

Clean Water SRF

WATER RESOURCE RESTORATION

Sponsored Projects



APPLICATION PACKET

January 2013

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APPLICATION DEADLINE: Friday, July 19, 2013; 4:00 p.m.

FOR MORE INFORMATION: Contact Patti Cale-Finnegan, DNR State Revolving Fund Coordinator, 515-725-0498 or patti.cale-finnegan@dnr.iowa.gov.

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Clean Water SRF

WATER RESOURCE RESTORATION

Sponsored Project Required Application Workshops



Potential applicants must register for and attend one of the scheduled workshops.

Tuesday, February 26, 2013; 1:00-4:30 p.m.

Des Moines, IA
State Historical Building Auditorium
600 East Locust Street

Thursday, February 28, 2013; 1:00-4:30 p.m.

Coralville, IA
Coralville Public Library Schwab Auditorium
1401 Fifth Street

NEW DATE -- Wednesday, March 13, 2013; 1:00-4:30 p.m. -- NEW DATE

Cherokee, IA
Western Iowa Tech Cherokee Campus
200 Victory Drive

Please register for a workshop by contacting Jeanne Johnson at Jeanne.johnson@dnr.iowa.gov

Clean Water SRF

WATER RESOURCE RESTORATION

Sponsored Project Application Process and Guidelines



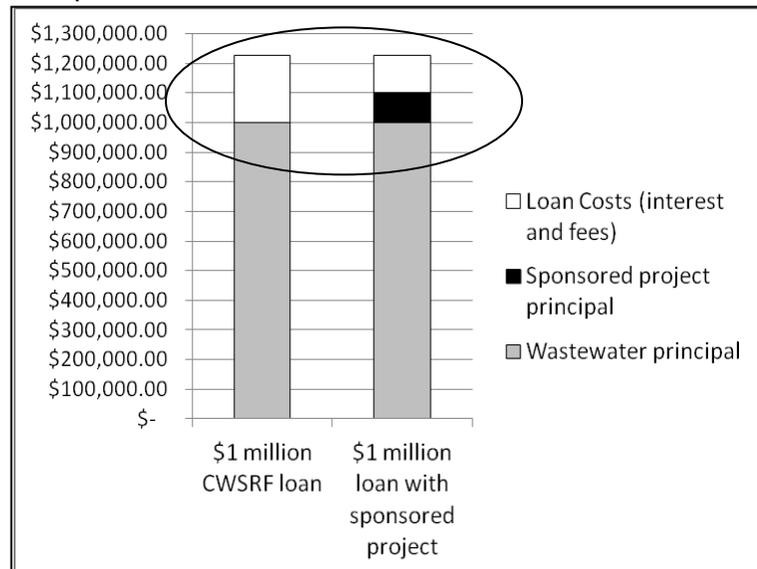
Background

During the 2009 Iowa General Assembly session, legislation was passed to allow a new method for funding water quality protection. SF 339 amended the Iowa Code to add a new category of projects that can be financed with sewer revenues. This new category, called “water resource restoration sponsored projects,” includes locally directed, watershed-based projects to address water quality problems.

Previously, in Iowa Code 384.80, utility revenues could only be used for construction and improvements for the wastewater system itself. With this legislation, wastewater utilities can also finance and pay for projects, within or outside the corporate limits, that cover best management practices for nonpoint source pollution control.

This program will be implemented through the Clean Water State Revolving Fund (CWSRF), a loan program for construction of water quality facilities and practices.

On a typical CWSRF loan, the utility borrows principal and repays principal plus interest and fees. As shown, on a CWSRF loan with a sponsored project, the utility borrows for both the wastewater improvement project and the sponsored project. However, through an overall interest rate reduction, the utility’s ratepayers do not pay any more than they would have for just the wastewater improvements. Instead, two water quality projects are completed for the cost of one.



The Code lists several types of eligible projects, including:

- Riparian buffer acquisition, enhancement, expansion, or restoration
- Conservation easements
- Riparian zone or wetland buffer extension or restoration
- Wetland restoration in conjunction with an adjoining high quality water resource
- Stream bank stabilization and natural channel design techniques
- In-stream habitat enhancements and dam removals.

Eligible projects are not limited to this list, however. Other projects that meet the criteria of best management practices for the primary purpose of water quality protection and improvement may also be eligible. These include the following categories of projects that are eligible for the Clean Water SRF under the Section 319 (nonpoint source) Clean Water Act authority:

- Category VI-C. Green infrastructure. This category includes costs to address the storm water management program activities associated with the planning, design, and construction of low impact development and green infrastructure, such as bioretention, constructed wetlands, permeable pavement, rain gardens, green roofs, cisterns, rain barrels, vegetated swales, and restoration of riparian buffers and flood plains. Projects in this category can be both publicly owned and privately owned.
- Category VII-A. Nonpoint source (NPS) control: agriculture (cropland). This category includes costs to address NPS pollution control needs associated with agricultural activities related to croplands, such as plowing, pesticide spraying, irrigation, fertilizing, planting, and harvesting.
- Category VII-B. NPS control: agriculture (animals). This category includes costs that address NPS pollution control needs associated with agricultural activities related to animal production, such as confined animal facilities, open feedlots, and grazing.
- Category VII-C. NPS control: silviculture. This category includes costs that address NPS pollution control needs associated with forestry activities such as removal of streamside vegetation, road construction and use, timber harvesting, and mechanical preparation for the planting of trees.
- Category VII-E. NPS control: groundwater protection (unknown source). This category includes costs that address groundwater protection NPS pollution control needs such as wellhead and recharge protection activities.
- Category VII-F. NPS control: marinas. This category includes costs that address NPS pollution control needs associated with boating and marinas, such as poorly flushed waterways, boat maintenance activities, discharge of sewage from boats, and the physical alteration of shoreline, wetlands, and aquatic habitat during the construction and operation of marinas.
- Category VII-G. NPS control: resource extraction. This category includes costs that address NPS pollution control needs associated with mining and quarrying activities.
- Category VII-H. NPS control: brownfields. This category includes costs that address NPS pollution control needs associated with abandoned industrial sites which might have residual contamination (brownfields).
- Category VII-I. NPS control: storage tanks. This category includes costs that address NPS pollution control needs associated with tanks designed to hold gasoline, other petroleum products, or chemicals. The tanks may be located above or below ground level.
- Category VII-J. NPS control: landfills. This category includes costs that address NPS pollution control needs associated with sanitary landfills.
- Category VII-K. NPS control: hydromodification. This category includes costs to address the degradation of water resources as a result of altering the hydrological characteristics of noncoastal waters, including channelization and channel modification, dam, and streambank and shoreline erosion. Work involving wetland or riparian area protection or restoration is included in this category.

The project must improve water quality in the watershed in which the publicly owned wastewater utility is located. The watershed will be defined by the wastewater utility's governing board, so it can be as small or as large as needed to make a quantifiable water quality improvement.

Land or easements cannot be acquired through condemnation.

Ineligible projects or practices include any that are required by NPDES permits; passive recreation activities and trails including bike trails, playgrounds, soccer fields, picnic tables, and picnic grounds; parking lots; diverse habitat creation contrary to the botanical history of the area; planting of nonnative plant species; dredging; and supplemental environmental projects required as a part of a consent decree.

Application Process

Sponsored project applications may be submitted by the following:

- Wastewater utilities with executed Clean Water SRF loans that have construction contracts that have a substantial completion date after 6/30/2013 (for FY 2013 ONLY);
- Wastewater utilities with infrastructure projects on an approved Clean Water SRF Intended Use Plan (IUP); or
- Wastewater utilities at the same time they are submitting Clean Water SRF IUP applications for infrastructure projects.

Wastewater utilities are strongly encouraged to include local watershed organizations, Watershed Management Authorities, County Conservation Boards, and/or Soil and Water Conservation Districts in the planning and implementation of sponsored projects. These organizations can provide technical assistance and expertise for water quality projects.

Sponsored Project Application

Wastewater utilities interested in conducting a sponsored project will use the standard CWSRF Intended Use Plan application for the infrastructure project. The separate CWSRF sponsored project application must also be completed and submitted, along with the following attachments:

- Authorizing resolution passed by the wastewater utility's governing board for the sponsored project application;
- If there is a third-party entity involved, the 28E agreement between the utility and the qualified entity;
- Letters of support from project partners;
- Letter from the wastewater utility's bond counsel indicating concurrence with the sponsored project concept;
- Project conceptual plans, including:
 - Assessment of the impacted waterbody and its watershed with data that supports the identification of the water quality problems to be addressed
 - Discussion of project goals and objectives
 - Evaluation of alternatives considering the unique demographic, topographic, hydrologic, and institutional characteristics of the planning area

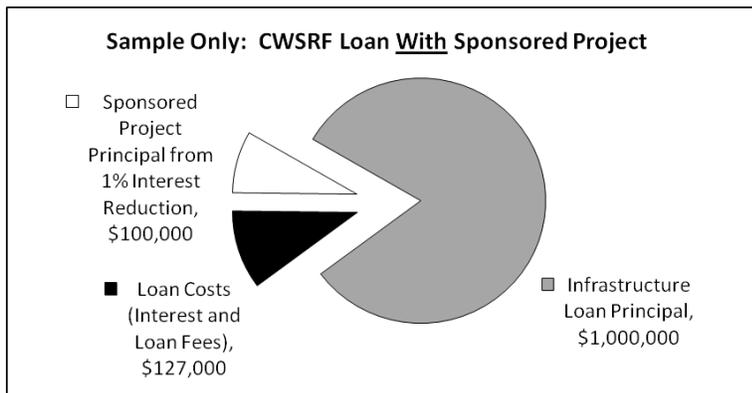
- Description of practices to be implemented with the expected water quality outcomes
- Discussion of project locations, land ownership, and any plans for acquiring properties or easements
- Identification of any other organizations or resources to be involved in the project and their expected contributions
- Proposed project schedule with major milestones
- Proposed evaluation procedures and measures

Evaluation and Scoring

The DNR will review all applications received. Only complete applications (see above) will be considered for funding. Those that score the highest (see the CWSRF priority ranking below) will be listed on the next quarterly IUP update for approval by the Iowa Environmental Protection Commission. Lower-scoring projects may be listed as contingency projects or the DNR may choose not to use the total amount set aside for the fiscal year.

Funding Limitations

For loans up to 20 years, the interest rate on the combined infrastructure/sponsored project loan will be reduced to a rate to fund the nonpoint source project equivalent of up to 1% of forgone interest. This equals approximately \$100,000 per \$1 million CWSRF loan.



On a typical \$1 million, 20-year CWSRF loan at the current interest rate and fees, the utility would repay \$1,227,000, which equals the principal plus approximately \$227,000 in loan costs. As shown, with the addition of \$100,000 in principal borrowed for the sponsored project and a reduction in the overall interest rate, the amount repaid is still \$1,227,000. The final interest rate will not be less than 0.75%.

Thirty- year terms will be allowed but the amount of interest allowed for sponsored projects will remain \$100,000 per million.

The amount set aside for interest reductions for FY 2013 is \$15 million (on up to \$150 million worth of CWSRF infrastructure loans). If sponsored project requests exceed that amount, DNR reserves the right to cap the dollar amount of a single project to a percentage of the total allocated.

Project Review and Approval

Once applications are accepted for inclusion on the IUP, the DNR will hold individual project initiation meetings with applicants, consultants, qualified entities, and any other parties involved in the projects. The participants will discuss the technical requirements and standards for the projects, schedules, SRF requirements, any permitting requirements (e.g. flood plain, stormwater, NPDES), 28E agreements, and any other project issues. Staff from other environmental agencies may provide technical assistance and project oversight.

The sources of design standards vary depending on the types of sponsored projects proposed. The following are some of the project types and design standards that must be followed to qualify for the SRF:

- Storm water quality management and green infrastructure: All projects must meet the standards published in the Iowa Stormwater Management Manual, available online at: <http://www.iowadnr.gov/InsideDNR/RegulatoryWater/StormWater/GuidanceApplicationForms.aspx>
- Manure management and livestock water quality facilities: All practices must comply with Iowa Administrative 567 – Chapter 65 and shall be constructed to applicable USDA Natural Resource Conservation Service (NRCS) standards.
- Soil erosion and sediment control practices: All practices shall be constructed to meet NRCS standards and specifications or design guidelines in Chapter 7 of the SUDAS manual.
- Follow sound engineering principles and practices if an NRCS or Stormwater Management Manual standard is not available.

When plans and specifications are prepared, they must be submitted to DNR for review. No construction can begin until DNR and the appropriate environmental agencies have approved the design, water quality volume calculations, or other specifications as appropriate. The plans and specs must also include the SRF front-end requirements which will be provided to applicants.

The nonpoint source practices eligible for sponsored projects generally do not require wastewater construction permits from DNR. However, approval letters will be issued to indicate that the sponsored projects have met the SRF requirements.

The sponsored project must be bid by the utility or qualified entity using all applicable bidding laws and all applicable SRF requirements. The bid documents for the sponsored project must be submitted to DNR for approval using the sponsored project bid checklist. DNR will check for compliance with federal requirements and determine whether or not all the costs on the bid form are eligible for SRF reimbursement.

Financial Arrangements

After bids are approved, the wastewater utility must submit or amend its SRF loan application to include the sponsored project costs. The loan application must be approved by the Iowa

Finance Authority (IFA). If an existing CWSRF infrastructure loan will be used (FY 2013 ONLY), IFA will work with the applicant on a loan amendment.

The utility must work with bond counsel to schedule a public hearing and pass a resolution authorizing the utility to enter into a loan amount not to exceed the total cost of the wastewater improvement project and the sponsored project.

All SRF loan proceeds are disbursed after the borrower incurs costs. The borrower submits a reimbursement request to IFA, including copies of invoices and other documentation. Since disbursements are made weekly, the borrower typically does not need to pay invoices before receiving loan proceeds. The utility must approve all sponsored project costs before submitting them to IFA for reimbursement. IFA checks all reimbursement requests against the original approved bid form to make sure all costs are eligible.

Project Inspection and Certification

When construction is substantially complete, utility's engineering consultant will certify that the installation was properly done. DNR, IDALS, the Soil and Water Conservation District, or other appropriate environmental agency will conduct a final inspection.

Project Maintenance

Utilities and qualified entities must maintain the sponsored project practices for the life of the practice or term of the loan agreement, whichever is greater.

Points Scoring

The existing project priority ranking system in Iowa Administrative Code 567 – 91.8 will be used to score the sponsored project applications. The priority score of the wastewater infrastructure project will not be considered in the evaluation of the sponsored project.

The rating criteria consider the use classification of the receiving waters, water quality of the receiving waters, groundwater protection, project type, project purpose, and a tiebreaker. Priority ranking for the projects shall be based on the total points awarded for all the categories; the greater the total number of points, the higher the ranking. The tiebreaker category will be used when necessary.

a. Use classification of receiving waters.

This category addresses the receiving water that is impacted or potentially impacted by the existing situation and that would be improved or protected by the proposed project. Points shall be awarded and shall be cumulative for all designated use classifications of the receiving stream. Points for sludge stabilization, sewers and lift station projects normally will be based on the assigned use of the waters that receive or could receive the effluent discharge.

Use and Classification	Points
<input type="checkbox"/> Outstanding Iowa waters	45
<input type="checkbox"/> High quality waters	40
<input type="checkbox"/> High quality resource waters	20
<input type="checkbox"/> Class A1 waters	50
<input type="checkbox"/> Class A2 waters	45
<input type="checkbox"/> Class A3 waters	45

<input type="checkbox"/> Class C waters	40
<input type="checkbox"/> Class B (CW1) waters	50
<input type="checkbox"/> Class B (CW2) waters	30
<input type="checkbox"/> Class B (WW1) & HH waters	30
<input type="checkbox"/> Class B (WW2) waters	25
<input type="checkbox"/> Class B (WW3) waters	20
<input type="checkbox"/> Class B (LW) waters	35

TOTAL POINTS (may include multiple categories) _____

b. Water quality of receiving waters.

This category addresses the quality of water in the receiving stream and whether or not the water has been designated as impaired for some uses. Bodies of water that are impaired by pollutants are identified as the Section 303(d) list of waters in the integrated report of impaired waters status. The Section 303(d) list of waters also identifies probable pollutant source categories for these impairments. Projects that primarily impact these waters are awarded points if the water body that receives or could receive the wastewater discharge is included on the Section 303(d) list and the probable pollutant source is a point source. Waters are also identified in the Section 305(b) report on their use attainment status. Projects that primarily impact these waters are awarded points depending on the use impairment identified for the water body that receives or could receive the wastewater discharge. If no use impairment is identified indicating the water was not assessed, the partially supporting status points will be awarded. Points will be awarded for both A and B of the table below and then totaled for this category.

Indication of water quality	Points
A Integrated Report of impaired waters status	
<input type="checkbox"/> 4a, 4b, 4c, 4d, or 5a	15
<input type="checkbox"/> 5b	10
<input type="checkbox"/> 5p	5
B Section 305(b) status	
Aquatics or fish consumption or drinking water	
<input type="checkbox"/> Fully supporting	5
<input type="checkbox"/> Partially supporting	10
<input type="checkbox"/> Not supporting	15
<input type="checkbox"/> Not assessed	7
Recreation	
<input type="checkbox"/> Fully supporting	5
<input type="checkbox"/> Partially supporting	10
<input type="checkbox"/> Not supporting	15
<input type="checkbox"/> Not assessed	7

TOTAL OF A + B _____

c. Protection of groundwater resources.

This category considers the use of the aquifer affected by the project.

Groundwater Category	Points
<input type="checkbox"/> Wellhead protection area for public water supply	40
<input type="checkbox"/> Unconfined aquifer that serves as a drinking water source	20
<input type="checkbox"/> Other groundwater protection	10

POINTS (ONE ONLY IF b. NOT APPLICABLE) _____

d. Project type.

In this category, points are provided based on the type of project and the relative level of the impact on public health and the environment. Points will be awarded only for the primary project type.

Project Type	Points
Category I. Secondary wastewater treatment	40
Category II. Advanced wastewater treatment	50
Category III–A. Infiltration/inflow correction	30
Category III–B. Sewer replacement/rehabilitation	30
Category IV–A. New collector sewers and appurtenances	10
Category IV–B. New interceptor sewers and appurtenances	20
Category V. Combined sewer overflow correction	40
<input type="checkbox"/> Category VI. Storm water conveyance treatment systems and green infrastructure	30
<input type="checkbox"/> Category VII–A. Agriculture (cropland)	30
<input type="checkbox"/> Category VII–B. Agriculture (animals)	50
<input type="checkbox"/> Category VII–C. Silviculture	10
<input type="checkbox"/> Category VII–E. Groundwater protection (unknown sources)	20
<input type="checkbox"/> Category VII–F. Marinas	10
<input type="checkbox"/> Category VII–G. Resource extraction	10
<input type="checkbox"/> Category VII–H. Brownfields	30
<input type="checkbox"/> Category VII–I. Storage tanks	20
<input type="checkbox"/> Category VII–J. Landfills	30
<input type="checkbox"/> Category VII–K. Hydromodification	40
<input type="checkbox"/> Category X. Recycled water distribution	10
<input type="checkbox"/> Category XII. Decentralized sewage treatment	40
Refinance of existing projects that meet CWSRF eligibility criteria	5

POINTS (ONE ONLY) _____

e. Project purpose.

In this category, points are awarded based on the purpose and expected outcome of the project. Points will be awarded only for the primary purpose.

Project Purpose	Points
Allows facility to meet new water quality standards	50
<input type="checkbox"/> Protects or restores the physical, chemical, and biological integrity of water resources at a specific site	50
<input type="checkbox"/> Reduces the loading of a parameter that has been identified as an impairment to the receiving water or watershed as identified through the total maximum daily load (TMDL) process	40
Provides regional consolidation in wastewater treatment or system management	30
Brings facility into compliance with a National Pollution Discharge Elimination System (NPDES) permit or other administrative or judicial enforcement action as may be required by the department or U.S. Environmental Protection Agency (EPA)	25
<input type="checkbox"/> Eliminates or remediates a source of groundwater pollution	20
Meets existing or reasonable future needs of the community in order to maintain compliance with an NPDES permit	15
Provides operational reliability improvements, apart from projects which address compliance and enforcement	10

POINTS (ONE ONLY)

f. Total points.

Total points are calculated using the following formula:

Use Classification	_____	+
Water Quality or Groundwater Protection	_____	+
Project Type	_____	+
Project Purpose	_____	=
TOTAL POINTS	_____	

g. Tiebreaker.

Two or more projects may receive the same total points on the fundable list. If sufficient state revolving loan funds are not available to fund the projects, ties will be broken by determining which project has the highest score in each category in the following order:

- Use Classification of Receiving Streams Highest
- Water Quality of Receiving Streams (a+b)
- Groundwater Protection ↕
- Project Type

For More Information

Contact Patti Cale-Finnegan, DNR State Revolving Fund Coordinator, 515-725-0498 or patti.cale-finnegan@dnr.iowa.gov.

Clean Water SRF
WATER RESOURCE RESTORATION
 Sponsored Project Application



Application Instructions:

- Please print or type the information on the form.
- Sign the application.
- Attach supporting documentation.
- Submit the original to the following address:
 State Revolving Fund
 Iowa Department of Natural Resources
 401 SW 7th Street, Suite M
 Des Moines, IA 50309
- Scan and submit the entire application, with attachments, in PDF form to patti.cale-finnegan@dnr.iowa.gov

Application Deadline: Friday, July 19, 2013; 4:00 p.m.

Section 1: Applicant Information

(This information relates to the wastewater utility that is or will be the Clean Water SRF borrower.)

Applicant Name:	
Mailing Address:	
City, State, Zip + 4	
Authorized Representative:	
Signature:	
Title:	
Telephone Number:	
E-mail:	

Section 2: SRF Loan Status

Has the applicant executed a Clean Water SRF loan for wastewater/sewer infrastructure?

<input type="checkbox"/> Yes	SRF Number: CS1920
<input type="checkbox"/> No (choose one)	<input type="checkbox"/> The project is on the CWSRF Intended Use Plan, SRF Number CS1920
	<input type="checkbox"/> We are submitting this sponsored project application in conjunction with our CWSRF Intended Use Plan application for DNR Project Number S -

Section 3: Brief Summary of Proposed Water Resource Restoration Sponsored Project

Describe the reasons or the needs for the proposed project (i.e. water quality problem or issue). Do not exceed 100 words.
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Describe the scope of the proposed project (i.e., specific solution to the water quality problem). Do not exceed 100 words.
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Section 3: Qualified Entity Information

Is the applicant proposing to enter into an agreement with a qualified third party entity to implement the sponsored project?

<input type="checkbox"/> No		
<input type="checkbox"/> Yes	Organization:	
	Mailing Address:	
	City, State, Zip + 4	
	Contact Person:	
	Title:	
	Phone Number:	
	E-Mail:	

Section 4: Sponsored Project Cost

Cost Category	Total Estimated Project Costs	Costs to be Covered from Other Funds	Costs to be Allocated from 1% of SRF Loan Interest
Land and Easements			
Relocation Expenses			
Professional Planning Fees			
Professional Design Fees			
Professional Construction Fees			
Construction			
Equipment			
Interest During Construction			
Miscellaneous			
Contingencies			
TOTAL	=		

Section 5: Attachments

Attachments must be submitted with the application. Applications will not be considered complete unless all required attachments are included. Please complete the checklist below.

Required Attachment	Attached
Authorizing resolution passed by the wastewater utility's governing board for the sponsored project application	<input type="checkbox"/>
Letters of support from project partners	<input type="checkbox"/>
Letter from the wastewater utility's bond counsel indicating concurrence with the sponsored project concept	<input type="checkbox"/>
Project conceptual plans, including:	
• Assessment of the impacted waterbody and its watershed with data that supports the identification of the water quality problems to be addressed	<input type="checkbox"/>
• Discussion of project goals and objectives	<input type="checkbox"/>
• Evaluation of alternatives considering the unique demographic, topographic, hydrologic, and institutional characteristics of the planning area	<input type="checkbox"/>
• Description of practices to be implemented with the expected water	<input type="checkbox"/>

quality outcomes	
<ul style="list-style-type: none"> • Discussion of project locations, land ownership, and any plans for acquiring properties or easements 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Identification of any other organizations or resources to be involved in the project and their expected contributions 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Proposed project schedule with major milestones 	<input type="checkbox"/>
<ul style="list-style-type: none"> • Proposed evaluation procedures and measures 	<input type="checkbox"/>
If there is a third-party entity involved, the 28E agreement between the utility and the qualified entity	<input type="checkbox"/>

Section 6: Acquisition of Property – Required Form

U.S. ENVIRONMENTAL PROTECTION AGENCY
ASSURANCE WITH RESPECT TO REAL PROPERTY ACQUISITION
OF TITLE III OF THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY
ACQUISITION POLICIES ACT OF 1970 AS AMENDED

The _____ (Applicant) hereby assures that it has authority under applicable State and local law to comply with Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note) and 49 CFR 1.48(cc); and certifies, assures and agrees that, notwithstanding any other provision set forth in the application.

1. For projects resulting in the displacement of any person:

a. It will adequately inform the public of the relocation payments and services which will be available as set forth in Subparts A, C, D and E of 49 CFR 24.

b. It will provide fair and reasonable relocation payments to displaced persons as required by Subparts D and E of 49 CFR 24.

c. It will provide a relocation assistance program for displaced persons offering services described in Subpart C of 49 CFR 24.

d. Comparable replacement dwellings will be available pursuant to Subpart F of 49 CFR 24, or provided if necessary, a reasonable period in advance of the time any person is displaced.

e. In acquiring real property, it will provide at least 90 days written notice to each lawful occupant of real property acquired, stating the date such occupant is required to move from a dwelling or to move his business or farm operation.

2. For projects resulting in the acquisition of real property:

- a. It will fully comply with the requirements of Subpart B of 49 CFR 24.
- b. It will adequately inform the public of the acquisition policies, requirements and payments which apply to the project.
- c. It will make every effort to acquire real property expeditiously through negotiation.
- d. Before the initiation of negotiations it will have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property, except as provided in 49 CFR 24.102(c)(2).
- e. Before the initiation of negotiations it will establish an amount which it believes to be just compensation for the real property, and make a prompt offer to acquire the property for that amount; and at the same time it will provide the owner a written statement of the basis for such amount in accordance with 49 CFR 24.102.
- f. Before requiring any owner to surrender possession of real property it will pay the agreed purchase price; or deposit with the court, for the benefit of the owner, an amount not less than the approved appraisal of the fair market value of the property; or pay the amount of the award of compensation in a condemnation proceeding for the property.
- g. If interest in real property is to be acquired by exercise of the power of eminent domain, it will institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of this real property; and
- h. It will offer to acquire the entire property, if acquisition of only part of a property would leave its owner with an uneconomic remnant.

References to 49 CFR are citations to Title 49, Code of Federal Regulations, Part 24, published in the Federal Register Vol. 54, No. 40, March 2, 1989.

This document is hereby made part of and incorporated in any contract or agreement, or any supplements and amendments thereto, relating to the above-identified application and shall be deemed to supersede any provision therein to the extent that such provisions conflict with the assurances or agreements provided therein.

(Legal Name of Applicant)

By _____
(Signature of Authorized Representative)

(Date)