**Section 3030.50 Compliance Requirements**

a) The local project sponsor is required to enter into a grant project agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.

b) Grant funds allocated by the Department to a local project sponsor under the Federal Land and Water Conservation Fund program shall be expended in accordance with all applicable federal and State statutes.

c) Property acquired with funding assistance from the LWCF program shall be operated and maintained in perpetuity for public outdoor recreation use as set forth in this Part and the LWCF Act. Property acquired with LWCF assistance may not be converted to a use other than public outdoor recreation use as provided in this Part and 36 CFR 59 (2001; no incorporation by reference in this Part includes later amendments or editions) without Department and NPS approval. Approval for property conversion will be granted in accordance with the LWCF Program (36 CFR 59).

d) The acquisition cost or fair market value of real property acquired with LWCF assistance shall be based on an independent appraisal completed by a State licensed/certified general appraiser and submitted to the Department by the local project sponsor. The appraisals will be reviewed by the Department for acceptance and compliance with standard federal appraisal guidelines.

e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all property acquired and funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:

1) proof of good faith negotiations or fair market value offer to land seller;

2) copy of property deed and title insurance policy showing ownership transferred to the local project sponsor (or Judgment Order in the case of eminent domain); and

3) proof of payment to seller.

f) Eligible Project Costs

Project costs eligible for grant assistance shall be determined upon the basis of the criteria set forth in the federal Land and Water Conservation Fund Grants-in-Aid (U.S. Department of the Interior, National Park Service "LWCF Grant Manual" Release #151, dated December 9, 1991) and DNR's OSLAD/LWCF Local Participation Manuals.

g) Project Termination

1) The State may unilaterally rescind project agreements at any time prior to project commencement if federal funds are rescinded. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the local project sponsor. A project shall be deemed commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

2) Failure by the local project sponsor to comply with the terms of the Land and Water Conservation Fund program or to make satisfactory progress in completing the approved project per terms of the signed grant agreement shall be cause for the suspension of all of DNR's obligations under the agreement.

3) Failure by the project sponsor to comply with the terms of the grant agreement shall not be cause for the suspension of all Land and Water obligations if, in the judgment of the Director, the failure was due to no fault of the local project sponsor.

h) Conflict of Interests

1) No official or employee of the project sponsor 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 an approved Land and Water project shall have any financial or other personal interest in any such contract or subcontract.

2) No person performing services for the local project sponsor in connection with an approved Land and Water project shall have a financial or other personal interest, other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved Land and Water project. No officer or employee of a person retained by the local support sponsor shall have any financial or other personal interest in any real property acquired under an approved Land and Water project unless that interest is openly disclosed upon the public records of the local project sponsor, and such officer, employee or person has not participated in the acquisition for or on behalf of the local support sponsor.

i) Financial Records

The local project sponsor shall maintain legible financial accounts, documents, and records that accurately support project costs claimed for grant reimbursement, and shall make them available to the Director, NPS, the federal Department of the Interior, and to the U.S. General Accounting Office for auditing during regular business hours. The accounts, documents, and records shall be retained by the local political subdivision for five years following project termination.

j) Use of Facilities

1) The project sponsor shall not at any time convert any property acquired through the LWCF program to other than the public outdoor recreation uses specified in the project proposal without approval of the Department and Director of NPS (per 36 CFR 59).

2) The project sponsor shall operate and maintain, or cause to be operated and maintained, property or facilities acquired through the LWCF program in the manner and according to the standards set forth in the federal Land and Water Grants-in-Aid Manual.

3) The project sponsor may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the LWCF-assisted site. Any and all concession revenue in excess of the costs of operation and maintenance of the LWCF lands and/or facilities shall be used for the improvement of those lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the LWCF facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.

k) Nondiscrimination

1) The local project sponsor shall not discriminate against any person on the basis of race, color, national origin, handicap or age in the use of any property or facility acquired with LWCF grant assistance.

2) The local political subdivision shall comply with 36 CFR 59, promulgated by the U.S. Secretary of the Interior.

3) The local political subdivision 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. Reasonable differences shall mean that fees charged to non-residents cannot exceed twice the amount charged to residents. When residents are not charged, but non-residents are charged, the non-resident fee cannot exceed fees charged for residents at comparable State or local public facilities having a fee system.

l) The local project sponsor shall permanently post an LWCF acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.

m) Projects assisted with LWCF grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations pertaining to the public expenditures.

n) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims arising under, through or by LWCF-assisted facilities.

o) In connection with and prior to the construction, and the subsequent operation and maintenance, of LWCF-assisted facilities, the project sponsor is responsible for obtaining any and all necessary construction permit, licenses or forms of consent required by law. Failure to obtain any required permits may jeopardize approved grant funding.

p) The Department shall have access to LWCF-assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.

q) The project sponsor shall certify that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105].

r) Pursuant to 775 ILCS 5/2-105(a)(4), the project sponsor shall certify that it has a written sexual harassment policy that includes, at a minimum, the following information:

1) the illegality of sexual harassment;

2) the definition of sexual harassment under State law;

3) a description of sexual harassment, utilizing examples;

4) the contractor's internal complaint process, including penalties;

5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and

6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

(Source: Amended at 27 Ill. Reg. 753, effective January 6, 2003)