the Bureau but not acted upon prior to the State's loss of eligibility will be returned to the State as unactionable. (The State may not submit projects to the Bureau for approval or qualification during a period of ineligibility.)
- B. Amendment requests will be acted upon without reference to State eligibility period, as will requests for reimbursement and project completion.
- C. Waivers of retroactivity will not be granted.

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<b>APPLICATION FOR FEDERAL ASSISTANCE (FOR CONSTRUCTION PROGRAMS)</b>		1. State Clearinghouse Identifier			
<b>PART I</b>		2. Applicant's Application No.			
3. Federal Grantor Agency		4. Applicant Name			
<u>U.S. Department of the Interior</u> Organizational Unit		Department Division			
<u>Bureau of Outdoor Recreation</u> Administrative Office		Street Address - P.O. Box			
Street Address - P.O. Box		City                          County			
City	State	Zip Code			
6. Descriptive Name of the Project		7. Federal Funding Requested			
15.400		\$			
8. Grantee Type  ____ State, _____ County, _____ City, _____ Other (Specify)					
9. Type of Application or Request  <input checked="" type="checkbox"/> New Grant, _____ Continuation, _____ Supplement, _____ Other Changes (Specify)					
10. Type of Assistance  <input checked="" type="checkbox"/> Grant, _____ Loan, _____ Other (Specify)					
11. Population Directly Benefiting from the Project		13. Length of Project			
12. Congressional District  a. b.		14. Beginning Date  Date of Approval of Project Agreement			
		15. Date of Application			
16. The applicant certifies that to the best of his knowledge and belief the data in this application are true and correct, and that he will comply with the attached assurances if he receives the grant.					
Typed name		Title		Telephone Number	
Signature of Authorized Representative				AREA CODE	NUMBER
EXT.					
For Federal Use Only					

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Sheet 1



**PART II****Illustration I  
660.1.3A****PROJECT APPROVAL INFORMATION  
SECTION A**

<b>Item 1.</b> Does this assistance request require State, local, regional, or other priority rating?	Name of Governing Body _____ Priority Rating _____
_____ Yes _____ No	
<b>Item 2.</b> Does this assistance request require State, or local advisory, educational or health clearances?	Name of Agency or Board _____
_____ Yes _____ No (Attach Documentation)	
<b>Item 3.</b> Does this assistance request require clearinghouse review (Attach Comments) in accordance with OMB Circular A-95?	_____ Yes _____ No
<b>Item 4.</b> Does this assistance request require State, local, regional or other planning approval?	Name of Approving Agency _____ Date _____
_____ Yes _____ No	
<b>Item 5.</b> Is the proposed project covered by an approved comprehensive plan?	Check one: State <input type="checkbox"/> Local <input type="checkbox"/> Regional <input type="checkbox"/>
_____ Yes _____ No	Location of plan _____
<b>Item 6.</b> Will the assistance requested serve a Federal installation?	Name of Federal Installation _____ Yes _____ No Federal Population benefiting from Project _____
<b>Item 7.</b> Will the assistance requested be on Federal land or installation?	Name of Federal Installation _____ Location of Federal Land _____ Yes _____ No Percent of Project _____
<b>Item 8.</b> Will the assistance requested have an impact or effect on the environment?	See instruction for additional information to be provided. Yes _____ No
<b>Item 9.</b> Will the assistance requested cause the displacement of individuals families, businesses, or farms?	Number of: Individuals _____ Families _____ Businesses _____ Farms _____ Yes _____ No
<b>Item 10.</b> Is there other related Federal assistance on this project previous, pending, or anticipated?	See instructions for additional information to be provided. Yes _____ No

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**INSTRUCTION**

**PART II – SECTION B**

11. SITES AND IMPROVEMENTS: _____ Not required, <input checked="" type="checkbox"/> Attached as exhibits Applicant intends to acquire the site through: ____ Eminent domain, _____ Negotiated purchase, _____ Other means (specify)
12. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN: <input checked="" type="checkbox"/> Applicant, _____ Agency or institution operating the facility, _____ Other (specify)
13. INDICATE WHETHER APPLICANT/OPERATOR HAS: ____ Fee simple title, _____ Leasehold interest, _____ Other (specify)
14. IF APPLICANT/OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION: a. Length of lease or other estate interest _____, and number of years to run _____ b. Is lease renewable? _____ Yes _____ No c. Current appraised value of land \$ _____ d. Annual rental rate \$ _____
15. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.
16. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.
17. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.
18. ATTACH PLOT PLAN.
19. CONSTRUCTION SCHEDULE ESTIMATES: _____ Not required, _____ Being prepared, _____ Attached as exhibits Percentage of completion of drawings and specifications at application date: Schematics _____ % Preliminary _____ % Final _____ %
20. TARGET DATES FOR: Bid Advertisement _____ Contract Award _____ Construction Completion _____ Occupancy _____
21. DESCRIPTION OF FACILITY: _____ Not required _____ Attached as exhibits Drawings – Attach any drawings which will assist in describing the project. Specifications – Attach copies of completed outline specifications. (If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)

NOTE: ITEMS ON THIS SHEET ARE SELF-EXPLANATORY; THEREFORE, NO INSTRUCTIONS ARE PROVIDED.

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**PART III – BUDGET INFORMATION – CONSTRUCTION****SECTION A – GENERAL**

1. Federal Domestic Assistance Catalog No. .... 15.400

2. Functional or Other Breakout .....

**SECTION B – CALCULATION OF FEDERAL GRANT**

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			
5. Other architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
<b>17. Less: Ineligible Exclusions</b>			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			
20. Federal Share requested of Line 19			
<b>21. Add Rehabilitation Grants Requested (100 Percent)</b>			
22. Total Federal grant requested (Lines 20 & 21)			
23. Grantee share			
24. Other shares			
25. Total project (Lines 22, 23 & 24)	\$	\$	\$

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**SECTION C – EXCLUSIONS**

Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
26.	\$	\$
a.		
b.		
c.		
d.		
e.		
f.		
g.	Total:	\$

**SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE**

27. Grantee Share	\$
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL – Grantee share	
28. Other Shares	
a. State	
b. Other	
c. Total Other Shares	
29. TOTAL	\$

**SECTION E – REMARKS**

**PART IV PROGRAM NARRATIVE (Attach – See Instructions)**

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**PART IV**

**PROGRAM NARRATIVE**

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

**1. OBJECTIVES AND NEED FOR THIS ASSISTANCE.**

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

**2. RESULTS OR BENEFITS EXPECTED.**

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

**3. APPROACH.**

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements.
- b. Provide for each grant program monthly or quarterly quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and their target dates.
- c. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the

needs identified and discussed are being met and if the results and benefits identified in Item 2 are being achieved.

- d. List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

**4. GEOGRAPHIC LOCATION.**

Give a precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

**5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:**

- a. Describe the relationship between this project and other work planned, anticipated, or underway under the Federal Assistance listed under Part II, Section A, Item 10.
- b. Explain the reason for all requests for supplemental assistance and justify the need for additional funding.
- c. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded or if individual budget items have changed more than the prescribed limits contained in Attachment K, Office of Management and Budget Circular No. A-102, explain and justify the change and its effect on the project.

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PART V

ASSURANCES

The applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements, including Office of Management and Budget Circulars Nos. A-87, A-95, and A-102, as they relate to the application, acceptance and use of Federal funds for this federally-assisted project. Also, the applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, 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.
2. It will comply with the provisions of: Executive Order 11296, relating to evaluation of flood hazards, and Executive Order 11288, relating to the prevention, control, and abatement of water pollution.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.
4. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply 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). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, 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 otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary 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, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It 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.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

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This release supersedes all amendments, program directives and releases issued prior to this date.

INT: 3138-72

Supplemental Instructions for Completing OMB Form 80-R0184

APPLICATION FOR FEDERAL ASSISTANCE (FOR CONSTRUCTION PROGRAMS)  
This form is used also for planning project applications - See  
635.2.6 for instructions.

Shaded areas are not applicable to the Land and  
Water Conservation Fund Program

PART I

- ITEM 1. For State Clearinghouse only.
- ITEM 2. Enter the Bureau of Outdoor Recreation project number. If the State uses an identifying number in addition to the Bureau's identifying number, enter the Bureau's number to the right of the State's number in this space or leave sufficient room for the Bureau to make this entry.
- ITEM 3. First Line: U. S. Department of the Interior.  
Second Line: Bureau of Outdoor Recreation.  
Third Line: Region to which application is being submitted.  
Fourth Line: Region's mailing address.  
Fifth Line: Region's City, State and Zip Code.
- ITEM 4. First Line: Name of State from which application is being sent.  
Second Line: Name of Sponsor (i.e., City of New York, Town of Fairfax, Montgomery County, etc. If sponsor is a State agency give agency name such as Department of Natural Resources).  
Third Line: Street address - P.O. Box of Sponsor  
Fourth Line: City and County of Sponsor.  
Fifth Line: State and Zip Code of Sponsor.
- ITEM 5. Project title must be limited to 36 spaces but should be as descriptive as possible. Include key words indicating major elements of the project such as "campground", "picnic area", "bicycle trail", "swimming pool", "golf course", "tennis courts", etc.
- ITEM 6. The Federal Catalog No. is 15.400 for all projects except comprehensive statewide outdoor recreation planning projects. For the latter category of projects, delete the overprinted number and enter 15.401. If additional Federal assistance will be provided through a supplemental grant, enter the

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This release supersedes all amendments,  
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prior to this date.

Sheet 1

Federal Catalog No., the amount, and other pertinent information in Section E of Part III.

- ITEM 7. Enter the Federal matching share from the Fund in dollars.
- ITEM 8. Check the sponsor type.
- ITEM 9. Check "New Grant".
- ITEM 10. Check "grant".
- ITEM 11. Not applicable.
- ITEM 12.
  - a. Congressional District of Sponsor.
  - b. Congressional District of project. If the project is located in more than one Congressional District, list all Districts, with the District in which the major portion of the project is located appearing first.
- ITEM 13. Not applicable.
- ITEM 14. Date of approval of the Project Agreement unless otherwise indicated in the Project Agreement. If applicant is seeking approval of a different date, delete the overprinting entry and enter a specific date.
- ITEM 15. Self explanatory.
- ITEM 16. Enter State Liaison Officer Information.

PART II - SECTION A

- ITEM 1. Not applicable.
- ITEM 2. Not applicable.
- ITEM 3. Self Explanatory. If yes is checked, attach a copy of the clearinghouse comments.
- ITEM 4. Not applicable.
- ITEM 5. Self explanatory.
- ITEM 6. Not applicable.
- ITEM 7. Self explanatory.

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- ITEM 8. Check yes. An environmental assessment is required on all projects. (See 650.3 for instructions for preparing environmental assessments).
- ITEM 9. Self Explanatory.
- ITEM 10. If yes is checked, list prior, pending or anticipated assistance.

PART II - SECTION B

- ITEM 11. Check attached as exhibits and include copies of state, county or city maps showing geographic location of project. For acquisition projects, include a schedule listing the parcels to be acquired, estimated acreage of each, the estimated value of land and improvements of each parcel and the estimated date of acquisition of each parcel.
- ITEM 12. Check applicant.
- ITEM 13. Self Explanatory.
- ITEM 14. a. Self Explanatory.  
b. Self Explanatory.  
c. Not applicable.  
d. Not applicable.
- ITEM 15. Not applicable.
- ITEM 16. Not applicable.
- ITEM 17. Not applicable.
- ITEM 18. Self Explanatory.
- ITEM 19. Not applicable.
- ITEM 20. Not applicable.
- ITEM 21. Self Explanatory.

PART III - SECTION A

- ITEM 1. Insert Catalog No. 15.400.
- ITEM 2. Not applicable.

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This release supersedes all amendments, program directives and releases issued prior to this date.

Sheet 2

PART III - SECTION A

ITEM 1. For planning projects delete 15.400 and substitute 15.401

PART III - SECTION B

- ITEM 1. Administrative Expense - expenses for all direct costs associated with the administration of a particular project (e.g., travel, personnel salary, cost of preparing application, etc.). See Manual Part 670.1.8. If an indirect cost rate has been approved, enter the percentage to the right of "administrative expense" and enter the amount in the "total" column.
- ITEM 2. Preliminary Expenses - expenses for eligible retroactive costs (see Manual Section 670.1.3B(2)).
- ITEM 3. Land, Structures, Right-of-Way - allowable expenses directly associated with the acquisition of real property but not to include those provided under P.L.91-646.
- ITEM 4. Architectural Engineering Basic Fees - direct costs for all architectural engineering services occurring after approval of the project including costs for site planning, construction drawings and specifications, and inspection and audit of construction.
- ITEM 5. Other Architectural Engineering Fees - will not be used; all costs placed under Item 4.
- ITEM 6. Project Inspection Fees - will not be used; all costs placed under Item 1 or Item 4.
- ITEM 7. Land Development - will not be used; all costs placed under Item 11.
- ITEM 8. Relocation Expenses - expenses for relocation advisory assistance and/or last resort housing only. (See Subpart 114-50.4 and 114-50.501 of Department of Interior Regulations, 41CFR 114-50).
- ITEM 9. Relocation Payments to Individuals and Businesses - expenses for moving costs, relocation payments, and grantor's expenses in transferring title to real property.
- ITEM 10. Demolition and Removal - will not be used; all costs placed under Item 11.

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- ITEM 11. Construction and Project Improvement - expenses for construction, site improvement, demolition, utilities, landscaping, lighting, construction equipment rental, etc.
- ITEM 12. Equipment - expenses for fixed and movable equipment exclusive of that used for construction (e.g., picnic tables, children's play equipment, etc.). Note: At the State's discretion expenses of this type of equipment may be included instead under Item 11.
- ITEM 13. Miscellaneous - Planning project costs (except for the administrative indirect cost rate) will be entered here. For acquisition and development projects, costs other than Title II relocation costs for which 100% reimbursement will be sought under P.L.91-646 should be entered here.
- ITEM 14. Total Items 1 through 13.
- ITEM 15. Self Explanatory.
- ITEM 16. Total Item 14 minus Item 15.
- ITEM 17. Not applicable.
- ITEM 18. Self Explanatory.
- ITEM 19. Item 16 plus Item 18.
- ITEM 20. Self Explanatory.
- ITEM 21. Not applicable.
- ITEM 22. Same as Item 20.
- ITEM 23. Self Explanatory.
- ITEM 24. Self Explanatory.
- ITEM 25. Total of Items 22, 23 and 24.

PART III - SECTION C

Not applicable.

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This release supersedes all amendments, program directives and releases issued prior to this date.

Sheet 3

PART III - SECTION D

Self Explanatory.

PART III - SECTION E

Provide any pertinent information not included elsewhere that may be noteworthy with respect to project documentation or funding.

PART IV

Program narrative - Self explanatory for projects other than planning projects.

For planning projects, applicants should respond to Item 3C in addition to those items not shaded. Item 5a should be expanded to show the relationship of the proposed project to other State comprehensive planning completed, underway or proposed. The information given under this part should provide a description of the proposed accomplishments with the funds involved, showing how the project will contribute to the development or maintenance of the statewide outdoor recreation plan.

PART V

Assurances - Attach this form to assure compliance with all regulations, policies, guidelines and requirements applicable to Land and Water Conservation Fund Projects.

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This release supersedes all amendments, program directives and releases issued prior to this date.

UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Outdoor Recreation  
Land and Water Conservation Fund Project Agreement

State	Project Number
Project Title	
Period Covered by this Agreement	Project Period
Project Scope (Description of Project)	

---

Project Stage Covered by this Agreement

Project Cost	The following attachments are hereby incorporated into this agreement:
Total Cost \$ _____	1. General Provisions
Fund Support % _____	2. Project Proposal
Fund Amount \$ _____	3. _____
Cost of this Stage \$ _____	4. _____
Assistance this Stage \$ _____	

12/14/73 (Ref. No. 125)

Sheet 1

BOR 8-92 (Rev. Mar. 1967) This release supersedes all amendments, program directives and releases issued prior to this date.



LAND AND WATER CONSERVATION FUND PROJECT AGREEMENT

General Provisions

A. Definitions

1. The term "BOR" as used herein means the Bureau of Outdoor Recreation, United States Department of the Interior.
2. The term "Director" as used herein means the Director of the Bureau of Outdoor Recreation, or any representative lawfully delegated the authority to act for such Director.
3. The term "Manual" as used herein means the Bureau of Outdoor Recreation Manual.
4. The term "project" as used herein means that project or project stage which is the subject of this agreement.
5. The term "State" as used herein means the State which is a party to this agreement, and, where applicable, the political subdivision or public agency to which funds are to be transferred pursuant to this agreement. Wherever a term, condition, obligation, or requirement refers to the State, such term, condition, obligation, or requirement shall also apply to the recipient political subdivision or public agency, except where it is clear from the nature of the term, condition, obligation, or requirement that it is to apply solely to the State.

B. Project Execution

1. The State shall execute and complete the approved project in accordance with the time schedule set forth in the project proposal. Failure to render satisfactory progress or to complete this or any other project which is the subject of Federal assistance under this program to the satisfaction of the Director may be cause for the suspension of all obligations of the United States under this agreement.
2. Construction contracted for by the State shall meet the following requirements:
  - (a) Contracts for construction in excess of \$10,000 shall be awarded through a process of competitive bidding. Copies of all bids and a copy of the contract shall be retained for inspection by the Director.
  - (b) The State shall inform all bidders on contracts for construction in excess of \$10,000 that Federal funds are being used to assist in construction.
  - (c) Written change orders to contracts for construction in excess of \$10,000 shall be issued for all necessary changes in the facility. Such orders shall be made a part of the project file and shall be kept available for audit.
  - (d) The State shall comply with the regulations of the Secretary of Labor contained in 29 CFR 3 (1964), made pursuant to 40 U.S.C. Sec. 276(c) (1964), which require from each contractor or subcontractor a weekly wage payment statement. Such regulations are hereby incorporated into this agreement by reference.
  - (e) The State shall incorporate, or cause to be incorporated, into all construction contracts the following provisions:

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, promotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

Illustration II  
660.1.3B

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

(f) The State shall (1) comply with the above provisions in construction work carried out by itself, (2) assist and cooperate actively with the BOR and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the above contract provisions and with the rules, regulations, and relevant orders of the Secretary of Labor, (3) obtain and furnish to the BOR 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 BOR pursuant to Part II, Subpart D, of Executive Order No. 11246 of September 24, 1965, and (6) refrain from entering into any contract with a contractor debarred from Government contracts under Part II, Subpart D, of Executive Order No. 11246 of September 24, 1965.

3. The State 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.
4. The State shall permit periodic site visits by the Director to insure work progress in accordance with the approved project, including a final inspection upon project completion.
5. In the event funds should not be available for future stages of the project, the State shall bring the project to a point of usefulness agreed upon by the State and the Director.
6. All significant deviations from the project proposal shall be submitted to the Director for prior approval.
7. Development plans and specifications shall be available for review by the Director upon request.
8. The acquisition cost of real property shall be based upon the appraisal of a competent appraiser. The reports of such appraisers shall be available for inspection by the Director.
9. If any tract or parcel of, or interest in, real property subject to being purchased under the provisions of this agreement, but not identified herein, is found by the Director for any reason not to be suitable for Federal assistance, all obligations of the United States hereunder shall cease as to such parcel, tract or interest.

C. Project Costs

Project costs eligible for assistance shall be determined upon the basis of the criteria set forth in the Manual.

D. Project Administration

1. The State shall promptly submit such reports as the Director may request.
2. Property and facilities acquired or developed pursuant to this agreement shall be available for inspection by the Director upon request.

3. The State shall use any funds received by way of advance payment from the United States under the terms of this agreement solely for the project or project stage herein described.
4. Interest earned on funds granted pursuant to this agreement shall not be available for expenditure by the State, but shall be disposed of according to instructions issued by the Director.
5. Because one of the basic objectives of the Land and Water Conservation Fund Act is to enhance and increase the Nation's outdoor recreation resources, it is the intent of the parties hereto that recipients of assistance will use moneys granted hereunder for the purposes of this program, and that assistance granted from the Fund will result in a net increase, commensurate at least with the Federal cost-share, in a participant's outdoor recreation. It is intended by both parties hereto that assistance from the fund will be added to, rather than replace or be substituted for, State and local outdoor recreation funds.

**E. Project Termination**

1. The State may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the State makes any expenditure or incurs any obligation with respect to the project.
2. Failure by the State to comply with the terms of this agreement or any similar agreement may be cause for the suspension of all obligations of the United States hereunder.
3. Failure by the State to comply with the terms of this agreement shall not be cause for the suspension of all obligations of the United States hereunder if, in the judgment of the Director, such failure was due to no fault of the State. In such case, any amount required to settle at minimum costs any irrevocable obligations properly incurred shall be eligible for assistance under this agreement.
4. Because the benefit to be derived by the United States from the full compliance by the State with the terms of this agreement is the preservation, protection, and the net increase in the quantity and quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States, and because 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 State agrees that payment by the State to the United States of an amount equal to the amount of assistance extended under this agreement by the United States would be inadequate compensation to the United States for any breach by the State of this agreement. The State further agrees, therefore, that the appropriate remedy in the event of a breach by the State of this agreement shall be the specific performance of this agreement.

**F. Conflict of Interests**

1. No official or employee of the State who is authorized in his 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.
2. No person performing services for the State in connection with this project shall have a financial or other personal interest other than his employment or retention by the State, in any contract or subcontract in connection with this project. No officer or employee of such person retained by the State 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 State.
3. 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.
4. The State shall be responsible for enforcing the above conflict of interest provisions.

**G. Hatch Act**

No officer or employee of the 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 proscribed in the Hatch Political Activity Act, 5 U.S.C. Sec. 118k (1964), with the exceptions therein enumerated.

**H. Financial Records**

1. The State shall maintain satisfactory financial accounts, documents, and records, and shall make them available to the BOR, the Department of the Interior, and to the General Accounting Office for auditing at reasonable times. Such accounts, documents, and records shall be retained by the State for three years following project termination.

12/14/73 (Rcl. No. 125)

This release supersedes all amendments,  
program directives and releases issued<sup>3</sup>  
prior to this date.

Sheet 3

2. The State may use any generally accepted accounting system, provided such system meets the minimum requirements set forth in the Manual.

I. Use of Facilities

1. The State shall not at any time convert any property acquired or developed pursuant to this agreement to other than the public outdoor recreation uses specified in the project proposal attached hereto without the prior approval of the Director.
2. The State shall operate and maintain, or cause to be operated and maintained, the property or facilities acquired or developed pursuant to this agreement in the manner and according to the standards set forth in the Manual.

J. Nondiscrimination

1. The State shall not discriminate against any person on the basis of race, color, or national origin in the use of any property or facility acquired or developed pursuant to this agreement.
2. The State shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, 78 Stat. 241 (1964), and with the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17 (1964).
3. The State shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence.

K. Compliance

The State shall be responsible for compliance with the terms of this agreement by any political subdivision or public agency to which funds are transferred pursuant to this agreement. Failure by such political subdivision or public agency to so comply shall be deemed a failure by the State to comply with the terms of this agreement.

L. Manual

The State shall comply with the policies and procedures set forth in the Bureau of Outdoor Recreation Manual. Said Manual is hereby incorporated into and made a part of this agreement.

12/14/73 (Rel. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

The United States of America, represented by the Director, Bureau of Outdoor Recreation, United States Department of the Interior, and the State named above (hereinafter referred to as the State), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances attached hereto and hereby made a part hereof.

The United States hereby promises, in consideration of the promises made by the State herein, to obligate to the State the amount of money referred to above, and to tender to the State that portion of the obligation which is required to pay the United States' share of the costs of the above project stage, based upon the above percentage of assistance. The State hereby promises, in consideration of the promises made by the United States herein, to execute the project described above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

THE UNITED STATES OF AMERICA

STATE

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Title)  
Bureau of Outdoor Recreation  
United States Department of  
the Interior

By \_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Name)

Date \_\_\_\_\_  
\_\_\_\_\_  
(Title)

12/14/73 (Rel. No. 125)

This release supersedes all amendments,  
program directives and releases issued  
prior to this date.

Sheet 4



**U.S. Department of the Interior  
BUREAU OF OUTDOOR RECREATION MANUAL**

Grants-in-Aid Series

Part 660

Project Activation

Chapter 1      Procedures for Submission of Proposals

660.1.3C(cont.)

all amendments to reflect a minimum time extension of one year from the existing project expiration date. Project periods for master projects will always be assigned by the approving office.

A one-year project period for Contingency Reserve projects will continue to be encouraged. The ending date will be completed by the Washington Office and will reflect a one-year project period from the approval date.

Planning projects are excluded from this policy.

- D. Information. All significant data must be disclosed in the application (OMB Form 80-R0184) and its supporting documents. Failure to provide information which might have a significant bearing on Bureau evaluation of a proposal might be cause for refusal, cancellation, or recoupment of Federal assistance. The project proposal, including all information required by the Bureau to be on file at the State level, is considered to be a public record.

However, there may be some information which the participant or the State wishes to keep confidential. These items should be identified specifically to the Bureau. The Bureau will consider such requests on their merits and within the limits imposed by Federal regulations and statutes on public disclosures.

Copies of proposals may be distributed by BOR to other public agencies for information or comment.

- E. Projects with Fund Assistance of \$50,000 and Under. Instead of submitting normal documentation to the Bureau for acquisition and development projects with Fund assistance of \$50,000 and under, a State may certify the project. (This procedure is not applicable to planning projects.) Under this procedure, required documentation generally is limited to:

- (1) A U.S. Government Standard Form 240 (see Illustration 3).
- (2) The project agreement (original and one hand-signed copy plus four other copies).

1/27/75 (Rel. No. 131)

Replaces: Rel. No. 125, 12/14/73, or  
Prog. Dir. No. 12, 12/12/74

Sheet 4

**U.S. Department of the Interior  
BUREAU OF OUTDOOR RECREATION MANUAL**

Grants-in-Aid Series

Part 660

Project Activation

Chapter 1      Procedures for Submission of Proposals

660.1.3E(3)

- (3) Environmental information on the project (see 650.1.3).
- (4) A site plan (for development projects), a plat (for acquisition projects), and a location map (city street map or county road map).
- (5) A certification by the State that all legal and administrative requirements of the Federal Government which concern the project have been met.

All other project documentation required by the Bureau shall be on file at the State level for not less than three years after the project has been closed out and shall be made available, at request, for examination by duly authorized representatives of the Bureau, the Department of the Interior, and the General Accounting Office.

The above certification shall include assurance that the State's Historic Preservation Officer has been consulted if the project is located on or near any site listed in the National Register of Historic Places (see 640.4). If the project receives adverse comments from the State Historic Preservation Officer which are not subsequently resolved, the certification procedure shall not be utilized for the project. If the project is not located on or near a site listed in the National Register, the certification must so indicate.

- F. Master Projects. When it is advantageous to do so, a State may combine several subprojects into a single master project thereby encompassing all of the subprojects. The master project may be one of two types; 1) acquisition and/or development subprojects, sponsored by a single State agency or local unit of government, at several sites; or 2) subprojects which are all of a particular type of facility, such as outdoor ice skating rinks or boat launching ramps, sponsored by State agencies and/or local units of governments and located at several sites.

1/27/75 (Rel. No. 131)

Replaces: Rel. No. 125, 12/14/73, or  
Prog. Dir. No. 12, 12/12/74

NOTIFICATION OF GRANT-IN-AID ACTION				Do Not Use This Space						
1. STATE APPLICATION IDENTIFIER	2. (Reserved for use by State central information reception agency)									
3. GRANTOR: a. Federal agency Department of the Interior										
b. Organizational unit Bureau of Outdoor Recreation										
c. Administering office - (1) Name										
(2) Address - Street or P.O. Box		City	State	Zip Code						
4. FEDERAL AGENCY GRANT IDENTIFIER: a. Code		b. Title								
c. Purpose										
5. GRANTEE: a. Name										
b. Address - Street or P.O. Box		City	State	Zip Code						
6. GRANTEE TYPE (Check only the single most applicable box)										
a. State	b. Inter-state	c. County	d. City	e. School district		f. Special unit	g. Community action	h. Sponsored organization	i. Other	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
7. APPLICATION RECEIPT DATE		8. ACTION DATE		9. EFFECTIVE STARTING DATE		10. ENDING DATE				
Year	Month	Day	Year	Month	Day	Year	Month	Day		
11. TYPE OF ACTION (Check as many boxes as apply to this action)										
a. New grant	b. Continuation grant	c. Supplemental grant (identify agency in item 18)	d. Change in existing grant							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
12. AMOUNT OF CONTRIBUTION			b. State		c. Local		d. Other			
a. Federal - (1) basic	(2) Supplemental - \$		\$		\$		\$			
13. CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM (if none, clarify in item 18)			a. Program Number 15.400			b. Supplemental Program Number				
14. AUTHORIZATION										
a. Federal Budget Accounts	10-16-5005-0-2-405									
b. Public Laws	PL	Title	Sec.	PL	Title	Sec.	PL	Title	Sec.	
P. L. 88-578, Sec. 5										
c. U.S. Code	16 USC 460l - 4									
15. FACILITY LOCATION: (For facility grant actions only)										
a. City	b. County									
16. REMARKS										
State Liaison Officer:										

STANDARD FORM 240  
June 1970 Bureau of the  
Budget Circular A-98  
240-101



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Outdoor Recreation

State \_\_\_\_\_

Project Amendment No. \_\_\_\_\_

AMENDMENT TO PROJECT AGREEMENT

THIS AMENDMENT TO Project Agreement No. \_\_\_\_\_ is hereby made and agreed upon by the United States of America, acting through the Director of the Bureau of Outdoor Recreation and by the State of \_\_\_\_\_, pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The State and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment, do promise as follows:

That the above-mentioned agreement is amended by adding the following:

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below.

THE UNITED STATES OF AMERICA

STATE

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Title)  
Bureau of Outdoor Recreation  
United States Department of  
the Interior

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

Date \_\_\_\_\_

\_\_\_\_\_  
(Title)



**U.S. Department of the Interior  
BUREAU OF OUTDOOR RECREATION MANUAL**

Grants-in-Aid Series

Part 670

Allowable Costs

Chapter 1 Basis for Assistance

670.1.1

- .1 Basic Concept. Project costs will be matched project by project. Each project represents a separate transaction for purposes of determining the amount of the Fund's share of costs. The project period is the span of time, stipulated on the agreement, during which all work to be accomplished under the terms of the agreement must be completed (with the exceptions described in 670.1.3).
- .2 Relationship of Costs to Project Period. To be eligible for matching assistance, costs must have been incurred within the project period with the specific exceptions described in 670.1.3B(2). The Fund does not reimburse obligations, regardless of when they are assumed; it reimburses costs incurred during the project period.
- A. Development costs are first incurred at the start of actual physical work on the project site (such as the clearing of ground, the beginning of construction of a building, or the delivery of material to the site), and continue through the period the work is being done. Costs are not incurred at some earlier time when contracts are signed, funds obligated, or purchase orders issued, nor at a later time when the ensuing bills are paid.
- B. Since the transfer of ownership in real property can be a protracted process which differs under various State laws and procedures, the relationship of acquisition costs to project period is separated into two elements: the date when the acquisition cost is incurred and the date when the cost is eligible for reimbursement.
- (1) Acquisition costs are incurred on the date when the earliest of any of the following transactions take place:
- (a) participant receives deed, lease or other appropriate conveyance;
- (b) participant makes full payment for the property;
- (c) participant makes first payment in a series of spaced or time payments;
- (d) participant makes the first or full payment as stipulated in an option agreement; (The cost of the option, if included as part of the purchase price, is allowed as a retroactive cost.)
- (e) participant makes first partial or full payment to an escrow agent.

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(2) Part 670.1.2B(1) will be used to determine whether an acquisition cost is incurred within the project period. Eligible acquisition costs (and retroactive option costs as appropriate) will be reimbursed only after the participant has made payment and received satisfactory title to the property.

.3 Retroactivity. It is the intent of the Bureau that Fund grants be awarded to assist work not yet undertaken, rather than to help pay for work already begun or completed. This applies to entire projects and to each stage of a multi-stage project.

A. Policy. Retroactive costs are those costs incurred prior to project or stage approval by the Bureau. They include costs incurred for subsequent stages before the stages are approved. With the specific exceptions stated below, retroactive costs are not eligible for matching funds.

In some cases, the participant will have begun some parts of the work, and thereby incurred costs, before the project is acted upon. If such a project is approved, none of the costs incurred prior to approval will be matched, except as indicated in section B below.

If, during the conduct of a project, it becomes apparent that completion will not be possible within the project period, the State will submit an amendment to extend the period. This should be submitted at least 30 days prior to the expiration date. A period of one year shall be considered as the minimum time extension of a project period when amending a project. Requests for project period extension submitted after the expiration date will not normally be approved, and costs incurred after the expiration date will not be eligible for assistance.

B. Exceptions.

(1) Retroactive Projects. Retroactive costs will not be matched under ordinary circumstances. Exceptions will be made only when immediate action is necessary and the time necessary to process an application would result in a significant opportunity being lost. The State will notify the Bureau in writing of the necessity for it to act prior to doing so and give justification for the proposed action. Such notification must include an environmental assessment as outlined in Section 650.1.3. A finding by the Bureau that an environmental impact statement might be required will preclude the granting of a waiver. Funds must be available

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in the State's apportionment, and a project agreement must be submitted as soon as possible. If the Bureau grants an exception, the retroactive costs will be eligible for assistance if the agreement is later approved in the normal course. Granting an exception is only an acknowledgement of the need for immediate action; it does not imply a qualitative approval of the project. The costs are incurred at the applicant's risk and granting of the exception does not in any way insure approval of the project. Under no conditions will an exception be granted during a period of State ineligibility or when the amount remaining unobligated in the State's apportionment is inadequate to cover the proposed retroactive project.

- (2) **Preagreement Costs.** It is recognized that some costs must be incurred before a proposed project can be submitted to the Bureau with the required descriptive and cost data.

Therefore, for development projects, the costs of site investigation and selection, site planning, feasibility studies, preliminary design, environmental assessment, preparation of cost estimates, construction drawings and specifications, and similar items necessary for project preparation may be eligible for assistance, although incurred prior to project approval.

The use of professional, outside consultants in the formulation of planning project proposals is encouraged. Thus, the development of work programs, cost estimates and budgets, workflow charts, and such other items as are necessary to develop a sound planning program by outside consultants, university personnel, or by appropriate State personnel may be allowable costs, although incurred prior to project approval.

The project proposal (a supplement to Part III B of the OMB Form 80-R0184 application) should list the preagreement costs and the dates incurred. The project agreement shall include the following statement as a special term:  
"Preagreement costs incurred from (date) to date of project approval in amount not to exceed \$ (amount) shall be allowable under this agreement."

- (3) **Stages.** When a project is staged, each stage will be treated separately, and must be approved before costs are incurred. Any cost incurred prior to approval will be funded only on the exceptional basis outlined for retroactive projects in (1) above.

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(4) Cost Overruns and Amendments of Scope. During the execution of a project there may be unforeseen delays, changes in specification, or rising costs of labor and supplies which cause the cost of the stage or project to be greater than the approved support ceiling. Or, as work progresses, it may be necessary or desirable to alter the scope of the project by adding, deleting or modifying some of its parts. The State is required to notify the Bureau when such changes occur and to submit an amendment as soon as possible to cover the modification. It is recognized, however, that it will not always be possible for the Bureau to act in advance of the change, and any costs thus incurred prior to their approval are done so at the participant's risk.

Proposed amendments decreasing the scope or approving a cost overrun will be considered after the project period, if an earlier submission is not possible, but only those costs incurred within the project period will be eligible. No proposed amendments to increase the scope will be considered after the project period has expired. An amendment to add or substitute scope items will not be approved if the period of availability for obligation for the funds obligated under the project has expired. An amendment can be approved during the project period if the current apportionment is obligated to fund the scope change. (See 660.2.5).

.4 Participant's Financial Obligations.

A. Participant's Matching Share. In most cases the participant will initially pay in full all costs incurred during the project period. The participant, upon the presentation of a billing (through the State Liaison Officer) to the Bureau, will then be reimbursed (through the State Liaison Officer) for the Federal share of the eligible costs represented by that billing.

When a participant lacks the financial resources to initially finance approved projects with its own funds, it may request an advance of funds to cover the Federal share of anticipated costs. The request for an advance payment should include a financial plan which outlines the reason for the request and a schedule of disbursements by months or other payment intervals. (See 675.6.2). This shall be accomplished by completing items 11j and 12 of OMB Form No. 80-R0183, Request for Advance.

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B. Applicability of Donations. The Bureau encourages the donation of cash and in-kind contributions including real property to participants by private parties. The value of the in-kind contributions may be used as all or part of the participant's share of the project cost. The Bureau must agree on the method to be used in valuing in-kind contributions of goods and services in advance of project approval in order for such contributions to be considered as part of the grantee's matching share. Specific procedures for placing the value on in-kind contributions from private organizations and individuals are set forth below:

- (1) Valuation of Volunteer Services. Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Each hour of volunteered service may be counted as matching share if the service is an integral and necessary part of an approved project. Records of in-kind contributions of personnel shall include time sheets containing the signature of the person whose time is contributed and of his supervisor verifying that the record is accurate.
  - (a) Rates for volunteer services. Rates for volunteers should be consistent with those regular rates paid for similar work in other activities of the State. In cases where the kinds of skills required for the federally-assisted activities are not found in the other activities of the grantee, rates used should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved. The time of a person donating his services will be valued at the rate paid as a general laborer unless he is professionally skilled in the work he is performing on the project (i.e., plumber doing work on pipes, mason doing work on a brick building). When this is the case, the wage rate this individual is normally paid for performing his service may be charged to the project. A general laborer's wages may be charged in the amount of that which the city or cities in the immediate area pay their city employees for performing similar duties.

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(b) <u>Volunteers employed by other organizations.</u> When an employer other than the grantee furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.		
(2) <u>Valuation of Materials.</u> Prices assessed to donated materials included in the matching share should be reasonable and should not exceed the cost of the materials to the donor or current market prices, whichever is the less, at the time they are charged to the project. Records of in-kind contributions of material shall indicate the cost to the donor and the fair market value by listing the comparable prices and vendors.		
(3) <u>Valuation of Donated Real Property.</u> The value of donated real property shall be established by an independent appraiser in accord with commonly accepted appraisal practices and in accord with 675.2.5 of this manual. Upon completion of the appraisal, at the participant's expense, it should be submitted to the Bureau through the State for review and approval. In extreme cases or to resolve disputes as to the fair market value, the applicable Bureau Regional Office will contract for necessary appraisals with another Federal agency or a private appraiser. Such appraisal must be approved by the Bureau prior to project approval.		
(4) <u>Valuation of Donated Equipment.</u> The hourly rate for donated equipment used on a project may be determined from State Highway Department Equipment Use Rate Schedules. Hourly rates in the annual edition of <u>Rental Compilation</u> or similar publications which provide the national average rates for construction equipment may <u>not</u> be used as the rates include a profit factor. Records of in-kind contributions of equipment shall include schedules showing the hours and dates of use and the signature of the operator of the equipment.		

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- (5) **Valuation of Other Charges.** Other necessary charges such as equipment use charges incurred specifically for and in direct benefit to the project in behalf of the grantee may be accepted as matching share provided that they are adequately supported and permissible under the law. Such charges must be reasonable and properly justifiable.
- (6) The basis for determining the charges for donated personal services, material, equipment and land must be documented and must be approved by the Bureau prior to project approval.

The in-kind contributions are eligible in a project only to the extent that there are additional acquisition and/or development costs to be met by the Federal assistance requested for that project, which must be fully described and explained in the proposal.

Example: Land valued at \$10,000 is donated to the participant, who proceeds to develop the property for recreational use. Development costs come to \$6,000. The total project cost is therefore \$16,000 and the matching shares would normally be \$8,000. But because only \$6,000 was actually spent, and since a grant in excess of that would constitute a profit to the participant, the Fund amount is reduced accordingly.

Participant - amount of the \$10,000	
donation applied to the project.....	\$ 6,000
BOR Grant.....	<u>6,000</u>
	\$12,000

The amount of donation that is matchable is the value of the donation or the amount of cash spent by the participant for additional acquisition or development, whichever is less. Any portion of the value of a donation not utilized by the participant for matching in the project (4,000 in the above example) is not available to subsequent projects.

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To be eligible for matching assistance, in-kind contributions shall be applicable to a single project site. However, a multi-site project involving land donations may be considered to the extent that such is logical, reasonable, and more advantageous than the application of the donation to a single site.

.5 Determining Amounts of Costs.

- A. General. Subject to the guidelines given in this chapter and in Office of Management and Budget Circular A-87, the rates, practices, rules, and policies of the participant, as consistently applied, shall generally determine the amount of cost of each item charged to a project. In instances where the participant has no such basis, that of the State shall apply.
- B. Ceiling on Amount of Cost Items. The amount of each item of cost that may be matched from the Fund shall not exceed the participant's actual cash outlay for that item, or the fair market value of the item, whichever is less. An exception could be land acquired at a price in excess of appraised value supported by an adequate statement on difference of value.

.6 Ceiling on Total Matching Share From the Fund. The total matching amount made available for an approved project shall not exceed the approved support ceiling.

.7 Guidelines for Determining Allowable Costs. The basic statement regarding the principles and standards for determining costs applicable to this grants program is found in Office of Management and Budget Circular No. A-87, May 9, 1968. The remainder of this chapter is based upon that source, which will be the authoritative guide on the subject.

- A. To be allowable for Fund assistance, costs must meet the following criteria:

- (1) Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto, and, except as specifically provided in these guidelines, not be a general expense required to carry out the overall responsibilities of State or local government.

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- (2) Be authorized or not prohibited under State or local laws or regulations.
- (3) Conform to the limitations of Circular A-87, Federal law, or other governing limitations in the agreement as to types or amount of costs.
- (4) Be consistent with policies, regulations, and procedures that apply uniformly to both federally-assisted and non-federally-assisted activities of the unit of government of which the participant is a part.
- (5) Be treated consistently through application of generally accepted accounting principles appropriate to the circumstances.
- (6) Not be allocable to or charged to any other federally-financed program.
- (7) Be net of all applicable credits.

B. Allocable Costs.

- (1) A cost is allocable to the grant to the extent of benefits received.
- (2) Any cost allocable to a particular project may not be shifted to another project or another Federal grant program to overcome fund deficiencies, avoid restrictions imposed by law or project agreements, or for other reasons.
- (3) Where an allocation of joint costs will result in charges to this program, an allocation plan will be required (see Circular A-87, section J).

C. Applicable Credits. Credits are receipts or reductions of expenditure-type transactions which offset or reduce allocable costs. Examples are discounts, rebates, recoveries on losses, sale of items, and adjustment of overpayments.

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- D. **Total Cost.** The total cost of a project is comprised of the allowable direct cost incident to its performance, plus its allocable share of allowable indirect costs, less applicable credits.
- E. **Classification of Costs.**
- (1) **Direct Costs.** Direct costs are those identified specifically with and charged directly to a particular project. Typical direct costs are employee compensation for time and effort devoted to a specific project, costs of materials, costs of equipment and other capital expenditures, or the acquisition of land.
- (2) **Indirect Costs.** In order to make use of the Fund for increasing outdoor recreation opportunities, States are urged to absorb administrative and other overhead expenses to the maximum extent possible through the use of normal State funds and resources. However, where a State cannot effectively administer the Fund program with its own resources, Federal funds may be used to pay a portion of the direct costs incurred by the State. Indirect costs are those incurred for a common or joint purpose benefitting more than one project, and are not readily assignable to the individual projects. All indirect costs of the office of the State Liaison Officer are eligible for allocation to projects provided they meet the conditions of Circular A-87. For indirect costs to be allowable under a specific project, the project agreement must indicate that such costs are allowable in accordance with an indirect cost rate agreement negotiated in accordance with Circular A-87.
- F. **Costs Incurred by Other Agencies.** The cost of service provided by other agencies may only include allowable direct costs of the service plus a prorata share of allowable supporting costs (costs of such auxiliary functions as procurement, payroll

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accounting, etc.) and supervision directly required in performing the service. In lieu of determining actual supporting (indirect) costs related to a particular service furnished by another agency, either of the following alternative methods may be used:

- (1) Standard indirect rate, equal to 10% of direct labor cost in providing the service.
- (2) Predetermined fixed rate, for indirect cost of the agency providing the service may be negotiated.

G. Cost Allocation Plan. A plan for the allocation of cost will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records. (See Circular A-87, section J).

.8 Allowable Costs. The following are allowable type costs, and apply irrespective of whether a particular item is treated as a direct or indirect cost. The allowability of these items is subject to the general principles outlined in 670.1.7 and elaborated in Office of Management and Budget Circular A-87. Allowable costs include, but are not limited to:

A. Personal Service. Assistance may be provided for the personal services of those employees and supervisors directly engaged in the execution of a project. Assistance will be provided according to the proportion of time spent on a project.

The cost of such compensation is allowable to the extent it is (1) reasonable for the services rendered, (2) follows an appointment made in accord with applicable State, local, and Federal requirements, and (3) is determined and supported by generally accepted payroll practices and time and attendance or equivalent records.

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Salaries and wages for persons working on Fund assisted projects shall not be higher than for similar persons on similar jobs.

- B. Fringe Benefits. Fringe benefits, such as vacations, holidays, and sick, court, and military leave which are incurred during authorized absences from the job, and insurance, retirement plans, social security contributions, etc., which are regularly provided to employees by the participant are legitimate personal service costs and are eligible for Fund assistance. Fringe benefit costs to a project should be computed in proportion to the time spent on a project.

Vacations and leave should not be taken or charged in excess of the amount earned while working on Fund assisted projects.

- C. Consultant Service. In those cases where the special assistance of a specially qualified consultant is required for a project, a share of the cost may be borne by Fund moneys. Consultants should be paid by the customary method of the participant, whether by per diem salary, fee for service, etc. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used. Consultants may, if it is the policy of the participant, be reimbursed for travel and other expenses.

No consultant fee may be paid to any Federal, State or Participant's employee unless such a payment is specifically agreed to by the Bureau.

- D. Equipment. Subject to determination on a case by case basis, Fund assistance will be made available for:
- (1) Equipment Used in the Conduct of a Project. Costs of purchasing, leasing, or renting equipment utilized in the execution of a project are generally eligible for Fund assistance.

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670.1.8D(1)(a)

- (a) The purchase price of individual items of equipment costing less than \$1,000 is eligible, and the specific items need not be listed nor justified in the proposal.

Items costing \$1,000 or more may be eligible provided the participant clearly shows that it is more economical to purchase the item than to lease or rent it. They must be listed, with estimated costs, on the proposal. At project completion, any residual value of purchased items of equipment must be credited to the project.

- (b) Equipment that is owned by the participant may be charged against the project on a use allowance or depreciation basis. In either case the rate will be based on acquisition cost. In determining depreciation, any generally accepted method for computation may be used. In lieu of depreciation, a use allowance will be computed at an annual rate not exceeding 6 2/3% of acquisition cost. Charges must be substantiated by records of payments and/or payments and/or records of hours, days, etc., when equipment was used as prescribed by the organization's fiscal and purchasing procedures. The cost of a single unit or piece of equipment may include, where appropriate, such items as taxes, transportation, in-transit insurance, and installation.
- (c) Lease or rental charges on equipment are allowable when it is determined that such an arrangement is the most efficient and economical.

- (2) Purchase Price of Equipment Required to Make A Facility Initially Operational. Such equipment includes pumps, sprinkling systems, snow making machines, ski lifts or tows, standby power plants, etc., necessary to provide for the recreational uses for which the proposal is approved. As a general rule equipment to be used for maintenance is not eligible for assistance (670.1.9 0). However, certain smaller items of equipment (but not operational and maintenance supplies, i.e., cleaning compounds, chlorine, paper supplies,

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670.1.8D(2) (cont.)

brooms), sometimes of an expendable nature, which may be required to make a facility initially operational may be allowable as part of the project cost. Generally, this will be confined to those equipment items specifically required under State health department regulations. For such items the Regional Director will exercise his own judgement as to allowability. It would be impossible for the Bureau to establish a complete list of every conceivable item that might be required to make a facility operational initially, and a ruling will be made on a case-by-case basis.

- E. 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, rebates, etc., and the latter should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

- F. Travel. The cost of transportation, lodging, subsistence, and related items is allowable when incurred by employees who are in travel status on official business incident to a project. Such costs may be on an actual basis, or a per diem or mileage basis, or a combination of the two (provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in non-federally sponsored activities).

- G. Information and Interpretation Costs. Fund assistance may share the cost of information related to a project, as distinguished from publicity. These may include information and direction signs at the entrances of recreation areas and other necessary places throughout the area, display boards, dioramas, or other interpretive facilities for the explanation of items of interest and other facilities required to explain the area and bring it to public attention.

- H. Construction. Allowable construction costs cover all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a structure. Construction may be carried out through a contract with a private firm, or by use of the participant's own personnel and facilities (force account).

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670.1.8I

I. Administrative and Supporting Expenses. Fund assistance will be available for a wide range of administrative and supporting expenses incurred directly or indirectly on behalf of a project, consistent with the standards stated in Circular A-87. Where cost items benefit the Fund assisted project in addition to other, non-Fund assisted activities, the cost will be allowable to the extent they are allocable to the project. Allowable items include, but are not limited to:

- (1) Accounting
- (2) Auditing
- (3) Bonding
- (4) Budgeting
- (5) Central stores
- (6) Communication expenses
- (7) Disbursing services
- (8) Motor pools
- (9) Payroll preparation
- (10) Personnel administration
- (11) Procurement services
- (12) Taxes

J. Costs of Purchases of Real Property and of Interests in Real Property. Federal assistance may be used to pay a share of the fair market value of real properties and of interests in real property purchased by the Participant, when determined by the Bureau to be capital costs. Incidental costs of acquisition may not be matched. Costs allowed under section 211, P.L. 91-646, of the Uniform Relocation Assistance and Real Property Acquisition Policies Act, may be matched.

The value of such properties or interests should be proposed by the State. (See 675.2.6) Steps shall be taken to assure that actions in identifying property for acquisition do not cause inflation of property values, and thereby increase the cost of the project.

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Although a participant may pay a greater amount, Fund assistance will generally be computed on the fair market value. However, when a State feels that the amount paid in excess of the fair market value is justifiable, it should prepare, and submit to the Bureau, a detailed and well documented statement justifying the difference. If found adequate, Fund assistance may be computed on the full purchase price.

Where court awards in condemnation cases exceed the support ceiling approved by the Bureau, the Bureau will not be obligated to pay on the higher amount. The State may however, submit an amendment for Bureau consideration to increase the support ceiling to the amount of the court award.

Capital expenditures for acquisition of leases, easements, and other rights and interests in real property are eligible for assistance.

K. Cost of Real Property Purchased from Other Public Agencies. The actual cost to the participant of land purchased from another public agency may be eligible for matching, subject to the following conditions:

- (1) The land was not originally acquired by the other agency for recreation, nor has it been so managed while in public ownership.
- (2) No Federal assistance was involved in the original acquisition by the other agency.
- (3) The selling agency is required by law to receive payment for land transferred to another public agency. Examples would be public school land that can be used for non-school purposes only through payment to the school agency, or excess State prison lands that can be transferred to local government use only on a purchase basis. The support ceiling will be based on the price paid by the participant for the property or the fair market value, whichever is less.
- (4) The requirement of appraisal, history of conveyances, and evidence of title are the same as normal purchases (see 645.1.4C).

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- (5) If the selling agency is Federal, fair market value is paid (670.1.9N).

L. Costs of Real Property Acquired through Exchanges. Land owned and administered by the participant may be exchanged (traded for more valuable land administered by another public agency or for land owned by a private party.) The support ceiling will be based on the amount of cash, if any, that must be paid by the participant in addition to the land conveyed away, subject to appraisal requirements. Both parcels must be adequately appraised.

If the other party is a public agency, items (1) - (5) under .8K apply.

Example: The participant exchanges a property appraised at \$10,000 for a privately owned property appraised at \$12,000, and pays the difference of \$2,000 cash. The amount to be reimbursed is 50% of \$2,000.

M. Real Property Acquired by Donation. The value of real property donated to the participant by private organizations or individuals will be eligible for matching as defined in 670.1.4E, as determined by an appraisal. Donations required by law or regulation are ineligible as the participant's matching share. The land acquired cannot be subject to any restrictions that might limit its intended public use.

N. Master Planning. Master planning of a recreation area in whole or in part will be matchable as part of a development project, subject to the following conditions:

- (1) If it is a single stage project, it must include actual development of at least equal cost to that of the master plan.
- (2) If it is a dual or multi-stage project in which the master planning occurs in the first stage, the first stage must also include an amount of development at least equal to the amount of the master plan.

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**O. Miscellaneous Allowable Costs.**

- (1) Payment of premiums on hazard and liability insurance to cover personnel and property directly connected with the project.
- (2) Costs to the participant for work performed by another public department or agency. The costs of services provided by central service type agencies to grantee departments are allowable and need not be supported by a transfer of funds between the departments involved.
- (3) Costs of printing and distributing the State Outdoor Recreation Plan, including a popular summary version thereof, as well as other project related printed or reproduction costs.
- (4) The cost of space in privately owned buildings used for the benefit of the project is allowable subject to the conditions stated in Circular A-87. Also, participants may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. (See A-87, section 11).

**.9 Non-Allowable Expenditures. These expenditures shall not be included in the base for determining financial assistance:**

- A. Ceremonial or entertainment expenses.
- B. Expenses for publicity.
- C. Bonus payment of any kind.
- D. Charges for contingency reserves or other similar reserves.
- E. Charges in excess of the lowest responsive bid, when competitive bidding is required by the Bureau or the participant, unless the Bureau agrees in advance to the higher cost.

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- F. Charges for deficits or overdrafts.
- G. Taxes for which the organization involved would not have been liable to pay.
- H. Interest expenses.
- I. Charges incurred contrary to the policies and practices of the organization involved.
- J. Damage judgements arising out of acquisition, construction, or equipping of a facility, whether determined by judicial decision, arbitration, or otherwise.
- K. Incidental costs relating to acquisition of real property and of interests in real property, unless allowable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, P.L. 91-646.
- L. Operation and maintenance costs of outdoor recreation areas and facilities.
- M. The value of, or expenditures for, lands acquired from the United States at less than fair market value.
- N. Cost of discounts not taken.
- O. Equipment to be used for the maintenance of outdoor recreation areas and facilities, including, but not limited to, automotive equipment, tractors, mowers, other machinery, and tools.
- P. Employee facilities, including residences, appliances, office equipment, furniture, and utensils.
- Q. Donations or contributions made by the participant, such as to a charitable organization.

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- R. Salaries and expenses of the office of the Governor or of the chief executive of a political subdivision, or of the State legislature and similar local governmental bodies.
- S. Fines and penalties.
- T. Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.
- U. Any losses arising from uncollectable accounts and other claims, and related costs.
- V. Legal and professional fees paid in connection with raising funds.

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BUREAU OF OUTDOOR RECREATION MANUAL**

Grants-in-Aid Series

Part 675

Project Administration

Chapter 1 General

0.0.4.1

- .1 General Responsibility. It is the prerogative and responsibility of the State, and the participant to which it devolves responsibilities, to prosecute a project under the general guides and rules established by them, governed in general by the concepts, rules and guides set forth in this Manual. The Bureau believes its primary role in project administration to be concerned with results, leaving to the States the determination of means to achieve these results. Thus, the rules established in this Part are minimal, being limited to those considered necessary for the Bureau to fulfill its obligations.
- .2 Arrangements with Participants. It is the responsibility of the State to make arrangements with other public agencies suitable and adequate to insure the successful performance of projects and the continued operation and maintenance of aided facilities and properties for public outdoor recreational use. The State shall be held responsible for all the actions of participants relating to the execution of projects.
- .3 Consideration of Federal Acts. During preparation or an application and conduct of a project, the participant shall comply with applicable Federal laws and regulations relating to the acquisition and development of public properties such as the following acts and executive orders:
  - A. Architectural Barriers Act of 1968 (P.L. 90-480). (See 640.3.1)
  - B. Historic Properties Preservation Act of 1966 (P.L. 89-665). (See 640.4.1)
  - C. National Environmental Policy Act of 1969 (P.L. 91-190). (See Part 650)
  - D. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646). (See Part 645)
  - E. Executive Order 11288 concerning the prevention, control, and abatement of water pollution.
  - F. Executive Order 11296 relative to the evaluation of flood hazard.
  - G. Flood Disaster Protection Act of 1973 (P.L. 93-234). (See 640.5)
  - H. Endangered Species Act of 1973 (P.L. 93-205).

1/27/75 (Rel. No. 131)

Replaces: Rel. No. 125, 12/14/73, or  
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675.1.3(Cont.)

Proposals involving dredge and fill operations of marshlands, wetlands, estuarine areas, and other areas of unique wildlife or marine habitat must be reviewed and evaluated by the U. S. Fish and Wildlife Service for the effects on marine and wildlife habitat. A permit from the appropriate Federal agency (Corps of Engineers, Coast Guard, etc.) is required for development proposals involving any of the above activities in navigable waters prior to approval of a Land and Water Conservation Fund development project.

Proposals for projects within urban areas must be in conformance with local comprehensive development and land use plans where such plans exist or are in preparation.

- .4 Duration of Project. A project will continue in force until all work under a grant is completed or until the project period of the approved project agreement and all amendments thereto have expired.
- .5 Prosecution of Project Work. The State shall be responsible for insuring that all projects receiving financial assistance pursuant to the Act are carried through to stages of completion acceptable to the Director with reasonable promptness. Failure to maintain satisfactory progress or failure to complete the project to the satisfaction of the Director may be cause for the Director to withhold further payments on any or all projects of a State or qualification of new projects until the project provisions are satisfactorily met. Project assistance may be terminated upon determination by the Director that satisfactory progress has not been maintained.

In the event that Fund assistance should be terminated, the State shall be required to bring the project to a state of usefulness so funds invested shall not be lost. If the State cannot complete the project with its own funds, it should submit a plan to the Director for bringing the incomplete project to a point where it is useful. The Director will not require that all parts of a project be completed in such a case if a stage of reasonable usefulness can be achieved short of completion.

- .6 On-site Inspection by the State. It will progressively become the responsibility of the State to administer a regular and continuing program of on-site inspections of projects. The scope, timing, selectivity, and content of these inspections will be covered in an agreement to be negotiated by the Regional Director and the State.

1/27/75 (Rel. No. 131)

Replaces: Rel. No. 125, 12/14/73, or  
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675.1.6 (cont.)

The State will submit a written report to the Regional Director for each inspection not conducted jointly by Bureau and State personnel. It need not submit more than one inspection report for a project in one year, except in those cases where a final inspection report is required the same year. The staff costs resulting from the inspection program will be allowable charges against approved projects. All projects will be subject to selective on-site review by Bureau personnel. Until individual State inspections arrangements are completed and placed in operation, the Regional Director will perform the inspection function.

Properties and facilities acquired or developed with Fund assistance shall be available for inspection by the Bureau at such intervals as the Director shall require.

- .7 Changes in Project Scope. See 670.3B(4) for discussion of changes in project scope.
- .8 Income from Properties Acquired or Developed with Fund Assistance.

A. During Project Period. Income that accrues to a Fund assisted area during the duration of a project from sources other than the intended recreational use will be used to reduce the total cost of a project. Following the accrual of such income, subsequent billings must include the accrued amounts as credits to the project. Examples of income that must be so credited are:

- (1) The sale or rental of structures
- (2) The sale of timber
- (3) The lease or rental of the land

Any such use of an area, especially as regards the removal of timber or structures or the alteration of the land, must be consistent with the intended recreational use of the area as described to the Bureau.

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675.1.8A (cont.)

Any income accruing during the project period from recreational use of the area, such as from entrance or user fees and concessioner operations, may be disposed of at the Participant's discretion consistent with his normal procedure.

B. After Project Period. With the exception of income derived from the sale of structures acquired with Fund assistance, all income accruing subsequent to the project period, including that from recreational use and that from land management practices, may be disposed of at the Participant's discretion. Such management practices must be compatible with, and complimentary to, the outdoor recreational use of the area and any practice which alters the use or purpose of the area is prohibited except as provided for in 685.2. Income derived from the sale of improvements, structures and appurtenances thereto exclusive of moveable machinery and equipment acquired with Fund assistance must be used to reduce the cost of other Fund assisted projects regardless of when the sale occurs.

- .9 Title to Properties Acquired or Developed with Fund Assistance. The Federal Government will not obtain a legal right or title to any area or facility acquired or developed with financial assistance received under the provisions of the Act.
- .10 Safety and Accident Prevention. In the performance of each project the State and other participating organizations shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation. The State and other participating organizations shall be responsible for assuring that all reasonable safeguards, safety devices, and protective equipment are provided, and will take other needed actions reasonably necessary to protect the life and health of employees on the job and the safety of the public, and to protect property in connection with the performance of work on the project.
- .11 Issuance of Rules and Instructions. The Director may issue additional or modified rules, instructions, interpretations, and guides from time to time as he believes necessary for the effective conduct of assistance activities. Such changes will apply to all projects for which agreements are signed after the effective date of the changes.

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Whenever possible, sufficient lead time will be given between the announcement and the effective date to avoid application to projects already in process at the time of announcement.

- .12 Compliance with Federal Laws and Regulations. When the Director determines that a State has violated or failed to comply with applicable Federal laws, or the regulations governing this program with respect to a project, he may withhold payment to the State of Federal funds on account of such project, withhold funds for other projects of the State, withhold approval of further projects of the State, and take such other action he deems appropriate under the circumstances, until compliance or remedial action has been accomplished by the State to the satisfaction of the Director.
- .13 Appeals. When a State disagrees with any decision or action of the Director concerning comprehensive plans, project proposals valuations of properties and personal services, and audit exceptions, and fails to reach an agreement with the Director, it may appeal to the Secretary. The decision of the Secretary shall be final.

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Part 675

Project Administration

Chapter 2 Acquisition Project Performance

675.2.1

- .1 Policies Respecting Methods of Acquisition. Acquisition of land and water, or interests therein, may be accomplished through purchase, eminent domain, transfer, gift, or other means. (See 670.1 for matchable costs.) All acquisitions must conform to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L.91-646. (See 645 for full coverage of this Act). The Bureau encourages public policies and procedures for the acquisition of real property that are fair and consistent, and directed toward giving the property owner the full measure of compensation authorized by law, promptly, with a minimum of inconvenience, and without forcing him to prolonged negotiation or to costly litigation.
- A. Every reasonable effort should be made to acquire real property by negotiated purchase.
- B. Real property must be appraised before the initiation of negotiations, and the property owner given a statement of just compensation for his property. In no event can the amount established as just compensation be less than the amount of the approved appraisal. (See 645.1.8B and 675.2.5). Property owners shall be afforded an opportunity to accompany the appraiser during his inspection of the property. No policy or practice will be permitted that would penalize the uninformed owner as compared with the property owner who is more knowledgeable about real estate values.
- C. Condemnation should not be advanced or delayed in order to induce an agreement on price. If an agreement does not appear possible after a reasonable period of negotiation, the participant may, if authorized by law, institute condemnation proceedings.
- D. If a partial taking would leave the owner with an uneconomic remnant, the participant shall offer to acquire the entire property.
- E. In determining the boundaries of a project, the participant should take into account human considerations, including the economic and social effects of the acquisition and subsequent development on owners and tenants in the adjacent area, in addition to engineering and other factors.

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675.2.2

- .2 **Basis For Assistance.** Generally, the market value standard will be used as the basic measure of Bureau assistance on acquisitions. (See 600.2.1) Fund assistance shall be based upon evidence of this value. When determined by the Bureau to be capital costs and when other pertinent conditions are met, any degree of long term interest in real property can be considered for matching aid, whether purchased by or donated to the participant. Properly documented costs of severance or consequential damages may be matched. Incidental costs of acquisition may not be matched except for those allowed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646.

Payments may be made only after the Project Agreement has been executed for the project involved. When advance payments are made the level of Federal participation will later be determined as the amount which is adequately supported. If necessary, adjustments will be made in the final settlement of the project.

After an advance payment is made the participant will submit billings when actual costs are incurred on the project in accord with 675.6.2. These billings will be used to account for the advance funds.

- .3 **Summary of Documentation Requirements.** Unless waived, the documentation listed in 645.1.4.C is needed for each acquisition.
- .4 **Bureau Action on Acquisition Documents.**

- A. The Bureau will spot check appraisal reports approved by the SLO for adequacy and consistency, including the qualifications of appraisers. Other documents may also be spot checked to determine whether they adequately serve the purposes intended for them. Additional information including new appraisals may be required when circumstances so warrant.
- B. **Waiver of Requirements.** The Bureau may waive any of its documentation or payment requirements upon request or upon its own initiative, when in the opinion of the Bureau a requirement or set of requirements serves no useful purpose.

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When such a waiver is given, the Bureau reserves the right to establish suitable and reasonable conditions under which the waiver may be operative.

When a waiver is needed, it should be requested by the State Liaison Officer. The request should include a justification for the waiver and a statement of how a proposed substitute report or system would meet the need of the Bureau to justify payments from the Fund.

- .5 Appraisals. The participant should secure at least one appraisal of the appropriate type by a qualified person for each parcel to be taken. Standards for appraisals used shall be consistent with the current Uniform Appraisal Standards for Federal Land Acquisition published by the Land Acquisition Conference. (645.1.8.A) Except for written Findings of Value (C, below), the appraisal should be an analytical narrative report following current professional appraisal practices involving the application of standard techniques, such as comparative or market, cost less depreciation, and income approaches to value. Other portions of the report, such as introductory and supporting data, limiting conditions and certifications should also meet these standards. All appraisals should be independently prepared by qualified staff or fee appraisers.

The formality and detail of required documentation will be determined, as described below, by the value of the real property involved in each instance. Depending on value, the Bureau will require formal appraisal reports, abbreviated appraisal reports, or written findings of value. Except for projects involving donations, the appraisal will not be submitted to the Bureau unless requested. A formal appraisal is required for all projects involving the donation of real property or interests therein with the exception as provided in 675.2.5.

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Chapter 2 Acquisition Project Performance      675.2.5A

- A. Formal Appraisal Requirements. If a project (1) will cost \$25,000 or more (\$12,500 or more Fund assistance), or (2) involves purchase from another public agency or the exchange of real property, the participant will need to apply these appraisal requirements.

The report on any individual property may vary depending upon the type of property under appraisal. Additional data may be required in the case of highly specialized properties. Items may be deleted, as in the case of land valuation only. Generally, however, all items must be considered by the appraiser and included in the report; unless otherwise requested and agreed to by the Bureau and omission explained by narrative.

The Appraisal Report should cover:

- (1) Qualification. Statement of qualifications of all appraisers and/or technicians contributing to the report.
- (2) Statement of Limiting Conditions. The appraiser should state that he assumes the title to be marketable, that he assumes no responsibility for legal matters, and that all data furnished him by others are presumed correct. He should also mention any other assumptions he has made.
- (3) Purpose of the Appraisal. This shall include a definition of all values required and appraised.
- (4) Identification of Property. Legal description of the whole tract and that to be acquired.
- (5) City and Area Data. This data (mostly social and economic) should be kept to a minimum and include only such information as directly affects the property being appraised.

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675.2.5A(6)

(6) Property Data.

- (a) Site. Describe soil, topography, mineral deposits, easements, etc. If there is an indication that mineral deposits have more than a nominal commercial value, this fact shall be clearly stated.
  - (b) Improvements. This shall be by narrative description, including dimensions of principal buildings and/or improvements.
  - (c) Equipment. This shall be by narrative description including the condition.
  - (d) Condition. The current physical condition and relative use and obsolescence shall be stated for each item or group appraised and, whenever applicable, the repair or replacement requirements to bring the property to usable condition.
  - (e) Assessed Value and Annual Tax Load. Include the current assessment and dollar amount of real estate taxes. If the property is not taxed, the appraiser shall estimate the assessment in case it is placed upon the tax roll, state the rate, and give the dollar amount of the tax estimate.
  - (f) Zoning. Describe the zoning for subject and comparable properties and if rezoning is imminent, discuss under item (7).
- (7) Analysis of Highest and Best Use. The report shall state the highest and best market use that can be made of the property (land and improvements and where applicable, machinery and equipment) for which there is a current market. The valuation shall be based on this use.

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Chapter 2 Acquisition Project Performance

675.2.5A(8)

- (8) Land Value. The appraiser's opinion of the value of the land shall be based upon its highest and best use, regardless of any existing structures and shall be supported by confirmed current factual data (sales and offerings) of comparable, or nearly comparable, lands having like optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised.
- (9) Value Estimate by Cost Approach. This section shall be in the form of computative data, arranged in sequence, beginning with reproduction or replacement cost, and shall state the source (book and page if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.
- (10) Value Estimate by Income Approach. This shall include adequate factual data to support each figure and factor used and shall be arranged in detailed form to show at least (a) estimated gross rent or income; (b) an itemized estimate of total expenses including reserves for replacements.
- Capitalization of net income shall be at the rate prevailing for this type of property and location. The capitalization technique, method and rate used shall be explained in narrative form supported by a statement of sources of rates and factors.
- (11) Value Estimate by Comparative (Market) Approach. All comparable sales used shall be confirmed by the buyer, seller, broker, or other person having knowledge of the price, terms and conditions of sale. Each comparable shall be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser's final value estimate from this approach.

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(12) Interpretation and Correlation of Estimates. The appraiser shall interpret the foregoing estimates and shall state his reasons why one or more of the conclusions reached in items (9), (10), and (11) are indicative of the market value.

(13) Tabulation of History of Conveyance (property sales and transfers). Include parties to the transactions, dates of purchase, and amounts of consideration for at least 10 years prior to appraisal.

(14) Certification of Appraiser.

- (a) He has personally inspected the property.
- (b) He has no present or contemplated interest in the property.
- (c) That in his opinion the market value of the taking as of \_\_\_\_\_ is \$ \_\_\_\_\_  
(Valuation date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date report submitted)

(15) Exhibits and Addenda.

- (a) Location Map. 1/ (Within the city or area)
- (b) Comparative Map Data. (Show geographic location of the appraised property and the comparative parcels analyzed.)
- (c) Detail of the Comparative Data. (Narrative)
- (d) Plot Plan. 1/
- (e) Floor Plans. 1/ (when needed to explain the value estimate)

1/ All maps and plans may be bound as facing pages opposite the description, tabulation, or discussions they concern.

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675.2.5A(15)(f)

(f) Photographs. Pictures shall show at least the front elevation of the major improvements, plus any unusual features. When a large number of buildings are involved, including duplicates, one picture may be used for each type. Views of the best comparables should be included whenever possible. Except for the overall view, photographs may be bound as pages facing the discussion or description to which the photographs pertain. All graphic material shall include captions.

(g) Other Pertinent Exhibits.

B. Abbreviated Appraisal Report. An abbreviated appraisal report, compiled by a qualified appraiser and adequately related to comparable sales, is acceptable for a project with a value estimate between \$1,000 and \$25,000. The abbreviated report should include:

- (1) a legal description of the real property to be acquired and a plat.
- (2) the date the value estimate applies.
- (3) supporting data, including two or three comparable real property sales, a brief analysis of those sales, and a map showing their locations relative to the land acquired.
- (4) an analysis and statement of the property's highest and best use.
- (5) a statement of the appraiser's experience and qualifications.
- (6) the appraiser's certification and signature.
- (7) 10 year history of conveyances (sales and transfers). Include parties to the transactions, dates of purchase, and amounts of consideration for at least 10 years prior to appraisal.

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Chapter 2 Acquisition Project Performance      675.2.5C

- C. Finding of Value. Where a parcel has a value of less than \$1,000 and the expenses of an appraisal would be disproportionate to its benefit, a written finding of value by a qualified person will be acceptable. This finding of value can be based on the individual's knowledge of land values, but should include a statement of the appraiser's experience and qualification, including a short description of the factors he considered and the means by which he reached his conclusion. These statements should be sufficiently detailed so as to enable the State Liaison Officer to judge their respective merits.
- D. Appraisals. When lands are acquired through judicial proceedings, the price determined by the court will be accepted in lieu of the approved appraised value. The Bureau, however, will not be obligated to match an amount higher than the approved support ceiling.
- E. Acquisition by Donation. A formal appraisal is required for all projects involving the donation of real property or interests therein. Prior to project approval:
- (1) The State Liaison Officer shall submit to the Bureau a list of three or more appraisers and their qualifications.
  - (2) The Bureau may approve the list of appraisers or select more than one from the list and notify the State that the participant may proceed with negotiating the appraisal.
  - (3) The participant will then, at its own expense, have an appraisal made in accord with commonly accepted appraisal practices and 675.2.5. The cost of the appraisal is not reimbursable.
  - (4) Upon completion of the appraisal, it should be submitted to the Bureau through the State for review.
  - (5) If the appraisal is found acceptable, the estimated fair market value will be the basis for Land and Water Conservation Fund assistance and the project can be approved.

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Project Administration

Chapter 2 Acquisition Project Performance

675.2.5E (cont.)

In extreme cases or to resolve disputes as to the fair market value, the Bureau, through the Regional Office, will attempt to contract for any necessary appraisals with Federal agencies. If all Federal agencies that normally provide appraisal service to the Bureau cannot provide service within a reasonable time period, then the Region, with the permission of the Director, may contract with private appraisers, the cost to be borne by the Bureau and the result of this appraisal will be applied to all projects involving donations of land. This includes land as the only element of the donation, combinations of land and cash, and those instances where a portion of the acquisition price is donated.

A finding of value will be acceptable when the land to be donated has a value less than \$1,000 and the expenses of an appraisal would be disproportionate to its benefit.

- .6 Statement on Differences in Value. An appraisal, if competently compiled by a qualified person, should be an acceptable estimate of property value; it cannot be assumed, however, to be an absolute statement of value. The approved appraisal value is the floor value for establishing the amount of just compensation offered to the owner (seller) at the initiation of negotiations. The negotiation between a willing seller and a willing buyer will often set a price that is higher than the appraisal, and this marketplace value must be considered with the appraised value in establishing the reasonable limits of Fund assistance.

When the State believes that the negotiated price is an adequate indication of market value, yet it is higher than the approved appraised value, a detailed and well documented statement on this difference with all pertinent appraisal documents must be submitted. This statement should explain why the appraisal may not reflect the true value and what steps the participant took to establish the true value. If the Bureau agrees that the negotiated price represents a reasonable estimate of the property, that amount will be eligible for assistance.

The requirements pertaining to negotiated purchases at less than the approved appraised value are found in Part 645.1.9.

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<u>Chapter 2 Acquisition Project Performance</u>		<u>675.2.7</u>

.7 Reservations and Outstanding Rights. In an effort to stretch the dollars spent, the participant might wish to purchase less than fee simple title. This would be permissible when fee simple title is excessively expensive, and a lesser control of the area will not detract from the recreation use of the land and not have significant impact on the environment. See Parts 640.2.7, 650.1.3 and 660.1.5.

.8 Title Rights, Documentation of Price Paid and of Title. The Federal Government will not obtain a legal right or title to any area or facility acquired with Fund assistance. The State must have on file satisfactory evidence of the purchase price and a description of the character and nature of the title received by the participant before requesting reimbursement from the Bureau.

Evidence of title, such as a written statement by the State Attorney General, title insurance, or other means considered reasonable and adequate, must also be available to the SLO before requesting reimbursement from the Bureau.

Billings certified by the SLO will be acceptable evidence of the purchase price for purposes of final billing, and that the State has on file all the required documents, including those required by P.L. 91-646. For exceptions, See 645.1.5 and 675.2.6.

A survey may be required by the Bureau when there is reasonable doubt about the exact location of the boundary or of the size of the tract being acquired.

.9 Responsibility for Quietting Title or for Replacement of Properties Acquired with Defective Title. The State is responsible for quieting claims against title and for replacing property found to have defective title with other properties of equivalent value, usefulness and location acceptable to the Director.

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Part 675

## Project Administration

Chapter 2 Acquisition Project Performance

675.2.10

- .10 Acquisition of Interest in Real Property. The acquisition of leases, easements, rights-of-way, etc., will be viewed in the same light as full takings. Documentation of value by appraisals will be the same. All leases are subject to the terms described in 640.3.3. The project proposal should adequately explain why lesser interests are to be acquired.
  - .11 Record Retention. All documentation supporting the acquisition of land and water, or interests therein, with Fund assistance must be kept readily available for examination by duly authorized representatives of the Bureau, the Department of the Interior, and the General Accounting Office. All such records shall be retained and be available for inspection for a period of three years after final payment by the Federal Government. See 675.5.9 for additional discussion of record retention.

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Project Administration

Chapter 3 Development Project Performance

675.3.1

- .1 Performance of Development Projects. The work of developing an area or areas may be accomplished by contract, donated labor, or by force account, subject to conditions established by the Bureau.
- .2 Equal Employment Opportunity. All construction contracts shall meet the requirements promulgated by the Office for Equal Opportunity, Department of the Interior. The requirements may be obtained from the Director, Office for Equal Opportunity, U.S. Department of the Interior, Washington, D. C. 20240
- .3 Performance of Construction by Contract.

- A. Bids and Awards. Competitive open bidding shall be required for contracts in excess of \$2,500 (see OMB Circular A-102 Attachment 0), unless the Bureau waives this requirement. When the Participant considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bidder may be approved. Justification for acceptance of a no-bid contract or awarding of contracts to other than the lowest bidder shall be subject to the approval of the Bureau.
- B. Bonding and Insurance. Except for situations described below, bonding and insurance requirements, including fidelity bonds, over and above those normally required by the State or local units of government shall not be imposed.
  - (1) A State or local unit of government receiving a grant from the Bureau which requires contracting for construction or facility improvement shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding \$100,000. For contracts exceeding \$100,000, the minimum requirements shall be as follows:
    - (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

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675.3.3B(1)(b)

- (b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.
- (d) Additional conditions governing construction contracts are contained in the General Provisions.

C. Contract Provisions. The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts:

- (1) Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
- (2) All contracts, amounts for which are in excess of \$2,500, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
- (3) In all contracts for construction or facility improvement awarded in excess of \$100,000, grantees shall observe the bonding requirements outlined in 675.3.3B above.

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- (4) All contracts in excess of \$10,000 shall include provisions for compliance with Executive Order No. 11246, entitled, "Equal Employment Opportunity," as supplemented in Department of Labor Regulations (41 CFR, Part 60). Each contractor shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex, and age and which specifies goals and target dates to assure the implementation of that plan. The grantee shall establish procedures to assure compliance with this requirement by contractors and to assure that suspected or reported violations are promptly investigated.
- (5) All contracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor 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 State shall report all suspected or reported violations to the Bureau.
- (6) All negotiated contracts (except those of \$2,500 or less) awarded by grantees shall include a provision to the effect that the grantee, the Bureau, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor for the purpose of making audit, examination, excerpts, and transcriptions.
- (7) Each contract of an amount in excess of \$2,500 awarded by a grantee shall provide that the recipient will comply with applicable regulations and standards of the Cost of Living Council in establishing wages and prices.

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675.3.3C(7) (cont.)

The provision shall advise the recipient that submission of a bid or offer or the submittal of an invoice or voucher for property, goods, or services furnished under a contract or agreement with the grantee shall constitute a certification by him that amounts to be paid do not exceed maximum allowable levels authorized by the Cost of Living Council regulations or standards. Violations shall be reported to the Bureau and the local Internal Revenue Service field office.

- (8) Contracts of amounts in excess of \$100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the Bureau and the Regional Office of the Environmental Protection Agency.

D. Change Orders. The organization involved shall issue written change orders to the contract for all necessary changes to the facility. Any change which alters the nature or purpose of the facility must be approved by the Director as specified in paragraph 675.1.5. Such change orders shall be filed and retained in accord with 675.3.7. Change orders should be made a part of the project file and kept available for audit.

E. Information to be Given Bidders Concerning Federal Funds. The participant or State shall inform bidders that Federal Government funds are being used to assist in construction, and that relevant Federal requirements will apply. It is preferable to include this information in bid invitations or in notices released prior to the issuance of bid invitations.

F. Acceptance of the Contract Work. The Participant or State has full responsibility for determining that the recreation facility is complete and ready for acceptance.

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Chapter 3 Development Project Performance      675.3.4

- .4 **Construction by Force Account.** Force account construction is generally subject to the same requirements that apply to work performed under contract.
- .5 **Professional Services.** Although the Bureau encourages adequate construction, it does not assume responsibility for the quality of engineering design or supervision on a project, nor for the failure of any item constructed with aid from the Fund. The State is responsible for:
- A. Providing all engineering services necessary for all design and construction of Fund-assisted projects. This includes, but is not restricted to, such services (or engineering disciplines) as on-the-ground location, collection of basic field data for design purposes, determination of design criteria, calculations, design, preparation of plans and technical specifications, construction stake-out, contract administration and construction inspection.
  - B. Providing an internal technical review of all construction plans and specifications.
  - C. Insuring that construction plans and specifications meet applicable health and safety standards of the State. Even when the applicant is not legally obliged to follow the recommendations of local and State public health and safety officials, the Bureau strongly urges that applicants and the State Liaison Officer seek and heed the advice of such officials when developing project site and construction plans and specifications.
- .6 **Plans and Specifications.** The Bureau reserves the right to require the submission of plans and specifications for any development selected for review prior to project approval.

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675.3.6 (cont.)

Plans and specifications shall be available for review by representatives of the Bureau during on-site construction inspections and compliance reviews.

- .7 Retention. All construction plans, specifications, contracts, and change orders shall be retained by the participant for a period of three years after final payment on a project is made by the Bureau, or for a longer period of time if so requested by the Bureau. Plans and specifications requested by the Bureau for review purposes will be returned to the State for retention upon completion of Bureau review. See 675.5.9 for additional discussion of record retention.

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Grants-in-Aid Series      Part 675      Project Administration

Chapter 5 Accounting, Records, and Reports      675.5.1

- .1 Purpose. This generally covers accounting, records, and reporting requirements.
- .2 Financial Responsibility. The State shall be responsible for the financial management of accepted projects. Appropriate internal controls must, therefore, be adopted and installed to insure that the project is accomplished in the most efficient and economical manner.
- .3 Pre-award Surveys. The Director may conduct pre-award surveys before qualifying a project proposal to determine the adequacy of financial and administrative management practices and procedures as they may relate to the execution of the proposed project. Periodic surveys may also be undertaken during the project period to assure the continued effectiveness of the financial and administrative management and to provide assistance where necessary or requested. The scope of such surveys shall include the review of the internal systems of financial and administrative controls, planning techniques and procedures.
- .4 Standards for Grantee Financial Management Systems. The financial management systems of Land and Water Conservation Fund-supported activities of State and local governments shall provide for:
  - A. Accurate, current, and complete disclosure of the financial results of each project grant.
  - B. Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.
  - C. Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

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675.5.4D

- D. Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government.
- E. Procedures for determining the allowability and allocability of costs in accordance with the provisions of Office of Management and Budget Circular No. A-87 and this Manual.
- F. Accounting records which are supported by source documentation. Separate project accounts shall be established and identified by the number assigned to the project by the Bureau.
- G. Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The grantee will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.
- H. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

The State shall require subgrantees (project participants) to adopt all the standards in paragraph 4 above.

.5 Monitoring and Reporting of Program Performance.

- A. States shall constantly monitor the performance under approved projects to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved.
- B. Performance reports shall be submitted with each project billing unless a report had been submitted within the previous three months. Performance reports shall be submitted annually on March 31 for all active projects approved more than one year previously but for which no billings have been submitted during the past year.

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Chapter 5 Accounting, Records, and Reports      675.5.5C

- C. The performance reports shall briefly present the following:
- (1) The status of the work required under the project scope.
  - (2) Other pertinent information including, when appropriate, analysis and explanation of cost overruns, time schedules delays and other similar problems encountered and their expected impact on the project, etc.
- D. If any performance review conducted by the State discloses the need for change in the Project Agreement, the State shall submit a request for amendment in sufficient time to be processed before expiration of the project period.  
(See 670.1.3B(4)).
- E. The Bureau shall make site visits as frequently as practicable to:
- (1) Review project accomplishments and management control systems.
  - (2) Provide such technical assistance as may be required.
- .6 Inspection Reports. The responsibility for on-site inspections will progressively pass to the States. A report, in such form as is prescribed by the individual BOR-State inspection agreements, will be submitted to the appropriate Regional Office for these inspections.
- .7 Financial Reporting Requirements.
- A. The following definitions apply:
- (1) Accrued expenditures. Accrued expenditures are the charges incurred by the grantee during a given period requiring the provision of funds for:
    - (a) goods and other tangible property received;

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Chapter 5 Accounting, Records, and Reports      675.5.7A(1)(b)

- (b) services performed by employees, contractors, subgrantees, and other payees; and
  - (c) amounts becoming owed under projects for which no current services or performance are required.
- (2) Accrued income. Accrued income is the earnings during a given period which is a source of funds resulting from:
- (a) services performed by the grantee;
  - (b) goods and other tangible property delivered to purchasers; and
  - (c) amounts becoming owed to the grantee for which no current services or performance are required by the grantee.
- (3) Disbursements. Disbursements are payments in cash or by check.
- (4) Federal funds authorized. Funds authorized represent the total amount of the Federal funds authorized for obligations and establish the ceilings for obligation of Federal funds.
- (5) In-kind contributions. In-kind contributions represent the value of noncash contributions provided by:
- (a) the grantee; and
  - (b) private organizations and individuals.
- (6) Obligations. Obligations are the amounts of orders placed, contracts and grants awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

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Chapter 5 Accounting, Records, and Reports      675.5.7A(7)

- (7) Outlays. Outlays represent charges made to the grant project. Outlays can be reported on a cash or accrued expenditure basis.
- (8) Program income. Program income represents earnings by the grantee realized from the grant-supported activities. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights. Program income should be reported on an accrued income basis.
- (9) Unobligated balance. The unobligated balance is the portion of the funds authorized by the Federal agency which has not been obligated by the grantee and is determined by deducting the cumulative obligations from the funds authorized.
- (10) Unpaid obligations. Unpaid obligations represent the amount of obligations incurred by the grantee which have not been paid.

B. Only the following form will be used for reporting financial information.

- (1) Report of Federal Cash Transactions (OMB Form No. 80-R0182). When funds are advanced with Treasury checks, the State shall submit a Report of Federal Cash Transactions. The Bureau shall use this report to monitor cash advanced to grantees. States shall submit the original and three copies of the Report of Federal Cash Transactions no later than 15 working days following the end of each quarter.

C. The following forms will be used for requesting advances and reimbursements:

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675.5.7C(1)

- (1) Request for Advance or Reimbursement (OMB Form No. 80-R0183). The Request for Advance or Reimbursement is the standard form for all requests for advances. This form is also used for all billings for planning projects. States may submit requests for advances on a project or reimbursement not more frequently than monthly. States shall submit the original and three copies of the Request for Advance or Reimbursement.
- (2) Outlay Report and Request for Reimbursement for Construction Programs (OMB Form No. 80-R0181). The Outlay Report and Request for Reimbursement for Construction Programs is the standard form to be used for requesting reimbursement for acquisition and development projects.

States shall submit the original and three copies of the Outlay Report and Request for Reimbursement for Construction Programs.

.8 Annual Relocation Report. Subpart 114-50.12 of Appendix I, 645, BOR 2.2, requires the head of each agency having responsibilities for federally-assisted programs that come within the purview of P.L. 91-646 to prepare and submit an annual report to the President. In order to accumulate the required statistical data, effective July 1, 1973, each project billing claiming payments and expenses under Title II and Title III of the Uniform Relocation and Real Property Acquisition Act of 1970 shall include two copies of the following three forms:

- A. BOR 8-180A - Payments and Expenses under Title II - Part I (see Illustration 1, 675.5.8A).
- B. BOR 8-180B - Payments and Expenses under Title II - Parts II and III (see Illustration 2, 675.5.8B).
- C. BOR 8-180C - Uniform Real Property Acquisition Policy - Title III (see Illustration 3, 675.5.8C).

The statistics reported will be consolidated and tabulated annually by the Division of Budget and Finance.

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Chapter 5 Accounting, Records, and Reports      675.5.9

.9 Retention and Custodial Requirements for Records.

- A. Financial records, supporting documents, statistical records, and all other records pertinent to a grant program shall be retained for a period of three years after final payment. The records shall be retained beyond the 3-year period if audit findings have not been resolved.
- B. The retention period starts from the date of the submission of the final expenditure report.
- C. State and local governments are authorized to substitute microfilm copies in lieu of original records.
- D. The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments and their subgrantees which are pertinent to a specific project for the purpose of making audit, examination, excerpts and transcripts.

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UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION  
ACT OF 1970  
PAYMENTS & EXPENSES UNDER TITLE IIIllustration 1  
675.5.8AAGENCY: \_\_\_\_\_  
PROGRAM: LWCF  
Project No: \_\_\_\_\_  
Billing No: \_\_\_\_\_ FEDERAL PROGRAM  
 FEDERALLY ASSISTED PROGRAM

PART I	SUMMARY		
	NUMBER OF CLAIMS PAID (1)	AMOUNT PAID (2)	AVERAGE PMT. PER CLAIM COL 2 BY COL 1 (3)
<b>MOVING AND RELATED EXPENSE (SEC. 202) OR PAYMENT FOR ACTUAL MOVING EXPENSE (SEC. 202a)</b>			
Persons Displaced From:			
1 Dwellings			
2 Businesses			
3 Farms			
4 Non-Profit Organizations			
<b>OR PAYMENT FOR MOVING EXPENSE BASED ON FIXED SCHEDULE INCLUDING DISLOCATION ALLOWANCE (202b)</b>			
Persons Displaced From:			
5 Dwellings			
<b>OR IN-LIEU PAYMENT FOR MOVING EXPENSE (SEC 202c)</b>			
Persons Displaced From:			
6 Businesses			
7 Farms			
8 Non-Profit Organizations			
TOTAL (Sum of lines 1-8)			
<b>EXPENSE FOR SEARCH FOR REPLACEMENT (202a(3))</b>			
9 * Business			
10 * Farm			
11 * Non-Profit Organization			
TOTAL (Sum of lines 9-11)			
<b>REPLACEMENT HOUSING FOR HOMEOWNER (203)</b>			
12 Payment For Comparable Replacement Housing (203a(1)(A))			
13 Payment For Increased Interest (203a(1)(B))			
14 Payment For Closing Costs (203a(1)(C))			
TOTAL (Sum of lines 12-14)			
<b>REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS (204)</b>			
15 Rental Payments (204 (1))			
16 Down Payments (204 (2)) (Incl. closing costs)			
TOTAL (Sum of lines 15 & 16)			
TOTAL (Sum of lines 1-8 and 12-16)			
<b>RELOCATION ADVISORY SERVICES (205)</b>			
17 Cost of Services (205)			
18 Other Administrative Costs (As applicable) (Total Cost Of Amd. Prog)			
TOTAL (Sum of lines 17 & 18)			
<b>19 GRAND TOTAL—TITLE II (Lines 1-8 and 12-18)</b>			

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\*Amounts shown for lines 9, 10 and 11 are included in amounts shown on lines 2, 3, and 4 above.

Sheet 1



UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION  
ACT OF 1970  
PAYMENTS & EXPENSES UNDER TITLE IIIllustration 2  
675.5.8B

AGENCY: \_\_\_\_\_

PROGRAM: LWCF

 FEDERAL PROGRAM

Project No: \_\_\_\_\_

 FEDERALLY ASSISTED PROGRAM

Billing No: \_\_\_\_\_

## PART II RANGE OF PAYMENTS TO HOMEOWNERS, TENANTS AND CERTAIN OTHERS

REPLACEMENT HOUSING FOR HOMEOWNERS		REPLACEMENT HOUSING FOR TENANTS & CERTAIN OTHERS			
ACTUAL PAYMENTS FOR COMPARABLE REPLACEMENT HOUSING		TOTAL RENTAL CLAIMS APPROVED		ACTUAL DOWN PAYMENTS	
RANGE	NO. OF CLAIMS PAID	RANGE	NO. OF CLAIMS	RANGE	NO. OF CLAIMS PAID
\$ 0—2,500		\$ 0—500		\$ 0—1,000	
2,501—5,000		501—1,000		1,001—2,000	
5,001—7,500		1,001—2,000		2,001—3,000	
7,501—10,000		2,000—3,000		3,000—4,000	
10,001—12,500		3,001—4,000			
12,501—15,000					
TOTAL		TOTAL		TOTAL	

## PART III RESIDENTIAL RELOCATION DISPLACEMENT STATISTICS

## \* CLAIMANTS DISPLACED

	Negro/ Black		Spanish Surname		American Indian		Asian American/ Oriental		All Others		Total All Groups	
	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant
UNDER AGE 62												
62 AND OVER												
TOTAL												

## \*\* PEOPLE DISPLACED

TOTAL												
-------	--	--	--	--	--	--	--	--	--	--	--	--

\*Total shown should equal the total number of claims paid reported on lines 1 and 5, Exhibit 1, Part I.

\*\*Report total number of people displaced.

Note: Under "Spanish Surnamed" include persons of Puerto Rican, Mexican American, Cuban, Central or South American, or other Spanish descent. Under "Asian American/ Oriental" include Chinese, Japanese and Korean. Under "All Others" include white persons not of Spanish descent.

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prior to this date.

Sheet 1



## UNIFORM REAL PROPERTY ACQUISITION POLICY—TITLE III

Illustration 3  
675.5.8C

AGENCY: \_\_\_\_\_

PROGRAM: LWCF.

Project No: \_\_\_\_\_

Billing No: \_\_\_\_\_

 FEDERAL PROGRAM FEDERALLY ASSISTED PROGRAM

## PART I. LAND ACQUISITION (301)

	NO. OF TRACTS	% OF TOTAL
1/ 1. ACQUIRED BY NEGOTIATION		3/
2/ 2. ACQUIRED BY CONDEMNATION		4/
3. TOTAL (SUM OF LINES 1&2)		100%

## PART II. TRACTS FOR WHICH FINAL SETTLEMENTS WERE COMPLETED

	NUMBER OF TRACTS	APPRaised VALUE	OPTION/ AWARD PAID	% OVER APPRAISAL	TOTAL AMOUNT PAID FROM FEDERAL FUNDS	TOTAL AMOUNT CONTRIBUTED NON-FEDERAL FUNDS
NEGOTIATED:						
1. a. At Appraised Value						
2. b. Over Appraised Value				5/		
TOTAL (Sum of Lines 1&2)						
CONDEMNED:						
3. a. Awards at Appraised Value						
4. b. Award over Appraised Val.				5/		
TOTAL (Sum of Lines 3&4)						
TOTAL SETTLEMENTS (Sum of Lines 1 thru 4)						

## PART III. INCIDENTAL EXPENSES (303 &amp; 304)

	NUMBER OF TRACTS	AMOUNT PAID	Fed. Funds	Non-Fed. Funds
1. RECORDING FEES, TRANSFER TAXES PENALTY COSTS & R.E. TAXES (303)				
2. LITIGATION EXPENSES (304)				
TOTAL (Sum of Lines 1&2)				

## NOTES:

- 1/Negotiated tracts include all tracts acquired by any method other than condemnation for reason of price disagreement.  
 2/Include only tracts condemned because of price disagreement.  
 3/Divide tracts shown on Line 1 by tracts shown on Line 3.  
 4/Divide tracts shown on Line 2 by tracts shown in Line 3.  
 5/Divide difference between appraised value and option/ award paid by the amount of appraised value.

12/14/73 (Rel. No. 125)

This release supersedes all amendments,  
 program directives and releases issued  
 prior to this date.

Sheet 1



DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation Manual

Grants-in-Aid Series      Part 675      Project Administration

Chapter 6   Payments      675.6.1

- .1 Grant Payment Requirements. This chapter establishes required methods of making grant payments to State and local governments that will minimize the time elapsing between the disbursement by a grantee and the transfer of funds from the United States Treasury to the grantee, whether such disbursement occurs prior to or subsequent to the transfer of funds. Grant payments shall be made to grantees through an advance by Treasury check, or a reimbursement by Treasury check.
- .2 Reimbursement by Treasury Check. Payments to States will generally be made on a reimbursable basis. The reimbursement by Treasury check method shall be the preferred method when the grantee does not meet the requirements for advance payment specified below.

The Request for Advance or Reimbursement is the standard form for all reimbursement billings for planning projects (see Illustration No. 1). The Outlay Report and Request for Reimbursement for Construction Programs is the standard form to be used for requesting reimbursement for acquisition and development projects (see Illustration No. 2). States may submit requests for reimbursement not more frequently than monthly. The requests for reimbursement shall be submitted by the State in an original and three copies. The Regions will forward to the Division of Budget and Finance in Washington the original and two copies.

- .3 Advance by Treasury Check. An advance by Treasury check is a payment made by a Treasury check to a State upon its request or through the use of predetermined payment schedules before payments are made by the State. Federal programs involving advances to various organizations outside the Federal Government constitute a significant portion of the Federal Budget. Advances of cash from the Treasury to recipient organizations for the purpose of financing their current operations under Federal programs have a substantial impact on Treasury financing cost and the level of public debt. The timing of such advances and the procedures to be observed to assure that cash withdrawals from the Treasury occur only as and when essential to meet the needs of a recipient organization for its actual disbursements are described below.

12/14/73 (Rel. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

Sheet 1

DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation Manual

Grants-in-Aid Series

Part 675

Project Administration

Chapter 6 Payments

675.6.3A

- A. The method of advancing funds by Treasury check may be used when the State meets the following requirements:
  - (1) When the State has established or demonstrated to the Bureau the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the State.
  - (2) When the State's financial management system meets the standards for fund control and accountability prescribed in 675.5.4.
- B. Advances to a recipient organization shall be limited to the minimum amounts needed and shall be timed to be in accord with only the actual cash requirements of the recipient organization in carrying out the purpose of the approved project. Advances shall be limited to one month's cash requirement.
  -
- C. The "Request for Advance or Reimbursement" form shall be used for requesting all advances (see Illustration 1). The Request for Advance shall be submitted by the State in an original and three copies. The Region will forward to the Division of Budget and Finance in Washington the original and two copies.
- D. Advances made by State organizations (those which receive advances directly from the Federal Government) to local participants shall conform substantially to the same standards of timing as apply to advances by Federal agencies to primary recipient organizations.
- E. When funds are advanced with Treasury checks, the State shall submit a "Report of Federal Cash Transactions" (see Illustration 3). The Bureau shall use this report to monitor cash advanced to grantees and to obtain disbursement or outlay information for each project from the grantees.

12/14/73 (Rel. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation Manual

Grants-in-Aid Series

Part 675

Project Administration

Chapter 6 Payments

675.6.3f

- F. The State shall make such reviews of financial practices of local participants as are necessary to insure against excessive withdrawals of cash from the Treasury and institute such remedial measures as may be necessary in the event of excessive withdrawals.
- G. Any moneys advanced to the State are "public moneys" (owned by the Federal Government) and must be deposited in a bank with FDIC insurance coverage and the balances exceeding the FDIC coverage must be collaterally secure, as provided for in 12 U.S.C. 265.
- H. Grantees must submit billings (Outlay Report and Request for Reimbursement for Construction Programs, See Illustration No. 2) monthly showing expenditures made the previous month from the funds advanced. Upon Bureau acceptance of the expenditures incurred, these billings shall be used as the basis for liquidating obligations, reducing the advance account, and making charges to the appropriate cost account.

12/14/73 (Rel. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

Sheet 2



**Illustration 1  
675.6.2**

OMB NO. 8P-RD100

<b>REQUEST FOR ADVANCE OR REIMBURSEMENT</b>		1. Federal Agency and Organizational Element	2. Federal Grant No. or Other Identifying No.	
3. Type of Payment Requested a. <input type="checkbox"/> Advance      b. <input type="checkbox"/> Final <input type="checkbox"/> Reimbursement <input type="checkbox"/> Partial		4. Basis of Report <input type="checkbox"/> Cash <input type="checkbox"/> Accrued Expenditures	5. Partial Payment Request No.	
6. Employer Identification No.		7. Grantee Account No. or Identifying No.		
		8. Period Covered (Month, Day, Year) FROM _____ TO _____		
9. Name of Grantee Organization  STREET NO. AND NAME _____  CITY _____ STATE _____ ZIP CODE _____		10. Name of Payee (If different than Item 9)  STREET NO. AND NAME _____  CITY _____ STATE _____ ZIP CODE _____		
11. COMPUTATION OF AMOUNT REQUESTED				
		PROGRAMS — FUNCTIONS — ACTIVITIES		TOTAL
		(1)	(2)	
a. Total program outlays to date as of: _____		\$ _____	\$ _____	\$ _____
b. Less: Cumulative program income .....		\$ _____	\$ _____	\$ _____
c. Net program outlays .....		\$ _____	\$ _____	\$ _____
d. Estimated net cash outlays for advance period. ....		\$ _____	\$ _____	\$ _____
e. Total of Lines c and d .....		\$ _____	\$ _____	\$ _____
f. Non-Federal share of amount on Line e .....		\$ _____	\$ _____	\$ _____
g. Federal share of amount on Line e .....		\$ _____	\$ _____	\$ _____
h. Federal payments previously requested .....		\$ _____	\$ _____	\$ _____
i. Federal share now requested .....		\$ _____	\$ _____	\$ _____
j. Monthly advance requirements: (1) 1st month .....		\$ _____	\$ _____	\$ _____
(2) 2nd month .....		\$ _____	\$ _____	\$ _____
(3) 3rd month .....		\$ _____	\$ _____	\$ _____
12. REMARKS (Attach additional sheets if necessary)				
13. I certify that to the best of my knowledge and belief the data reported above is correct and that all outlays were made in accordance with grant conditions and that payment is due and has not been previously requested.				
Name		Title	TELEPHONE	
			Area Code	Number
Signature of Authorized Official		Date Report is Submitted		
<u>FOR AGENCY USE ONLY</u>				

EXHIBIT H-3  
Circular No. A-102

**INSTRUCTIONS FOR PREPARING THE  
REQUEST FOR ADVANCE OR REIMBURSEMENT**

**Item 1** — Enter the name of the Federal grantor agency and organizational element to which the request is submitted.

**Item 2** — Enter the Federal grant number or other identifying number assigned by the Federal grantor agency.

**Item 3** — Indicate with an "X" whether the type of payment requested is:

- a. An advance, reimbursement, or both.
- b. Final or partial.

**Item 4** — Indicate with an "X" whether the report is prepared on a cash or accrued expenditure basis. All requests which are for advances only shall be prepared on a cash basis.

**Item 5** — Enter the partial payment request number for this request.

**Item 6** — Enter the employer identification number assigned by the U. S. Internal Revenue Service.

**Item 7** — This space is reserved for an account number or other identifying number which may be assigned by the grantee.

**Item 8** — Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for a reimbursement, show the period for which the reimbursement is requested.

**Item 9** — Enter the name and complete mailing address, including ZIP Code for the grantee organization.

**Item 10** — Enter the name and complete mailing address, including ZIP Code of the payee if it is different than the grantee organization shown in Item 9.

**PLEASE READ BEFORE COMPLETING ITEM 11** — The purpose of the vertical Columns (1) through (3) is to provide space for separate cost breakdowns when a large project has been planned and budgeted by program, function, and activity. If additional columns are needed, use as many additional forms as needed and mark "continuation" on each form; however, the summary totals of all programs, functions, or activities should be shown in the "total" Column on the first page.

**Item 11 — COMPUTATION OF AMOUNT REQUESTED.**

**Line a** — On the stub enter the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date in the appropriate columns. For reports which are prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses

charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subgrantees. For reports prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, the value of in-kind contributions applied, amounts owed by the grantee for goods and other property received, amounts owed for services performed by employees, contractors, subgrantees, and other payees, and amounts becoming owed for which no current service or performance is required.

**Line b** — Enter the cumulative cash income received to date, if reports are prepared on a cash basis. For reports prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income which was required to be used for the project or program by the terms of the grant.

**Line c** — This amount should be the difference between the amounts shown on Line a less the amounts shown on Line b.

**Line d** — Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.

**Line e** — Enter the total of Lines c and d.

**Line f** — Enter the non-Federal share of the amount shown on Line e.

**Line g** — Enter the Federal share of the amount shown on Line e.

**Line h** — Enter the cumulative amount of Federal payments received and amounts included in outstanding requests.

**Line i** — Enter the Federal share now requested. (Line g minus Line h).

**Line j** — Show the amount of advances required by month on each of Lines (1), (2), and (3) when requested by the Federal grantor agency for use in making pre-scheduled advances.

**Item 12** — This space is provided for any explanation deemed necessary by the grantee and for any information required by the Federal grantor agency in compliance with the governing legislation.

**Item 13** — Complete the certification before submitting this report.

12/14/73 (Rel. No. 125)

This release supersedes all amendments,  
program directives and releases issued  
prior to this date.

**Illustration 2**  
**675.6.2**

OMB NO. 50-RC181

<b>OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS</b>		1. Federal Agency and Organizational Element	2. Federal Grant No. or Other Identifying Number	
3. Type of Request <input type="checkbox"/> Final <input type="checkbox"/> Partial	4. Basis of Request <input type="checkbox"/> Cash <input type="checkbox"/> Accrued Expenditure	5. Partial Payment Request No.		
6. Employer Identification No.	7. Grantee Account No. or Identifying No.	8. Period Covered (Month, Day, Year) FROM _____ TO _____		
9. Name of Grantee Organization  STREET NO. AND NAME _____  CITY _____ STATE _____ ZIP CODE _____		10. Name of Payee (If different than Item 9)  STREET NO. AND NAME _____  CITY _____ STATE _____ ZIP CODE _____		
<b>11. STATUS OF FUNDS</b>				
CLASSIFICATION	PROGRAMS — FUNCTIONS — ACTIVITIES			
	(1)	(2)	(3)	TOTAL
a. Administrative expense .....	\$	\$	\$	\$
b. Preliminary expense .....				
c. Land, structures, right-of-way .....				
d. Architectural engineering basic fees .....				
e. Other architectural engineering fees .....				
f. Project inspection fees .....				
g. Land development .....				
h. Relocation expense .....				
i. Relocation payments to indiv. and businesses .....				
j. Demolition and removal .....				
k. Construction and project improvement cost .....				
l. Equipment .....				
m. Miscellaneous cost .....				
n. Total cumulative to date (Sum of Lines a-n) .....				
o. Deductions for program income .....				
p. Net cumulative to date (Line n minus Line o) .....				
q. Federal share to date .....				
r. Rehabilitation grants (100% reimbursement) .....				
s. Total Federal share (Sum of Lines q and r) .....				
t. Federal payments previously requested .....				
u. Amount requested for reimbursement .....	\$	\$	\$	\$
v. Percent of project completed .....	%	%	%	%
12. CERTIFICATION — I certify that to the best of my knowledge and belief the billed costs of disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the grant.				
a. GRANTEE		b. STATE, LOCAL, OR FEDERAL GOVERNMENT REPRESENTATIVE		
Name _____		Name _____		
Title _____	Telephone No. _____	Title _____	Telephone No. _____	
Signature of Authorized Official	Date	Signature of Authorized Official	Date	

**INSTRUCTIONS FOR PREPARING THE OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS**

**Item 1** — Enter name of the Federal grantor agency and organizational element to which the report is submitted.

**Item 2** — Enter the grant number or other identifying number assigned by the Federal grantor agency.

**Item 3** — Mark the appropriate box. If the request is final, the amounts billed should represent the final cost of the project.

**Item 4** — Show whether amounts are computed on an accrued expenditure or cash disbursement basis.

**Item 5** — Enter the partial payment request number.

**Item 6** — Enter the employer identification number assigned by the U. S. Internal Revenue Service.

**Item 7** — This space is reserved for an account number or other identifying number which may be assigned by the grantee.

**Item 8** — Enter the month, day, and year for the beginning and ending of the period for which this report is prepared.

**Item 9** — Enter the name and complete mailing address including ZIP Code for the grantee organization.

**Item 10** — Enter the name and complete mailing address including the ZIP Code where the check should be sent, if the payee is different than the grantee organization shown in Item 9.

**PLEASE READ BEFORE COMPLETING ITEM 11** — The purpose of vertical columns (1) through (3) is to provide space for separate cost breakdowns when a large project has been planned and budgeted by program, function and activity. If additional columns are needed, use as many additional forms as needed and mark "continuation" on each form; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page.

**Item 11 — STATUS OF FUNDS** — All amounts are reported on a cumulative basis.

**Line a.** Enter amounts expended for such items as travel, legal fees, rental of vehicles and any other administrative expenses. Include the amount of interest expense when authorized by program legislation. Also show the amount of interest expense on a separate sheet.

**Line b.** Enter amounts pertaining to the work of locating and designing, making surveys and maps, sinking test holes, and all other work required prior to actual construction.

**Line c.** Enter all amounts directly associated with the acquisition of land, existing structures and related right-of-way.

**Line d.** Enter basic fees for services of architectural engineers.

**Line e.** Enter other architectural engineering services. Do not include any amounts shown on Line d.

**Line f.** Enter inspection and audit fees of construction and related programs.

**Line g.** Enter all amounts associated with the development of land where the primary purpose of the grant is land improvement. The amount pertaining to land development normally associated with major construction should be excluded from this category and entered on Line k.

**Line h.** Enter the dollar amounts used to provide relocation advisory assistance and net costs of replacement housing (last resort). Do not include amounts needed

for relocation administrative expense; these amounts should be included in amounts shown on Line a.

**Line i.** Enter the amount of relocation payments made by the grantee to displaced persons, farms, business concerns, and nonprofit organizations.

**Line j.** Enter gross salaries and wages of employees of the grantee and payments to third party contractors directly engaged in performing demolition or removal of structures from developed land. All proceeds from the sale of salvage or the removal of structures should be credited to this account; thereby reflecting net amounts if required by the grantor agency.

**Line k.** Enter those amounts associated with the actual construction of, addition to, or restoration of a facility. Also include in this category the amounts for project improvements such as sewers, streets, landscaping, and lighting.

**Line l.** Enter amounts for all equipment, both fixed and movable, exclusive of equipment used for construction. For example, permanently attached laboratory tables, built-in audio visual systems, movable desks, chairs, and laboratory equipment.

**Line m.** Enter the amounts for all items not specifically mentioned above.

**Line n.** Enter the total cumulative amount to date which should be the sum of Lines a through m.

**Line o.** Enter the total amount of program income applied to the grant except income included on Line j. Identify on a separate sheet of paper the sources and types of the income.

**Line p.** Enter the net cumulative amount to date which should be the amount shown on Line n minus the amount on Line o.

**Line q.** Enter the Federal share of the amount shown on Line p.

**Line r.** Enter the amount of rehabilitation grant payments made to individuals when program legislation provides 100 percent payment by the Federal grantor agency.

**Line s.** Enter the total of Lines q and r.

**Line t.** Enter the total amount of Federal payments previously requested, if this form is used for requesting reimbursement.

**Line u.** Enter the amount now being requested for reimbursement. This amount should be the difference between the amounts shown on Lines s and t. If different, explain on a separate sheet.

**Line v.** Show the percentage of the physical completion of the project.

**Item 12 — CERTIFICATION**

**a. GRANTEE** — Enter the name, title, telephone number, and signature of the grantee official who is responsible for the operation of the program. The date should be the actual date the form is submitted to the Federal grantor agency.

**b. STATE, LOCAL, OR FEDERAL GOVERNMENT REPRESENTATIVE** — Enter the name, title, telephone number, and signature of the Government representative who is certifying to the percent of project completion. This representative may be a professional architectural engineer, under contract to the State, local, or Federal government or he may be a qualified State, local, or Federal government employee.

**Illustration 3**  
**675.6.3E**

OMB NO. 10-0912

<b>REPORT OF FEDERAL CASH TRANSACTIONS</b>			1. Federal Agency and Organizational Element		
2. Name of Grantee Organization  STREET NO. AND NAME			4. Federal Grant No. or Other Identifying No.		5. Grantee's Account No. or Identifying No.
CITY STATE ZIP CODE			6. Letter of Credit No.		7. Last Payment Voucher No.
3. Federal Employer Identification No.			8. Number of Payment Vouchers		9. No. of Treasury Checks Received
			10. Report Period (Month, Day, Year) FROM _____ TO _____		
11. STATUS OF FEDERAL CASH					
a. Cash on hand beginning of period.....	\$.....				
b. Letter of credit withdrawals .....	\$.....				
c. Treasury check payments .....	\$.....				
d. Total receipts (Sum of Lines b and c).....	\$.....				
e. Total cash available (Sum of Lines a and d). . . . .	\$.....				
f. Gross disbursements .....	\$.....				
g. Federal share of program income .....	\$.....				
h. Net disbursements (Line f minus Line g). . . . .	\$.....				
i. Adjustments of prior periods .....	\$.....				
j. Cash on hand end of period.....	\$.....				
12. The amount in item 11j represents cash requirements for the ensuing days.					
13. OTHER INFORMATION					
a. Interest income.....	\$.....				
b. Advances to subgrantees .....	\$.....				
14. REMARKS (Attach additional sheets if necessary)					
15. CERTIFICATION — I certify that to the best of my knowledge and belief this report is true in all respects and that all disbursements have been made for the purposes and conditions of the grant.					
Name	Title	TELEPHONE			
		Area Code	Number	Ext.	
Signature of Authorized Official		Date Report Is Submitted			
<u>FOR AGENCY USE ONLY</u>					

EXHIBIT H-2  
Circular No. A-102

12/14/73 (Rel. No. 125)

**INSTRUCTIONS FOR PREPARING PAGE 1  
OF THE REPORT OF FEDERAL CASH  
TRANSACTIONS**

**Item 1** -- Enter the name of the Federal grantor agency and organizational element to which this report is submitted.

**Item 2** -- Enter the name and complete mailing address including the ZIP Code for the grantee organization.

**Item 3** -- Enter the employer identification number assigned by the U. S. Internal Revenue Service.

**Item 4** -- Enter the Federal grant number or other identifying numbers requested by the grantor agency. If this report covers more than one grant, leave this space blank and provide the information on page 2 of this report.

**Item 5** -- This space is reserved for an account number or other identifying number which may be assigned by the grantee.

**Item 6** -- Enter the letter of credit number which applies to this report. If all advances were made by Treasury check, enter "NA" for not applicable and leave Items 7 and 8 blank.

**Item 7** -- Enter the voucher number of the last letter of credit payment voucher (Form TUS 5401) which was credited to your account.

**Item 8** -- Enter the total number of letter of credit payment vouchers which were credited to your account during the reporting period.

**Item 9** -- Enter the total number of Treasury checks received during the reporting period, whether or not deposited.

**Item 10** -- Enter the month, day, and year of the beginning and ending dates of the period covered by this report.

**Item 11 -- STATUS OF FEDERAL CASH**

**Line a.** Enter the total amount of Federal cash on hand at the beginning of the reporting period including all of the Federal funds on deposit, imprest funds, and undeposited Treasury checks.

**Line b.** Enter the total amount of all Federal funds received through payment vouchers (Form TUS 5401) which were credited to your account during the reporting period.

**Line c.** Enter the total amount of all Federal funds received during the reporting period through Treasury checks, whether or not deposited.

**Line d.** Enter the sum of Lines b and c.

**Line e.** Enter the sum of Lines a and d.

**Line f.** Enter the total Federal cash disbursements or payments made during the reporting period including dis-

bursements of cash received as program income. Disbursements as used here also include the amount of advances and payments less refunds to subgrantees or contractors and the amount to which the grantee is entitled for indirect costs and usage charges for buildings and equipment.

**Line g.** Enter the Federal share of program income received during the reporting period. Enter only the amount of program income which was required to be used on the project or program by the terms of the grant.

**Line h.** Enter the net disbursements. This amount is the difference between the amount shown on Line f minus the amount on Line g.

**Line i.** Enter the amount of all adjustments pertaining to prior periods affecting the ending balance which have not been included in any lines above. Identify each grant for which an adjustment was made, and enter an explanation for each adjustment in the "Remarks" space provided.

**Line j.** Enter the total amount of Federal cash on hand at the end of the reporting period. This amount should include all funds on deposit, imprest funds, and undeposited funds (Line e less Line h plus or minus Line i).

**Item 12** -- Enter the estimated number of days until the cash on hand, shown on Line 11j, will be expended. If more than three days cash requirements are on hand, provide an explanation in the "Remarks" space as to why the drawdown was made prematurely, or other reasons for the excess cash. The requirement for the explanation does not apply to prescheduled or automatic advances.

**Item 13 -- OTHER INFORMATION**

**Line a.** Enter the amount of interest earned on advances of Federal funds but not remitted to the grantor agency. If this includes any amount earned and not remitted to the grantor agency for over 60 days, explain in the "Remarks" space. (States and State agencies do not need to complete this line.)

**Line b.** Enter the amount of advances to subgrantees or other secondary recipients included in Line 11h.

**Item 14** -- In addition to providing explanations as required above, this space is provided for additional explanation deemed necessary by the grantee and for the information required by the Federal grantor agencies in compliance with the governing legislation.

**Item 15** -- Complete the certification before submitting this report.

12/14/73 (Rel. No. 125)

This release supersedes all amendments, program directives and releases issued prior to this date.

## Illustration 3

675.6.3E

3

OMB NO. 80-08182

<b>REPORT OF FEDERAL CASH TRANSACTIONS</b>		1. Federal Agency and Organizational Element			
2. Name of Grantee Organization		3. Report Period (Month, Day, Year) FROM _____ TO _____			
4. Federal Grant No. or Other Identifying No.	5. Grantee's Account No. or Identifying No.	6. Federal Share of Net Disbursements			
		a. For the Period		b. Cumulative	
7. TOTALS					

12/14/73 (Rel. No. 125)

**INSTRUCTIONS FOR PREPARING PAGE 2 OF  
THE REPORT OF FEDERAL CASH TRANSACTIONS**

Use this page *only* when the Report of Federal Cash Transactions covers more than one grant.

Item 1 -- Enter the name of the Federal grantor agency and organizational element to which this report is submitted.

Item 2 -- Enter only the name of the grantee as shown on Item 2 of page 1.

Item 3 -- Enter the reporting period covered by this report as shown in Item 10 of page 1.

Item 4 -- Enter the Federal grant number for each grant listed. Provide a subdivision by other identifying numbers if required by the Federal grantor agency.

Item 5 -- Space is reserved for the grantee to show its account or other identification numbers.

Item 6a -- Show the net disbursements (gross disbursements less program income received) made from Federal cash during the reporting period for each grant or line item shown under Item 4.

Item 6b -- Show the cumulative net disbursements made for each grant or line item under Item 4.

Item 7 -- Enter the totals for Columns 6a and 6b. The total of Column 6 should be the same as the total on Line 11h on page 1. Also the total in Column 6b should be same as the sum of this period's disbursement (Column 6a), the adjustments shown on Line 11i on page 1, and the cumulative disbursements in the last report. Explain any differences.

12/14/73 (Rel. No. 125)

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prior to this date.

**U.S. Department of the Interior  
BUREAU OF OUTDOOR RECREATION MANUAL**

Grants-in-Aid Series

Part 675

Project Administration

Chapter 7 Audits

675.7.1

- .1 General. This chapter contains an outline of the basic purpose and scope of audits required under the grants-in-aid program for the guidance of State and local organizations seeking Federal assistance from the Land and Water Conservation Fund.
- .2 Audit Policies. Federal agencies are responsible for providing adequate audit coverage of grant programs as a constructive aid in determining whether Federal funds have been applied effectively and in a manner that is consistent with related Federal laws, program objectives, and underlying agreements. Therefore, authorized representatives of the Director, the Secretary of the Interior, and the Comptroller General of the United States shall have the right to audit, examine, or inspect accounts, books, documents, and other pertinent records involving operations and transactions relating to assistance provided pursuant to the Act. Such material shall be maintained by the State or local participant for 3 years after final payment on the project by the Federal Government. The material shall be maintained beyond the required 3-year period if audit findings have not been resolved.
- .3 Audits by State. The State is expected to provide for a system of periodic internal review or audit by State employees or other competent organizations. State audit programs should be developed in accordance with generally accepted auditing standards, with due consideration for Federal policies governing the use of grant funds as well as State or local policies and procedures. Reports and workpapers of State and local audits should be available for review by appropriate Federal auditors and should include a description of the method and extent of tests, examinations, and other techniques used in making verifications. The State will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, size, and complexity of the activity.
- .4 Coordination of Federal, State, and Local Audits. The audit policies of Federal agencies provide for relying, to the maximum extent feasible, on internal or independent audits performed at the State and local levels. While the Federal Government cannot

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Part 675

Project Administration

Chapter 7 Audits

675.7.4(cont.)

automatically accept audits performed by a representative of the grantee, maximum use shall be made of audits performed by the grantee's internal or independent auditors, so as to avoid unnecessary duplication by Federal auditors as well as to minimize the amount of effort required and the impact of audit schedules on operations of the grantee offices.

- .5 Audit Objectives. The objectives of audit are (1) to determine that the State has provided such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under the Act and (2) to examine the grantee's cost representations so the auditor may express an opinion as to whether such incurred costs are reasonable, applicable to the grant, determined under generally accepted accounting principles, and not prohibited by Government statute, regulation, or the grant agreement.
- .6 Audit Exceptions. An audit exception is a determination by an appropriate authority that an item questioned by the auditor is not properly chargeable to the project agreement and should be disallowed. The Regional Director determines the allowance or disallowance of items questioned by the auditor. Each Regional Director will be responsible for the review of audit reports received from the Office of Audit and Investigations (formerly the Office of Survey and Review) pertaining to Land and Water Conservation Fund grants to States in their assigned Regions. Each Regional Director will also be responsible for advising the States of the audit findings, together with recommendations and suggestions for overcoming the deficiencies disclosed by the audit and also advise the State of the disallowance of any items. The State may appeal such action by letter to the Bureau within 60 days of written notification. The letter should clearly state the reasons for the appeal to enable BOR authorities to give it full consideration. All records shall be maintained beyond the required 3-year retention period if audit findings have not been resolved.

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Chapter 8 Project Termination and Settlement      675.8.1

- .1 Termination. The termination of a project means the cancellation of Federal assistance, in whole or in part, under a project at any time prior to the date of completion.
- .2 Suspension. The suspension of a grant is an action by the Bureau which temporarily suspends Federal assistance under the project pending corrective action by the grantee or pending a decision to terminate the grant by the Bureau.
- .3 Termination for Cause. The Director may terminate any project in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The Director will promptly notify the State in writing of the determination and the reasons for the termination, together with the effective date. Payments made to States or recoveries by the Bureau under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.
- .4 Termination for Convenience. The Bureau or State may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Bureau will allow full credit to the State for the Federal share of the noncancelable obligations, properly incurred by the grantee prior to termination. An amendment to the project agreement is required for all terminations for convenience.
- .5 Grant Closeout. The closeout of a grant is the process by which the Bureau determines that all applicable administrative actions and all required work of the project have been completed.

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675.8.6

- .6 Date of Completion. The date of completion is the date when all work under a project is completed or the date in the grant award document, or any supplement or amendment thereto, on which Federal assistance ends, whichever comes first.
- .7 Closeout Procedures. The following are minimum requirements of the Bureau's grant closeout procedures:
- A. Upon request, the Bureau will make prompt payments to the State for allowable reimbursable costs under the project being closed out.
  - B. The State shall immediately refund to the Bureau any unencumbered balance of cash advanced to the State.
  - C. The State shall provide the Bureau within 90 days after the date of completion of the project all financial, performance, and other reports required as a condition of the grant. The Bureau may grant extensions when requested by the State.
  - D. The Bureau shall make a settlement for any upward or downward adjustments to the Federal share of costs after these reports are received. The project agreement, as signed by the State and the Bureau, establishes a total cost and support ceiling for the project that is based upon the participant's best estimate of acquisition and development costs as foreseen at the outset of the project. As the project proceeds, adjustments are sometimes required in accord with changing process, unforeseen problems or other conditions. When an upward adjustment is required, an amendment must be executed as per 660.2.5. When actual project costs are less than originally estimated, no amendment is necessary.
  - E. Upon receipt of the reports and final project billings, a determination will be made as to the total sum of:
    - (1) any amount not otherwise accounted for;
    - (2) any credits for materials and supplies and equipment on hand; and

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- (3) any payments or funds to be refunded by the State.

Such total sum will be balanced against any amount owed to the State. In the event the total sum exceeds the amount owed to the State, the excess will constitute a debt owed by the State to the United States and shall be recovered from the State or its assignees in a manner which the Director shall prescribe. If the amount owed to the State is greater than the total sum, the balance will be paid to the State.

- F. The grantee shall account for any personal property acquired with grant funds, or received from the Government in accordance with the provisions of Attachment N to OMB Circular No. A-102. The grantee shall account for all real property acquired or developed with grant funds in accordance with the statutory requirements of the Land and Water Conservation Fund Act of 1965, as amended.
- G. In the event a final audit has not been performed prior to the closeout of the grant, the Bureau retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

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Grants-in-Aid Series	Part 685	Responsibilities following Project Completion
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<u>Chapter 1 General</u>	<u>685.1.1</u>
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- .1 Purpose. The responsibilities of the State following completion of a project are covered in this chapter and in this Part.
- .2 Applicability. The rules given in this Part apply to each area or facility for which assistance is obtained from the Fund, regardless of the extent of participation of the Fund in that area or facility.

That is, in cases where assistance is provided only for an acquisition, the entire park or recreational area involved, including developments on the lands so acquired, are subject to the provisions of this Part. Where development assistance is given, the lands of the park or recreation area within which the development is located are subject to this Part.

- .3 State Responsible. Responsibility for enforcement of the provisions of this Part rests with the State. The Bureau will inspect assisted areas and facilities from time to time, but it shall conduct such visits in concert or through consultation with the State Agency or official designated by the Governor to deal with the Bureau for purposes of the Act.
- .4 Penalties. Failure to comply with the provisions of this Part shall be considered cause for the Director, at his election, to:
  - A. Withhold future payments being made to the State on current projects of the participant responsible for the infraction in question; or
  - B. Withhold future payments to the State on any or all current projects until the situation involved is corrected; or
  - C. Withhold action on all pending projects of the State and/or participant responsible for the infraction in question.
  - D. Withhold from current or future reimbursements due to the State the amount of assistance previously paid out for the project or projects involved.

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Chapter 2 Retention, Operation, Maintenance and Use      685.2.1

- .1 Retention and Use. Property acquired or developed with assistance from the Fund shall be retained and used for public outdoor recreation. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the Director. (See Sec. 6(f) of the Land and Water Conservation Fund Act, as amended, and 248 DM 1.1F). Such approval will be given only upon such conditions as the Director deems necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonably equivalent usefulness, quality, and location. (See attachment N of OMB Circular A-102 for regulations concerning disposition of personal property.)
- A. Proposed Uses. Non-recreational uses anticipated at the time of approval or for which a request for conversion will be made subsequent to project approval will be subject to the conditions above.
- B. Existing Uses. These provisions do not apply to non-recreational uses being made of an area or facility at the time the Fund-assisted project is approved when such uses are known to and approved by the Director and documented in the project proposal.
- .2 Changes in Recreational Uses. The use of property acquired or developed with assistance from the Fund may not be changed from that contemplated and approved when assistance was obtained, unless prior approval is obtained from the Director.
- .3 Operation and Maintenance. Property acquired or developed with assistance from the Fund shall be operated and maintained as follows:
- A. The property shall be maintained so as to appear attractive and inviting to the public.
- B. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
- C. Properties shall be kept reasonably safe for public use. Fire prevention, lifeguard, and similar activities should be maintained for proper public safety.

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<u>Chapter 2 Retention, Operation, Maintenance and Use</u>	<u>685.2.3D</u>
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- D. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
- E. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

.4 Availability to Users.

- A. Non-discrimination. Property acquired or developed with assistance from the Fund shall be open to entry and use by all persons regardless of race, color, religion, sex, or national origin, who are otherwise eligible. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence.
- B. Reasonable Use Limitations. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Fund assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the numbers of persons using an area or facility or the type of users, such as hunters only or hikers only. All limitations shall be in accord with the applicable grant agreement and amendments.

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<u>Chapter 3 Post Completion Inspections</u>	<u>685.3.1</u>
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.1 Post Completion Inspections. In order to determine whether properties acquired or developed with Fund assistance are being retained and used for outdoor recreation purposes in accordance with the project agreement and other applicable program requirements, inspections are to be made by the States at least triennially.

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

- A. Retention and Use. Is the property being used for the purposes intended.
- B. Appearance. Is the property attractive and inviting to the public.
- C. Maintenance. Is upkeep and repair of structures and improvements adequate. Is there evidence of poor workmanship or use of inferior quality materials or construction. Is vandalism a problem.
- D. Management. Does staffing and servicing of facilities appear adequate.
- E. Availability. Is there evidence of discrimination. Is the property readily accessible and open to the public during reasonable hours and times of the year.
- F. Environment. Is the quality of the area being maintained.
- G. Signing. Is the area properly signed to allow for user information and safety, and proper acknowledgement of the Land and Water Conservation Fund assistance received.

Where lands have been acquired but not yet developed, the inspection should determine whether the interim use being made of the property, if any, is as agreed to by the Bureau.

Upon completion of an inspection, the State Liaison Officer should submit a written report to the Regional Office giving the date of inspection and describing any discrepancies and the corrective actions taken.

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<u>Chapter 3 Post Completion Inspections</u>	<u>685.3.2</u>
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- .2 Costs. State costs of making post completion inspections are allowable overhead costs.
- .3 Bureau Inspection. Properties acquired or developed with Fund assistance shall be available for inspection by the Director or his representative.

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Land and Water Conservation Fund		
Chapter 4 Project Acknowledgement		685.4.1

- .1 Reason for Acknowledgment. Suitable permanent public acknowledgement of Land and Water Conservation Fund assistance at project sites is required by the Bureau. Display of acknowledgment is optional on acquisition projects unless the acquisition is an expansion of an existing developed recreation area. Such acknowledgement will represent a Federal-State-local partnership role in creating new high-quality outdoor recreation areas and facilities.
- .2 Use of Symbol. The symbol shown as Illustration 1 is optional. However, we encourage its use as a part of the acknowledgment of Fund assistance, at entrances to outdoor recreation sites, at other appropriate on-site locations, and in folders and park literature. While the symbol format may not be altered, such considerations as color combinations, method of sign construction, size, and placement are matters for determination by the State. The presence of acknowledgement of Land and Water Conservation Fund assistance shall be a matter checked during compliance inspections.
- .3 Allowable Cost. Costs related to project acknowledgment are all allowable cost, as part of initial capital investment, and may be shared by Fund assistance (see 670.1.8G). Replacement costs as a part of post project operation and maintenance are not allowable.

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A COOPERATIVE PROJECT  
FOR OUTDOOR RECREATION

NAME OF PARTICIPANT

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## LOCATION OF THE BUREAU OF OUTDOOR RECREATION

## REGIONAL OFFICES AND THEIR STATE AREAS

<u>REGION</u>	<u>OFFICE ADDRESS</u>	<u>STATES</u>
Northeast	Regional Director Federal Office Building 600 Arch Street Philadelphia, Pa. 19106	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New York, New Jersey, Maryland Delaware, West Virginia, Virginia, and the District of Columbia.
Southeast	Regional Director 148 Cain Street Atlanta, Georgia 30303	North Carolina, South Carolina, Tennessee, Georgia, Mississippi, Florida, Kentucky, Alabama, Puerto Rico, and the Virgin Islands.
Lake Central	Regional Director 3853 Research Park Drive Ann Arbor, Michigan 48104	Michigan, Ohio, Indiana, Illinois, Wisconsin, and Minnesota.
Mid-Continent	Regional Director Building 41 Denver Federal Center P. O. Box 25387 Denver, Colorado 80225	North Dakota, South Dakota, Iowa, Utah, Nebraska, Kansas, Missouri, Colorado, Montana and Wyoming.
Northwest	Regional Director 1000 2nd Avenue Seattle, Washington 98104	Washington, Idaho, Oregon, and Alaska.
Pacific Southwest	Regional Director Box 36062 450 Golden Gate Ave. San Francisco, Calif. 94102	California, Nevada, Arizona, American Samoa, Guam and Hawaii.
South Central	Regional Director 5000 Marble Avenue, N.E. Albuquerque, N.M. 87110	New Mexico, Oklahoma, Texas, Arkansas and Louisiana.

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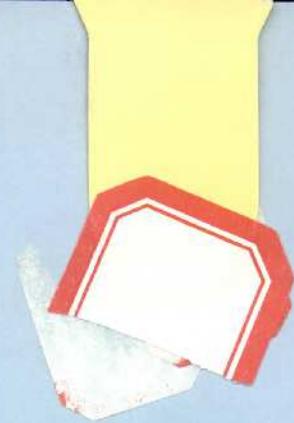
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