

**PLEASE NOTE:** The attached Notice of Funding Opportunity (NOFO) includes important information, but not all information is applicable to your agency. State of California Department of Parks and Recreation, Division of Boating and Waterways (DBW) will submit eligible project proposals to Grants.gov. Your agency must submit your proposal to DBW by July 31, 2019. Refer to the Division of Boating and Waterways Boating Infrastructure (BIG) [Application Instructions](#) on how to prepare and submit your application. If you have any questions, contact Deborah Holmes at 916-327-1822 or at [Deborah.holmes@parks.ca.gov](mailto:Deborah.holmes@parks.ca.gov).

## **Boating Infrastructure Grant Program - Tier 1 Fiscal Year 2020 Notice of Funding Opportunity**

### **Notice Overview**

#### **Federal Agency Name**

United States Department of the Interior, Fish and Wildlife Service (Service), Wildlife and Sport Fish Restoration Program (WSFR)

#### **Funding Opportunity Title**

Boating Infrastructure Grant Program - Tier 1

#### **Catalog of Federal Domestic Assistance (CFDA) Number**

15.622

#### **Authorizing Legislation**

Sportfishing and Boating Safety Act, 16 U.S.C. §777; and Dingell-Johnson Sport Fish Restoration Act, 16 U.S.C. §777 et seq.

#### **Announcement Type**

Notice of Funding Opportunity (NOFO) for Federal Fiscal Year (FY) 2020

#### **Funding Opportunity Number**

F19AS00201

#### **Paperwork Reduction Act Statement**

We are collecting this information in accordance with the Sportfishing and Boating Safety Act, Title VII, Subtitle D, Section 7404, Public Law 105178, 16 U.S.C. 777g-1, Safe, Accountable, Flexible, Efficient Transportation Equity Act, Public Law 109059, and the Fixing America's Surface Transportation Act (Public Law 114-94). Your response is required to obtain or retain a benefit. We will use the information you provide to conduct a review, which may be competitive, and select projects for funding. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. We estimate that it will take applicants under this NOFO about 8 hours to complete a Tier 1 application. We estimate it will take recipients under this program about 8 hours to complete required reporting and record keeping. All burden estimates include the time to review instructions, search existing data resources, gather data needed and complete and review the submission. You may send comments on the burden estimate or any other aspect of this information collection to the Information Collection Clearance Officer, United States Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

#### **OMB Control Number**

1018-0100 (Expires: 07/31/2021)

**Submission Deadline and Other Information**

State agency applicants must submit applications through the [Grants.gov Workspace](#) by the deadline. The deadline for receipt is September 16, 2019, 11:59 p.m. PDT. The Service recommends that you submit your application early enough to address any unforeseen technical complications. We also recommend that you verify that all documents have been received through the Grants.gov Workspace with your Regional WSFR Office before the deadline. The Service will not consider applications received after the deadline.

Applicants requesting comments or assistance with their applications are encouraged to submit applications to the Service Regional WSFR Office (see Section IX, Agency Contacts) at least 4 weeks prior to the due date. Although there is no guarantee that the Regional WSFR Office will provide comments, feedback may include recommendations to improve the application.

**If you would like to be a subrecipient, check with your State agency for their application deadlines and requirements. If you are not sure which State agency to contact, your Regional WSFR contact in Section IX will be able to provide assistance.**

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## **I. Description of Funding Opportunity**

Recreational boating is a popular activity; there are approximately 11 million registered motorized recreational vessels in the United States. Of this total, an estimated 578,000 are at least 26 feet long. The Sportfishing and Boating Safety Act of 1998 (Public Law 105-178) established the Boating Infrastructure Grants (BIG) Program (16 United States Code (U.S.C.) 777g-1) to provide funding to the 50 States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of Guam, American Samoa, and the United States Virgin Islands (hereafter States) for the construction, renovation, and maintenance of boating infrastructure facilities for transient recreational vessels at least 26 feet long that are operated, leased, rented, or chartered primarily for pleasure. This Act amended the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777). Subsequent reauthorizations of the Act allow expenditures from the Sport Fish Restoration and Boating Trust Fund and the continuation of the BIG Program.

Boating infrastructure means the structures, equipment, accessories, and services that are necessary or desirable for a facility to accommodate eligible vessels. Transient vessels are those passing through or by a place, staying up to 15 days. Projects completed using BIG funds must provide public access, but may be publicly or privately owned. Some examples of potentially eligible activities include but are not limited to the following (See Section IV, Funding Restrictions for additional information):

- a) Boat slips, piers, mooring buoys, dinghy or courtesy docks, day docks, and gangways;
- b) Fuel stations, restrooms, showers, utilities, laundry facilities, and similar amenities;
- c) Lighting, communications, buoys, beacons, signals, markers, signs, security features;
- d) Floating or fixed breakwaters, wave attenuators, sea walls, and other improvements that provide a harbor of safe refuge;
- e) Planning, permitting, engineering, cultural, historic, and environmental studies or assessments necessary to construct boating infrastructure;
- f) Equipment and structures for collecting, disposing of, or recycling liquid or solid waste from eligible vessels or for eligible users;
- g) Retaining walls, bulkheads, pilings, and living shorelines;
- h) Debris deflection structures or water hazard removal;
- i) Dredging necessary to fulfill the purpose and objectives of the project;
- j) Maintenance of facilities during the project period;

- k) Repair or restoration of roads, parking lots, walkways, or other surface areas damaged as a direct result of BIG-funded construction;
- l) Information and education materials specific to BIG or a BIG-funded project that credits BIG as a source of funding;
- m) Recording the Federal interest in BIG-funded real property; and
- n) Administration, coordination, and monitoring of BIG awards.

Additional information on BIG, including application requirements, eligible activities, and grants is in the BIG regulation published on May 6, 2015 ([50 Code of Federal Regulations \(CFR\) 86](#)), throughout this document, and in the Question and Answer attachment at the end of this document. You may also find information about the BIG program on the internet at: [Boating Infrastructure Grant Program Information](#).

This document is the NOFO for Fiscal Year (FY) 2020 BIG Tier 1 – State grants. You can locate it by doing an advanced search for Funding Opportunity Number F19AS00201 at [Grants.gov](#). The NOFO for FY 2020 BIG Tier 2 – National grants is a separate announcement at [Grants.gov](#) (F19AS00202). Note that the FY2020 BIG Tier 2 – National grants NOFO may be published at a later date.

References to “you” in this NOFO refer to the State agency completing the application and any potential subrecipient, if applicable. References to “we” or “us” in this NOFO refer to the Service.

WSFR’s mission is to work through partnerships to conserve and manage fish and wildlife and their habitats for the use and enjoyment of current and future generations. WSFR’s vision is of healthy, diverse, and accessible fish and wildlife populations that offer recreation, economic activity, and other societal benefits, in addition to sustainable ecological functions. WSFR’s guiding principle is that society benefits from conservation-based management of fish and wildlife and their habitats and opportunities to use and enjoy them. The BIG Program aligns with WSFR’s mission, vision, and guiding principle, and supports three of the Department of the Interior’s priorities including:

- 1) Creating a conservation stewardship legacy second only to Teddy Roosevelt;
- 2) Utilizing our natural resources; and
- 3) Restoring trust with our local communities.

## **II. Award Information**

The WSFR Program annually administers grants through the BIG Tier 1 – State Program. The maximum Federal share for FY 2020 Tier 1 – State grants is \$200,000 per State. You may propose to construct new boating infrastructure and supporting facilities where none existed

before, or propose a major renovation to existing infrastructure. Applications for major renovation or projects that supplement previously-funded BIG projects are also eligible.

We awarded more than \$4.1 million in BIG Tier 1 – State grants in FY 2019 for boating infrastructure projects across the United States. We anticipate awarding an estimated \$4-5 million in BIG Tier 1 – State grants in FY 2020.

You must submit applications through the [Grants.gov Workspace](#) by **September 16, 2019, 11:59 p.m. PDT**. We recommend submitting applications early in case of technical difficulties.

Although only State agencies can apply for and receive grants from this program, we encourage partnering with Tribes, Federal agencies, other State agencies, local governments, non-governmental organizations, private marinas, and others as subrecipients. If you would like to be a subrecipient, check with your State agency for their deadlines and requirements to apply.

We expect to announce the grant awards by the end of March 2020.

### **III. Basic Eligibility Requirements**

#### **Eligible Applicants**

Eligible applicants are the Governor-designated State agencies in the United States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of Guam, American Samoa, and the United States Virgin Islands. If you are uncertain of your eligibility, please contact WSFR (see Section IX, Agency Contacts).

Though many States provide BIG subawards to private marinas, local municipalities, other State agencies, or other non-State entities, it is the State's decision if they want to utilize this approach to meet their public recreational boating needs. There may be a separate application process for potential subrecipients managed by the State agency responsible for administering BIG Tier 1 – State grants. Parties interested in being a subrecipient must contact the appropriate State agency representative for detailed information on possible eligibility and application instructions. If you are not directly eligible for BIG funds but are interested in receiving a subaward from your eligible State agency, please contact WSFR (see Section IX, Agency Contacts) for your State agency contact, who may be able to provide information about your State-level application procedure and applicable deadline.

Federal law mandates that all entities applying for Federal financial assistance must have a valid Dun & Bradstreet Data Universal Number System (DUNS) number and have a current registration in the System for Award Management (SAM). These requirements also apply to subrecipients, unless exempted. See [2 CFR 25](#) for more information.

#### **DUNS Registration**

Request a DUNS number online at [Dun & Bradstreet Registration](#). For technical difficulties, contact Dun & Bradstreet by email at: [govt@dnb.com](mailto:govt@dnb.com), or by calling the Government Customer Resource Center at voice phone: 866-705-5711 or TTY line: 877-807-1679 (hearing impaired

customers only). Obtaining a DUNS number is absolutely free for all entities doing business with the Federal government. Once assigned a DUNS number, entities are responsible for maintaining up-to-date information with Dun & Bradstreet.

### **Entity Registration in SAM (System for Award Management)**

Register in SAM online at [www.sam.gov](http://www.sam.gov). Once registered in SAM, entities must renew and revalidate their SAM registration at least every 12 months from the date previously registered. Entities are strongly urged to revalidate their registration as often as needed to ensure that their information is up-to-date and in sync with changes that may have been made to DUNS and IRS information.

Note: The official United States government website address for SAM is [www.sam.gov](http://www.sam.gov). There is no cost to register in or access SAM. There are third-party vendors who charge a fee in exchange for registering entities in SAM; please be aware that you can register to do business with the United States government for free directly in SAM at [www.sam.gov](http://www.sam.gov).

### **Excluded Entities**

Applicant entities or their key project personnel identified in the SAM Exclusions database as ineligible, prohibited/restricted or excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits will not be considered for Federal funding, as applicable to the funding being requested under this Federal program. The Service conducts a review of the SAM Exclusions database for all applicant entities and their key project personnel prior to award.

### **Cost Sharing or Matching**

The maximum Federal award per State under BIG Tier 1 – State is 75 percent of the total allowable project cost up to \$200,000. American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands are exempt from match requirements up to \$200,000 per application (48 U.S.C. 1469a). In-kind services, materials, and other contributions may be used to satisfy the required minimum non-Federal match of 25 percent of project costs.

You may meet your minimum required cost share or match through contributions from a third party. A third party is any individual or organization other than the State applicant, such as a partner or subrecipient. Match provided must be necessary and reasonable for accomplishing the proposed project objective(s). As the primary State recipient, you are responsible for the full amount of the non-Federal match proposed, including any amount provided by one or more third parties as listed on the Standard Form 424, Application for Federal Assistance.

You may attribute some or all of their allowable indirect costs as voluntary committed cost-share/match, however you may only charge to the Federal award the indirect costs calculated against the allowable direct costs charged to the Federal award.

- Recipients without an approved indirect cost rate are prohibited from charging indirect costs to a Federal award. Accepting a flat *de minimis* rate as a condition of award is an approved rate.
- Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award.
- Recipients may not charge to their Service award any indirect costs calculated against the portion of total direct project costs paid by any other Federal funding source or non-Federal partner.
- Recipients must have prior written approval from the Service to transfer unallowable indirect costs to amounts budgeted for direct costs or to satisfy cost-sharing or matching requirements under the award.
- Recipients are prohibited from shifting unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

#### **IV. Funding Restrictions**

Unless the following features are already part of a facility, or are funded through another source, at project completion a BIG Tier 1 – State-funded facility must:

- a. Limit use of overnight docks and moorings to eligible vessels that are 26 feet or more in length staying no more than 15 consecutive days;
- b. Serve its intended purpose for its useful life as originally proposed or as extended pursuant to [50 CFR 86.14\(b\)\(2\)](#), except in the case of a catastrophic event (for guidance on determining useful life, see [50 CFR 86.74](#));
- c. Clearly designate eligible uses and inform the public of restrictions;
- d. Offer security, safety, and service for eligible users and vessels;
- e. Be open and accessible to eligible vessels on navigable waters that are at least 6 feet deep at the lowest tide or fluctuation, unless you can show that the facility will still serve its intended purpose for typical eligible users that visit that location;
- f. Allow public access as described at [50 CFR 86.92](#);
- g. If you allow overnight stays or as required by State or local laws, provide pump-out service where such service is not located within 2 nautical miles (this restriction may be waived as described in [50 CFR 86.13 \(b\)](#); if we deny your request to waive this requirement, you may appeal to the Assistant Director, Wildlife and Sport Fish Restoration).

Applicants for Tier 1 – State BIG funds are subject to the following administrative conditions or restrictions:

- a. You may request BIG funds for facility maintenance only if you will complete the maintenance action during the period of performance, and only if it directly benefits eligible users and is directly related to the proposed BIG project. Maintenance must be completed during the period of performance. Amendments to extend the period of performance must be approved by the WSFR grant manager;
- b. You are responsible for all maintenance costs after the period of performance, although you may apply user fees collected at the BIG-funded facility after the period of performance to the maintenance of the facility;
- c. If you use BIG funds for maintenance at a facility that has received a BIG grant in the past, you must extend the useful life of each affected capital improvement accordingly;
- d. You may limit or exclude BIG funding for maintenance or other costs that you make available to subrecipients;
- e. Dredging that is needed to fulfill the purpose and objectives of the proposed project can qualify as an eligible action only if all dredging-related actions do not exceed \$200,000 in Federal funds and you have allocated the dredging costs between the expected use by eligible and ineligible vessels (if applicable; for guidance on allocating or prorating costs, see [50 CFR 86.19](#));
- f. You must maintain the dredged area at the approved width and depth for the useful life of the BIG-funded facility, unless you are awarded BIG funds in the future that provide for maintenance dredging;
- g. You or another entity approved by us must own or have legal right to operate the BIG-funded facility, or you must demonstrate in your proposal that the owner of the facility will use the BIG-funded facility for its authorized purpose for its useful life;
- h. Pre-award costs are not guaranteed and may only be eligible if they are necessary and reasonable for completion of project objectives, and are approved in writing by the Regional WSFR Office. The project may be eligible for pre-award costs if approved by the WSFR grant manager. Request for pre-award costs need to include the dates of validity, costs, and a justification;
- i. You may be required to record the Federal interest in real property that includes a BIG-funded capital improvement and/or you may be required to direct your subrecipients(s) to record such interest (see [50 CFR 86.18](#));
- j. If boats other than transient recreational boats at least 26 feet in length will use or benefit from an eligible BIG project, you must prorate the costs according to [50 CFR 86.19](#);

- k. You must give clear information using signs or other methods that direct eligible users to BIG-funded facilities and inform users of restrictions and operating periods (see [50 CFR 86.94](#)).

An application is ineligible for funding if you propose to:

- a. Complete a project that does not provide public benefits, for instance, a project that is not open for use by the public;
- b. Implement or support law enforcement activities;
- c. Significantly degrade or destroy valuable natural resources or alter the cultural or historic nature of the area;
- d. Support operations of a BIG-funded facility including routine custodial activities, service worker salaries, facility administration, utilities, rent, taxes, or insurance;
- e. Develop a State program plan to construct, renovate, or maintain boating infrastructure;
- f. Acquire land or any interest in land;
- g. Construct, renovate, or maintain roads or parking lots, except as described at [50 CFR 86.11\(a\)\(1\)](#);
- h. Construct, renovate, or maintain boating infrastructure for: stores, food service or other retail businesses, lodging, facility administration or management;
- i. Construct, renovate, or maintain facilities for boat transportation, storage, repair or other services;
- j. Purchase or operate service boats to transport boaters to and from mooring areas;
- k. Conduct certain marketing activities that do not focus on BIG or the BIG-funded facility (see [50 CFR 86.16\(a\)\(8\)](#));
- l. Purchase supplies and other expendable personal property not directly related to achieving the project objectives;
- m. Support other activities that are inconsistent with the purposes of BIG or that are inconsistent with Federal Cost Principles (see [2 CFR 200, subpart F](#)).

## **V. Application Requirements**

To be considered for funding under this funding opportunity, an application must contain the following information. Applications must be formatted to fit on 8.5" X 11" paper, with 1"

margins at the top, bottom, and both sides, and page numbers at the bottom of the page. Fonts must be no less than 12 point Arial, Times New Roman, or other commonly used font.

In accepting Federal funds, you must comply with all applicable Federal laws, regulations, and policies. If we select the application for award, you will need to provide evidence of compliance with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), and other Federal laws or regulations as part of the post-selection approval process.

### **Application for Federal Assistance**

Submit a completed, signed, and dated Application for Federal Assistance form (Standard Form 424). Note that the proper forms are part of the Grants.gov application package for this NOFO. Do not include other Federal sources of funding, requested or approved, in the total entered in the “Federal” funding box on the Application for Federal Assistance form. Enter only the amount being requested under this program in the “Federal” funding box. Include any other Federal sources of funding in the total funding entered in the “Other” box.

### **Project Summary**

Briefly summarize the project, in one page or less. Include the title of the project, geographic location, and a brief overview of the need for the project. Goal(s), smart objectives, specific project activities that would be funded, anticipated outputs and outcomes should also be included in this section.

### **Project Statement (10 pages maximum)**

A concise project statement that addresses the following elements must be included in the application. In general, the project statement must provide sufficient information so reviewers may verify that the proposed activities are eligible for funding and substantial in character and design. Please see the [WSFR Financial Assistance Guidance website](#) for more details and examples. Identify any applicable federal permits and status of permits associated with the application.

Images that show existing structures and facilities, the proposed BIG-funded facility, and relevant details, such as the number of transient slips or the amenities for eligible users should be appended rather than included within the narrative project statement.

### **Need**

Explain why the project is necessary and how it fulfills the purpose of BIG;

- a. Describe existing facilities available for eligible vessels at your location and near the proposed project; and
- b. Describe how the proposed project fills a need or offers a benefit not offered by existing facilities; and

- c. Give information to support the number of transient boats expected to use the facilities in the proposed project area and demonstrate why existing facilities are insufficient to meet demand.

### **Purpose**

State the ultimate purpose for the proposed project and link the purpose to the demonstrated need.

### **Objectives**

Identify specific, measurable, attainable, relevant, and time-bound (SMART) objectives to be accomplished during the project period. Please use WSFR's Standard Objectives when designing your project. We encourage you to work with your WSFR Regional Office if you have questions about formatting your objectives for entry in TRACS Enhancement. Also, please see the [WSFR Financial Assistance Guidance website](#) for more details and examples.

### **Results or benefits expected**

Describe the expected results or benefits from accomplishing the objectives;

- a. Describe each capital improvement (see [50 CFR 86.3](#)), service or other product that will result from the project;
- b. Describe how the structures, service, or other products will address the need(s) and benefits for eligible users.

### **Approach**

Describe the approach to be used in meeting the objectives;

- a. Describe the methods, designs, and/or procedures to be used to achieve the objectives, providing enough information on the status of required permits or other compliance requirements (National Environmental Policy Act, Section 7 of Endangered Species Act, and Section 106 of the National Historic Preservation Act) for us to make a preliminary assessment;
- b. Identify the Project Officer who has or will have detailed knowledge of the project, state whether she or he is the Federal Assistance Coordinator for the State agency, give the contact information, and state whether he or she has signatory authority for committing the recipient to a course of action;
- c. Give the name, contact information, qualifications, and role of each known concessioner or subrecipient;
- d. Explain how you will exercise control to ensure the BIG-funded facility continues to achieve its authorized purpose during the useful life of the facility;
- e. Provide a timeline of activities.

### **Relationship with other grants**

Describe any relationship between the proposed project and other related work funded by Federal grants that is planned, anticipated, or underway. You must also list the any previous federal grants with the applicable FBMS #, if one exists, that this application is related too. If this application is related to a previously awarded WSFR grant explain the reason for submission (adding funds, scope change, additional work, etc.).

### **Budget Form**

Complete the Budget Information for Non-Construction Programs (SF 424A) form, or the Budget Information for Construction Programs (SF 424C) form, **or** provide a budget spreadsheet that provides a similar or greater level of budget detail. The SF 424A and SF 424C budget forms, should you choose to use them, are published along with this NOFO at Grants.gov. When developing your budget, keep in mind that financial assistance awards and subawards are subject to the Federal Cost Principles in [2 CFR 200](#), as applicable to the recipient organization type. Links to the full text of the Federal Cost Principles are available on the Internet at [the Code of Federal Regulations website](#). If the project budget includes multiple Federal funding sources, you must show the funds being requested from this Federal program *separately* from any other requested or secured Federal sources of funding on the budget form. For example, enter the funds being requested from this Federal program in the first row of the Budget Summary section of the form and then enter funding related to other Federal programs in the subsequent row(s). Be sure to enter each Federal program's CFDA number in the corresponding fields on the form. The CFDA number for this Federal program appears on the first page of this funding opportunity.

### **Budget Narrative**

In a separate narrative titled "Budget Narrative", explain and justify all requested budget items/costs. Demonstrate a clear connection between costs and the proposed project activities. Describe resources you used to develop cost estimates for your project. Describe any item that under the applicable Federal Cost Principles requires WSFR's approval and estimate its cost. If federally-funded equipment will be used for the project, provide a list of that equipment, including the Federal funding source.

### **Match and other partner contributions**

Identify the cash and in-kind contributions that you, a partner, or other entity contribute to the project and describe how the contributions directly and substantively benefits completion of the project. See [50 CFR 86.32-33](#) for more information.

### **Contingency Costs**

Contingency costs estimated using broadly-accepted cost estimating methodologies are permissible but must be separately identified in your budget; they must comply with Federal Cost Principles, these must be necessary and reasonable for proper and efficient accomplishment of project or program objectives, and these must be verifiable from your financial records ([2 CFR 200.433](#)). Explain how any contingency costs were calculated and why they are necessary to improve the precision of your budget estimates.

## **Proration**

Costs for facilities that will benefit operators of boats other than transient recreational vessels at least 26 feet long must be prorated. Common examples of costs that often must be prorated include fuel docks, restrooms and showers, retaining walls, bulkheads and breakwaters, pumpout stations, dredging, and other features that are expected to partially benefit ineligible users. You do not need to allocate costs between user groups when you propose to construct, renovate, or maintain facilities solely for eligible users, or when you propose to produce information and education materials. This list is not exhaustive; therefore, contact your Regional WSFR Office if you are unsure of the need to prorate a cost, or if you believe proration is not required based on the following information. For each discrete project component or element, clearly state:

- a. *The basis or method you used to allocate costs between eligible and ineligible users.* For example: Your facility has slips for 100 vessels, and 20 are dedicated for transient recreational vessels. Your prorating basis would be 20 percent. If you propose to construct a wave attenuator that will benefit the entire facility, you may only charge 20 percent of the construction costs of the wave attenuator to the project.
- b. *Your reasoning and evidence supporting use of this method.* Include relevant documentation to validate your basis for allocating costs between eligible and ineligible users, such as facility use records or trends.
- c. *Why prorating is not necessary (if applicable).* If a proposed facility, component, or element which is primarily designed to benefit eligible users happens to provide a secondary, tangential benefit to ineligible users, or if the value of a project component or element is \$5,000 or less, you do not have to prorate costs. For more guidance, see [50 CFR 86.19](#).

Note: After you submit your proposal, we may contact you to clarify your proration basis or method, or to negotiate a more equitable allocation prior to award.

## **Program Income**

Program income is gross income earned by you or your subrecipient that is directly generated by a supported activity, or earned as a result of the grant, during the grant period. Estimate the amount of program income that the project is likely to generate (see [50 CFR 86.90](#)). If necessary, indicate the method or combination of methods (deduction or addition) of applying your expected program income (see [50 CFR 86.77](#) and [50 CFR 86.78](#) for more information). You should request the Regional Director's approval for the additive method prior to the deadline and include documentation of your method and approval in this section and in attachments. Note that program income that is not approved for use as additive prior to the obligation of BIG funds will be applied using the deductive method.

## **Equipment**

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or

exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. Provide a list of equipment to be purchased with BIG funds, if any.

### **Useful life**

Estimate the useful life in years of each capital improvement for the proposed project. A capital improvement is typically a structure that costs at least \$25,000 to build, or a repair or renovation of a structure costing at least \$25,000 that increases the structure's useful life by 10 years or more (see [50 CFR 86.3](#)). If awarded funds, you will be required to explain how you estimated the useful life of each capital improvement. You must reference a generally accepted method used to determine useful life of a capital improvement; however, your estimates do not need to be certified by a licensed engineer or other professional. You may be required to revise or adjust useful life estimates during the approval process. See [50 CFR 86.73](#) and [50 CFR 86.74](#).

### **Required Indirect Cost Statement**

You must include in the Budget Narrative one of the following statements and attach any required documentation identified in the applicable statement: "We are:

- a. A United States state agency receiving more than \$35 million in direct Federal funding each year with an indirect cost rate of [insert rate]. We submit our indirect cost rate proposals to our cognizant agency. A copy of our most recently approved rate agreement/certification is attached.
- b. A United States state agency receiving less than \$35 million in direct Federal funding with an indirect cost rate of [insert rate]. We are required to prepare and retain for audit an indirect cost rate proposal and related documentation to support those costs.
- c. A United States state agency that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. In the event an award is made, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award is made.
- d. A United States state agency that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. However, in the event an award is made, we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat *de minimis* indirect cost rate of 10% of modified total direct costs as defined in [2 CFR 200.68](#). We understand that the 10% *de minimis* rate will apply for the life of the award, including any future extensions for time, and that the rate cannot be changed even if we do establish an approved rate with our cognizant agency at any point during the award period
- e. A United States state agency that will charge all costs directly.

Please take note of the following:

- Recipients without an approved indirect cost rate are prohibited from charging indirect costs to a Federal award. Accepting the 10% *de minimis* rate as a condition of award is an approved rate.
- Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award.
- Only the indirect costs calculated against the Federal portion of the total direct costs may be charged to the Federal award.
- Recipients must have prior written approval from the Service to transfer unallowable indirect costs to amounts budgeted for direct costs or to satisfy cost-sharing or matching requirements under the award.
- Recipients are prohibited from shifting unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

#### **Negotiating an Indirect Cost Rate with the Department of the Interior**

Entities that do not have a Negotiated Indirect Cost Rate Agreement (NICRA) must first have an open, active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior is your cognizant agency, your indirect cost rate will be negotiated by the Interior Business Center (IBC). For more information, contact the IBC at:

Indirect Cost Services  
Acquisition Services Directorate, Interior Business Center  
United States Department of the Interior  
650 Capitol Mall, Suite 7-400  
Sacramento, CA 95814  
Phone: 916-930-3803  
Email: Through [this email web form](#).  
Internet address: [Link to Indirect Cost Services Webpage](#).

#### **Single Audit Reporting Statements**

As required in [2 CFR 200, Subpart E](#), all non-Federal entities expending \$750,000 USD or more in Federal award funds in a fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. All State applicants must provide a statement regarding whether your organization was or was not required to submit a Single Audit report for the State's most recently closed fiscal year and, if so, state if that report is available on the [Federal Audit Clearinghouse Single Audit Database website](#) and provide the EIN

under which that report was submitted. Include these statements at the end of the Project Statement in a section titled "Single Audit Reporting Statements".

### **Assurances**

If not already on file with your Regional WSFR Office, include the appropriate signed and dated Assurances form. The form is available online and published with this NOFO at Grants.gov. Use the **Assurances for Construction Programs (SF 424D)** form for construction projects, or the **Assurances for Non-Construction Programs (SF 424B)** form for non-construction projects. Signing this form does not mean that all items on the form are applicable. The form contains language stating that some of the assurances may not be applicable to your organization and/or your project or program.

### **Certification and Disclosure of Lobbying Activities**

Under [Title 31, U.S.C., Section 1352](#), an applicant or recipient must not use any federally appropriated funds (both annually appropriated and continuing appropriations) or matching funds under a grant or cooperative agreement award to pay any person for lobbying in connection with the award. Lobbying is defined as influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress connection with the award. Submission of an application also represents the applicant's certification of the statements in [43 CFR Part 18, Appendix A-Certification Regarding Lobbying](#). If you/your organization have/has made or agrees to make any payment using non-appropriated funds for lobbying in connection with this proposal AND the Federal share exceeds \$100,000, complete and submit the **SF LLL, Disclosure of Lobbying Activities** form available in the [Grants.gov Workspace](#) or [WSFR's Financial Assistance Wiki Forms Page](#). See [43 CFR, Subpart 18.100](#) for more information on when additional submission of this form is required.

### **Conflict of Interest Disclosures**

You must notify us immediately in writing of any conflict of interest that arise during the life of your Federal award, including those reported to them by any subrecipient under the award. You must notify us in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award. You may not have a former Federal employee as a key project official, or in any other substantial role related to your award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the [United States Office of Government Ethics website](#) more information on these restrictions. We will examine each conflict of interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, we will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies us may result in any of the remedies described in [2 CFR 200.338 Remedies for Noncompliance](#), including termination of the award.

### **Geographic Location/Drawings/ Maps/Photographs (20 page limit)**

Your proposal will be reviewed, in part, on the quality of the access you provide for eligible vessels to significant destinations, services, and other amenities. In addition to addressing the project location generally in the Project Statement, please provide additional context by visually depicting the following:

1. The location of the project site using Global Positioning System (GPS) coordinates in the following format: *degrees:minutes:seconds*;
2. All existing structures, facilities, and amenities;
3. All proposed project components;
4. Clearly marked areas that are for (1) eligible transient recreational vessels, (2) areas that are for others, and (3) areas that are for shared use;
5. Water depths (before and after planned dredging, if applicable);
6. If dredging is proposed, you must include an aerial photograph or schematic drawing to indicate the specific area(s) you intend to dredge;
7. Measurements for all docks, bulkheads, breakwaters, and other features where boats will be accommodated;
8. Any other information that will assist reviewers to identify project components, prorating criteria, or other factors involved with ranking.
9. A small State map that shows the general location of the project;
10. A local map that shows the facility location and the nearest community, public road, and navigable water body;
11. Maps or images that show proximity or distances to significant destinations, services that support eligible users, terrain considerations, access, or other information applicable to your project;
12. Any other map that supports the information in the project statement.

### **Required Overlap/Duplication Statement**

You must provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated projects in terms of activities, costs, or time commitment of key personnel. If any overlap exists, you must provide a description of the overlap in their application. You must also state if the proposal submitted for consideration under this program is/is not in any way duplicative of any proposal that was/will be submitted for funding consideration to any other potential funding source (Federal or non-Federal). If such a circumstance exists, applicants must detail when the other duplicative proposal(s) were

submitted, to whom (entity name and program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from the Service, applicants must notify the Service point of contact for this funding opportunity immediately.

### **Application Checklist**

We request that you number pages consecutively, label all sections, and arrange the application in the following order. Failure to provide complete information may cause delays, postponement, or rejection of the application.

- SF 424, Application for Federal Assistance:** A complete, signed, and dated SF 424, SF 424-Mandatory, or SF 424-Individual form.
- SF 424 C (or SF 424A if appropriate):** A complete SF 424C Budget Information form or a budget spreadsheet providing a similar, or greater, level of budget detail.
- Project Summary including objectives, etc. (1 page maximum)
- Project Statement (10 pages maximum)
- Timetable
- Budget Narrative** (including a list of Federally-funded equipment, if applicable)
- NICRA:** A statement regarding the status of the agency's Negotiated Indirect Cost Rate Agreement, and if applicable, a copy of the organization's current NICRA.
- Single Audit Reporting Statement:** Note whether your State was or was not required to submit a Single Audit report for your most recently closed fiscal year and, if so, state if that report is available on the Federal Audit Clearinghouse Single Audit Database website. You do not need to attach a copy of your Single Audit report.
- SF 424 Assurances form:** Signed and dated SF 424D Assurances form if annual assurances are not already on file with the Regional WSFR Office.
- SF LLL form:** If applicable, completed SF-LLL Disclosure of Lobbying Activities form.
- Conflict of Interest statement, when applicable.
- Geographic Location/Drawings/Maps/Photographs (20 pages maximum)
- Required Overlap/Duplication Statement

## VI. Submission Instructions

SUBMISSION DEADLINE: September 16, 2019, 11:59 p.m. PDT

### Intergovernmental Review

Before submitting an application, United States State and local government applicants should determine whether their application is subject to the State intergovernmental review process under Executive Order (E.O.) 12372 “Intergovernmental review of Federal Programs.” E.O. 12372 was issued to foster intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The E.O. allows each State to designate an entity to perform this function. You may contact the State’s designated entity for more information on the process the State requires to be followed when applying for assistance. States that do not have a designated entity have chosen not to participate in the review process.

Download the Application Package linked to this Funding Opportunity on Grants.gov to begin the application process. Using the “Search Grants” tab, enter Funding Opportunity Number F19AS00201. Downloading and saving the Application Package to your computer makes the required government-wide standard forms fillable and printable. Completed applications must be submitted electronically through the [Grants.gov Workspace](#).

Go to the Grants.gov “[Apply for Grants](#)” page for an overview of the process to apply through Grants.gov. You must complete the Grants.gov registration process before submitting an application through Grants.gov. Registration can take between three to five business days, or as long as two weeks if all steps are not completed in a timely manner.

**Important note on Grants.gov application attachment file names:** Please do not assign application attachments file names longer than 20 characters, including spaces. Assigning file names longer than 20 characters will create issues in the automatic interface between Grants.gov and the Service’s financial assistance management system.

Although proposals must be submitted at Grants.gov, you are also encouraged to email a single electronic (.pdf) file containing your entire application package, including items listed and in the order given in this section, to your Regional WSFR contact (see contact information in Section IX, Agency Contacts) by or before the deadline. This practice can help ensure we receive your full application before the deadline in the event you encounter difficulties in Grants.gov.

## VII. Application Review

### Criteria

The BIG Tier 1 – State grant program is not competitive at the national level (although Tier 1 grants may be competitive at the State level at the State’s discretion). Criteria for reviewing and ranking BIG Tier 2 - National applications are in the Final Rule for BIG ([50 CFR 86.51](#)) published May 6, 2015 in the [Federal Register](#), however they do not apply to BIG Tier 1 – State applications unless they are used by a State in a State-level competition.

## **Review and Selection Process**

Project selection is a three-step process: application acceptance, applicant risk assessment, and award notification.

### **Application acceptance**

We will accept applications via Grants.gov for review any time after publication of the NOFO and prior to the application deadline. We determine that applications are complete, substantial, and eligible. Approval of funding is at the discretion of the Service Director or his/her designee.

### **Risk Assessment**

Each fiscal year, for every entity receiving one or more awards in that fiscal year, the Service conducts a risk assessment based on eight risk categories. The result of this risk assessment is used to establish a monitoring plan for all awards to the entity in that fiscal year. The Service's risk assessment form is available online [here](#).

### **Award Notification**

The Service Regional WSFR Office will notify State applicants of the award and the process needed to receive a grant, including satisfactory completion of compliance requirements. When these requirements are met, the Regional WSFR Office will send a letter to your agency detailing the terms and conditions of the award.

We expect to announce the grant awards by the end of March 2020.

## **VIII. Award Administration**

### **Award Notices**

Applicants submitting eligible and complete proposals will receive written notice in the form of a notice of award document. Notices of award are typically sent to recipients by e-mail. If e-mail notification is unsuccessful, the documents will be sent by courier mail. Award recipients are not required to sign or return the notice of award. The notice of award document will include instructions specific to each recipient on how to request payment. If applicable, the instructions will detail any additional information or forms required and where to submit payment requests.

### **Administrative and National Policy Requirements**

Compliance with all applicable Federal laws, regulations, and policies, including environmental laws such as the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and applicable Executive Orders must be satisfied before we can approve a grant and make funding available.

All financial assistance awards are subject to Federal financial administration requirements. The Service Regional WSFR Offices will work with applicants to ensure that all financial arrangements comply with these requirements. Administration of the BIG Program is governed by [50 CFR 86](#).

### **Transmittal of Sensitive Data**

You are responsible for ensuring any sensitive data being sent to the Service is protected during its transmission and delivery. We strongly recommend that recipients use the most secure transmission and delivery method available. We recommend the following digital transmission methods: secure digital faxing; encrypted emails; or emailing a password-protected zipped or compressed file attachment in one email followed by the password in a second email. We strongly encourage recipients sending sensitive data in paper copy to use a courier mail service. You may also contact your Service Project Officer and provide any sensitive data over the telephone.

### **Award Terms and Conditions**

Acceptance of a financial assistance award from us carries with it the responsibility to be aware of and comply with the terms and conditions applicable to the award. Acceptance is defined as the start of work, drawing down funds, or accepting the award via electronic means. Awards are based on the application approved by us and are subject to the terms and conditions incorporated into the notice of award either by direct citation or by reference to the following: Federal regulations; program legislation or regulation; and special award terms and conditions. The Federal regulations applicable to Service awards are available online [here](#). If you do not have access to the Internet and require a full text copy of the award terms and conditions, contact the Service point of contact identified in the Agency Contacts section below. See the Service's "[Financial Assistance Award Terms and Conditions](#)" for the administrative and national policy requirements applicable to Service awards. The "Department of the Interior (DOI) Award Provisions" attached to this Funding Opportunity also apply to Service awards (Attachment B).

### **Financial and Performance Reports**

Interim financial and performance reports may be required no more frequently than quarterly, and no less frequently than annually. A final financial report and a final performance report will be required and are due within 90 calendar days of the end date of the award. Electronic submission of performance information using [Wildlife TRACS](#) may be required, as detailed in the terms and conditions of the award. We will specify in the notice of award document the reporting and reporting frequency applicable to the award.

### **Significant Deviations Reports**

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, recipients are required to notify the Service in writing as soon as the following types of conditions become known ([2 CFR 200.328\(d\)](#)):

- Problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation.
- Favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

## **Other Mandatory Disclosures**

You and your subrecipients must disclose, in a timely manner and in writing, to the Service or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting this award. Failure to make required disclosures can result in any of the remedies described in [2 CFR 200.338](#), Remedies for noncompliance, including suspension or debarment (See [2 CFR 200.113](#), [2 CFR Part 180](#), and [31 U.S.C. 3321](#)).

## **IX. Agency Contacts**

The Service administers the Boating Infrastructure Grant Program. You may learn about the national level program by contacting:

Brad Gunn  
United States Fish and Wildlife Service  
Wildlife and Sport Fish Restoration Program  
703-358-2009, [brad\\_gunn@fws.gov](mailto:brad_gunn@fws.gov)

For specific information and application details, contact your Service Regional WSFR Office:

### **Region 1 – OR, WA, ID**

Paul Hayduk, [Paul\\_Hayduk@fws.gov](mailto:Paul_Hayduk@fws.gov), 503-736-4780

### **Region 1 – HI, AS**

Chris Swenson, [Chris\\_Swenson@fws.gov](mailto:Chris_Swenson@fws.gov), 503-231-6758

### **Region 1 – GU, CNMI**

Ruth Utzurum, [Ruth\\_Utzurum@fws.gov](mailto:Ruth_Utzurum@fws.gov), 503-231-2083

### **Region 2 – AZ, NM, OK, TX**

Ramon Martin, [Ramon\\_Martin@fws.gov](mailto:Ramon_Martin@fws.gov), 505-248-7476

### **Region 3 – IL, IN, IA, MI, MN, MO, OH, WI**

Tony Hewitt, [Anthony\\_Hewitt@fws.gov](mailto:Anthony_Hewitt@fws.gov), 612-713-5156

### **Region 4 – AL, AR, FL, GA, KY, LA, MS, NC, PR, SC, TN, VI**

Scott Meister, [Howard\\_Meister@fws.gov](mailto:Howard_Meister@fws.gov), 404-679-7180

### **Region 5 – CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV**

Bill Perry, [Bill\\_Perry@fws.gov](mailto:Bill_Perry@fws.gov), 413-253-8302

### **Region 6 – CO, KS, NE, MT, ND, SD, UT, WY**

Michael Cotter, [Michael\\_Cotter@fws.gov](mailto:Michael_Cotter@fws.gov), 303-236-8179

### **Region 7 – AK**

Mary Price, [Mary\\_Price@fws.gov](mailto:Mary_Price@fws.gov), 907-786-3982

**Region 8 – CA, NV**

Larry Riley, [Lawrence\\_Riley@fws.gov](mailto:Lawrence_Riley@fws.gov), 916-978-6182

(Attachments follow)

## **Attachment A: Frequently Asked Questions**

### Boating Infrastructure Grant Program Questions and Answers

#### **How can I use BIG funds for dredging and does it have to be only for dredging in the direct route from open water to the slips?**

The BIG Final Rule allows for a maximum of \$200,000 in BIG Federal funds per funding year for dredging costs. This includes any and all costs associated with dredging, so you cannot receive more than \$200,000 by requesting permitting, engineering, disposal, etc. costs related to dredging in other parts of the grant proposal. You may receive the maximum \$200,000 BIG Federal funds for a BIG Tier 1-State grant, a BIG Tier 2-National grant, or both.

If a State receives a grant award under BIG Tier 2-National that includes \$200,000 in Federal funds for dredging (\$266,666.67 total with match), and the actual dredging costs exceed this amount, it is permissible for a State to use a BIG Tier 1-State grant to supplement Tier 2-National award. Note that the maximum limit \$200,000 Federal BIG dollars per funding year still applies.

The dredging must support the project, but can be anywhere in the basin. You must state in your application how the dredging is necessary and reasonable for completion of the project and meeting the objectives of the project.

#### **May I use BIG funds in the future for maintenance dredging?**

Yes. However, remember there is no guarantee of future funding and you still must commit to maintaining the dredged area for the useful life of the project. You may use either BIG Tier 1-State or BIG Tier 2-National funds for maintenance dredging. Use of BIG Tier 1-State funds for dredging is a State-level decision; BIG Tier 2-National funds are nationally competitive and may not score well if maintenance dredging is a primary purpose unless the applicant clearly identifies compelling reasons for it.

#### **Are services such as food service, retail, or lodging considered eligible boating infrastructure facilities for this program?**

No. BIG will not fund services or structures for food service, retail, or lodging. This includes ship stores, food courts, and hotels.

BIG can fund restrooms and laundry facilities for boaters piloting transient recreational vessels 26 feet or greater in length. You must clearly prorate costs for these facilities to account for any use by other ineligible users.

#### **Are parking lots and access roads adjacent to boating facilities for transient, recreational vessels eligible costs?**

No. Parking lots, access roads, walkways, and other surface areas damaged as a direct result of BIG-funded construction may be repaired, but new construction or renovation of these components is not an eligible cost.

**I want to “get the word out” about my BIG-funded facility. Can I do anything using BIG funds?**

Yes. Public communication, which may include advertisements, magazine articles, website information, etc. are allowed only when the focus of the message is the BIG program and/or the BIG-funded facility. The communication must focus on the BIG-funded project and services or amenities for eligible transient boaters and cannot focus on the agency or the marina in general.

**Can I fund a pumpout or floating restroom with BIG funds?**

Yes. However, you must clearly prorate costs if a proposed facility will be used by anyone other than boaters operating transient recreational vessels 26 feet in length or longer.

We encourage you to use Clean Vessel Act (CVA) funding for pumpouts and floating restrooms, as available. A State may require a pumpout be funded through the CVA Program.

**What does it mean to record the Federal Interest on my property? Does this put a lien on my property?**

Recording a Federal Interest on the property attaches a notice to the deed that alerts interested parties that the property contains a project that was paid for in part with Federal funds, and therefore the Federal government has an “interest.” It is not a lien. It does however, show that there is an interest that the current, or future owner of the property must continue to fulfill according to the terms and conditions of the BIG grant.

**Are applications that propose to fund only engineering studies and other planning efforts eligible for BIG funds?**

Yes, we may award BIG funds for projects that involve only engineering, economic, environmental, historic, cultural, and feasibility studies, as well as other activities necessary for the planned construction of facilities for transient boaters. We list these as eligible activities for the program ([50 CFR 86.11](#)).

We will accept BIG Tier 1 – State applications that include only these activities in anticipation of the development of transient boating opportunities. However, Tier 2-National applications that do not include the development of transient boating facilities will likely rank low and are unlikely to be funded.

We encourage applicants to consider using BIG Tier 1 – State funds for this type of preliminary work or contact the Regional Office to discuss other possible funding strategies.

**May I purchase land, or an interest in land, with BIG funds?**

No, land acquisition or an interest in real property (fee simple, easement, lease) is not an eligible activity under the BIG regulation.

**May I use the value of existing boating infrastructure as non-Federal match?**

Generally you may only use the value of any structure completed before the beginning of the period of performance as match if the Service approves the activity as a pre-award cost.

**May real property serve as the State match? May I use BIG funds for leasing land, buying an easement, or other real property transactions?**

Match may not include any real property interest in land or water, including existing riparian rights. Land or water, or any interest in land or water, is not an eligible cost.

**What do we consider real property?**

Real property as defined at [2 CFR 200.85](#) is “land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.”

**How do I allocate (prorate) costs between eligible and ineligible uses?**

Unless the proposed boating infrastructure will benefit only transient recreational boaters operating vessels 26 feet or more in length, you must clearly show in your application how you divide project costs between eligible and ineligible uses. You must do this for costs of all discrete elements and major components in your project. You must tell us the basis or method used to determine what percentage of use is for eligible users and what percentage is for ineligible users. Explain your reasoning. Some examples of methods used may be equipment usage records, square footage or number of slips, vessel surveys, etc.

**What about not having to prorate for secondary benefits?**

This consideration is only for components where the primary benefit is 100% for eligible vessels/users. We recommend if you have a component that meets this standard and it also has a secondary benefit that is not strictly for eligible users, you contact your Regional WSFR Office to discuss. Your Regional Office will advise if the secondary benefit is significant enough to require you to allocate (prorate) costs. If we determine that the component significantly benefits both eligible and ineligible users, we will expect you to prorate costs.

**What if a component has a low value as discussed in [50 CFR 86.19\(c\)\(3\)](#)? Do I need to allocate (prorate) costs?**

We generally expect that all costs will be appropriately allocated. However, if the value of a project component or element is \$5,000 or less, you do not have to prorate costs. If you have a component that has a value under \$5,000 and you would like to take advantage of this option, you should contact your Regional WSFR Office to discuss prior to submission of your proposal. The component must be clearly stand-alone and not a smaller part of a larger component. Be advised that when the project is completed, if the cost ends up being above the \$5,000 threshold, you are responsible for the increased cost and cannot charge the excess to the grant.

**How long do I have to finish my project?**

We must obligate BIG funds through an approved grant within 3 Federal Fiscal Years from the beginning of the award year. We will assign a grant start date during this time. From the assigned start date, you have 3 years to complete the project. If justified, you may request up to a two-year extension. One more extension may be available, but must be approved by the Regional Director and the WSFR Assistant Director.

**How much detail must I give for useful life in the application?**

By the application deadline, you must give an estimate of useful life for all discrete components of your project. This information must briefly state how you derived the useful life information you give. You do not need reports or complicated methodologies at this stage. After you are notified you have received an award, you may be asked for more information.

However, if you are requesting consideration for points under criterion [50 CFR 86.51\(c\)\(2\)](#), you must give more detailed information. You must discuss how the technology, approach, equipment, etc. you propose using in your project will extend the useful life of the project. You must provide credible information to show how the useful life will be extended over other technology, approaches, equipment, etc.

**What if there is a component of my project that costs less than \$25,000? How do I assign a useful life?**

Per [50 CFR 86.74\(a\)\(1\)\(iv\)](#), all auxiliary components of your project must be associated with the capital improvement it supports. If it supports more than one component, then choose the one with the longest useful life. That component will then assume the useful life as associated with the capital improvement it supports.

**Must my project display the Sport Fish Restoration symbol and/or credit the program some other way?**

Yes. You may use various methods of communication to credit the Program and identify the funded facilities. When your project is completed, you must show us how you credit the Sport Fish Restoration Program for your project and identify BIG-funded areas or components.

**I want to charge more than the closest marina does for user fees. This is because I will have more amenities and the higher fees will help us maintain the facility.**

The rule requires you to charge reasonable fees based on the prevailing rates for a marina in your area with similar amenities. If you offer more benefits, services, etc. than other marinas in your area, you may charge higher fees. If you are a subrecipient, you must request State approval for a change in fees or to charge a higher fee than the prevailing rate in your area.

**I'm required to give public access. Does this mean that once the project is completed, I can let anyone use it?**

No. The project is only for eligible users, except where components have been identified as mixed use and prorated accordingly. You may allow use by others only if their use does not interfere with the intended purpose of the facility. Public access means that you must be open for reasonable hours, allow access to all parts of the BIG-funded facility and associated amenities and services, and not discriminate against any eligible users.

**Who should I contact if I have additional questions?**

Additional information is available from the Service Regional WSFR Office contacts listed in Section IX, Agency Contacts.

## Attachment B: Department of Interior Award Provisions

### I. Conflicts of Interest

#### (a) Applicability.

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under, or with respect to, Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in [2 CFR 200.318](#) apply.

#### (b) Requirements.

(1) Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

(2) In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

(3) No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

#### (c) Notification.

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(d) Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to [43 CFR Part 18](#) and [31 U.S.C. 1352](#).

(e) Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or

cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(f) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in [2 CFR 200.338](#), Remedies for Noncompliance, including suspension or debarment (see also [2 CFR Part 180](#)).

## **II. Data Availability**

(a) Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

(b) Use of Data. The regulations at [2 CFR 200.315](#) apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(c) Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:

- (1) The scientific data relied upon;
- (2) The analysis relied upon; and
- (3) The methodology, including models, used to gather and analyze data.