

AMENDMENT

STATE OF FLORIDA

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

FWC Agreement No. 22021, Amendment 4

This Amendment to Agreement No. 22021, referred to as the Amended Agreement, is entered into by and between the Florida Fish and Wildlife Conservation Commission, whose address is 620 South Meridian Street, Tallahassee, Florida 32399-1600, hereafter “Commission” or “FWC,” and Hernando County Board of County Commissioners, 59-1155275, whose address is 15470 Flight Path Drive, Brooksville, Florida, 34604, hereinafter “Recipient” and “Grantee,” collectively, “Parties”.

CHANGES TO THE CONTRACT

In consideration of the mutual benefits set forth herein and, in the Amended Agreement, the parties agree to amend the Amended Agreement as follows, which amendments shall govern to the exclusion of any provision of the Amended Agreement to the contrary:

Grant Information chart, section Federal Grant Information of the Amended Agreement is hereby amended to read as follows:

Federal Grant Information	
CFDA Title(s): Sport Fish Restoration	CFDA No(s): 15.605
Name of Federal Agency(s): Department of Interior, U.S. Fish and Wildlife Service	
Federal Award No(s): F26AF00005	Federal Award Year(s): 2025
Federal Award Name(s): Lake Townsen Park Boat Ramp	

Section 3. Agreement Period, subsection A. Agreement Period and Commission’s Limited Obligation to Pay of the Amended Agreement is hereby amended to read as follows:

A. Agreement Period and Commission’s Limited Obligation to Pay. This Agreement is made pursuant to a grant award and shall be effective upon execution by the last Party to sign and shall remain in effect through June 30, 2027. However, as authorized by Rule 68-1.003, F.A.C., referenced grant programs may execute Agreements with a retroactive start date of no more than sixty (60) days, provided that approval is granted from the Executive Director or his/her designee and that it is in the best interest of the Commission and State to do so. For this agreement, the retroactive start date was not approved. The Commission’s Grant Manager shall confirm the specific start date of the Agreement by written notice to the Grantee. The Grantee shall not be

eligible for reimbursement or compensation for grant activities performed prior to the start date of this Agreement nor after the end date of the Agreement. For this agreement, pre-award costs are not eligible for reimbursement. If necessary, by mutual agreement as evidenced in writing and lawfully executed by the Parties, an Amendment to this Agreement may be executed to lengthen the Agreement period.

Section 4. Compensation and Payments, subsection A. Compensation of the Amended Agreement is hereby amended to read as follows:

As consideration for the services rendered by the Contractor under the terms of this Agreement, the Commission shall pay the Recipient on a cost reimbursement basis in an amount not to exceed \$581,035.

Section 24. Federal Funds, initial sentence of the Amended Agreement is hereby amended to read as follows:

Federal Funds are applied to this Agreement, therefore, the following terms and conditions apply.

Attachment A – Scope of Work has been amended and replaced in its entirety by Attachment A4, Revised Scope of Work

Attachment B – Audit Requirements, Exhibit 1 Federal and State Funding Detail has been amended and replaced in its entirety by Attachment B4 Revised Audit Requirements, Exhibit 1 Federal and State Funding Detail.

Attachment E – Boating Access has been amended and replaced in its entirety by Attachment E4, Revised Boating Access Tracking and Reporting Forms

Attachment F – FFATA Form has been attached this Agreement.

Attachment G – 50 CFR Part 80, Final Rule has been attached to this Agreement.

Attachment H – Federal Notice of Award has been attached to this Agreement.

Attachment I – Federally Required Contract Provisions has been attached to this Agreement.

Attachment J – Executive Order 20-44 Attestation Form has been attached to this Agreement.

Attachment K – Federal Certification Regarding Lobbying has been attached to this Agreement.

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SIGNATURE PAGE TO FOLLOW

All provisions of the Amended Agreement not specifically amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to Agreement No. 22021 to be executed through their duly authorized signatories on the day and year last written below.

RECIPIENT EXECUTION SIGNATURE	COMMISSION EXECUTION SIGNATURE
Hernando County Board of County Commissioners	Florida Fish and Wildlife Conservation Commission
Recipient Signature	Executive Director (or Designee) Signature
Print Name	Print Name
Title	Title
Date	Date

ATTACHMENTS

Attachments in this Amendment include the following:

- Attachment A4, Revised Scope of Work
- Attachment B4, Revised Requirements of the Federal and Florida Single Audit Acts
- Attachment E4, Revised Boating Access Performance Tracking and Reporting Forms
- Attachment F, FFATA Form
- Attachment G, 50 CFR Part 80, Final Rule
- Attachment H, Federal Notice of Award
- Attachment I, Federally Required Contract Provisions
- Attachment J, Executive Order 20-44 Attestation Form
- Attachment K, Federal Certification Regarding Lobbying

Approved as to Form and Legal Sufficiency

By: Natasha López Perez
County Attorney's Office

REVISED SCOPE OF WORK

1. PROJECT DESCRIPTION

- A. Purpose and Background:** The Hernando County Board of County Commissioners (Recipient) will use grant funds to improve boating access to the Withlacoochee River by constructing a new single-lane concrete boat ramp and a new floating boarding dock.
- B. Project Benefits:** The new concrete boat ramp will provide a safer launching surface and allow for launching vessels when water levels are lower. The new floating dock and gangway will make the boat ramp boarding dock more accessible.
- C. Type of Agreement:** This is a cost reimbursement agreement in accordance with Cost Reimbursement, Section 4(G) of the Agreement. Requirements are outlined in the Department of Financial Services, Bureau of Accounting and Auditing, *Reference Guide for State Expenditures*.
- D. Term of Agreement:** The term of the Agreement shall begin upon execution by the last Party to sign and shall remain in effect until June 30, 2027. Prior to the end of term, Recipient shall complete the tasks and provide the deliverables described in this Scope of Work. **All activities must be completed by June 30, 2027.**

2. PROJECT DELIVERABLES

Total payments for all deliverables will not exceed the maximum grant award amount of \$581,035.

- A. Deliverable 1:** The Grantee will, utilizing plans funded and approved through FBIP agreement 18075, construct ADA compliant improvements including a single-lane boat ramp, and a timber boardwalk with a gangway connecting to a floating dock on the Withlacoochee River at Lake Townsen Park.

Deliverable 1 Tasks:

- Construct an approximately 15ft by 60ft concrete boat ramp;
- Construct an approximately 62 LF long, 5 ft wide timber boardwalk approach; and
- Construct an 8ft by 16ft floating dock with a gangway.

Compensation: Total payment for this deliverable will not exceed \$581,035.

Minimum Performance: Minimum performance will be the completion of all Tasks listed above and the completion of all requirements in Section 2 - Performance.

Documentation: Documentation includes an attestation of activities or services rendered, procurement documentation, as-built construction drawings, progress photos, final photos, and proof of payment. See FWC Cost Reimbursement, Section 4(G) of the Agreement, for additional details on supporting documentation.

3. FINANCIAL CONSEQUENCES

- A.** Pursuant to 215.971(1)(c), Florida Statutes, the Commission will withhold payment of Program funds for failure to complete the Project as described herein within the timeframe allowed, or for failure to correct any Project deficiencies, as noted in the final Project inspection. Only those tasks

completed, or items purchased and received in accordance with the scope of work and within the agreement period of performance will be eligible for reimbursement. Failure of the Recipient to perform the tasks and provide the deliverable shall be considered non-compliant with terms and payment will not be processed.

- B. In addition to nonpayment for tasks which are not satisfactorily or timely completed, or for failure to correct any project deficiencies, as noted in the final project inspection, the Commission will impose a financial consequence of twenty-five percent (25%) of the total contract amount for failure to complete any tasks satisfactorily or timely, or for failure to correct any project deficiencies, as noted in the final project inspection. The final project inspection will be done by a Commission employee verifying that the project was completed according to the project scope of work.
- C. Failure of Recipient to have all receipts and evidence of project performance reflecting costs were incurred within the period of performance may jeopardize payment of funds to the Recipient per the Agreement.
- D. Following the end of the term of this Agreement, the Recipient shall repay any Program funds received for the Project for failure to maintain the Project site as a public boating access facility according to the terms and conditions herein for a period of twenty (20) years. This section shall survive any Agreement termination.

4. PERFORMANCE

- A. **Permit Requirements:** The Recipient agrees to adhere to all federal, state, county and city permit requirements of the Project.
- B. **Procurement:** The Recipient shall procure goods and services through a competitive solicitation process in accordance with Chapter 287, Florida Statutes. The Recipient shall forward one copy of any solicitation to the Commission's grant manager for review prior to soliciting for quotations or commencing any work. The Recipient shall forward one copy of the bid tabulation, or similar list of responses to the solicitation, along with the award recommendation to the Commission's grant manager, to retain in their own records.
- C. **Engineering:** If applicable, all engineering must be completed by a professional engineer or architect registered in the State of Florida. All work must meet or exceed minimum design standards and guidelines established by all applicable local, state and federal laws. The Recipient agrees to adhere to all federal, state, county and city requirements of the Project and all requirements of the 2010 Standards issued pursuant to the Americans with Disabilities Act, 1003 – Recreational Boating Facilities. Standard 235.3 for Accessible Design requires that where boarding piers are provided at boat launch ramps, no fewer than one must be accessible. When compliance with ADA wheelchair accessibility requirements is in question with regard to reimbursable costs under this Agreement, the Commission may engage a third-party engineer at its own expense to review the design and report to the Commission concerning compliance. The Commission's determination based on this review will be final.
- D. **Construction:** If applicable, the Contractor shall be certified by the Division of Construction Industry Licensing Board of the Florida Department of Business and Professional Regulation for the duration of this contract and shall provide evidence of such certification upon request.
- E. **Commencement of Work:** The Recipient shall commence work on the Project within ninety (90)

days of execution of the Agreement. Failure by the Recipient to begin work shall constitute a breach of the Agreement and may result in termination of the Agreement by the Commission.

- F. Performance Criteria:** The Recipient shall complete the Project as described in this Scope of Work and Florida Boating Improvement Program Application 18-023, incorporated herein by reference, according to any bid specifications. Failure to complete the project in a satisfactory manner could result in financial consequences as specified herein.
- G. Certification of Completion:** Within thirty (30) calendar days following completion of all Project deliverables, the Recipient must sign and submit to the Commission's grant manager, a Certification of Completion, attached hereto and made a part hereof as Attachment E, Form 5 which certifies the Project was completed in accordance with the provisions herein. For construction projects, final photographs shall be submitted with the Certification of Completion, Attachment E, Form 5.
- H. Project Close Out Report:** In addition to final project photographs (if applicable) and the Certification of Completion, within thirty (30) calendar days following completion of all Project deliverables, the Recipient shall submit the Project Close Out Report, attached hereto and made a part hereof as Attachment E, Form 4. If any costs were determined by FWC to be ineligible after reimbursement, a refund check is also due within thirty (30) calendar days of notice, mailed to: Grants & Revenue Section, FWC, 620 S. Meridian Street, Tallahassee, Florida 32399 and a photocopy of the check must accompany the Project Close Out Report, Form 4.
- I. Site Dedication:** For construction grants, but not for grants which involve only design, engineering, permitting, or for grants for the installation of waterway markers or other projects on sovereign submerged lands, the Recipient agrees to dedicate the project site as a boat access facility for the use and benefit of the public as a condition of receiving funds under this Agreement. The Site Dedication is attached hereto and made a part hereof as Attachment D. If required, the Recipient shall execute and record this document in the official records of the County where the Project is located. As proof of the site dedication, a copy of the recorded document shall be submitted to the Commission in addition to the Certification of Completion, Attachment E, Form 5.

Final reimbursement or 25% of the award, whichever is greater, shall be withheld until receipt of Site Dedication and Certification of Completion. Following this initial site dedication, the project site shall remain a public boat access facility for a period not less than twenty (20) years following the date the Site Dedication was recorded. Land under control other than by ownership by the Recipient (i.e. lease, management agreement, cooperative agreement, inter-local agreement or other similar instrument) shall be managed by the Recipient as a public boat access facility for the entirety of this site dedication period surviving the Agreement termination. Recipient agrees to secure all authorizations necessary for continuing use and management of the property for the duration of this site dedication period. Title to all improvements shall be retained by the Recipient upon final payment by the Commission.

The Recipient shall repay all funds received for the Project under this Agreement for failure to maintain the Project site as a public boating access facility according to the terms and conditions herein for the duration of the site dedication period. Should the Recipient convert all or any part of the Project to other than Commission approved uses prior to the end of this site dedication period, or should the Recipient lose authorization to use and manage the property on which the Project is completed before the end of the site dedication period, the Recipient shall replace the area, facilities, resource or site at its own expense with a project acceptable to the Commission of comparable

scope and quality. In the event the Project is converted to use for other purposes or the Recipient loses authorization to use and manage the property on which the Project is completed within the site dedication period and Recipient has not replaced the Project with a like project acceptable to the Commission, the Recipient agrees to return to the Commission all funds tendered under this Agreement for the original Project.

Site dedication, the site dedication period, and all terms of this section survive any Agreement termination. If mutually agreed upon by both parties in writing the site dedication may be rescinded. The Commission shall waive the site dedication requirement if no program funds were dispersed.

- J. Acknowledgement:** Upon completion of the Project, and prior to the reimbursement of funds, the Recipient, at its expense, shall purchase, erect and maintain a permanent sign, not less than three (3) feet by four (4) feet in size, displaying the Commission's logo acknowledging the Commission, the Florida Boating Improvement Program, and the Sportfish Restoration Program as funding sources for the Project. Any other form of acknowledgement must be approved in writing by the Commission's grant manager. Such acknowledgement shall be maintained for the duration of the site dedication period described in Section I, Site Dedication, above in Section 4, Performance. Should the sign or acknowledgement be damaged, removed or destroyed, the Recipient shall, at its expense, replace it within ninety (90) days. Should the Recipient fail to maintain such acknowledgement other than the ninety (90) day replacement term, the Recipient agrees to return to the Commission all funds tendered under this Agreement for the original Project. The Recipient shall provide a draft copy of the acknowledgement sign for approval by the Commission prior to displaying on site. Language on the sign shall include: This Project was funded in part by the Florida Fish and Wildlife Conservation Commission through the Florida Boating Improvement Program and the Sport Fish Restoration Program. This section survives any Agreement termination.
- K. Directional Signs:** Prior to the reimbursement of funds, the Recipient, at its expense, shall purchase, erect and maintain directional signs, approved by the Commission, on main public highways to direct public users to each boating facility funded through the Program regardless of which portion of the Project the Program funded. The Recipient agrees to provide and maintain such signs at its expense for the entirety of the site dedication period described in Section I, Site Dedication, above in Section 4, Performance. Should the signs be damaged, removed or destroyed, the Recipient shall, at its expense, replace them within ninety (90) days. Should the Recipient fail to erect and maintain such signs other than the ninety (90) day replacement term, the Recipient agrees to return to the Commission all funds tendered under this Agreement for the original Project. This requirement can be waived by the Commission's grant manager, in writing, if the Recipient receives a written denial from the Florida Department of Transportation for the installation of the signs. This section survives any Agreement termination.
- L. Sport Fish Restoration Rule:** The Recipient agrees to construct, operate, and maintain the Project according to all provisions of Attachment G, Financial Assistance: Wildlife Restoration, Sport Fish Restoration, Hunter Education and Safety Final rule, 50 CFR Part 80, attached and made part of this Agreement.

The Recipient further agrees to comply with all other applicable federal, state, and local rules and regulations in providing services to the Commission under this Agreement. The Recipient further agrees to include this provision in all subcontracts issued as a result of this Agreement. This section survives any Agreement termination.

5. BUDGET

- A. Project Budget:** For satisfactory completion of the tasks and deliverables described in this Scope of Work, by the Recipient under the terms of this Agreement, the Commission shall pay the Recipient on a cost reimbursement basis in an amount not to exceed \$581,035.00. All amounts noted in the budget are estimates based on preliminary quotes or prior project activities from the application amount. Deviations from this budget that exceed ten percent (10%) of the total amount in any budget category/deliverable must be approved by the Commission's grant manager in writing prior to the deviation. The Recipient shall be reimbursed only for budgeted eligible expenses incurred during the Agreement Period that are directly related to the Project.

	FBIP (State)	SFR (Federal)	Recipient (Cost Share)	Total
Administration (max 5% of total)	\$0	\$0	\$0	\$0
Contracted Services	\$200,000	\$381,035	\$408,887	\$989,922
Design/Engineering	\$0	\$0	\$0	\$0
Permitting	\$0	\$0	\$0	\$0
Site Preparation	\$0	\$0	\$0	\$0
Demolition & Removal	\$0	\$0	\$0	\$0
Construction	\$0	\$0	\$0	\$0
Contingency Costs	\$0	\$0	\$197,984	\$197,984
Other Costs	\$0	\$0	\$0	\$0
TOTAL	\$200,000	\$381,035	\$606,871	\$1,187,906
FBIP + SFR TOTAL	\$581,035		-	-
PERCENTAGE	48.91%		51.09%	100.00%

- B. Cost Share:** The Recipient agrees to provide 51.09% of the cost of the total cost of the project. The total compensation by the Commission shall be \$581,035.00 or 48.91% of the total cost, whichever is less.
- C. Pre-Award Costs:** The Hernando County Board of County Commissioners was selected by the Florida Boating Improvement Program Evaluation Committee to move forward in the Florida Boating Improvement Program application process. No pre-award costs are authorized under the terms of this Agreement.

6. COMPENSATION AND PAYMENT

- A. Fee Schedule:** This section is not applicable.
- B. Travel Expenses:** No travel expenses are authorized under the terms of this Agreement.
- C. Cost Reimbursement:** This is a cost reimbursement agreement. The total approved estimated project cost for the Project is \$1,187,906.00. The Commission agrees to reimburse the Recipient for an amount not to exceed \$581,035.00 or 48.91% of the total cost for the Project, whichever is less for satisfactory completion by the Recipient of the Project. The Recipient agrees to provide a minimum of \$606,871.00 or 51.09% toward completion of the Project and shall be responsible for any additional costs that exceed the total approved estimated project cost for the Project.

- D. Invoice Schedule and Payment:** Invoices may be submitted upon the completion of at least one deliverable listed in the scope of work. The Commission shall have up to thirty (30) days to inspect and approve the Project deliverables once reported complete by the Recipient. If there are deficiencies noted in the Project inspection, these shall be corrected by the Recipient prior to payment by the Commission. The Commission shall restrict any or all payment of funds pending correction of such deficiencies.

Within ninety (90) days of completion of all Project deliverables, the Recipient shall report the Project complete by submitting all required documentation, including but not limited to the below, for reimbursement and Close Out. Final payment shall be contingent upon the Commission's grant manager's receipt and acceptance of the:

- Recorded Site Dedication (Attachment D), if required, as described herein
- Final Quarterly Progress Report (Attachment E, Form 1)
- Reimbursement Request (Attachment E, Form 2)
- Detail of Claims (Attachment E, Form 3) and supporting documentation
- Project Close Out Report (Attachment E, Form 4)
- Certification of Completion (Attachment E, Form 5)
- Complete Subcontractor List (Attachment E, Form 6)
- Subcontractor Minority Status Report (Attachment E, Form 7), and
- FWC final inspection of the construction project or FWC approval of design plans, if required.

Final reimbursement or 25% of award, whichever is greater, shall be withheld until receipt and acceptance of all required documents.

- E. Forms and Documentation:** After receiving acceptance of deliverable completion from the Commission's grant manager, the Recipient shall submit a Reimbursement Request, Attachment E, Form 2 and a Detail of Claims, Attachment E, Form 3 with each request for reimbursement.

The Recipient shall submit and maintain supporting documentation for all funds expended and received under this Agreement in sufficient detail for proper pre- and post-audit and to verify work performed was in accordance with the deliverable(s) and not eligible for payment under any other state or federal funding source. Supporting documentation includes, but is not limited to, quotes, procurement documents, purchase orders, receipts, invoices, images of processed checks or EFT records, bank statements or copies of general ledgers. See FWC Cost Reimbursement Contract Payment Requirements for additional details on supporting documentation which is Section 4(G) of the Agreement.

The Commission's grant manager shall have up to ten (10) days to review and approve the invoice for payment. Any errors or insufficient supporting documentation included with the invoice will delay payment and the thirty (30) days to review by the Commission may begin again.

7. MONITORING SCHEDULE

- A. Compliance Monitoring and Corrective Actions:** The Commission will monitor the Recipient's service delivery to determine if the Recipient has achieved the required level of performance. For additional information see Attachment C Monitoring Guidelines. If the Commission at its sole discretion determines that the Recipient failed to meet any of the Terms and Conditions of this Agreement, the Recipient will be sent a formal written notice within thirty (30) days. The Recipient shall correct all identified deficiencies within forty-five (45) days of notice or submit a Corrective

Action Plan if additional time is required. Failure to meet 100% compliance with all of the Terms and Conditions of this Agreement or failure to correct the deficiencies identified in the notice within the time frame specified may result in delays in payment or termination of this Agreement in accordance with the Termination section.

- B. Site Inspections:** The Commission may inspect the Project site prior to and, if applicable, during the construction of the Project. The Recipient shall notify the Commission's grant manager when the Project has reached substantial completion so that inspection may occur in a timeframe allowing for the timely submission and processing of the final invoice. The Commission's grant manager, or designee, shall inspect the work accomplished on the Project and, if deemed complete and in compliance with the terms of the Agreement, approve the request for reimbursement.

The Recipient shall allow unencumbered access to the Project site to the Commission, its employees or agent for the duration of the Agreement and for the duration of the site dedication period described in Section I, Site Dedication, above in Section 4, Performance for the purpose of site visit or inspection to verify the facility is being maintained, in operation and is open and available to the public. As part of the inspection, the Commission may request maintenance and use information from the Recipient to validate the condition of the facility. This section shall survive any Agreement termination.

- C. Project Maintenance:** The Recipient shall provide and be responsible for any and all costs associated with the ordinary and routine operations and maintenance of the project site, including any and all personnel, equipment or service and supplies costs beyond the costs approved for reimbursement in this Agreement for the duration of the site dedication period described in Section I, Site Dedication, above in Section 4, Performance. This section shall survive any Agreement termination.
- D. Quarterly Progress Reports:** Starting the first quarter after the date the Agreement is executed, the Recipient shall submit to the Commission, on a quarterly basis, Quarterly Progress Reports outlining the progress of the Project (financial and programmatic), identifying any problems that may have arisen, and actions taken to correct such problems. Such reports shall be submitted on the Quarterly Progress Report Forms attached hereto and made a part hereof as Attachment E, Form 1. Progress report are required until the Certification of Completion is submitted, even if work is complete. Reports are due to the Commission's grant manager according to the following schedule:

Reporting Period

January through March

April through June

July through September

October through December

Report due by:

April 15th

July 15th

October 15th

January 15th

- E. Annual Reports:** Following completion of a construction project, but not a project that involves only dredging, the Recipient shall submit to the Commission an annual report on June 30th of each year until the end of the site dedication period described in Section I, Site Dedication, above in Section 4, Performance. The Post Award Use and Access Annual Report Form attached hereto and made a part hereof as Attachment E, Form 8 shall be used to fulfill this annual requirement and shall be sent electronically to FBIP@MyFWC.com or by mail to Attn: FBIP Administrator, FWC, 620 S. Meridian St., Tallahassee, FL 32399. This annual report shall include a description of the condition of any facilities funded with Program funds including any major repairs to the facilities; site photographs taken within 30 days of the report submission date; the amount of revenue collected from any permits or fees for the use of the facilities; and an estimate of the number of

annual users of the facilities. Should the Recipient fail to complete and submit these annual reports, the Recipient agrees to return to the Commission all funds tendered under this Agreement for the original Project. This section survives any Agreement termination.

8. INTELLECTUAL PROPERTY RIGHTS

No additional requirements. Refer to Section 12 of the Agreement.

9. SUBCONTRACTS

Subcontractors shall be reported to the Commission's grant manager on the Subcontractor List, Attachment E, Form 6 prior to commencing work. Recipients shall additionally submit a No Conflict of Interest statement for each subcontractor to the Commission's grant manager. Refer to Section 14 of the Agreement.

10. INSURANCE

No additional requirements. Refer to Section 16 of the Agreement.

11. SECURITY AND CONFIDENTIALITY

No additional requirements. Refer to Section 20 of the Agreement.

12. RECORD KEEPING REQUIREMENTS

Records shall be maintained for ten (10) years following the completion of a construction Project, or five (5) years following the completion of a non-construction Project. Completion of the Project has occurred when all reporting requirements are satisfied, and final payment has been received by the Recipient, as documented by the date of the Closeout Letter issued by the FWC grant manager. Refer to Section 21 of the Agreement.

13. NON-EXPENDABLE PROPERTY

The Recipient is not authorized to use funds provided herein for the purchase of any non-expendable equipment or personal property valued at \$1,000 or more for performance under this Agreement.

14. PURCHASE OR IMPROVEMENT OF REAL PROPERTY

Refer to Subparagraph I, Site Dedication, above in Section 4, Performance.

15. SPECIAL PROVISIONS FOR CONSTRUCTION CONTRACTS

A. Fees: The Commission reserves the right to review and approve any and all fees proposed for grant project sites, funded in whole or in part by this Program, for the term of the Agreement as well as the term of the site dedication period in Section I, Site Dedication, above in Section 4, Performance to ensure that fees are comparable and reasonable, and that funds collected are not reallocated or diverted to any non-boating access related purpose. This section survives any Agreement termination.

B. Drug-Free Workplace Requirement for Construction Contractors: Pursuant to Section 440.102(15), F.S., any construction contractor regulated under Parts I and II of Chapter 489, F.S.,

who contracts to perform construction work under a state contract shall implement a drug-free workplace.

- C. Contractor Eligibility:** All contractors shall be certified by the Division of Construction Industry Licensing Board of the Florida Department of Business and Professional Regulation for the duration of this Agreement and shall provide evidence of such certification to the Commission upon request.

(Remainder of page left blank intentionally.)

REVISED REQUIREMENTS OF THE FEDERAL AND FLORIDA SINGLE AUDIT ACTS

The administration of resources awarded by the Florida Fish and Wildlife Conservation Commission (Commission) to the Subrecipient may be subject to audits and/or monitoring by the Commission as described in Part II of this attachment regarding State funded activities. If this Agreement includes a Federal award, then Subrecipient will also be subject to the Federal provisions cited in Part I. If this Agreement includes both State and Federal funds, then all provisions apply.

MONITORING

In addition to reviews of audits conducted in accordance with Sections 200.500-200.521, Uniform Guidance: Cost Principles, Audit, and Administrative Requirements for Federal Awards (2 CFR 200), as revised, hereinafter “OMB Uniform Guidance” and Section 215.97, F.S., as revised (see “AUDITS” below), the Commission may conduct or arrange for monitoring of activities of the Contractor. Such monitoring procedures may include, but not be limited to, on-site visits by the Commission staff or contracted consultants, limited scope audits as defined by Section 200.331, OMB Uniform Guidance and/or other procedures. By entering into this Agreement, the Subrecipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Commission. The Subrecipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Florida Department of Financial Services or the Florida Auditor General.

AUDITS

PART I: FEDERALLY FUNDED. If this Agreement includes a Federal award, then the following provisions apply:

- A. This part is applicable if the Subrecipient is a State or local government or a non-profit organization as defined in Sections 200.90, 200.64, or 200.70, respectively, OMB Uniform Guidance.
- B. In the event that the Subrecipient expends **\$500,000.00 (\$750,000.00** for fiscal years beginning on or after December 26, 2014) or more in Federal awards in its fiscal year, the Subrecipient must have a single or program-specific audit conducted in accordance with the provisions of the Federal Single Audit Act of 1996 and Sections 200.500-200.521, OMB Uniform Guidance. EXHIBIT 1 to this Attachment indicates Federal resources awarded through the Commission by this Agreement. In determining the Federal awards expended in its fiscal year, the Subrecipient shall consider all sources of Federal awards, including Federal resources received from the Commission. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by Sections 200.500-200.521, OMB Uniform Guidance. An audit of the Subrecipient conducted by the Auditor General in the OMB Uniform Guidance, will meet the requirements of this part.
- C. In connection with the audit requirements addressed in Part I, paragraph A. herein, the Subrecipient shall fulfill the requirements relative to auditee responsibilities as provided in Section 200.508, OMB Uniform Guidance. This includes, but is not limited to, preparation of financial statements, a schedule of expenditure of Federal awards, a summary schedule of prior audit findings, and a corrective action plan.
- D. If the Subrecipient expends less than **\$500,000.00 (\$750,000.00** for fiscal years beginning on or after December 26, 2014) in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of Sections 200.500-200.521, OMB Uniform Guidance, is not required. In the event that the Subrecipient expends less than **\$500,000.00 (\$750,000.00** for fiscal years beginning on or after December 26, 2014) in Federal awards in its fiscal year and elects to have an audit conducted in

accordance with the provisions of Sections 200.500-200.521, OMB Uniform Guidance, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from Subrecipient resources obtained from other than Federal entities).

- E. Such audits shall cover the entire Subrecipient's organization for the organization's fiscal year. Compliance findings related to agreements with the Commission shall be based on the agreement requirements, including any rules, regulations, or statutes referenced in the Agreement. The financial statements shall disclose whether or not the matching requirement was met for each applicable agreement. All questioned costs and liabilities due to the Commission shall be fully disclosed in the audit report with reference to the Commission agreement involved. Additionally, the results from the Commission's annual financial monitoring reports must be included in the audit procedures and the Sections 200.500-200.521, OMB Uniform Guidance audit reports.
- F. If not otherwise disclosed as required by Section 200.510, OMB Uniform Guidance, the schedule of expenditures of Federal awards shall identify expenditures by contract number for each agreement with the Commission in effect during the audit period.
- G. If the Subrecipient expends less than **\$500,000.00** in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of Sections 200.500-200.521, OMB Uniform Guidance, is not required. In the event that the Subrecipient expends less than **\$500,000.00** in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of Sections 200.500-200.521, OMB Uniform Guidance, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from the Subrecipient's resources obtained from other-than Federal entities).
- H. A web site that provides links to several Federal Single Audit Act resources can be found at: <http://harvester.census.gov/sac/sainfo.html>

PART II: STATE FUNDED. If this Agreement includes State funding, then the following provisions apply:

This part is applicable if the Subrecipient is a non-state entity as defined by Section 215.97, F.S., (the Florida Single Audit Act).

- A. In the event that the Subrecipient expends a total amount of state financial assistance equal to or in excess of **\$750,000.00** (**\$500,000.00** in fiscal years prior to July 1, 2016) in any fiscal year of such Subrecipient, the Subrecipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, F.S.; applicable rules of the Executive Office of the Governor and the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Attachment indicates state financial assistance awarded through the Commission by this Agreement. In determining the state financial assistance expended in its fiscal year, the Subrecipient shall consider all sources of state financial assistance, including state financial assistance received from the Commission, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements.
- B. In connection with the audit requirements addressed in Part II, paragraph A herein, the Subrecipient shall ensure that the audit complies with the requirements of Section 215.97(7), F.S. This includes submission of a financial reporting package as defined by Section 215.97(2)(d), F.S., and Chapters

10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

- C. If the Subrecipient expends less than **\$750,000.00 (\$500,000.00** in fiscal years prior to July 1, 2016) in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of section 215.97, F.S., is not required. In the event that the Subrecipient expends less than **\$750,000.00 (\$500,000.00** in fiscal years prior to July 1, 2016) in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of section 215.97, F.S., the cost of the audit must be paid from the non-state entity's resources (*i.e.*, the cost of such an audit must be paid from the Subrecipient's resources obtained from other-than State entities).
- D. Additional information regarding the Florida Single Audit Act can be found at:
<https://apps.fldfs.com/fsaa/>.
- E. Subrecipient shall provide a copy of any audit conducted pursuant to the above requirements directly to the following address:

**Office of Inspector General
Florida Fish and Wildlife Conservation Commission
Bryant Building
620 S. Meridian St.
Tallahassee, FL 32399-1600**

PART III: REPORT SUBMISSION

- A. Copies of reporting packages, to include any management letter issued by the auditor, for audits conducted in accordance with Sections 200.500-200.521, OMB Uniform Guidance, and required by Part I of this Attachment shall be submitted by or on behalf of the Subrecipient directly to each of the following at the address indicated:

1. The Commission at the following address:

**Office of Inspector General
Florida Fish and Wildlife Conservation Commission
Bryant Building
620 S. Meridian St.
Tallahassee, FL 32399-1600**

2. The Federal Audit Clearinghouse designated in Section 200.512, OMB Uniform Guidance (the reporting package required by Section 200.512, OMB Uniform Guidance, should be submitted to the Federal Audit Clearinghouse):

**Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132**

3. Other Federal agencies and pass-through entities in accordance with Section 200.512, OMB Uniform Guidance.

- B. Copies of audit reports for audits conducted in accordance with Sections 200.500-200.521, OMB Uniform Guidance, and required by Part I of this Attachment (in correspondence accompanying the audit report, indicate the date that the Subrecipient received the audit report); copies of the reporting package described in Section 200.512, OMB Uniform Guidance, and any management letters issued by the auditor; copies of reports required by Part II of this Attachment must be sent to the Commission at the addresses listed in paragraph C. below.
- C. Copies of financial reporting packages required by Part II of this Attachment, including any management letters issued by the auditor, shall be submitted by or on behalf of the Subrecipient directly to each of the following:

1. The Commission at the following address:

**Office of Inspector General
Florida Fish and Wildlife Conservation Commission
Bryant Building
620 S. Meridian St.
Tallahassee, FL 32399-1600**

- 2) The Auditor General's Office at the following address:

**Auditor General's Office
G74 Claude Pepper Building
111 West Madison Street
Tallahassee, FL 32399-1450**

- D. Any reports, management letter, or other information required to be submitted to the Commission pursuant to this Agreement shall be submitted timely in accordance with OMB Sections 200.500-200.521, OMB Uniform Guidance, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

Subrecipients and sub-Subrecipients, when submitting financial reporting packages to the Commission for audits done in accordance with Sections 200.500-200.521, OMB Uniform Guidance, or Chapters 10.550 (local governmental entities) or 10.650 (non-profit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Subrecipient/sub-Subrecipient in correspondence accompanying the reporting package.

- End of Attachment -

Exhibit 1
FEDERAL AND STATE FUNDING DETAIL

FEDERAL RESOURCES AWARDED TO THE SUBRECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Program(s) Funds		
CFDA #	CFDA Title	Amount
15.605	Sport Fish Restoration	\$381,035.00
	Total Federal Awards	\$381,035.00

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

Federal Program(s) Compliance Requirements	
CFDA #	Compliance Requirements
15.605	50 CFR Part 80 Sport Fish Restoration Program Final Rule

STATE RESOURCES AWARDED TO THE SUBRECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

MATCHING RESOURCES FOR FEDERAL PROGRAMS:

Matching Funds Provided by CFDA		
CFDA #	CFDA Title	Amount of Matching Funds
	Total Matching Funds Associated with Federal Programs	N/A

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

State Project(s)		
CSFA #	CSFA Title	Amount
77.006	Florida Boating Improvement Program	\$200,000.00
	Total State Awards	\$200,000.00

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

State Project(s) Compliance Requirements	
CSFA #	Compliance Requirements
77.006	Recipient must comply with Florida Boating Improvement Program Guidelines, November 2022

NOTE: Section 200.513, OMB Uniform Guidance (2 CFR 200), as revised, and Section 215.97(5), Florida Statutes, require that the information about Federal Programs and State Projects included in Exhibit 1 be provided to the Subrecipient.

- End of EXHIBIT 1 -

ATTACHMENT E4 - REVISED BOATING ACCESS PERFORMANCE TRACKING AND REPORTING FORMS	
AGREEMENT NUMBER:	22021
PROJECT TITLE:	Lake Townsen Park Boat Ramp
AWARD AMOUNT:	\$581,035.00

General Notes for Completing Attachment E Digital Forms

Many cells will be inaccessible and blocked to the end user in order to ensure form consistency. These cells do not need to be manipulated or filled in. They have been verified to auto-fill with information entered in prior forms, or perform calculations from the data input. If one of these cells is displaying an error state or does not fill, please bypass and notify your FBIP project manager.

Form 1 – Quarterly Progress Report

The reporting requirements noted in this section are designed to provide the state with sufficient information to monitor grant implementation and goal achievement. To support effective monitoring of the grant, progress reports must be:

1. Completed on a quarterly basis. In order to be considered in compliance with the terms of the Agreement, the required reports must be submitted no later than 15 days after the end of each Quarterly Reporting period.
2. These reports are to include, but not be limited to, the work that has been completed, the work in progress and the timeline of the work left to be completed. If any delays from the original timeline have occurred, specify the reason and revise the completion timeline. Note if ahead of schedule or unexpected cost savings.
3. If expenditures do not occur during the Quarter being reported, a Quarterly Report should still be submitted along with a complete explanation on Forms 1A and 1B. Not submitting Quarterly Reports can result in a delay of receiving funds. No funds will be dispersed until all Quarterly Reports are current.

Header Section	
B6.	Recipient: Fill in the grant recipient's agency/organization name, which must match with the Federal Employer Identification Number (FEIN) provided in the application and other agreement forms and documents.
B7.	Street Address: Provide the legal street address/PO Box congruent with the FEIN.
B8.	City, State Zip Code: Enter the legal City, State and Zip code of the address matching the recipient's FEIN.
B9.	POC Name/Phone Number: Enter the Point of Contact's (POC) first and last name followed by a backslash and then their phone number. (e.g. John Smith/248-434-5508)
E5.	Agreement: The Agreement # and project title will autofill from cell E3 and E4 of the Instructions sheet.
E7.	Agreement End Date: Fill in the current Agreement end date.
E8.	Reporting Period: Select the appropriate reporting period from the drop-down menu.
H8.	Reporting Period: Enter the appropriate year for the reporting period.
Financial Section	

For each applicable category identify the amount allocated, quarterly funds expended, and total funds expended to date. All shaded cells will auto-populate.

C13- C21.	Total Allocated (Award & Match): Enter the total amount of funds allocated to each category of work - each cell should reflect the sum of the awarded funds and the recipient's contributions (if any). These values should align with the Agreement budget outlined in Attachment A, Scope of Work, Section 5. Budget revisions must be requested and approved by the FWC Grant Manager and may require execution of an amendment to the grant Agreement to modify scope and/or budget. Unused categories may be left blank.
D13- D21.	Quarterly Funds Expended: This column should reflect total funds expended during the quarterly reporting period ONLY. Do not retain data from previous reports. Report only spending which occurred during the reporting quarter. For each cell, report the sum of the grant award and recipient's contribution applicable to the corresponding categories presented in Column B. Unused categories may be left blank.
E13- E21.	Total Funds Expended: This column should reflect the entire amount of funds expended up to the last day of the reporting period. This figure should equal the Total Funds Expended (Column E) from the PREVIOUS quarter combined with the Quarterly Funds Expended (Column D) in the current quarter as applicable to the categorical row specified in column B. You will need to reference the previous quarterly report's Total Funds Expended column (E).
G13- G21.	Expenditure(s) Percent: These cells auto-populate to reflect the percentage of funds expended based on the Total Allocated (Award & Match) (column C) and Total Funds Expended (column E) per applicable categorical row specified in column B.
H13- H21.	Remaining Balance: These cells auto-populate to reflect the remaining balance based on Total Allocated (Award & Match) (column C) and Total Funds Expended (column E).
Performance Section	

For the Performance section of the reporting form, each Category budgeted in this Agreement should be reported separately to reflect the current status.

B26- B29.	Category: Budget categories with listed funding will auto-fill in these cells. Relate the following columns to this Category by row.
C26- C29.	Start Date: Indicate the actual start date for the work under the respective Category or the anticipated start date if the work has not begun.

D26-D29.	Completion Date: Indicate the actual completion date for the work under the respective Category or the anticipated completion date if the work has not been finished.
E26-E29.	Percent Complete: Identify progress made as a percentage, showing how close to completion the project category is (i.e. 0% to 100% scale). For non-construction projects this may be estimated, and for construction projects refer to standards set by the American Institute of Architects as outlined in form AIA G702.
G26-G29.	Project Status: Select the appropriate status of the respective Category from the drop-down menu. If "Delayed" or "Other" are selected, please elaborate on the status in the Programmatic portion of the reporting form.
D31.	Cumulative Amount Previously Submitted for Reimbursement: Enter the sum of all reimbursement requests made to date.
G31.	Total Received: Enter the sum of all funds reimbursed by the Commission to date.
Both Grant Manager and Financial Officer should verify and sign off on this section.	
B33.	Grant Manager: This space must be signed by the Recipient's Grant Manager with a digitally-secured and valid e-signature, or printed and signed with indelible pen.
E33.	Date: Enter the date signed by the Grant Manager.
B37.	Financial Officer: This space must be signed by the Recipient's Financial Officer with a digitally-secured and valid e-signature, or printed and signed with indelible pen.
E37.	Date: Enter the date signed by the Financial Officer.
Programmatic Section	
B42.	Project Status for Quarterly Reporting Period: Provide a detailed narrative status update for each portion of work included in this project. (e.g. Permitting 15% - FDEP application submitted, currently putting together USACE application. Design/Engineering 10% - Contractor selected, currently reviewing the contract agreement. Construction 0% - Delayed due to hurricane Debby and high-water levels.)
B56.	Timeline of Events for Quarterly Reporting Quarter: Provide project milestones by date, that occurred during the quarter's report period, followed by a brief description of the milestone. (e.g. 1/10/25 FDEP application was submitted, 2/4/25 Industry Inc. was selected for engineering, 2/15/25 meeting with Industry Inc. to review contract language, 3/20/25 construction was postponed until further notice due to hurricane Debby.)
B68.	Other: Provide any additional informative project notes. If a portion of the project will not be completed on schedule indicate the reason for the delay, the effect of these challenges on the remaining timeline, and provide a timeframe for completion. (e.g. Currently communicating with USACE on the application/exemption process for this project. Due to the high-water levels from the hurricane the construction is being postponed until the levels recede and there is a notice to proceed. We will update FWC when construction has resumed and the timeline has been revised. The cost of the environmental surveys came out under budget, so there should be cost savings for this project. Or there are no additional notes at this time.)
B79.	Grant Manager: The Recipient's Grant Manager must sign, certifying that the information provided within the quarterly report is true and the cost(s) are valid cost(s) incurred in accordance with the Project Agreement.
E79.	Date: Enter the date the document was signed by the Grant Manager.
Form 2 - Reimbursement Request	
A6-A9.	Recipient: These cells will autofill from Form 1 data with agency/organization name, address, point of contact name, and phone number.
E5.	Agreement: The Agreement number and project title will autofill from cell E3 and E4 of the Instructions sheet.
F6.	Total Allocated (Award & Match): Should reflect the total project cost stated in the Agreement.
F7.	Invoice Date: The date this invoice is/was submitted.
F8.	Reimbursement #: Should be the numeric value representing the reimbursement submission in sequential order.
F9.	Request Amount: Should reflect the amount being requested for this reimbursement request. If there is only one request, this will be the amount awarded by the Commission or the percent of the total cost stated in the Agreement Scope of Work (whichever is less).
C13 & F13.	Costs incurred during the period of: This should reflect the timeframe in which funds were expended for purchase and/or service. The dates entered must occur within the period of performance stated in the Agreement (Execution Date through Agreement End Date, unless a retroactive start date was approved).
B17-B25.	FBIP Grant Cost: This should reflect the eligible amount claimed against each corresponding category which is being requested for FBIP reimbursement. These values cannot exceed the award amounts specified in the Agreement's Attachment A, Section 5. Budget. Non-applicable categories may be left blank. Project costs in excess of the agreed upon amount must be covered by other funding sources. (E.g. FBIP awarded \$100,000 for design/engineering, but the project's total engineering costs were \$120,000 - \$100,000 can be claimed in cell B19, but the other \$20,000 must be met by "Match/Cost Share" (Column D) or "Other" (Column F) sources.
D17-D25.	Match/Cost Share: This should reflect the total amount of funding provided by the Recipient which corresponds to each applicable category. Non-applicable cells may be left blank.
F17-F25.	Other: This should reflect the total amount of other funding not provided by the previous sources mentioned. The values entered should correspond to each applicable category. Non-applicable cells may be left blank.
G17-G25.	Total: These cells will auto-calculate and reflect the total project costs by category. (If there is only one reimbursement request the Total should align with the Total Funds Expended column on the Final Quarterly Progress Report.)

Row 26.	Totals: These cells will auto-calculate the sum of the column values entered above and should represent the total costs being covered by each of the three possible sources (FBIP Grant Cost, Match/Cost share, and Other).
G26.	Totals Total: This cell will auto-calculate the sum of all project costs specified. (If there is only one reimbursement request the Total should align with the Total Funds Expended on the Final Quarterly Progress Report.)
Row 27.	Percent: These cells will auto-calculate the percentage of total project costs covered by each of the funding sources for each category.
***Both Grant Manager and Financial Officer should verify and sign off on this section. ***	
A29.	Grant Manager: This space must be signed by the Recipient's Grant Manager with a digitally-secured and valid e-signature, or printed and signed with indelible pen.
D29.	Date: Enter the date signed by the Grant Manager.
A31.	Financial Officer: This space must be signed by the Recipient's Financial Officer with a digitally-secured and valid e-signature, or printed and signed with indelible pen.
D31.	Date: Enter the date signed by the Financial Officer.
Financial Summary	

This section of the form need not be filled by the Recipient/submitting party. Please do not alter this section which should be completed by FBIP staff.

A38.	Total Allocated (Award & Match): This will autofill from the Instructions sheet. It is the maximum amount which FWC has agreed to reimburse the recipient for applicable project costs.
A39.	Previous Payment(s): This amount will be the total sum of Commission reimbursements made to date.
A40.	This Payment: This will be the requested reimbursement amount for this reimbursement #.
A41.	Remaining Balance: This amount will be the total FBIP award amount minus the total reimbursements requested to date.
F41.	Total Amount to be Paid on this Invoice: This amount will align with B40 for the current reimbursement #.
D44.	Date Submitted/Resubmitted to FWC: The date that the recipient first submits this reimbursement request followed by final resubmission date, if applicable.
D45.	Date Eligible for Reimbursement: This will be the date that the Commission Grant Manager receives all correct and necessary documentation for the reimbursement.

Form 3 - Detail of Claims	
C5.	Recipient: This cell will autofill with the agency/organization name.
K5.	Agreement: The Agreement number and project title will autofill.
F8 & K8.	Costs incurred during the period of: These dates should match C13 & G13 on Form 2 and reflect the timeframe in which funds were expended for purchase and/or service. The dates entered must occur within the period of performance stated in the Agreement.
B11-B28.	Category: Select the appropriate category from the drop down menu and itemize all costs within that category that are applicable to the reimbursement request.
C11-C28.	Vendor: Indicate the vendor used for purchase/service.
F11-F28.	Date Paid: This should indicate the date the payment was made for the purchase and/or service.
H11-H28.	Check # or EFT ID: Indicate check number or identification number of payment if check was not utilized. (e.g. Electronic Funds Transfer (ETF) tracking number)
I11-I28.	Description: Brief description of purchase/service provided.
L11-L28.	Match/Cost Share: The amount the Recipient expended on the project that will not be reimbursed.
M11-M28.	FBIP Grant Cost: The amount that FWC has agreed to reimburse the recipient through FBIP.
N11-N28.	Total: This will be auto-calculated. This column will reflect the total amount of costs expended on the project reflected in the/each Reimbursement Request. (If there is only one reimbursement request the Total should align with the Total Funds Expended on the Final Quarterly Progress Report.)

FORM 4 - Close Out Report	
Rows 7, 9, & 11	Recipient Information: These cells will autofill with the Recipient's agency/organization name, address, Agreement number and project title.
G9.	Total Allocated (Award & Match): This amount will autofill from Form 1 cell C22. It should reflect the total project cost stated in the Agreement, which includes any modifications to the budget.
G11.	Agreement Period of Performance: These dates must align with the Execution Date (or the retroactive start date, if approved) through the current Agreement End Date.

D16-D24.	Total Funds Expended: Indicate the total amount expended per budget category even if it is in excess of the anticipated amount. These expenditures should align with the Total Funds Expended on the Final Quarterly Progress Report.
D25.	Total: This amount will auto-calculate the sum of the rows above it.
G16-I24.	FBIP Reimbursement(s) Received (if Applicable): Enter the date and amount of any previous reimbursement payments received over the course of the project.
I25.	Total: This amount will auto-calculate as the sum of the rows above it.
F28.	Total Allocated (Award & Match): This amount will autofill from Form 1 cell C22. It should reflect the total project cost stated in the Agreement which includes any modifications to the budget.
F29.	Award Amount: This will autofill from the Instructions sheet. It is the maximum amount which FWC has agreed to reimburse the recipient for applicable project costs.
F30.	Total Expenditures: This will autofill from cell D25 and represents the sum of all funds expended over the life of the agreement.
F31.	Total Reimbursement(s) Requested: The sum of the previously paid reimbursement(s) and the final reimbursement request amount. The cumulative total to be remitted to the Recipient for the project.
H35-I35.	Was income earned on the project during the period of performance?: This would be any income earned by the Recipient that is directly generated by use of a grant-supported project, or earned as a result of the grant, during the grant period. Was incomes earned as defined? If yes, include a check for the income with the close-out report.
H36-I36.	Were funds expended in accordance with Agreement terms?: All expenditures should be in accordance with applicable policies and procedures: Federal, State, and Local level, including agreement terms. If any costs were reimbursed but determined later to be ineligible for funding, refund of funds is required within thirty (30) calendar days of completion of the project.
H37-I37.	Is the documented match/cost share sufficient?: Does the match/cost share contributed to the project by the Recipient meet the requirements outlined in the Agreement's Attachment A, Section 5?
H38-I38.	Has the Certification of Completion been signed?: Form 5 must be signed by the Recipient within thirty (30) calendar days of the project's completion.
H39-I39.	Were all quarterly reports submitted up until the Certification of Completion signature date?: Quarterly reports must be submitted starting from the first entire quarter in which there was an Executed Agreement, up until the Certification of Completion was signed by the Recipient.
G40.	Date that the Certification of Completion was signed by the Recipient: Enter the date that aligns with the signature date on Form 5.
Both Grant Manager and Financial Officer should verify and sign off on this section.	
B43.	Grant Manager: The Recipient's Grant Manager must sign the report in confirmation of the statement presented in cell A42. This should be done with a digitally-secured and valid e-signature or printed and signed with an indelible ink.
G43.	Date: Include the date the report was signed by the Grant Manager.
B46.	Financial Officer: The Recipient's Financial Officer must sign the report in confirmation of the statement presented in cell A42. This should be done with a digitally-secured and valid e-signature or printed and signed with an indelible ink.
G46.	Date: Include the date the report was signed by the Financial Officer.
Form 5 - Certification of Completion	

Sign, date, and submit the form to the FWC manager within thirty (30) days of completion of the project.

A7-A9.	Grant Program: Indicate the grant program from which funding was received.
I5.	Agreement: The Agreement # and project title will autofill.
B11.	Print or Type Name and Title: Enter the Recipient's Grant Manager or signature authority.
C14.	Name of Recipient Agency/Organization: Input the Recipient's agency/organization name.
H17.	FWC Agreement #: This cell will autofill from the Instruction Sheet and is reflected in the Agreement.
B22.	Signature: The Recipient's Grant Manager or signature authority should sign with a digitally-secured and valid e-signature or printed and signed with an indelible ink.
I22.	Date: Input the date that the report was signed by the Recipient.
Certification by Commission	

This section of the form need not be filled by the Recipient/submitting party. Please do not alter this section which should be completed by FBIP staff.

B34.	Division: This will be the Division of Law Enforcement.
B36.	Signature: The Commission's Project Manager will sign once all necessary documentation has been received.
I36.	Date: The date that the Project Manager signs.
B39.	Print or Type Name and Title: This will be the name and title of the Commission's Project Manager or the Program Administrator.
B43.	Name of Inspector/Reviewer: This will be the name of the individual that conducted the construction project inspection or the name of the individual that reviewed the design and engineering plans for the project.

I43.	Date of Inspection/Approval: This will be the date that the project inspection was passed or the date that the design plans were approved.
Row 47.	Project Inspected: Check yes, no, or not applicable for construction inspection.
Row 48.	Design Reviewed: Check yes, no, or not applicable for plan review.

Form 6 - Subcontractor List

C5.	Agreement #: This cell will autofill the FWC Agreement number as referenced from the Instructions sheet.
G5.	Recipient: This cell will autofill the FBIP Grant Recipient's Identity.
Rows 21-52.	Fill in the names of any entities intended to be selected to implement work under this Agreement. Submit list to Grant Manager prior to entering a contract so that applicable review and verification may be completed by FWC.
A21.	Vendor/Contractor: Provide the Subcontractors Vendor name.
A23.	Unique Entity ID (UEI): Provide the unique entity identification for the contractor (either the FEIN, DUNS, or UEI).
A26.	COI Certification Received: Provide the Conflict of Interest Certification signature date.
A27.	E-Verify Reg./Affidavit Received: Provide the E-Verification Registration date or the Affidavit date.

Form 7 - Subcontractor Minority Status Report

This is required so that FWC can report to Florida Department of Management Services' Office of Supplier Diversity the amount and vendor information when funds are paid to a Minority business.

A7-A10.	Recipient Information: These cells will autofill from Form 1 data with agency/organization name, address, point of contact name, and phone number.
F7.	FEIN: This is the Recipient's Federal Employer Identification Number and must align with all other document in the Agreement.
F8.	UEI: This is the Unique Entity Identifier number and should align with the Recipient's information.
F9.	FWC Agreement: The Agreement # and project title will autofill.
F10.	Date: This date should align with when the form is filled out.
C12.	Total Allocated (Award and Match): This amount will autofill and should reflect the total project cost stated in the Agreement, which includes any modifications to the budget.
G12.	Invoice Number: This number should align with the FWC reimbursement #.
A17-A20.	Name: This cell will autofill with the Recipient's agency/organization name.
B17-B20.	CBE Code: Certified Business Enterprise Codes show what kind of minority an entity is. The code options are below the table.
C17-C20.	Invoice #: This number should align with the invoice # from the subcontractors.
D17-D20.	Payment Amount: This should be the dollar amount paid to the respective subcontractor entity.
E17-E20.	Name: Provide the subcontractor's vendor name(s).
F17-F20.	FEIN or UEI #: Enter the Federal Employer Identification Number or Unique Entity Identifier number for the subcontractors used for this project.
H17-H20.	CBE Code: Certified Business Enterprise Codes show what kind of minority an entity is. The code options are below the table.
I17-I20.	Description of Service: Brief description of purchase/service provided.
J17-J20.	Payment Amount: This should be the dollar amount paid to the respective subcontractor entity.
J21.	Total of Subcontractor Payment(s): This will auto-calculate with the sum of the payments to subcontractors.
A31.	Sign: The Project Manager must sign the report certifying the information presented above in cell A30. This should be done with a digitally-secured and valid e-signature or printed and signed with indelible ink.
D31.	Date: Include the date the report is signed.

FORM 8 - Post Project Completion Annual Report

This form is only applicable for construction projects after they have been completed for a full year. Refer to the Agreement to verify requirement.

B5.	Recipient: This cell will autofill the FBIP Grant Recipient's Identity.
J5.	Agreement #: This cell will autofill the FWC Agreement number as referenced from the Instructions sheet.

C7.	Project Title: This information will autofill the formal Project Title as reflected throughout the signed Agreement documents.
C9.	Project Address: Input the PROJECT SITE'S location. Do not include the Recipient's address. If no site address is available, coordinates may suffice if the geodetic reference is included (Google Earth utilizes WGS84). A location description may also be utilized or included with the coordinates, if helpful to understanding the geographic location of the project.
E11.	Certification of Completion Date: The date that the Certification of Completion was signed by the Recipient.
K11.	Site Dedication End Date: Twenty (20) years from the date that the Site Dedication was signed.
C13.	Reporting Year: Select the applicable period from the drop down list starting with the first entire State Fiscal Year (July 1 – June 30) that the project has been completed. All subsequent Annual Reports should regard the period between July 1st and June 30th.
A18.	Condition of Facility: Provide information on the status of the facility that was funded by the Florida Boating Improvement Program. This should include any repairs that are needed and plans to address the issues, repairs or work that have been completed, any issues or concerns, and any possible informative notes on the condition of the site and facilities.
A25.	Revenue: This is the amount of money that the Recipient has acquired from permits or fees charged to the public to use the facility. If site usage can be covered by a county-wide or multiple-site permit, please prorate and include those funds accordingly. (E.g. Smith County charges a \$5 launch fee at ramps under their maintenance, but offers citizens a \$45 annual launch permit to cover all ramp usage for a year. If Smith County has 4 equally-utilized ramps and has collected \$1080 in annual permits, they should include \$270 (25%) with any single-use fees collected during the State's Fiscal Year. If usage is unequal, please estimate the fraction as closely as possible.
F28.	Actual or Estimated: Is this amount recorded or estimated?
A32.	Permit or Fee Adjustment: If permit or fee increases/decreases are anticipated, provide the current and proposed amounts and the reason for the change. Increases in fees at grant funded sites must be approved in advance by FWC's Boating Access Unit.
H36.	Annual Users: Estimated number of users within the reporting year for the boat access facility.
B42.	Sign: The Project Manager (or their successor/delegate) should sign the report certifying the information presented above in cell A40. This should be done with a digitally-secured and valid e-signature or printed and signed with indelible ink.
I42.	Date: Include the date the report is signed.
B44.	Name/Title: Include the full name and formal position of the signing individual.

**FWC BOATING ACCESS GRANTS
QUARTERLY PROGRESS REPORT
ATTACHMENT E - FORM 1**

Recipient Information
Hernando County BOCC
15470 Flight Path Drive
Brooksville, FL 34604
Carla Burrman / 352-238-2918

Agreement:	22021 - Lake Townsen Park Boat Ramp	
Agreement End Date:	6/30/2027	
Reporting Period:	Select Period of Performance	Enter Year

Financial					
Category	Total Allocated (Award & Match)	Quarterly Funds Expended	Total Funds Expended	Expenditure(s) Percent	Remaining Balance
Administration Costs (max 5% of total)					\$ -
Contracted Services	\$989,922.00				\$ 989,922.00
Design/Engineering					\$ -
Permitting					\$ -
Site Preparation					\$ -
Demolition & Removal					\$ -
Construction					\$ -
Contingency Costs (max 10% of total)	\$ 197,984.00				\$ 197,984.00
Other Costs					\$ -
Total Expenditures	\$ 1,187,906.00	\$ -	\$ -	-	\$ 1,187,906.00

Performance				
Category	Start Date	Completion Date	Percent Complete	Project Status
Contracted Services				
Contingency Costs (max 10% of total)				

Cumulative Amount Previously Submitted for Reimbursement: _____ Total Received: _____

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise.

Sign: _____
(Grant Manager)

Date: _____

Sign: _____
(Financial Officer)

Date: _____

Programmatic

Project Status for Quarterly Reporting Period
--

Timeline of Events for Quarterly Reporting Period
--

Other

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the grant award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise.

Sign: _____
(Grant Manager)

Date: _____

**FWC BOATING ACCESS GRANTS
REIMBURSEMENT REQUEST
ATTACHMENT E - FORM 2**

Recipient Information
Hernando County BOCC
15470 Flight Path Drive
Brooksville, FL 34604
Carla Burrman / 352-238-2918

Agreement:	22021 - Lake Townsen Park Boat Ramp
Total Allocated (Award & Match):	\$1,187,906.00
Invoice Date:	
Reimbursement #:	
Request Amount:	

Costs incurred during the period of: _____ **Through:** _____

THIS FORM MUST BE ACCOMPANIED BY THE DETAIL OF CLAIMS FORM

Category	FBIP Grant Cost	Match/Cost Share	Other	Total
Administration Costs (max 5% of total)				\$ -
Contracted Services				\$ -
Design/Engineering				\$ -
Permitting				\$ -
Site Preparation				\$ -
Demolition & Removal				\$ -
Construction				\$ -
Contingency Costs (max 10% of total)				\$ -
Other Costs				\$ -
Totals	\$ -	\$ -	\$ -	\$ -
Percent				

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise.

Sign: _____
(Grant Manager)

Date: _____

Sign: _____
(Financial Officer)

Date: _____

Financial Summary

TO BE COMPLETED BY FWC STAFF

Total Allocated (Award & Match):	\$1,187,906.00
Previous Payment(s):	
This Payment:	
Remaining Balance:	

TOTAL AMOUNT TO BE PAID ON THIS INVOICE: _____
--

Date Submitted/Resubmitted to FWC: _____

Date Eligible for Reimbursement: _____

**FWC BOATING ACCESS GRANTS
DETAIL OF CLAIMS
ATTACHMENT E - FORM 3**

Recipient:	Hernando County BOCC	Agreement:	22021 - Lake Townsen Park Boat Ramp
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Cost incurred during the period of: _____

Through: _____

#	Category	Vendor	Date Paid	Check # or EFT ID	Description	Match/Cost Share	FBIP Grant Cost	Total
1								\$ -
2								\$ -
3								\$ -
4								\$ -
5								\$ -
6								\$ -
7								\$ -
8								\$ -
9								\$ -
10								\$ -
11								\$ -
12								\$ -
13								\$ -
14								\$ -
15								\$ -
16								\$ -
17								\$ -
18								\$ -
Total Expenditures:						\$ -	\$ -	\$ -

FORM MUST ACCOMPANY THE REIMBURSEMENT REQUEST

**FWC BOATING ACCESS GRANTS
PROJECT CLOSE OUT REPORT
ATTACHMENT E - FORM 4**

This form should be completed and submitted to the Commission no later than **thirty (30) days** after completion of projects or the termination date of the Agreement, whichever occurs first.

Hernando County BOCC
Recipient
15470 Flight Path Drive
Street Address
Brooksville, FL 34604
City, State Zip

<p>22021 - Lake Townsen Park Boat Ramp</p> <p>Agreement</p>
<p>\$1,187,906.00</p> <p>Total Allocated (Award & Match)</p>
<p>Agreement Period of Performance (POP)</p>

Total Funds Expended	
Category	Expenditures
Administration Costs (max 5% of total)	
Contracted Services	
Design/Engineering	
Permitting	
Site Preparation	
Demolition & Removal	
Construction	
Contingency Costs (max 10% of total)	
Other Costs	
Total	\$ -

FBIP Reimbursement(s) Received (if Applicable)	
Date	Amount
Total	\$ -

Financial Summary	
Total Allocated (Award & Match):	\$ 1,187,906.00
Award Amount:	\$ 581,035.00
Total Expenditures:	
Total Reimbursement(s) Requested:	

Performance Close Out Checklist		
	Yes	No
Was income earned on the project during the period of performance?	<input type="checkbox"/>	<input type="checkbox"/>
Were funds expended in accordance with the Agreement terms?	<input type="checkbox"/>	<input type="checkbox"/>
Is the documented match/cost share sufficient?	<input type="checkbox"/>	<input type="checkbox"/>
Has the Certification of Completion been signed?	<input type="checkbox"/>	<input type="checkbox"/>
Were all quarterly reports submitted up until the Certification of Completion signature date?	<input type="checkbox"/>	<input type="checkbox"/>
Date that the Certification of Completion was signed by the Recipient:		

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the State or Federal Agreement. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise.

Sign: _____ Date: _____
(Grant Manager)

Sign: _____ Date: _____
(Financial Officer)

**FWC BOATING ACCESS GRANTS
CERTIFICATION OF COMPLETION
ATTACHMENT E - FORM 5**

Grant Program:	
	Boating Infrastructure Grant Program (BIGP)
X	Florida Boating Improvement Program (FBIP)
	Sportfish Restoration Program (SFR)

Agreement:	22021 - Lake Townsen Park Boat Ramp
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I, _____
(Print or Type Name and Title)

representing _____
(Name of Recipient Agency/Organization)

do hereby certify that the project funded by FWC Agreement # _____ 22021 _____ has been completed in compliance with all terms and conditions of said Agreement; that all amounts payable for materials, labor and other charges against the project have been paid; and that no liens have been attached against the project.

(Signature)

(Date)

WARNING: "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083."
§ 837.06, Florida Statutes.

**Certification by Commission
TO BE COMPLETED BY FWC STAFF**

I certify: That to the best of my knowledge and belief, the work on the above-named project has been satisfactorily completed under the terms of the Agreement.

Law Enforcement
(Division)

(Signature)

(Date)

(Print or Type Name and Title)

(Name of Inspector/Reviewer)

(Date of Inspection/Approval)

	Yes	No	N/A
Project Inspected:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design Reviewed:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FWC BOATING ACCESS GRANTS
SUBCONTRACTOR LIST
ATTACHMENT E - FORM 6**

Agreement #: 22021

Recipient: Hernando County BOCC

This form is required to be completed by the Recipient prior to entering into subcontracts. The citations below are excerpts, please read the entire funding agreement for full subcontractor requirements. This form is a tool to help Recipients collect and retain required documents, and may be modified as needed by Recipients.

In accordance with FWC Funding Agreement Section 14, SUBCONTRACTS, A. Authority, "The Recipient must provide the Commission with the names of any subrecipient or subcontractor considered for work under this Agreement; the Commission reserves the right to reject any subrecipient or subcontractor." *This section also requires subcontractor Conflict of Interest disclosures.*

In accordance with FWC Funding Agreement Section 15, MANDATORY DISCLOSURES, the Commission may verify the entities listed below against the convicted, suspended or discriminatory vendor lists.

If applicable, in accordance with FWC Funding Agreement Section 24, FEDERAL FUNDS, the Commission may verify that the entities listed below are not Debarred, Suspended, Ineligible or Voluntarily Excluded from participation in this transaction. The Commission may request documents to support adherence to E-Verify or any other applicable federal requirement of this Agreement.

<p>Vendor/Contractor _____</p> <p>Unique Entity ID (UEI) _____</p> <p>COI Certification Received: _____</p> <p>E-Verify Reg./Affidavit Received: _____</p>	<p>Vendor/Contractor _____</p> <p>Unique Entity ID (UEI) _____</p> <p>COI Certification Received: _____</p> <p>E-Verify Reg./Affidavit Received: _____</p>
<p>Vendor/Contractor _____</p> <p>Unique Entity ID (UEI) _____</p> <p>COI Certification Received: _____</p> <p>E-Verify Reg./Affidavit Received: _____</p>	<p>Vendor/Contractor _____</p> <p>Unique Entity ID (UEI) _____</p> <p>COI Certification Received: _____</p> <p>E-Verify Reg./Affidavit Received: _____</p>
<p>Vendor/Contractor _____</p> <p>Unique Entity ID (UEI) _____</p> <p>COI Certification Received: _____</p> <p>E-Verify Reg./Affidavit Received: _____</p>	<p>Vendor/Contractor _____</p> <p>Unique Entity ID (UEI) _____</p> <p>COI Certification Received: _____</p> <p>E-Verify Reg./Affidavit Received: _____</p>
<p>Vendor/Contractor _____</p> <p>Unique Entity ID (UEI) _____</p> <p>COI Certification Received: _____</p> <p>E-Verify Reg./Affidavit Received: _____</p>	<p>Vendor/Contractor _____</p> <p>Unique Entity ID (UEI) _____</p> <p>COI Certification Received: _____</p> <p>E-Verify Reg./Affidavit Received: _____</p>

**FWC BOATING ACCESS GRANTS
SUBCONTRACTOR MINORITY STATUS REPORT
ATTACHMENT E - FORM 7**

Recipient Information
Hernando County BOCC
15470 Flight Path Drive
Brooksville, FL 34604
Carla Burrman / 352-238-2918

FEIN: _____

UEI: _____

FWC Agreement: 22021 - Lake Townsen Park Boat Ramp

Date: _____

Total Allocated (Award and Match):	\$ 1,187,906.00
------------------------------------	-----------------

Invoice Number:	_____
-----------------	-------

The Contractor shall indicate "N/A" if the project does not utilize subcontractors.

PRIMARY CONTRACTOR				SUBCONTRACTOR				
Name	² CBE Code	Invoice #	Payment Amount	Name	FEIN or UEI#	² CBE Code	Description of Service	Payment Amount
Hernando County BOCC			\$					\$
			\$					\$
			\$					\$
			\$					\$
Total of Subcontractor Payment(s)								\$ -

¹OSD Certification Status: Check certification status using the OSD Certified Businesses Directory at: <https://osd.dms.myflorida.com/directories> or MyFloridaMarketPlace (MFMP) Vendor Information Portal at: <https://vendor.myfloridamarketplace.com>

²CBE Codes: **A** - Non-Minority | **H** - African-American, Certified | **I** - Hispanic, Certified | **J** - Asian-American business, Certified | **K** - Native American, Certified | **M** - Women-Owned, Certified | **N** - African-American, Non-Certified | **O** - Hispanic, Non-Certified | **P** - Asian-American, Non-Certified | **Q** - Native American, Non-Certified | **R** - Woman-Owned, Non-Certified | **W** - Service-Disabled Veteran Business Enterprise, Certified

The State of Florida's Office of Supplier Diversity (OSD) certifies woman-, veteran-, and minority-owned businesses for free. If a subcontractor is a woman-, veteran-, or minority-owned business that is not certified by the State of Florida, refer them to OSD to learn more about the benefits of this free certification: www.dms.myflorida.com/osd or 850-487-0915.

INCLUDE THIS FORM WITH EACH REIMBURSEMENT FOR PAYMENT

I hereby certify that the above information is true to the best of my knowledge and was obtained from the Subcontractor(s) listed.

Sign: _____
(Grant Manager)

Date: _____

**FWC BOATING ACCESS GRANTS
POST PROJECT COMPLETION - ANNUAL REPORT
ATTACHMENT E - FORM 8**



Recipient: Hernando County BOCC

Agreement #: 22021

Project Title: Lake Townsen Park Boat Ramp

Project Address: _____

Certification of Completion Date: _____

Site Dedication End Date: _____

Reporting Year: _____

Reporting period is the July 1 - June 30 state fiscal year.

Provide a description of the condition of any facilities funded with Program funds including any major repairs.

Indicate the amount of revenue collected from any permits or fees for the use of the facilities.

Is this amount Actual or Estimated?	
-------------------------------------	--

If permit or fee increase/decreases are anticipated, provide the current and proposed amounts and the reason for the change. Increases in fees at grant funded sites must be approved in advance by FWC's Boating Access Unit.

Estimated number of annual users of the boat access facilities:	
---	--

The FWC funding agreement scopes of work stipulate in Section 15, SPECIAL PROVISIONS FOR CONSTRUCTION CONTRACTS that the Commission will ensure funds collected are not reallocated or diverted to any non-boating access related purpose.

I hereby certify that the above report is true and correct to the best of my knowledge as of this date in accordance with the project Agreement, and that the fees generated from use of the grant funded project(s) were expended for the operation and maintenance of the project in this Agreement.

Sign: _____

(Grant Manager)

Date: _____

Name/Title: _____



Florida Fish and Wildlife Conservation Commission
FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT FORM
Subaward to a Recipient

PURPOSE: The Federal Funding Accountability and Transparency Act (FFATA) was signed on September 26, 2006. The intent of this legislation is to empower every American with the ability to hold the government accountable for each spending decision. The FFATA legislation requires information on federal awards (federal assistance and expenditures) be made available to the public via a single, searchable website, which is <http://www.usaspending.gov/>.

The FFATA Subaward Reporting System (FSRS) is the reporting tool the Florida Fish and Wildlife Conservation Commission ("FWC" or "Commission") must use to capture and report subaward and executive compensation data regarding first-tier subawards that obligate \$30,000 or more in Federal funds (excluding Recovery funds as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5).

[Note: This reporting requirement is not applicable for the procurement of property and services obtained by the FWC through a Vendor relationship. Refer to 2 CFR Ch.1 Part 170 Appendix A, Section 1.3 for the definition of "subaward".]

ORGANIZATION AND PROJECT INFORMATION:

The following information must be provided to the FWC prior to the FWC's issuance of a subaward (Agreement) that obligates \$30,000 or more in federal funds as described above. Please provide the following information and return the signed form to the Commission as requested. If you have any questions, please contact the FWC's Grant's Manager at 850-617-9649 for assistance.

UEID *: MWKBKNTZ9SW7

* If your company or organization does not have a UEID number, you will need to obtain one from through the System for Award Management (SAM.gov).

BUSINESS NAME: Hernando County Board of County Commissioners

OBA NAME (IF APPLICABLE): _____

PRINCIPAL PLACE OF BUSINESS ADDRESS: 20 N. Main Street

ADDRESS LINE 2: _____

ADDRESS LINE 3: _____

CITY: Brooksville

STATE: FL ZIP CODE+4**: 34601-2817

PARENT COMPANY UEID# (IF APPLICABLE): _____

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA#): _____

DESCRIPTION OF PROJECT (UP TO 4000 CHARACTERS):

PRINCIPAL PLACE OF PROJECT PERFORMANCE (IF DIFFERENT THAN PRINCIPAL PLACE OF BUSINESS)ADDRESS LINE 1: 28011 Lake Lindsey Road

ADDRESS LINE 2: _____

ADDRESS LINE 3: _____

CITY: BrooksvilleSTATE: FL ZIP CODE+4**: 34601-2817

CONGRESSIONAL DISTRICT FOR PRINCIPAL PLACE OF PROJECT PERFORMANCE: _____

**Providing the Zip+4 ensures that the correct Congressional District is reported.

EXECUTIVE COMPENSATION INFORMATION:

1. In your business or organization's previous fiscal year, did your business or organization (including parent organization, all branches, and all affiliates worldwide) receive (a) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance (e.g. loans, grants, subgrants, and/or cooperative agreements, etc.) subject to the Transparency Act, as defined at 2 CFR 170.320; *all d*, (b) \$30,000,000 or more in annual gross revenues from U.S. Federal procurement contracts (and subcontracts) and Federal financial assistance (e.g. loans, grants, subgrants, and/or cooperative agreements, etc.) subject to the Transparency Act?

Yes _____ No _____

If the answer to Question 1 is "Yes," continue to Question 2. If the answer to Question 1 is "No", move to the signature block below to complete the certification and submittal process.

2. Does the public have access to information about the compensation of the executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

Yes _____ No _____

If the answer to Question 2 is "Yes," move to the signature block below to complete the certification and submittal process. [Note: Securities Exchange Commission information should be accessible at <http://www.sec.gov/answers/execomp.htm> . Requests for Internal Revenue Service (IRS) information should be directed to the local IRS for further assistance.]

If the answer to Question 2 is "No" FFATA reporting is required. Provide the information required in the "TOTAL COMPENSATION CHART FOR MOST RECENTLY COMPLETED FISCAL YEAR" appearing below to report the "Total Compensation" for the five (5) most highly compensated "Executives", in rank order, in your organization. For purposes of this request, the following terms apply as defined in 2 CFR Ch. I Part 170 Appendix A:

"Executive" is defined as "officers, managing partners, or other employees in management positions".

"Total Compensation" is defined as the cash and noncash dollar value earned by the executive during the most recently completed fiscal year and includes the following:

- i. Salary and bonus.
- ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for
- iii. financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iv. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.
- v. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- vi. Above-market earnings on deferred compensation which is not tax-qualified.
- vii. Other compensation, if the aggregate value of all such other compensation (e.g. severance termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

TOTAL COMPENSATION CHART FOR MOST RECENTLY COMPLETED FISCAL YEAR

(Date of Fiscal Year Completion (mm/dd/yyyy): _____)

Rank (Highest to Lowest)	Name (Last, First, MI)	Title	Total Compensation for Most Recently Completed Fiscal Year
1			
2			
3			
4			
5			

THE UNDERSIGNED AS (enter position title): _____ OF
(Business Name) _____ CERTIFIES THAT ON THE DATE WRITTEN
BELOW, THE INFORMATION PROVIDED HEREIN IS ACCURATE.

Type or Print Name: _____

Signature: _____ Date: _____

For FWC Agency Use Only:

Prime award Granting Entity: _____

Prime award Granting Entity Number: _____ Prime award UEID #: _____

FWC FLAIR Grant #: _____ FWC Subaward Contract #: _____ Congressional District: _____

Completed forms should be sent to FFATA@MyFWC.com within five (5) business days of contract execution or within two (2) days of the end of the month that the contract is executed (whichever is sooner).



FEDERAL REGISTER

Vol. 80

Wednesday,

No. 87

May 6, 2015

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 86

Boating Infrastructure Grant Program; Final Rule

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 86**

[Docket No. FWS-R9-WSR-2011-0083;
FVWF941009000007B-XXX-FF09W11000]

RIN 1018-AW64

Boating Infrastructure Grant Program

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are revising regulations governing the administration of the national Boating Infrastructure Grant Program (BIG). We published a proposed rule in the **Federal Register** on March 28, 2012. We received responses from the public during the 60-day comment period with recommendations for changes, support for certain parts of the proposed rule, and requests for more time to review the proposed rule. We published a second proposed rule in the **Federal Register** on April 25, 2014, with a 90-day comment period. The final rule simplifies and clarifies some sections, responds to comments on both proposed rules, and considers other approaches to carrying out this grant program.

DATES: The final rule is effective on June 5, 2015.

FOR FURTHER INFORMATION CONTACT: Lisa E. Van Alstyne, Wildlife and Sport Fish Restoration Program, Division of Policy and Programs, U.S. Fish and Wildlife Service, 703-358-1942.

SUPPLEMENTARY INFORMATION:**Executive Summary**

The Sportfishing and Boating Safety Act of 1998 established the Boating Infrastructure Grant Program (BIG). The Fish and Wildlife Service carries out the program through regulations published at 50 CFR part 86. The regulations establish a process for States, the District of Columbia, Commonwealths, and territories (States) to receive grants by proposing projects to construct and maintain facilities for transient recreational vessels at least 26 feet long. There are two subprograms in BIG. BIG Tier 1—State competes on the State level for eligible projects, and BIG Tier 2—National competes on a national level for eligible projects. Examples of eligible costs are floating docks, piers, navigational aids, boat slips, limited dredging, and restrooms.

BIG receives its funding from 2 percent of the annual appropriation from the Sport Fish Restoration and

Boating Trust Fund. The Trust Fund receives revenue from: (a) Taxes on sport fishing equipment, electric outboard motors, and sonar devices; (b) taxes on special motorboat fuels and gasoline attributable to motorboats and nonbusiness use of small power equipment; and (c) import duties on fishing tackle, yachts, and pleasure craft. In FY 2015, the Service awarded over \$14.3 million to States for eligible projects.

This BIG final rule is the first comprehensive update since 2001. In developing this rule, we considered the recommendations of the 2005 review of BIG published by the Sport Fishing and Boating Partnership Council, a Service Federal Advisory Committee. We actively worked with the Council and our other partners, such as the States Organization for Boating Access, BoatUS, States, and the boating public.

Background

This final rule revises title 50, part 86 of the Code of Federal Regulations (CFR), which is “Boating Infrastructure Grant (BIG) Program.” The primary users of these regulations are agencies in the 50 States, the Commonwealths of Puerto Rico and the Northern Mariana Islands, the District of Columbia, and the territories of Guam, the U.S. Virgin Islands, and American Samoa. We use *State* or *States* in this document to refer to any or all of these jurisdictions.

These regulations tell States how they may apply for and use funds from the Sport Fish Restoration and Boating Trust Fund that are dedicated by law to BIG (Dingell-Johnson Sport Fish Restoration Act, 16 U.S.C. 777c, g, and g-1).

The Catalog of Federal Domestic Assistance at <https://www.cfdpa.gov> describes BIG under 15.622. BIG offers grants in two subprograms, BIG Tier 1—State and BIG Tier 2—National, to construct, renovate, and maintain boating infrastructure facilities for transient recreational vessels at least 26 feet long.

We published a proposed rule for BIG in the **Federal Register** on March 28, 2012 (77 FR 18767), with a 60-day comment period ending May 29, 2012. We received 22 responses from the public. Fifteen included comments applicable to the proposed rule and 11 included requests for more time to review the proposed rule. We responded to comments and published a second proposed rule in the **Federal Register** on April 25, 2014 (79 FR 23210), with a 90-day comment period ending July 24, 2014.

We received 13 responses to the proposed rule published at 79 FR 23210.

Some of the comments we received support our changes or approaches and others recommend further changes or considerations. A few comments requested more information or explanation.

We address these comments in the following section.

Response to Public Comments

We arrange the public comments by sections of the proposed rule. We do not duplicate a response we give in one section in another section. We do not present comments exactly as stated unless we enclose text within quotation marks. In many instances, we combine several similar comments and show as a single comment. We state in the response to each comment any action taken and explain our response. Some public comments led us to reexamine sections or approaches beyond the specific public comment. Based on this reexamination, we make changes to improve clarity, consistency, organization, or comprehensiveness.

We make some changes for clarification and uniformity that we do not specifically discuss. We do not explain minor changes that do not significantly affect content. We discuss any substantive changes that resulted from this reexamination in our responses to the comments. We use the word *grantee* in our responses to refer to a State that receives a BIG award. It may also apply to a subgrantee with which a State agency has a formal agreement to construct, operate, or maintain a BIG-funded facility.

The regulations at 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (78 FR 78590, December 26, 2013), became effective for Federal grants on December 26, 2014. Many citations within this regulation have been updated to reflect the current authority. The term *grant period* is replaced with the term *period of performance* at 2 CFR 200.77 and we reflect that change in both the Response to Public Comments and the body of the rule.

We use the term *proposed rule* to refer to the proposed rule published in the **Federal Register** at 79 FR 23210, April 25, 2014.

We include all sections of the proposed rule and indicate if we received no comments.

*Subpart A – General***Section 86.1 What does this part do?**

In this section, we introduce the terms BIG Standard and BIG Select to identify the subprograms in BIG. We consider

the terms *Tier 1* and *Tier 2* in the current rule as bureaucratic and nondescriptive of the BIG subprograms, so we proposed different names. We received many comments and some suggestions for alternative subprogram names. Most commenters stated that since the program has been active for so long, a major change would be confusing to those routinely interacting with the program. Some States noted that they have developed materials that use the current subprogram names and they would have to recreate those materials if we were to implement new subprogram names. To compromise between the commenters' desire to keep the familiar *Tier* designations and our desire to make the names more explanatory, we accept a combination of suggested subprogram naming and designate the subprograms as *BIG Tier 1 – State* and *BIG Tier 2 – National*. Adding the terms *State* and *National* reflects the level at which grants are competed. Continued use of *Tier 1* and *Tier 2* supports familiarity and allows for States to use printed materials on hand, changing to add the new subprogram naming as is practical and convenient for them.

Section 86.2 What is the purpose of BIG?

We received one comment supporting our statement of the purpose of BIG. The commenter said that “the proposed rules are consistent with that mission” and he commends the Service for continuing to focus on such facilities.

Section 86.3 What terms do I need to know?

We received one comment supporting our clarification of *day dock* use.

General

Comment 1: Clarify that the grant for a BIG-funded facility includes both Federal funds plus matching funds.

Response 1: We make no change based on this comment. The definition of *grant* includes this information.

Comment 2: Recommend adding definitions for *grantee* and *subgrantee* to help applicants understand their role in the overall rule.

Response 2: We make no change based on this comment. Section 86.1 distinguishes between a grantee and a subgrantee.

Comment 3: Add the term *subgrantee* and include a description of the wide range of potential subgrantees to include educational institutions.

Response 3: We make no change to definitions based on this comment and refer to Response 2. We do add institutions of higher education to the

list of potential subgrantees at § 86.17(b).

Comment 4: Add *award* to the terms and define it as different from a *grant*.

Response 4: We make no change based on this comment. We make minor changes to the definition of *grant* to better reflect the definition at 2 CFR 200.51. The term *Federal award* at 2 CFR 200.38 refers to several types of financial assistance. To define *award* may cause confusion.

Capital Improvement

Comment 5: Clarify what you mean by *repairing*. Does *capital improvement* include routine operation and maintenance?

Response 5: We make no change based on this comment. The word *repairing* is a common term and is clear in that it means to restore an existing structure to serve an intended purpose. *Capital improvement* does not include operation or maintenance in that a capital improvement must increase the structure's useful life by 10 years or cost at least \$25,000.

Comment 6: What is the basis for using \$25,000 as a cap in the definition of *capital improvement*?

Response 6: We make no change based on this comment. There is not a \$25,000 cap in the definition of *capital improvement*. Rather, it is a minimum threshold based on the amount in 49 CFR part 24 above which a grantee must get an appraisal before acquiring real property in a WSFR-administered program. In the coming years, we will change other regulations to reflect this value.

Contractor/Concessioner

Comment 7: We received several comments stating that the term *contractor* was unclear and used inconsistently with the typical understanding of the term.

Response 7: We agree and change the term to *concessioner*. We expanded on the definition to clarify intent.

Facility

Comment 8: Recommend changing the word *boaters* to *eligible users*.

Response 8: We make no change based on this comment. The definition of *BIG-funded facility* is specific to eligible users, but the definition of *facility* is broader and applies to all boaters.

Comment 9: Clarify that a facility can be owned by one entity, but leased long-term to another to operate and manage.

Response 9: We make no change based on this comment. We discuss that an entity other than the owner may operate a facility in the definition of *concessioner* and at § 86.17.

Grants.gov

We received one comment asking us to clarify to subgrantees that States must apply for BIG funds through <http://www.grants.gov>. Upon further consideration, we add the definition of *grants.gov* at § 86.3 to improve clarity in the rule.

Maintenance

We received several comments supporting our definition of *maintenance* and making maintenance an allowable action for BIG Tier 1—State grants.

Comment 10: Suggest you give clarification for janitorial activities in the definition of *maintenance*.

Response 10: We make no change to the definition, but clarify at § 86.16 actions we identify as janitorial.

Comment 11: The examples in the definition of *maintenance* numbered (1) Lubricating components of BIG-funded equipment and (3) Painting, pressure washing, and repointing masonry seem to be janitorial in nature and not maintenance.

Response 11: We make no change based on this comment. The examples given at (1) and (3) are maintenance actions that are done on an occasional or cyclical basis to help maintain the equipment and structures that are part of the BIG-funded facility.

To clarify our approach, *maintenance* is focused on preserving the equipment and structures for use into the future. *Operations* are done on a daily or weekly cycle (more often than cyclical maintenance) and are actions that support the availability of the equipment and structures for current public use.

Navigable Waters

Comment 12: Clarify in the definition if the waterway is supposed to connect to another waterway to give cruising linkage, or if the intent is to open the waterways definition to include large water bodies that do not give linkage to another waterway.

Response 12: We clarify the definition to mean passage of eligible vessels within the water body. To be *navigable water* for the purposes of BIG, we do not require the water body to have a navigable passage to another water body. However, the water body must be large enough to support eligible vessel travel within the water body.

Operation

Comment 13: What does *service labor* mean?

Response 13: We change the term to *service worker*. This means anyone whose job duties are to offer services to

the public. Some examples of service workers are dock hands, rest room/shower attendants, and travel assistants.

Personal Property

Comment 14: Suggest you give examples of personal property that would be eligible as match as described at § 86.32(b). Are there any limits to the types of personal property that would be eligible as match? Allowing personal property as match seems to be in conflict with § 86.32(c)(2) that states match must be an eligible activity or cost, but personal property is not listed as an eligible action at § 86.11.

Response 14: We make no change based on this comment. We do not give a list of examples of personal property in the definition because the possibilities are so extensive, it may be perceived as limiting. Personal property must meet the criteria for match at § 86.32 and must support the BIG-funded project and the eligible actions or costs of the BIG-funded project. Personal property is basically anything that is not real property, and as real property has very limited eligibility in BIG, the majority of actions and costs for a BIG-funded project will involve personal property. Personal property in a BIG-funded project may include equipment, building materials, supplies, and many other items.

Project Cost

Comment 15: Recommend rewording to state, "the Federal Share awarded through the BIG Grant and all Match given that the award is contingent upon combining the two items to complete the Project."

Response 15: We make no change based on this comment. The definition we give is clear and consistent with the definition at other regulations.

Program Income

Comment 16: Does the reference to period of performance include useful life?

Response 16: No. A period of performance begins with the grant start date and ends with the grant end date. All costs for work performed are incurred during the period of performance. The period of useful life extends past the period of performance. We make no change based on this comment.

Real Property

Comment 17: In the examples of real property, suggest removing the term *fixed* dock and replacing it with *permanent* dock.

Response 17: We make no change based on this comment. The word *fixed*

supports that the dock is physically and firmly attached to land.

Transient

We received a comment supporting that in the proposed rule we clarify day dock usage.

Comment 18: Recommend that the definition of "transient" be increased to 30 days to allow increased flexibility for long-distance travelers.

Response 18: We received comments in prior reviews asking us to consider increasing the time allowed in the definition of *transient*. We reconsidered all comments on the subject and change the definition of *transient* to include a stay up to 15 days. This will allow for eligible boaters to arrange for a 2-week stay, which is a more typical visit than 10 days, and gives one-day flexibility for arrival and departure.

Comment 19: Clarify if an eligible vessel staying at a large water body that is not navigably connected to another water body must be removed from the water at the end of the transient period.

Response 19: We make no change based on this comment. *Transient* defines the period a recreational vessel at least 26 feet long may stay at any single BIG-funded facility to be an eligible vessel. We make no additional restrictions.

Useful Life

Comment 20: Recommend replacing *routine care* with *operation* in this definition.

Response 20: We make no change based on this comment. *Routine care* is broader and includes operation, best management practices, enforcing marina rules and regulations, and other actions that together add to the care of BIG-funded items.

Subpart B – Program Eligibility

Section 86.10 Who may apply for a BIG grant?

Comment 21: The same commenter suggested at several sections of this rule that we change our grant process to allow individual public and private facility owners to circumvent the State and directly apply for BIG grants. He suggests that States may continue to be advisors, but there is a large burden on States when named as the applicant for all BIG projects. The response below applies to all related comments.

Response 21: We make no change based on this comment. Limiting BIG awards to States is based on the statute that established the program (see Pub. L. 105–178, sec. 7404(a) and (d), June 9, 1998).

Section 86.11 What actions are eligible for funding?

We received several comments that support eligible actions in the proposed rule and one that specifically supports using BIG funding for monitoring BIG projects.

Comment 22: We received a comment supporting our proposed language that boat wash stations are ineligible for funding and another requesting we reconsider allowing boat wash stations as eligible under BIG. One commenter supports boat wash stations as an eligible action, stating that they are used in saltwater environments to prepare the bottom surfaces of transient vessels for boat repairs and to improve performance.

Response 22: We make no change and do not include boat wash stations as eligible because:

- Boat wash stations require that boats be removed from the water to accomplish the desired results. This is potentially an auxiliary service to transient boaters on rare occasions, but not a primary benefit for transient vessels.

- We do not include other equipment to repair and maintain vessels as eligible for BIG funding.

States may seek to fund boat wash stations under the Dingell-Johnson Sport Fish Restoration Recreational Boating Access subprogram as described at 50 CFR part 80.

Comment 23: Add recording fees as an eligible action as this will be required when we record the Notice of Federal Participation as described at § 86.18.

Response 23: We agree and make the change.

Comment 24: Consider adding at § 86.11(a)(2)(i) *cultural* to formally include those studies as eligible.

Response 24: We agree and make the change.

Comment 25: Recommend adding at § 86.11(a)(5)(vi), a reference that directs readers to the definition of *marketing*.

Response 25: We make no change based on this comment. The rule has a definition of public communication and adding a reference to marketing in this paragraph may be confusing.

Comment 26: In reference to § 86.11(a)(6) [(a)(7) in the final rule], can actions such as coordinating and monitoring be used as match for a BIG Tier 2—National grant or is it allowed only under BIG Tier 1—State grants?

Response 26: We make no change based on this comment. These actions may be offered as match when approved as project costs for an individual BIG Tier 2—National grant project and

completed during the period of performance. These actions may be associated with implementing a Statewide BIG program and may be offered as match under BIG Tier 1—State.

Comment 27: What is the process for requesting and receiving prior approval for preaward costs? How far in advance can preaward costs be approved?

Response 27: We make no change based on this comment. We will consider approving preaward costs only if an applicant negotiates with us in anticipation of the BIG award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred during the BIG period of performance and only with our written approval. The applicant assumes all risk and we will not reimburse the preaward costs if it does not receive a BIG grant. An applicant should discuss possible preaward costs with us as early in the process as possible.

Section 86.12 What types of construction and services does boating infrastructure include?

Comment 28: Recommend adding dredging.

Response 28: We make no change based on this comment. Dredging is an action and not infrastructure.

Comment 29: Recommend adding floating restrooms as possible infrastructure.

Response 29: Floating restrooms are already included at § 86.12(e). We make a minor clarifying change.

Comment 30: Why do you include access to communication and provisions in the definition of harbor of safe refuge?

Response 30: We make no change based on this comment. Our research indicates that a harbor of safe refuge includes these amenities that support vessels during an emergency.

Comment 31: Suggest at § 86.12(e) you refer to § 86.11(c) and encourage Clean Vessel Act funding.

Response 31: We make no change based on this comment. This section describes what is included in boating infrastructure. We would confuse readers to include funding information here.

Section 86.13 What operational and design features must a facility have where a BIG-funded facility is located?

We received a comment that supports the change in the proposed rule that no longer requires operators to inform boaters of the location of other

pumpouts. We also received a comment supporting flexibility in water access.

Comment 32: Clarify how security and safety is a required operational and design feature, but law enforcement is not an eligible action.

Response 32: We make no change based on this comment. Law enforcement is inconsistent with the authorizing legislation (Pub. L. 105–178, June 9, 1998) and is not an eligible action. The type of security and safety that a BIG-funded facility must offer is consistent with the mission of BIG in that it offers reasonable accommodations that give eligible users basic protection. Examples are: Lighting, gates, and communication.

Comment 33: Move items at § 86.43(n) to this section as it applies to operation and design and not what to include in a grant application.

Response 33: We agree and move much of the information at § 86.43(n) to § 86.13(b)(1) through (4).

Comment 34: The reference to depth requirements is confusing. Recommend having docking or mooring sites with water access at least 6 feet deep at mean low tide in tidal waters or a minimum of 6 feet in nontidal waters.

Response 34: We make no change based on this comment. We are asking applicants to consider the water conditions at the proposed site of the BIG-funded facility and any reasons for potential depth fluctuation that could affect access by eligible vessels. We do not wish to limit this consideration to tidal or nontidal influences, but to consider natural influences and those created by human activity.

Section 86.14 How can I receive BIG funds for facility maintenance?

We received a comment supporting the flexibility for States to use BIG Tier 1—State funding for maintenance. We received a comment asking us to clarify how to extend useful life when BIG funds are used for maintenance at a facility that has received a BIG grant in the past. We clarify that a grantee must extend the useful life of the capital improvements affected by the maintenance, as appropriate.

Section 86.15 How can dredging qualify as an eligible action?

We received a comment supporting our approach for dredging and dredging-related actions in BIG.

Comment 35: Suggest that the amount of the total BIG grant the Service will allow for dredging be increased from 10 percent to 20 percent.

Response 35: In the proposed rule we allowed using BIG funds for dredging if costs for dredging-related actions do not

exceed 10 percent of total BIG project costs or \$200,000, whichever is less. After further consideration, we remove the 10 percent limit and will allow dredging costs up to \$200,000 for both BIG Tier 1—State and BIG Tier 2—National grants.

Comment 36: Change the term *basin* to *area used by eligible users*.

Response 36: We make no change based on this comment. The regulations limit the amount of BIG funds available for dredging and eliminate the need for allocating funds to only eligible users.

Comment 37: Recommend changing § 86.15(b)(1) from *lowest tide* to *mean low water*.

Response 37: We remove the term at § 86.15(b)(1) and substitute a reference to § 86.13(a)(6) for the language that the commenter finds confusing.

Comment 38: Recommend deleting the requirement at § 86.15(d) as it is unnecessary and will likely require a new form.

Response 38: We make no change based on this comment. We include this paragraph in response to concerns from prior and current comment periods for a method or directive to ensure that grantees maintain a dredged area. A new form will not be necessary. When a State signs the Standard Form 424B or 424D it certifies that it will follow all regulations.

Comment 39: Recommend adding language at § 86.15(d) to allow flexibility for responding to unusual circumstances that affect water level.

Response 39: We add “under typical conditions” to indicate that we will consider flexibility under extraordinary factors that affect water level.

Comment 40: Is dredging eligible only at a facility that has received BIG funds in the past?

Response 40: No. Dredging is an eligible action. As with all other eligible actions, there is no requirement to have received a prior grant. We make no change based on this comment.

Section 86.16 What actions are ineligible for BIG funding?

We received comments that agree with the concepts in this section, specifically that we list land as an ineligible cost.

Comment 41: Clarify the difference between:

- The ineligible action at § 86.16(a)(8)(ii) General marina or agency newsletters or Web sites promoting the marina or agency; and
- The eligible action at § 86.11(a)(5)(iv) Marina newsletter articles, marina or agency Web pages, and other communications you produce

that are directly related to the BIG-funded project.

Response 41: We make no change based on this comment. The difference is that the eligible action at § 86.11(a)(5)(iv) is specific to and directly supports the BIG-funded project. The ineligible action at § 86.16(a)(8)(ii) is general in nature and focused primarily on the marina or agency apart from the BIG project or program. If a marina or agency includes specific BIG-funded project or BIG program information in any general agency communications, it may allocate the information and education costs accordingly.

Comment 42: Suggest you revise § 86.16(a)(5) to clarify that roads and parking lots and possibly other land surface improvements may be funded with BIG if there is damage to the surface as a result of completing the BIG project.

Response 42: We clarify at § 86.11(a)(1) that repairing or restoring roads, parking lots, walkways, and other surface areas damaged as a direct result of BIG-funded construction is an eligible action. This must be limited only to the surface that receives the damage and a reasonable surrounding distance needed to insure the public can safely travel on the surface.

Comment 43: Remove the word *facilities* at § 86.16(a)(6) as it may create confusion when interpreting definitions at § 86.3.

Response 43: We agree and make the change.

Comment 44: Clarify the differences between maintenance and janitorial duties at §§ 86.3 and 86.16.

Response 44: We make no change at § 86.3 based on this comment. We clarify § 86.16(a)(2) by giving examples of possible janitorial duties.

Section 86.17 Who must own the site of a BIG-funded facility?

Comment 45: What documentation would a grantee need from a subgrantee that does not own the site of a BIG-funded facility to show it follows § 86.17(a)?

Response 45: We make no change based on this comment. We state in § 86.17(a) that any entity that does not own the site of a BIG-funded project must have a contractual arrangement showing that it, or the owner, will operate the BIG-funded facility for the useful life. The contractual arrangement must convey grant responsibilities to a subgrantee or operator and it must be acceptable to the State. The documentation will become part of the application when we award the grant. If

the owner signs the grant, there is no need for additional documentation.

Comment 46: Clarify that State agencies other than the agency receiving the grant may be subgrantees.

Response 46: We agree and change the section to clarify this.

Comment 47: May Federal agencies, corporations, companies, and partnerships qualify as subgrantees?

Response 47: We make no change based on this comment. Corporations, companies, and partnerships that we will accept as subgrantees are either commercial enterprises or nonprofit organizations and are already listed as eligible subgrantees. A Federal agency may participate as a landowner that has a contractual relationship with a State subgrantee or through a reimbursable agreement. However, a Federal agency cannot be a subgrantee.

Comment 48: Remove the requirement that subgrantees that are commercial enterprises are subject to future regulations.

Response 48: We agree and removed § 86.17(c)(2) because we are uncertain how future regulations will be applied. We retain information at § 86.17(c)(1) as § 86.17(c) to remind grantees and subgrantees that businesses have other Federal requirements they must follow.

Section 86.18 How can I ensure that a BIG-funded facility continues to serve its intended purpose for its useful life?

We received comments that support this section.

Comment 49: What does the word “record” mean at § 86.18(b)?

Response 49: We make no change based on this comment. Recording means entering into a book of public records the written instruments affecting the grant interest in the real property it is located on. Recording with reference to the deed notifies all interested parties of the grantee’s continuing responsibility to manage the BIG-funded facility for the purposes of the grant.

Comment 50: When would we know if a Notice of Federal Participation is required?

Response 50: We make no change based on this comment. A grantee must record a Notice of Federal Participation for all projects according to guidance from your Regional Office. We may, in consultation with a State, conclude that the project is too small to justify the cost of recording. If we approve that approach, the grantee is not required to record the interest for that project. Even if we tell the grantee we do not require them to record the interest, a State may choose to record it, or require its subgrantee to record it.

Comment 51: You should not require recording of the Federal interest after applications are received. Adding these requirements later can jeopardize partner relationships.

Response 51: We make no change based on this comment. We clarify this section based on other comments. It is the State’s responsibility to direct potential subgrantees to these regulations or otherwise alert them to this and other potential obligations, compliance requirements, and future responsibilities.

Section 86.19 What if a BIG-funded facility would benefit both eligible and ineligible users?

We received comments supporting the changes that allow us to work with a grantee to correctly allocate costs after the application is received, but before we consider the application for award. We remove § 86.19(b) as it restates information in the opening paragraph. We renumber §§ 86.19(c) through (h) as §§ 86.19(b) through (g).

Comment 52: Remove assigning “100 percent” of the project costs as it is confusing.

Response 52: We define “project cost” at § 86.3 as the combination of the Federal share and the matching share. However, in the interest of clarity we rephrase to state “all eligible project costs” instead of “100 percent.”

Comment 53: Change § 86.19(c) [now § 86.19(b)] so that applicants must properly allocate funds before the due date. The breakdown on allocated costs must be shown at the time of the application and not when the Director announces the award. Applications for BIG Tier 2—National grants cannot be reviewed and ranked without appropriate information.

Response 53: We make changes to clarify this paragraph. We expect that applicants will read both the regulations and the Notice of Funding Opportunity (NOFO) and make good faith efforts to appropriately allocate funds in their applications. However, we do not wish to reject an application simply for an error or misinterpretation in allocating funds. We include this paragraph so that we have the flexibility to work with the applicant before the award to resolve any problems. Paragraph (a) of this section clearly states that we expect an applicant to show and explain in the application the breakdown of costs and reasoning behind the cost allocation. We change paragraph (c) to clarify that after the application due date, we may work with applicants to resolve any issues. However, we must approve how an applicant allocates funds before we will

consider the application for a possible award.

Comment 54: Recommend you refer to § 86.43(i) at § 86.19(a)(2) of this section to link the two sections.

Response 54: We agree and insert the reference.

Comment 55: The example at § 86.19(d)(1) [now § 86.19(c)(1)] should have costs allocated between eligible and ineligible uses. Marinas may intentionally design or relocate uses to take advantage of BIG funding and also get a secondary benefit.

Response 55: We make no change based on this comment. An application must clearly state the primary purpose of the project and justify the approach. If BIG-eligible projects have a secondary use that does not interfere with the primary purpose, there is no loss to the program objectives.

Comment 56: The exception at § 86.19(d)(3) [now § 86.19(c)(3)] could be problematic. For example, a gangway with an estimated cost of \$4,500 does not have to allocate funds between eligible and ineligible uses. What happens if the gangway goes to bid and comes in costing \$10,000? The first expectation was that the BIG grant would cover 100 percent of the costs; in the second, the BIG grant covers only 90 percent of the costs, leaving \$1,000 for the applicant to give as additional match. On top of that, would the \$10,000 have to be allocated between eligible and ineligible uses after the fact?

Response 56: We make no change based on this comment. We include this section to reduce the burden of allocating costs for components of the BIG-funded project that have relatively little value. Section 86.19(d)(3) [now § 86.19(c)(3)] states that each year we will post the minimal value in the annual NOFO based on the formula as applied to the maximum award we offer that year. If the maximum award (Federal plus match) is \$2 million, applying the formula will allow States to forego allocating costs for a component with a value of \$5,000 or less.

In the scenario given in the comment, the total estimate for the gangway is \$4,500, which means the grantee will receive \$3,375 in BIG funding and give \$1,125 in non-Federal match. After the grant is awarded, if the actual cost of an item is \$5,500 more than originally projected, the grantee must pay the extra cost from a non-Federal source. If an applicant does not allocate costs for an item because the estimated value is below the threshold and later finds the actual cost exceeds that value, it must contact the Regional Office. The

Regional Office will inform the applicant or grantee if it must assume additional costs to compensate for ineligible use. Regardless of whether an applicant chooses the option at § 86.19(c)(3), if the cost of a component is more than twice the original estimate, the grantee will incur additional, unexpected costs.

It is always an option for the applicant to choose to allocate costs for all components of the grant, regardless of the value. We offer the option at § 86.19(c)(3) as an alternative, but applicants do not have to use it.

Subpart C – Federal Funds and Match

We received a comment supporting all amendments and additions to this subpart.

Section 86.30 What is the source of BIG funds?

No comments received.

Section 86.31 How does the Service know how much money will be available for BIG grants each year?

No comments received.

Section 86.32 What are the match requirements?

Comment 57: Recommend you change the word “State” at § 86.32(a) to “you” to reflect the convention stated at § 86.1(b).

Response 57: We agree and make the change.

Section 86.33 What information must I give on match commitments, and where do I give it?

We received comments supporting the changes and specifically for removing the requirement for all match providers to produce a letter of commitment.

Section 86.34 What if a partner is not willing or able to follow through on a match commitment?

We received a comment supporting this section.

Subpart D – Application for a Grant

Section 86.40 What are the differences between BIG Standard (now BIG Tier 1—State) and BIG Select (now BIG Tier 2—National) grants?

Comment 58: We received several comments supporting the flexibility to increase annual BIG Tier 1—State funding. We also received comments that stated their support is contingent on adequate funds for BIG Tier 2—National projects.

Response 58: We agree that flexibility for larger funding amounts through Tier 1—State grants will allow States to plan smaller projects that could not

successfully compete for Tier 2—National funds, but are beneficial to eligible users. We revised this section to assure States they will receive funding for requests up to \$200,000 annually. We also add that we may increase the annual award a State may request if there are enough funds available and it is advantageous to the program. This will allow us to be flexible in awarding funding during the award period and potentially during the funding year, if we determine it is in the best interest of BIG.

Comment 59: Recommend that flexibility for awarding BIG Tier 1—State be considered only if BIG Tier 2—National applications do not exceed available funds in a given fiscal year. The BIG Tier 1—State NOFO should be posted after BIG Tier 2—National applications are received and after consulting with stakeholders.

Response 59: We make no change based on this comment. We adjust this section as discussed in Response 58, but the availability of BIG Tier 1—State funds will not depend on how much remains after the BIG Tier 2—National selections are made. We want to assure States they will have adequate BIG funding to maintain a viable program and to plan for needed actions. However, we will retain the flexibility to limit initial BIG Tier 1—State awards to \$200,000 and have the flexibility to consider adding requested BIG funds above this threshold later during the funding year if additional funds are available.

Comment 60: If you are considering more than a 20 percent increase in the minimum funding for BIG Tier 1—State, you should first seek stakeholder input.

Response 60: We make no change based on this comment. However, we will consider consulting with our partners on possible approaches for implementing future annual changes.

Section 86.41 How do I apply for a grant?

Comment 61: You should inform subgrantees in the regulations that the State will send in their applications through <http://www.grants.gov>.

Response 61: We add the definition of [grants.gov](http://www.grants.gov) at § 86.3 and state that we require States to use <http://www.grants.gov> to apply for BIG grants.

Comment 62: Clarify at § 86.41(b) that the term “certify” means to sign.

Response 62: We make no change based on this comment. Certifying by an authorized State representative may be done electronically or by other means in the future. We will inform applicants of acceptable ways to certify in the annual NOFO.

Comment 63: Clarify that the agency eligible to apply for a BIG grant must be the one designated by the Governor and not a specific State agency.

Response 63: We make no change based on this comment. It is clear at § 86.10 that only one agency in each State may apply for BIG and the officials who may designate that agency in your State.

Comment 64: Switch § 86.41(b) and (c) to reflect that the form must be certified before submitting the grant application.

Response 64: We agree and make the recommended change.

Section 86.42 What do I have to include in a grant application?

Comment 65: Remove “budget information” from the list of items required in a grant application as it is already required at § 86.43 under project statement.

Response 65: We agree and removed budget information from the list of required items. We also clarify by adding a reference to § 86.43 in this paragraph.

Comment 66: Delete paragraph (c) as it refers to what is needed after the award. Recommend adding this to § 86.61.

Response 66: We agree and clarify this section to reflect what an applicant must include at the time of application. We refer to § 86.61 for additional requirements that will become part of the application after we approve the project.

Section 86.43 What information must I put in the project statement?

Comment 67: This section is burdensome for applicants, some with minimal grant experience, and requires unnecessary information. Recommend clarifying or changing to indicate additional information would be required once the project is selected for funding.

Response 67: We make no change based on this comment. The commenter did not state what parts of this section are burdensome. The State is the applicant and should work with potential subgrantees to develop the project statement. The information required in the project statement is standard for most grant programs. It is also necessary to determine allowability of costs and to rank applications in a competitive grant program.

Comment 68: The requirement to add names and qualifications of known contractors is burdensome at the application stage.

Response 68: We change the term *contractor* to *concessioner* at

§ 86.43(e)(2). We ask an applicant to give information in an application on known or anticipated concessioners or subgrantees. If an applicant has not identified concessioners or subgrantees in the application, it must inform us of this and be ready to respond to our requests for this additional information following § 86.42(c).

Comment 69: Combine this section with the criteria at §§ 86.51 through 86.60 to simplify preparing and reviewing applications.

Response 69: We make no change based on this comment. The project statement is required for both BIG Tier 1—State and BIG Tier 2—National applications. The criteria at §§ 86.51 through 86.60 are applied only to BIG Tier 2—National applications. It would be confusing to those applying for a BIG Tier 1—State grant to include criteria with the project statement. We will consider giving nonregulatory assistance to BIG Tier 2—National applicants to help them include criteria in their project statements.

Comment 70: This section appears to be solely for the purpose of aligning with WSFR’s project reporting system, Wildlife Tracking and Reporting Actions for the Conservation of Species (TRACS). Clarify the content and reduce redundancy.

Response 70: We make no change based on this comment. A project statement (called a program narrative statement) was required by Office of Management and Budget (OMB) Circular No. A-102 and is supported by 2 CFR part 200, § 200.210 and appendix I to part 200. We give further details in this rule to help applicants give us the information we need to make informed decisions for funding. We use many terms that correlate to the TRACS performance reporting system to reduce confusion when completing those reports.

Comment 71: One commenter suggested alternative language for this section.

Response 71: We do not make any suggested change that applies only to BIG Tier 2—National, or that is a minimal change that does not significantly improve the final rule. We appreciate the examples and additional information the commenter presents and will consider them for future nonregulatory guidance. We did not use the word “engineering” in discussing the approach because we do not want to confuse applicants into thinking it is a requirement to employ an engineer. We used some of the suggestions to reformat the paragraph at § 86.43(i) and to clarify or further explain at paragraphs (b), (c), (e), (g)(3), (i), and (j).

Comment 72: Combine purpose and objective.

Response 72: We make no change based on this comment. Purpose and objective are two separate and distinct parts of a project statement. The purpose refers to the reason for the project and will include verbs such as create, improve, and increase.

Objectives are brief guidelines that will help a grantee achieve project goals by stating more specifically the intended outputs, such as: The number of slips for transient boaters, the linear feet of new dock space, the time needed to complete that goal, and any information that describes that the goal is attainable and relevant.

Comment 73: You should give examples of measurable and verifiable objectives.

Response 73: We make no change based on this comment. We will consider offering further guidance outside of regulation.

Comment 74: It may be difficult for applicants to state a useful life for a capital improvement at the application stage.

Response 74: We make changes to clarify approach and expectations. At § 86.43(f), we change “state” to “estimate” and add a sentence that a grantee will finalize useful life during the approval process. This change informs an applicant that it must include information on useful life in the application, but it will be reviewed and may be changed, if necessary, when it receives an award. We also make clarifying changes at § 86.75, which is § 86.74 in this final rule.

An applicant may seek guidance from technical literature and from vendors, engineers, and others knowledgeable individuals to estimate the useful life of each capital improvement. We will reject an application that does not have the required estimates for useful life. Once a project is approved for an award, the Service may confer with the grantee on the estimate given in the application. A grantee must finalize the useful life before the award.

If an applicant is seeking points for the criterion at § 86.51(c)(2) as described at § 86.59(b)(2), it must give adequate information in the application to support the request for consideration under the criterion. If we find before we approve the grant that an applicant cannot show a reasonably expected increased benefit to earn the extra point(s), we will subtract the point(s) related to that criterion from the total score for that project and adjust awards accordingly.

Comment 75: No minimum useful life is identified. The current rule states

useful life is 20 years. Does this mean applicants can decide another period for useful life?

Response 75: We explained in the preamble of the proposed rule published at 77 FR 18767 on March 28, 2012, that we propose to eliminate the 20-year requirement and replace it with a useful life requirement based on capital improvements. The useful life determination described at §§ 86.73 and 86.74 will help grantees to better understand their responsibilities.

Section 86.44 What if I need more than the maximum Federal share and required match to complete my BIG-funded project?

We revise this section in response to a comment that asked us to reference this section at § 86.73. Upon further consideration, we concluded the two sections contain almost identical content, so we combine all the information at § 86.44.

Comment 76: Add an option to this section that will allow grantees to reduce the scope of their project if they find that actual costs greatly exceed projected costs.

Response 76: We make no change based on this comment. In BIG Tier 2—National project review and ranking, the scope is a major factor that influences the amount of points that a project receives. If the scope were reduced, it could impact the score and ranked order. It is important that applicants are thorough when preparing their application and consider all factors that could influence costs during the period of performance.

Section 86.45 If the Service does not select my grant application for funding, can I apply for the same project the following year?

No comments received.

Section 86.46 What changes can I make in a grant application after I submit it?

Comment 77: Clarify and give examples for changes after the due date as found at paragraph (b). If part of an application is found to be ineligible, will you allow applicants to change the scope, budget, etc., and continue the review and ranking?

Response 77: We clarify and reformat paragraph (b) to state that if an applicant proposes using BIG funds for an action that we identify as ineligible, we will decide on a case-by-case basis whether we will consider the rest of the application for funding. We do not give examples in the regulation as there are many possible scenarios and to give any examples may make the regulation more

confusing. We may seek advice from the applicant or members of the advisory panel, but we will make the final decision. If we decide to accept the application with the ineligible costs removed, we will ask the applicant to change the application accordingly.

Comment 78: Delete paragraph (f) on accepting reduced funding as this does not foster the competitive aspect of the program unless offered to all non-funded applicants.

Response 78: We make changes in this paragraph to clarify this issue. We review and rank all competitive grant applications according to the BIG criteria, arrange them in ranked order, and award available funds to projects, starting with those ranked the highest. The amount of available funds and the amount of funding requests never match. Paragraph (f) describes the approach we may use when funding is still available, but the next ranked project cannot be funded at the level requested. We may approach the applicant for the next highest ranked project to offer the remaining funds. If the applicant declines, we may continue the process to maximize BIG Tier 2—National funding.

Subpart E – Project Selection

We received a comment supporting all amendments and additions to this subpart.

Section 86.50 Who ranks BIG Tier 2—National grant applications?

No comments received.

Section 86.51 What criteria does the Service use to evaluate BIG Tier 2—National applications?

Comment 79: Suggest a project achieve a score of at least 65 percent of the total available in order to be considered for funding. A project that receives below this score is clearly not competitive and should not be considered, even if there is funding available.

Response 79: We agree with the approach to set a minimum standard for funding BIG Tier 2—National applications as an incentive for developing more competitive projects. As we did not discuss this in the proposed rule, we change this section to allow us to set a scoring standard in the NOFO. We will use feedback from States, advisors, and others to assess if we wish to set a minimum total score standard. We may announce in the NOFO a minimum total score of 23, which is 65 percent of the maximum total score available in criterion at paragraphs (a) and (b).

Comment 80: Consider awarding points for projects in federally designated disaster areas so we can leverage BIG funds to aid in the recovery.

Response 80: We make no change based on this comment. We score competitive applications based on need as described at § 86.52. We will consider all factors in an application that address the need for the project, including those factors as they may relate to disaster response and rebuilding.

Comment 81: We received two comments recommending we adjust the points in the ranking criteria to create a possible total of 100. One of these comments includes removing § 86.51(c)(2) and (c)(3). One commenter included a table that showed these changes and added designations from § 86.43 that correspond to the criteria.

Response 81: We do not accept the suggestions for revising scoring and removing two paragraphs at § 86.51(c). Many comments we received in response to the proposed rule published at 77 FR 18767, March 28, 2012, stated they want a point range for scoring each criterion, but that a wide range is not effective. In response, we reduced the point range for scoring in the proposed rule published April 25, 2014. We received comments supporting §§ 86.51(c)(2) and (c)(3) and we will retain those sections.

The criterion at § 86.51(c)(2) is important because it encourages applicants to consider the future, plan for projects that extend the availability of the BIG-funded facility, and improve services to eligible users. This criterion also addresses the desire for grantees to build projects using design and processes that improve resiliency to the effects of climate change. Many States asked us to include the criterion at § 86.51(c)(3) to recognize the value of those operators who voluntarily participate in Clean Marina and other similar programs. We agree and recognize the benefit to eligible users.

We agree that information to help applicants relate criteria to the project statement is desirable, but not through this regulation. We will work with our partners to develop and distribute further guidance to help applicants.

Comment 82: The criterion at § 86.51(a)(2) does not address justification for the cost of the project. Instead, it focuses on comparing costs with benefits as a means of comparing one application to another. Recommend changing the question to be more about how costs compare to benefits rather than if the costs are justified by the benefits.

Response 82: We do not make a change at § 86.51(a)(2), but we agree that the explanation for this criterion at § 86.53 could be interpreted that we would compare an application to others in the same grant cycle. We change § 86.53 to state we will consider the costs as they relate to the benefits for individual projects and not as projects compare to each other in the same grant cycle. We also add guidance at paragraph § 86.53(d) recommending that an applicant inform us if project costs are inflated due to: (a) Specialized materials to increase the useful life, (b) the cost of transporting materials to a remote location, (c) unusual costs associated with producing benefits at a certain site or in a certain geographic area, or (d) the cost of providing environmentally friendly facilities.

Comment 83: Recommend replacing *in-kind* with *substantial* because in-kind is just another type of match and it should not matter what type of match it is.

Response 83: We make no change based on this comment. We received many comments on this subject while preparing for this rulemaking. We responded to recommendations to allow us to consider the nonmonetary contributions of partners as well as the monetary contributions. The purpose of the criterion at § 86.51(b)(2) is to allow for partnerships in smaller communities to rank well even if they do not result in large financial contributions. The word *substantial* is subjective and could result in negating the spirit of giving credit for smaller contributors.

Section 86.52 What does the Service consider when evaluating a project on the need for more or improved boating infrastructure?

When evaluating a project on the need for more or improved boating infrastructure facilities as described at § 86.52(c), we will consider creating accessibility for eligible vessels by increasing water depth. We received a comment supporting this factor.

Section 86.53 What factors does the Service consider for benefits to eligible users that justify the cost?

We make changes to this section based on comments received under § 86.51. See Response 82.

Comment 84: Construction costs can vary widely across the country for reasons such as meeting hurricane standards, installing bubbler systems where ice is a factor, and adding transportation costs for remote locations. Recommend applicants be told to explain why higher costs may be justified.

Response 84: We agree and make changes as discussed in Response 82.
Comment 85: Recommend adding consideration for costs associated with making the project a harbor of safe refuge.

Response 85: We agree and add paragraph (e) to tell applicants to include this information.

Section 86.54 What does the Service consider when evaluating a project on boater access to significant destinations and services that support transient boater travel?

We received a comment supporting the focus on both attractions and boater services in the ranking criterion at § 86.51(a)(3).

Comment 86: Recommend including proximity to a harbor of safe refuge under this criterion.

Response 86: We agree and add at paragraph (c) that we will consider *safety* as well as services.

Section 86.55 What does the Service consider as a partner for the purposes of these ranking criteria?

No comments received.

Section 86.56 What does the Service consider when evaluating a project that includes more than the minimum match?

Comment 87: Recommend deleting the word *cash* at paragraph (a) because it precludes additional points for in-kind contributions.

Response 87: We make no change based on this comment. In-kind contributions are discussed at § 86.57.

Comment 88: We received two comments recommending a different standard for awarding points based on percentage of additional cash match. Both recommendations were based on increasing the total points at § 86.51 that may be considered for this criterion for a maximum of 25 points.

Response 88: We did not accept the recommended changes at this section as we did not accept the related recommended changes in Comment 81. However, upon further review we change the percent ranges to encourage applicants to offer more match to their project.

Section 86.57 What does the Service consider when evaluating contributions that a partner brings to a project?

No comments received.

Section 86.58 What does the Service consider when evaluating a project for a physical component, technology, or technique that will improve eligible user access?

No comments received.

Section 86.59 What does the Service consider when evaluating a project for innovative physical components, technology, or techniques that improve the BIG project?

Comment 89: We consider § 86.59(b)(4) and (5) to be unneeded and a potential obstacle to participation. These two requirements are typically considered during project design and would be enforced during the permitting process.

Response 89: We make no change based on this comment. This section is not a requirement, and there is no reason for it to be an obstacle to participation. This section allows us to consider additional points for innovative physical components, technology, or techniques that improve the BIG project. The items at § 86.59(b)(4) and (5) are examples of how an applicant could qualify for these additional points by exceeding the compliance requirements. If an applicant is required to use a physical component, technology, or technique to comply with local, State, or Federal regulations, then we do not consider additional points under this criterion. This section is for applicants who voluntarily choose an innovative approach that increases the resilience of project components or otherwise improves the project.

Section 86.60 What does the Service consider when evaluating a project for demonstrating a commitment to environmental compliance, sustainability, and stewardship?

We received a comment that supports the additional point we offer for marinas that have received official recognition for their voluntary commitment to exceeding required standards.

Section 86.61 What happens after the Director approves projects for funding?

No comments received. We delete § 86.42(c) and refer to this section.

Subpart F – Grant Administration

Section 86.70 What standards must I follow when constructing a BIG-funded facility?

No comments received.

Section 86.71 How much time do I have to complete the work funded by a BIG grant?

We received several comments supporting the length of the period of performance and the amendment to allow a first extension for up to 2 years. The commenters state that the length of the period of performance is important to ensure project completion.

Comment 90: Clarify that we could have almost 6 years to complete a project if we combine the 3-year period of performance with the 3-year period of obligation.

Response 90: There is potential that combining the obligation period with the period of performance could result in 6 years from the beginning of the fiscal year the project is awarded to the end of the period of performance. However, this may not always be true. A grantee may coordinate with us after we award a grant to set a start date for the period of performance within the obligation period. We add that we will work with a grantee to set a start date within the 3-year period of obligation.

Section 86.72 What if I cannot complete the project during the period of performance?

No comments received.

Section 86.73 What if I need more funds to finish a project?

Comment 91: Recommend adding a reference in this section to § 86.44 as the two sections are related.

Response 91: We agree, and upon further review we consider most of § 86.73 and § 86.44 to be redundant. We revise § 86.44 to include additional information from § 86.73 and delete the content of § 86.73. We renumber §§ 86.74 through 86.79 as §§ 86.73 through 86.78.

Section 86.74 [now § 86.73] How long must I operate and maintain a BIG-funded facility, and who is responsible for the cost of facility operation and maintenance?

Comment 92: Recommend the owner of the BIG-funded facility be responsible for continued operation and maintenance and not the State.

Response 92: We make no change based on this comment. A State may enter into a contractual agreement with the facility owner, subgrantee, or other type of operator that designates them as the responsible party for continued operation and maintenance. However, should they not fulfill their obligations, the State as grantee is ultimately responsible.

Section 86.75 [now § 86.74] How do I determine the useful life of a BIG-funded facility?

Comment 93: We received two comments recommending this section be simplified to avoid confusion.

Response 93: We considered these comments and clarify this section by presenting it as a step-by-step process. We emphasize that the initial application must include a useful life

estimate, but the estimate may be based on information from resources that are typically available when developing a grant application. We also clearly allow a State to choose only one of the methods for finalizing useful life in the grant and use that method exclusively for BIG in that State.

Comment 94: Recommend changing the language so that it is clear how to apply the process. It is unclear how components relate to the larger systems and what would happen if a smaller component is no longer useful, but necessary for continued use of a larger one. For example, if a gangway costs less than \$25,000 and it falls into disrepair, can the operator remove and not replace it, even if it is necessary to access the dock system?

Response 94: We changed this section to clarify at § 86.74(a)(1)(iv) and (v) that each smaller component must be associated with a capital improvement. If it supports more than one, the smaller component must be associated with the capital improvement with the longest expected useful life.

Section 86.76 [now § 86.75] How should I credit BIG?

No comments received.

Section 86.77 [now § 86.76] How can I use the logo for BIG?

No comments received.

Section 86.78 [now § 86.77] How must I treat program income?

We received a comment supporting our approach to clarifying program income.

Comment 95: Recommend you add that we should tell you if project construction is completed before the end of the period of performance to reduce the impact of income earned.

Response 95: We agree and add paragraph (e) to recommend grantees tell us when project construction is completed.

Section 86.79 [now § 86.78] How must I treat income earned after the period of performance?

No comments received.

Subpart G – Facility Operations and Maintenance

Section 86.90 How much must an operator of a BIG-funded facility charge for using the facility?

We received several comments supporting the change to allow marinas to offer services for free if that is the prevailing rate.

Comment 96: What if a town or city council mandates a high fee just to raise

revenue? It seems unfair to make boaters pay the higher fee.

Response 96: We agree and added language at § 86.90(c) that we will accept a State or locally imposed fee schedule if it is reasonable and does not impose an undue burden on eligible users.

Comment 97: Clarify that when determining prevailing rates that similar facilities are being compared. It would not be fair to compare the rates from a private, member-only marina to a public or private marina open to the public. Another example of differing types of facilities would be a public dock connected to a city center compared to a public dock connected to an island.

Response 97: We state at § 86.90(a) that the facilities we consider when determining prevailing rates must offer similar services or amenities. We respond to this comment by adding that they are to be similarly situated as well.

Section 86.91 May an operator of a BIG-funded facility increase or decrease user fees during its useful life?

No comments received.

Section 86.92 Must an operator of a BIG-funded facility allow public access?

Comment 98: Change the word “operator” to “contractor” to match the definitions.

Response 98: We make no change to this section based on this comment. We clarify by adding the term “operator” at § 86.3.

Section 86.93 May I prohibit overnight use by eligible vessels at a BIG-funded facility?

Comment 99: Clarify if we can change to a day-use only facility after the project is completed, but before it reaches the end of its useful life. Would we use the guidance at Subpart H to do this?

Response 99: If a grantee wishes to convert a Tier 1-State or a Tier 2-National project from an overnight to a day-use facility, it must contact the Regional Office for guidance. A subgrantee must contact their State, which will in turn contact the Regional Office. The change in usage will alter the scope of the project, and deviation from the original project scope may constitute a breach of a grant agreement. Grantees must receive our approval before making any changes in the scope of a project at any time during its useful life. [See 2 CFR 200.201(b)(5) and 200.308(b)]

Section 86.94 Must I give information to eligible users and the public about BIG-funded facilities?

We received several comments supporting the change to allow using signs and other forms of emerging communication to inform eligible users about the facility and eligible uses.

Subpart H – Revisions and Appeals

Section 86.100 Can I change the information in a grant application after I receive a grant?

No comments received.

Section 86.101 How do I ask for revision of a grant?

No comments received.

Section 86.102 Can I appeal a decision?

No comments received.

Section 86.103 Can the Director authorize an exception to this part?

No comments received.

Subpart I – Information Collection

Section 86.110 What are the information collection requirements of this part?

No comments received.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

The Regulatory Flexibility Act requires an agency to consider the

impact of final rules on small entities, *i.e.*, small businesses, small organizations, and small government jurisdictions. If there is a significant economic impact on a substantial number of small entities, the agency must perform a Regulatory Flexibility Analysis. This is not required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The Small Business Regulatory Enforcement Fairness Act (SBREFA) amended the Regulatory Flexibility Act to require Federal agencies to state the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We have examined this final rule's potential effects on small entities as required by the Regulatory Flexibility Act. We have determined that the changes in the final rule do not have a significant impact and do not require a Regulatory Flexibility Analysis because the changes:

a. Give information to State fish and wildlife agencies that allows them to apply for and administer grants more easily, more efficiently, and with greater flexibility. Only State fish and wildlife agencies may receive BIG grants.

b. Address changes in law and regulation. This helps grant applicants and recipients by making the regulation consistent with current standards.

c. Reword and reorganize the regulation to make it easier to understand.

d. Allow small entities to voluntarily become subgrantees of agencies and any impact on these subgrantees would be beneficial.

The Service has determined that the changes primarily affect State governments and any small entities affected by the changes voluntarily enter into mutually beneficial relationships with a State agency. They are primarily concessioners and subgrantees and the impact on these small entities will be very limited and beneficial in all cases.

Consequently, we certify that because this final rule will not have a significant economic effect on a substantial number of small entities, a Regulatory Flexibility Analysis is not required.

In addition, this final rule is not a major rule under SBREFA (5 U.S.C. 804(2)) and will not have a significant impact on a substantial number of small entities because it does not:

a. Have an annual effect on the economy of \$100 million or more.

b. Cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local

government agencies; or geographic regions.

c. Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. The Act requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of a final rule with Federal mandates that may result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any 1 year. We have determined the following under the Unfunded Mandates Reform Act:

a. As discussed in the determination for the Regulatory Flexibility Act, this final rule will not have a significant economic effect on a substantial number of small entities.

b. The regulation does not require a small government agency plan or any other requirement for expending local funds.

c. The programs governed by the current regulations and enhanced by the changes potentially assist small governments financially when they occasionally and voluntarily participate as subgrantees of an eligible agency.

d. The final rule clarifies and improves upon the current regulations allowing State, local, and tribal governments and the private sector to receive the benefits of grant funding in a more flexible, efficient, and effective manner.

e. Any costs incurred by a State, local, or tribal government or the private sector are voluntary. There are no mandated costs associated with the final rule.

f. The benefits of grant funding outweigh the costs. The Federal Government provides up to 75 percent of the total project costs in each requested grant to the 50 States, the Commonwealth of Puerto Rico, and the District of Columbia. The Federal Government will also waive the first \$200,000 of match for each grant to the Commonwealth of the Northern Mariana Islands and the territories of Guam, the U.S. Virgin Islands, and American Samoa. Of the 50 States and 6 other jurisdictions that voluntarily are eligible to apply for grants in these programs

each year, 95 percent have participated. This is clear evidence that the benefits of this grant funding outweigh the costs.

g. This final rule will not produce a Federal mandate of \$100 million or greater in any year, *i.e.*, it is not a “significant regulatory action” under the Unfunded Mandates Reform Act.

Takings

This final rule will not have significant takings implications under E.O. 12630 because it will not have a provision for taking private property. Therefore, a takings implication assessment is not required.

Federalism

This final rule will not have sufficient Federalism effects to warrant preparing a federalism summary impact statement under E.O. 13132. It would not interfere with the States’ ability to manage themselves or their funds. We work closely with the States administering these programs. They helped us identify those sections of the current regulations needing further consideration and new issues that prompted us to develop a regulatory response. In drafting the final rule, we received comments from the Sport Fishing and Boating Partnership Council, a nongovernmental committee established under the Federal Advisory Committee Act; the States Organization for Boating Access; the Joint Federal/State Task Force on Federal Assistance Policy; and individual States.

Civil Justice Reform

The Office of the Solicitor has determined under E.O. 12988 that the rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The final rule will help grantees because it:

- a. Updates the regulations to reflect changes in policy and practice and recommendations received during the past 14 years;
- b. Makes the regulations easier to use and understand by improving the organization and using plain language;
- c. Modifies the final rule to amend 50 CFR part 86 published in the **Federal Register** at 66 FR 5282 on January 18, 2001, based on subsequent experience; and

d. Adopts recommendations on new issues received from State fish and wildlife agencies and the Sport Fishing and Boating Partnership Council since we published the current rule.

Paperwork Reduction Act

This final rule does not contain new information collection requirements that require approval under the PRA (44

U.S.C. 3501 *et seq.*). OMB has reviewed and approved the U.S. Fish and Wildlife Service application and reporting requirements associated with the Boating Infrastructure Grant Program and assigned OMB Control Number 1018–0109, which expires September 30, 2015. 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.

National Environmental Policy Act

We have analyzed this rule under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and part 516 of the Departmental Manual. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement/assessment is not required due to the categorical exclusion for administrative changes given at 516 DM 8.5A(3).

Government-to-Government Relationship With Tribes

We have evaluated potential effects on federally recognized Indian tribes under the President’s memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951), E.O. 13175, and 512 DM 2. We have determined that there are no potential effects. This final rule will not interfere with the tribes’ ability to manage themselves or their funds.

Energy Supply, Distribution, or Use (E.O. 13211)

E.O. 13211 addresses regulations that significantly affect energy supply, distribution, and use, and requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not a significant regulatory action under E.O. 12866 and does not affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

List of Subjects in 50 CFR Part 86

Administrative practice and procedure, Boats and boating safety, Fishing, Grants administration, Grant programs, Harbors, Intermodal transportation, Marine resources, Natural resources, Navigation (water), Recreation and recreation areas, Reporting and recordkeeping requirements, Rivers, Signs and symbols, Vessels, Water resources, Waterways.

Regulation Promulgation

For the reasons discussed in the preamble, we amend title 50 of the Code of Federal Regulations, chapter I, subchapter F, by revising part 86 to read as follows:

PART 86—BOATING INFRASTRUCTURE GRANT PROGRAM

Subpart A—General

Sec.

- 86.1 What does this part do?
- 86.2 What is the purpose of BIG?
- 86.3 What terms do I need to know?

Subpart B—Program Eligibility

- 86.10 Who may apply for a BIG grant?
- 86.11 What actions are eligible for funding?
- 86.12 What types of construction and services does boating infrastructure include?
- 86.13 What operational and design features must a facility have where a BIG-funded facility is located?
- 86.14 How can I receive BIG funds for facility maintenance?
- 86.15 How can dredging qualify as an eligible action?
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Authority: 16 U.S.C. 777c, g, and g–1.

Subpart A—General

§ 86.1 What does this part do?

(a) This part tells States how they may apply for and receive grants from the Boating Infrastructure Grant program (BIG) Tier 1-State and Tier 2-National subprograms. Section 86.40 describes the differences between these two subprograms.

(b) The terms *you*, *your*, and *I* refer to a State agency that applies for or receives a BIG grant. *You* may also apply to a subgrantee with which a State agency has a formal agreement to construct, operate, or maintain a BIG-funded facility.

(c) The terms *we*, *us*, and *our* refer to the U.S. Fish and Wildlife Service.

§ 86.2 What is the purpose of BIG?

The purpose of BIG is to construct, renovate, and maintain boating infrastructure facilities for transient recreational vessels at least 26 feet long.

§ 86.3 What terms do I need to know?

For the purposes of this part, we define these terms:

BIG-funded facility means only the part of a facility that we fund through a BIG grant.

Boating infrastructure means all of the structures, equipment, accessories, and services that are necessary or desirable for a facility to accommodate eligible vessels. See § 86.12 for examples of boating infrastructure.

Capital improvement means:

- (1) A new structure that costs at least \$25,000 to build; or
- (2) Altering, renovating, or repairing an existing structure if it increases the structure's useful life by 10 years or if it costs at least \$25,000.

Concessioner means an entity with which a State has a written agreement to operate or manage a BIG-funded facility. The agreement with a concessioner may or may not involve a financial exchange. A concessioner is not a contractor or vendor. You pay a contractor or vendor to perform specific duties or supply specific materials according to a written contract. Concessioners, vendors, and contractors are not grant recipients.

Construction means the act of building or significantly altering,

renovating, or repairing a structure. Clearing and reshaping land and demolishing structures are types or phases of construction. Examples of structures are buildings, docks, piers, breakwaters, and slips.

Director means:

- (1) The Director of the Fish and Wildlife Service whom the Secretary of the Interior has delegated authority to administer BIG nationally; or
- (2) A deputy or another person whom the Director has delegated authority over BIG.

Eligible user means an operator or passenger of an eligible vessel.

Eligible vessel means a transient recreational vessel at least 26 feet long. The term includes vessels that are owned, loaned, rented, or chartered. The term does not include:

- (1) Commercial vessels;
- (2) Vessels that dock or operate permanently from the facility where a BIG-funded project is located; or
- (3) Vessels that receive payment to routinely transport passengers on a prescribed route, such as cruise ships, dive boats, and ferries.

Facility means the structures, equipment, and operations that:

- (1) Provide services to boaters at one location; and
- (2) Are under the control of a single operator or business identified in the grant application.

Grant means an approved award of money, the principal purpose of which is to transfer funds from a Federal awarding agency to the non-Federal entity (grantee) to carry out an authorized public purpose and includes the matching cash and any matching in-kind contributions. The legal instrument used is a grant agreement.

Grants.gov is a centralized location for States and other entities to find and apply for Federal funding. It is located at <http://www.grants.gov>. We require States to use [grants.gov](http://www.grants.gov), or any system that replaces it, to apply for BIG grants.

Maintenance means keeping structures or equipment in a condition to serve the intended purpose. It includes cyclical or occasional actions to keep facilities fully functional. It does not include operational actions such as janitorial work. Examples of maintenance actions are:

- (1) Lubricating mechanical components of BIG-funded equipment;
- (2) Replacing minor components of a BIG-funded improvement, such as bolts, boards, and individual structural components; and
- (3) Painting, pressure washing, and repointing masonry.

Marketing means an activity that promotes a business to interested

customers for the financial benefit of the facility. It may include a plan for sales techniques and strategies, business communication, and business development. A business uses marketing to find, satisfy, and keep a customer.

Match means the value of any cash or in-kind contributions required or volunteered to complete the BIG-funded facility that are not borne by the Federal Government, unless a Federal statute authorizes such match. Match must follow the criteria at 2 CFR 200.306(b).

Navigable waters means waters that are deep and wide enough for the passage of eligible vessels within the water body.

Operation means actions that allow a BIG-funded facility or parts of a BIG-funded facility to perform their function on a daily or frequent basis. Examples of operation are janitorial work, service workers, facility administration, utilities, rent, taxes, and insurance.

Operator means an individual or entity that is responsible for operating a BIG-funded facility. An operator may be a grantee, a subgrantee, a concessioner, or another individual or entity that the grantee has an arrangement with to operate the BIG-funded facility.

Personal property means anything tangible or intangible that is not real property.

Program income means gross income earned by the grantee or subgrantee that is directly generated by a grant-supported activity, or earned as a result of the grant, during the period of performance.

Project means one or more related actions that are eligible for BIG funding, achieve specific goals and objectives of BIG, and in the case of construction, occur at only one facility.

Project cost means total allowable costs incurred under BIG and includes Federal funds awarded through the BIG grant and all non-Federal funds given as the match or added to the Federal and matching shares to complete the BIG-funded project.

Public communication means communicating with the public or news media about specific actions or achievements directly associated with BIG. The purpose is to inform the public about BIG-funded projects or the BIG program.

Real property means one, several, or all interests, benefits, and rights inherent in owning a parcel of land. A parcel includes anything physically and firmly attached to it by a natural or human action. Examples of real property in this rule include fee and leasehold interests, easements, fixed

docks, piers, permanent breakwaters, buildings, utilities, and fences.

Regional Office means the main administrative office of one of the Service's geographic Regions in which a BIG-funded project is located. Each Regional Office has a:

(1) *Regional Director* appointed by the Director to be the chief executive official of the Region and authorized to administer Service activities in the Region, except for those administered directly by the Service's Headquarters Office; and

(2) *Division of Wildlife and Sport Fish Restoration (WSFR)* or its equivalent that administers BIG grants.

Renovate means to rehabilitate all or part of a facility to restore it to its intended purpose or to expand its purpose to allow use by eligible vessels or eligible users.

Scope of a project means the purpose, objectives, approach, and results or benefits expected, including the useful life of any capital improvement.

Service means the U.S. Fish and Wildlife Service.

State means any State of the United States, the Commonwealths of Puerto Rico and the Northern Mariana Islands, the District of Columbia, and the territories of Guam, the U.S. Virgin Islands, and American Samoa.

Transient means travel to a single facility for day use or staying at a single facility for up to 15 days.

Useful life means the period during which a BIG-funded capital improvement is capable of fulfilling its intended purpose with adequate routine care and maintenance. See §§ 86.73 and 86.74.

Subpart B—Program Eligibility

§ 86.10 Who may apply for a BIG grant?

One agency in each eligible State may apply for a BIG grant if authorized to do so by:

- (a) A statute or regulation of the eligible jurisdiction;
- (b) The Governor of the State, Commonwealth, or territory; or
- (c) The Mayor of the District of Columbia.

§ 86.11 What actions are eligible for funding?

(a) The following actions are eligible for BIG funding if they are for eligible users or eligible vessels:

(1) Construct, renovate, or maintain publicly or privately owned boating infrastructure (see § 86.12) following the requirements at § 86.13. This may include limited repair or restoration of roads, parking lots, walkways, and other surface areas damaged as a direct result of BIG-funded construction.

(2) Conduct actions necessary to construct boating infrastructure, such as:

- (i) Engineering, economic, environmental, historic, cultural, or feasibility studies or assessments; and
- (ii) Planning, permitting, and contracting.

(3) Dredging a channel, boat basin, or other boat passage following the requirements at § 86.15.

(4) Install navigational aids to give transient vessels safe passage between a facility and navigable channels or open water.

(5) Produce information and education materials specific to BIG or a BIG-funded project and that credit BIG as a source of funding when appropriate. Examples of eligible actions include:

- (i) Locating BIG-funded facilities on charts and cruising guides;
- (ii) Creating Statewide or regional brochures telling boaters about BIG and directing them to BIG-funded facilities;
- (iii) Advertising a BIG-funded facility in print or electronic media with the emphasis on BIG, the BIG-funded facility, or services for eligible users, and not on marketing the marina as a whole;

(iv) Marina newsletter articles, marina or agency Web pages, and other communications you produce that are directly related to the BIG-funded project;

(v) Giving boaters information and resources to help them find and use the BIG-funded facility; and

(vi) Public communication.

(6) Record the Federal interest in the real property.

(7) Use BIG Tier 1—State grant awards to administer BIG Tier 1—State and BIG Tier 2—National grants, or grant programs, Statewide. This includes coordinating and monitoring to ensure BIG-funded facilities are well-constructed, meet project objectives, and serve the intended purpose for their useful life; and to manage BIG grant performance or accomplishments.

(b) You may ask your Regional Office to approve preaward costs for eligible actions. You incur preaward costs at your own risk, as we will only reimburse you for preaward costs we approved if you receive a grant.

(c) Applicants may seek funding for installing pumpout facilities through the Clean Vessel Act Grant Program (CVA) instead of including the cost as part of a BIG grant application. A State may require a pumpout be funded through CVA, Catalog of Federal Domestic Assistance number 15.616.

(d) Other actions may qualify for BIG funding, subject to our approval, if they

achieve the purposes of BIG. We will describe actions we approve and how they are eligible for BIG funding in the full text of the annual Notice of Funding Opportunity (NOFO).

§ 86.12 What types of construction and services does boating infrastructure include?

Boating infrastructure may include:

(a) Boat slips, piers, mooring buoys, floating docks, dinghy docks, day docks, and other structures for boats to tie-up and gain access to the shore or services.

(b) Fuel stations, restrooms, showers, utilities, and other amenities for transient-boater convenience.

(c) Lighting, communications, buoys, beacons, signals, markers, signs, and other means to support safe boating and give information to aid boaters.

(d) Breakwaters, sea walls, and other physical improvements to allow an area to offer a harbor of safe refuge. A *harbor of safe refuge* is an area that gives eligible vessels protection from storms. To be a harbor of safe refuge, the facility must offer a place to secure eligible vessels and offer access to provisions and communication for eligible users.

(e) Equipment and structures for collecting, disposing of, or recycling liquid or solid waste from eligible vessels or for eligible users.

§ 86.13 What operational and design features must a facility have where a BIG-funded facility is located?

(a) At project completion, a facility where a BIG-funded facility is located must:

(1) Be open to eligible users and operated and maintained for its intended purpose for its useful life;

(2) Clearly designate eligible uses and inform the public of restrictions;

(3) Offer security, safety, and service for eligible users and vessels;

(4) Be accessible by eligible vessels on navigable waters;

(5) Allow public access as described at § 86.92;

(6) Have docking or mooring sites with water access at least 6 feet deep at the lowest tide or fluctuation, unless the facility qualifies under paragraph (c) of this section; and

(7) Have an operational pumpout station if:

(i) Eligible vessels stay overnight; and
(ii) Available pumpout service is not located within 2 nautical miles; or
(iii) State or local laws require one on site.

(b) We will waive the pumpout requirement if you show in the grant application the inability to install a pumpout.

(1) We will review your request and will grant the waiver if you present circumstances that show:

(i) A hardship due to lack of utilities or other difficult obstacles, such as a BIG-funded facility on an island with no power or a remote location where the equipment cannot be serviced or maintained regularly;

(ii) State or local law does not allow septic-waste disposal facilities at the location;

(iii) You are in the process of applying for a CVA grant for the same award year as the BIG grant to install a pumpout station as part of the BIG-funded facility; or

(iv) You have received a CVA grant and will install a pumpout station as part of the BIG-funded facility on or before the time the BIG-funded facility is completed.

(2) When we waive the pumpout requirement, the BIG-funded facility must inform boaters:

(i) They are required to properly treat or dispose of septic waste; and

(ii) Where they can find information that will direct them to nearby pumpout stations.

(3) If we deny your request, we will follow the process described in the annual NOFO.

(4) If you seek an allowance based on this paragraph, you must include supporting information in the grant application as described at § 86.43(n)(1).

(c) We will allow water access at a depth less than 6 feet if you can show that the BIG-funded facility will serve its intended purpose for typical eligible users that visit that location.

(d) Any of these design features may already be part of the facility, or be funded through another source, and need not be included as part of the BIG project.

§ 86.14 How can I receive BIG funds for facility maintenance?

(a) For BIG Tier 1—State and BIG Tier 2—National grants:

(1) You may request BIG funds for facility maintenance only if you will complete the maintenance action during the period of performance.

(2) You may apply user fees collected at the BIG-funded facility after the period of performance to the maintenance of the facility.

(b) For BIG Tier 1—State grants:

(1) You may request BIG funds for one-time or as-needed maintenance costs at any BIG-eligible facility as long as the costs are discrete and follow paragraph (a) of this section.

(2) 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.

(3) States may limit or exclude BIG maintenance funding they make available to subgrantees.

(c) For BIG Tier 2—National grants, you may request BIG funds for maintenance if it directly benefits eligible users and is directly related to the BIG project. You are responsible for all maintenance costs after the period of performance except as provided at paragraph (b) of this section.

§ 86.15 How can dredging qualify as an eligible action?

(a) Dredging in this part includes the physical action of removing sediment from the basin and any associated actions, such as engineering, permitting, dredge-material management, and other actions or costs that occur because of the dredging. Dredging can qualify as an eligible action under the grant only if the costs for the dredging-related actions do not exceed \$200,000.

(b) When you complete the project, the BIG-funded dredged area must:

(1) Have navigable water depth to accommodate eligible vessels as described at § 86.13(a)(6);

(2) Allow safe, accessible navigation by eligible vessels to, from, and within the BIG-funded facility; and

(3) Allow eligible vessels to dock safely and securely at transient slips.

(c) You must show in the grant application that:

(1) Dredging is needed to fulfill the purpose and objectives of the proposed project; and

(2) You have allocated the dredging costs between the expected use by eligible vessels and ineligible vessels.

(d) You certify by signing the grant application that you have enough resources to maintain the dredged area at the approved width and depth for the useful life of the BIG-funded facility, under typical conditions.

§ 86.16 What actions are ineligible for BIG funding?

(a) These actions or costs are ineligible for BIG funding:

(1) Law enforcement.

(2) Direct administration and operation of the facility, such as salaries, utilities, and janitorial duties. Janitorial duties may include:

(i) Routine cleaning;

(ii) Trash and litter collection and removal; and

(iii) Restocking paper products.

(3) Developing a State plan to construct, renovate, or maintain boating infrastructure.

(4) Acquiring land or any interest in land.

(5) Constructing, renovating, or maintaining roads or parking lots,

except limited action as described at § 86.11(a)(1).

(6) Constructing, renovating, or maintaining boating infrastructure for:

(i) Shops, stores, food service, other retail businesses, or lodging;

(ii) Facility administration or management, such as a harbormaster's or dockmaster's office; or

(iii) Transportation, storage, or services for boats on dry land, such as dry docks, haul-outs, and boat maintenance and repair shops.

(7) Purchasing or operating service boats to transport boaters to and from mooring areas.

(8) Marketing. Examples of ineligible marketing actions include:

(i) Giveaway items promoting the business or agency;

(ii) General marina or agency newsletters or Web sites promoting the marina or agency;

(iii) Exhibits at trade shows promoting anything other than the BIG-funded facility; and

(iv) Outreach efforts directed at the marina as a business or the agency as a whole and not focused on BIG or the BIG-funded facility.

(9) Constructing, renovating, or maintaining boating infrastructure that does not:

(i) Include design features as described at § 86.13;

(ii) Serve eligible vessels or users; and

(iii) Allow public access as described at § 86.92.

(10) Purchase of supplies and other expendable personal property not directly related to achieving the project objectives.

(b) Other activities may be ineligible for BIG funding if they are inconsistent with the:

(1) Purpose of BIG; or

(2) Applicable Cost Principles at 2 CFR part 200, subpart F.

§ 86.17 Who must own the site of a BIG-funded facility?

(a) You or another entity approved by us must own or have a legal right to operate the site of a BIG-funded facility. If you are not the owner, you must be able to show, before we approve your grant, that your contractual arrangements with the owner of the site will ensure that the owner will use the BIG-funded facility for its authorized purpose for its useful life.

(b) Subgrantees or concessioners may be a local or tribal government, a nonprofit organization, a commercial enterprise, an institution of higher education, or a State agency other than the agency receiving the grant.

(c) Subgrantees that are commercial enterprises are subject to 2 CFR part

200, subparts A through D, for grant administrative requirements.

§ 86.18 How can I ensure that a BIG-funded facility continues to serve its intended purpose for its useful life?

(a) When you design and build your BIG-funded facility, you must consider the features, location, materials, and technology in reference to the geological, geographic, and climatic factors that may have an impact on its useful life.

(b) You must record the Federal interest in real property that includes a BIG-funded capital improvement according to the assurances required in the grant application and guidance from the Regional WSFR Office.

(c) If we direct you to do so, you must require that subgrantees record the Federal interest in real property that includes a BIG-funded capital improvement.

(d) If we do not direct you to act as required by paragraph (c) of this section, you may require subgrantees to record the Federal interest in real property that includes a BIG-funded capital improvement.

(e) You must state in your subaward that subgrantees must not alter the ownership, purpose, or use of the BIG-funded facility as described in the project statement without the approval of you and the WSFR Regional Office.

(f) You may impose other requirements on subgrantees, as allowed by law, to reduce State liability for the BIG-funded facility. Examples are insurance, deed restrictions, and a security interest agreement, which uses subgrantee assets to secure performance under the grant.

§ 86.19 What if a BIG-funded facility would benefit both eligible and ineligible users?

You may assign any share of the costs to the BIG grant only if the BIG-funded facility or a discrete element of the BIG-funded facility benefits only eligible users. If a cost does not exclusively benefit eligible users, you must allocate costs accordingly. A discrete element has a distinct purpose, such as a fuel station, pumpout facility, breakwater, or dock system.

(a) You must clearly show and explain in the project statement:

(1) The anticipated benefits of each project, discrete elements, and major components;

(2) The breakdown of costs, as described at § 86.43(i), including the basis or method you use to allocate costs between eligible and ineligible users; and

(3) Your reasoning in determining how to allocate costs, based on

paragraphs (a) through (e) of this section and any other guidance in the annual NOFO.

(b) After you submit the application, if we do not agree with your cost allocation using paragraph (a) of this section, we will contact you. We may ask you to clarify your information. If we do not agree that the allocation is equitable, we may negotiate an equitable allocation. We must be able to agree that you are appropriately allocating costs between eligible and ineligible users based on the expected use before we consider your application for award.

(c) If a proposed BIG-funded facility, or a discrete element, minor component, or single action of the BIG-funded project, gives a secondary or minimal benefit to all users, we will not require you to allocate costs between eligible and ineligible users for that benefit. Examples of how we will apply this rule are:

(1) The primary purpose is to benefit eligible users directly, with the secondary benefit for both eligible and ineligible users. You must clearly state the exclusive benefit to eligible users in your application. The secondary benefit cannot exclude eligible users from the primary purpose. For example, if you construct a dock system for exclusive use by eligible vessels and a secondary benefit of the dock system is protection of the marina from wave action, you would not have to allocate costs for the secondary benefit. However, the secondary benefit cannot be docking for ineligible vessels because it would exclude eligible users from the primary purpose.

(2) The secondary benefit to ineligible users is not the primary purpose, is minimal, and you do not add special features to accommodate ineligible users. For example, you do not have to allocate costs between user groups for a gangway from the transient dock, designed exclusively for eligible users, even though it is accessible to the general public. However, if you construct the gangway to accommodate the expected ineligible users, then you must allocate costs between user groups.

(3) The expected benefits to both eligible and ineligible users have minimal value. If the component has a value of .0025 percent or less than the maximum available Federal award plus required match, you do not have to allocate costs for that component. We will post the amount of the minimal value each year in the annual NOFO. For example, if the total maximum Federal award and required match for a BIG Tier 2—National project is \$2 million, you do not have to allocate costs between user groups for any

discrete project element, component, or action with a value of \$5,000 or less.

(d) Examples of actions for which you must allocate costs between user groups are the following, unless paragraph (b) of this section applies:

(1) You propose a 200-foot dock for eligible user tie-up spaces that you attach to the shore at a boat launch. It will attract ineligible use as a tie-up for boaters as they enter and exit the water. You must allocate costs between the expected eligible and ineligible use.

(2) You propose a breakwater, fuel station, pumpout station, restroom, dredging, navigational aids, or other multiuse or multipurpose action.

(e) Examples of actions for which you do not need to allocate costs between user groups are:

(1) You propose to construct, renovate, or maintain docks specifically for eligible vessels.

(2) You propose to produce information and educational materials specific to BIG.

(f) You must clearly inform boaters when access by ineligible users is limited or restricted following the guidance at § 86.94.

(g) We may ask you to clarify or change how you allocate costs in your grant application if they do not meet our standards. We may reject costs or applications that do not allocate costs between eligible and ineligible users according to the requirements of this section and the NOFO.

Subpart C—Federal Funds and Match

§ 86.30 What is the source of BIG funds?

(a) BIG receives Federal funding as a percentage of the annual revenues to the Sport Fish Restoration and Boating Trust Fund (Trust Fund) [26 U.S.C. 4161(a), 4162, 9503(c), and 9504].

(b) The Trust Fund receives revenue from sources including:

(1) Excise taxes paid by manufacturers on sportfishing equipment and electric outboard motors;

(2) Fuel taxes attributable to motorboats and nonbusiness use of small-engine power equipment; and

(3) Import duties on fishing tackle, yachts, and pleasure craft.

§ 86.31 How does the Service know how much money will be available for BIG grants each year?

(a) We estimate funds available for BIG grants each year based on the revenue projected for the Trust Fund. We include this estimate when we issue a NOFO at <http://www.grants.gov>.

(b) We calculate the actual amount of funds available for BIG grants based on tax collections, any funds carried over from previous fiscal years, and available unobligated BIG funds.

§ 86.32 What are the match requirements?

(a) The Act requires that you or another non-Federal partner must pay at least 25 percent of eligible and allowable BIG-funded facility costs. We must waive the first \$200,000 of the required match for each grant to the Commonwealth of the Northern Mariana Islands and the territories of American Samoa, Guam, and the U.S. Virgin Islands (48 U.S.C. 1469a).

(b) Match may be cash contributed during the funding period or in-kind contributions of personal property, structures, and services including volunteer labor, contributed during the period of performance.

(c) Match must be:

(1) Necessary and reasonable to achieve project objectives;

(2) An eligible activity or cost;

(3) From a non-Federal source, unless you show that a Federal statute authorizes the specific Federal source for use as match; and

(4) Consistent with 2 CFR 200.29 and 200.306, and any other applicable sections of 2 CFR part 200. This includes any regulations or policies that replace or supplement 2 CFR part 200.

(d) Match must not include:

(1) An interest in land or water;

(2) The value of any structure completed before the beginning of the period of performance, unless the Service approves the activity as a preaward cost;

(3) Costs or in-kind contributions that have been or will be counted as satisfying the cost-sharing or match requirement of another Federal grant, a Federal cooperative agreement, or a Federal contract, unless authorized by Federal statute; or

(4) Any funds received from another Federal source, unless authorized by Federal statute.

§ 86.33 What information must I give on match commitments, and where do I give it?

(a) You must give information on the amount and the source of match for your proposed BIG-funded facility on the standard grant application form at <http://www.grants.gov>.

(b) You must also give information on the match commitment by the State, a subgrantee, or other third party in the project statement under “Match and Other Contributions.”

(c) In giving the information required at paragraph (b) of this section, you must:

(1) State the amount of matching cash;

(2) Describe any matching in-kind contributions;

(3) State the estimated value of any in-kind contributions; and

(4) Explain the basis of the estimated value.

§ 86.34 What if a partner is not willing or able to follow through on a match commitment?

(a) You are responsible for all activity and funding commitments in the grant application. If you discover that a partner is not willing or able to meet a grant commitment, you must notify us that you will either:

(1) Replace the original partner with another partner who will deliver the action or the funds to fulfill the commitment as stated in the grant application; or

(2) Give either cash or an in-kind contribution(s) that at least equals the value and achieves the same objective as the partner's original commitment of cash or in-kind contribution.

(b) If a partner is not willing or able to meet a match commitment and you do not have enough money to complete the BIG-funded facility as proposed, you must follow the requirements at §§ 86.44 and 86.100.

Subpart D—Application for a Grant

§ 86.40 What are the differences between BIG Tier 1—State grants and BIG Tier 2—National grants?

COMPARISON OF BIG TIER 1—STATE AND BIG TIER 2—NATIONAL GRANTS

	BIG Tier 1—State	BIG Tier 2—National
(a) What actions are eligible for funding? (b) What is the amount of Federal funds I can receive in one BIG grant?	Those listed at § 86.11 Each year we make at least \$200,000 available to each State. We may increase the award that States may request annually to an amount above \$200,000 if enough funds are available and it is advantageous to the program mission. We announce each year in the annual NOFO posted at http://www.grants.gov the maximum Federal funds you may request.	Those listed at § 86.11 except § 86.11(a)(7). We may limit funding to a maximum award of \$1.5 million. We may increase the maximum funding you may request if enough funds are available and it is advantageous to the program mission. We announce each year in the annual NOFO posted at http://www.grants.gov the recommended maximum Federal funds you may request.
(c) How many grant applications can I submit each year?	Each State can only request up to the annual funding limit each year. You can do this by sending in one grant application with one project or multiple projects. The Regional WSFR Office may ask a State with multiple projects to prepare a separate grant request for each project, as long as the total of all projects does not exceed the annual funding limit.	No limit.
(d) How does the Service choose grant applications for funding?	We fund a single grant or multiple grants per State up to the maximum annual funding amount for that year.	We score each grant application according to ranking criteria at § 86.51. We recommend applications, based on scores and available funding, to the Director. The Director selects the applications for award.

§ 86.41 How do I apply for a grant?

(a) If you want to apply to be a subgrantee, you must send an application to the State agency that manages BIG following the rules given by your State. We award BIG funds only to States.

(b) The director of your State agency (see § 86.10) or an authorized representative must certify all standard forms submitted in the grant application process in the format that we designate.

(c) States must submit a grant application through <http://www.grants.gov>. The Catalog of Federal Domestic Assistance (CFDA) number for BIG is 15.622.

(d) If your State supports Executive Order 12372, Intergovernmental Review of Federal Programs, you must send copies of all standard forms and supporting information to the State Clearinghouse or Single Point of Contact identified at http://www.whitehouse.gov/omb/grants_spoc/ before sending it through <http://www.grants.gov>.

§ 86.42 What do I have to include in a grant application?

(a) When you submit a BIG grant application, you must include standard forms, a BIG project statement as described at § 86.43, documents, maps, images, and other information asked for in the annual NOFO at <http://www.grants.gov>, CFDA 15.622, in the format we ask for.

(b) You must include supporting documentation explaining how the proposed work complies with

applicable laws and regulations. You must also state the permits, evaluations, and reviews you need to complete the project. After we approve your project, you will follow guidance at § 86.61 to complete requirements that will become part of your application.

(c) After we review your application, any responses to our requests to give more information or to clarify information become part of the application.

(d) Misrepresentations of the information you give in an application may be a reason for us to:

- (1) Reject your application; or
- (2) Terminate your grant and require repayment of Federal funds awarded.

§ 86.43 What information must I put in the project statement?

You must put the following information in the project statement:

(a) *Need.* Explain why the project is necessary and how it fulfills the purpose of BIG. To demonstrate the need for the project you must:

(1) For construction projects, describe existing facilities available for eligible vessels near the proposed project. Support your description by including images that show existing structures and facilities, the proposed BIG-funded facility, and relevant details, such as the number of transient slips and the amenities for eligible users.

(2) Describe how the proposed project fills a need or offers a benefit not offered by the existing facilities identified at paragraph (a)(1) of this section.

(3) Give information to support the number of transient boats expected to use the area of the proposed project and show that the existing facilities identified at paragraph (a)(1) of this section are not enough to support them.

(b) *Purpose.* State the desired outcome of the project in general or abstract terms, but in such a way that we can review the information and apply it to the competitive review. Base the purpose on the need as described in paragraph (a) of this section.

(c) *Objectives.* Identify specific, measurable, attainable, relevant, and time-bound (SMART) outputs related to the need you are addressing.

(d) *Results or benefits expected.* (1) Describe each capital improvement, service, or other product that will result from the project, and its purpose.

(2) Describe how the structures, services, or other products will:

- (i) Achieve the need described at paragraph (a) of this section; and
- (ii) Benefit eligible users.

(e) *Approach.* (1) Describe the methods to be used to achieve the objectives. Show that you will use sound design and proper procedures. Include enough information on the status of needed permits, land use approvals, and other compliance requirements for us to make a preliminary assessment.

(2) Give the name, contact information, qualifications, and role of each known concessioner or subgrantee.

(3) Explain how you will exercise control to ensure the BIG-funded facility continues to achieve its authorized

purpose during the useful life of the BIG-funded project.

(f) *Useful life.* Estimate the useful life in years of each capital improvement for the proposed project. 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. You will finalize useful life during the approval process. See §§ 86.73 and 86.74.

(g) *Geographic location.* (1) State the location using Global Positioning System (GPS) coordinates in the format we ask for in the annual NOFO.

(2) State the local jurisdiction (county, city, town, or equivalent), street address, and water body associated with the project.

(3) Include maps in your application, such as:

(i) A small State map that shows the general location of the project;

(ii) A local map that shows the facility location and the nearest community, public road, and navigable water body; and

(iii) Maps or images that show proximity to significant destinations, services that support eligible users, terrain considerations, access, or other information applicable to your project.

(iv) Any other map that supports the information in the project statement.

(h) *Project officer.* If the Federal Aid Coordinator for the State agency will be the project officer, enter the term *State Federal Aid Coordinator* under this heading. If the State Federal Aid Coordinator will not be the project officer, give the name, title, work address, work email, and work telephone number of the contact person. The project officer identified should have a detailed knowledge of the project. State whether the project officer has the authority to sign requests for prior approval, project reports, and other communications committing the grantee to a course of action.

(i) *Budget narrative.* Provide costs and other information sufficient to show that the project will result in benefits that justify the costs. You must use reasonably available resources to develop accurate cost estimates for your project to insure the successful completion of your BIG-funded facility. You should discuss factors that would influence project costs as described at § 86.53(d). Costs must be necessary and reasonable to achieve the project objectives.

(1) You must state how you will allocate costs between eligible and ineligible users following the requirements at § 86.19 and explain the method used to allocate costs equitably

between anticipated benefits for eligible and ineligible users.

(2) State sources of cash and in-kind values you include in the project budget.

(3) Describe any item that has cost limits or requires our approval and estimate its cost or value. Examples are dredging and preaward costs.

(j) *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 §§ 86.32 and 86.33 for required information.

(k) *Fees and program income, if applicable.* (1) See § 86.90 for the information that you must include on the estimated fees that an operator will charge during the useful life of the BIG-funded facility.

(2) See §§ 86.77 and 86.78 for an explanation of how you may use program income. If you decide that your project is likely to generate program income during the period of performance, you must:

(i) Estimate the amount of program income that the project is likely to generate; and

(ii) Indicate how you will apply program income to Federal and non-Federal outlays.

(l) *Relationship with other grants.* Describe the relationship between the BIG-funded facility and other relevant work funded by Federal and non-Federal grants that is planned, expected, or in progress.

(m) *Timeline.* Describe significant milestones in completing the project and any accomplishments to date.

(n) *General.* (1) If you seek a waiver based on § 86.13(b), you must include the request and supporting information in the grant application following the instructions in the annual NOFO.

(2) Include any other description or document we ask for in the annual NOFO or that you need to support your proposed project.

(o) *Ranking criteria.* In BIG Tier 2—National applications, you must respond to each of the questions found in the ranking criteria at § 86.51. We also publish the questions for these criteria in the annual NOFO at <http://www.grants.gov>.

(1) In addressing the ranking criteria, refer to the information at §§ 86.52 through 86.60 and any added information we ask for in the annual NOFO.

(2) You may give information relevant to the ranking criteria as part of the project statement. If you take this approach, you must reference the

criterion and give supporting information to reflect the guidance at §§ 86.52 through 86.60.

§ 86.44 What if I need more than the maximum Federal share and required match to complete my BIG-funded project?

(a) If you plan a BIG project that you cannot complete with the recommended maximum Federal award and the required match, you may:

(1) Find other sources of non-Federal funds to complete the project;

(2) Divide your larger project into smaller, distinct, stand-alone projects and apply for more than one BIG grant, either in the same year or in different years. One project cannot depend on the anticipated completion of another; or

(3) Combine your BIG Tier 1—State and BIG Tier 2—National funding to complete a project at a single location.

(b) If you are awarded a grant and find you cannot complete a BIG project with the Federal funds and required match, you may:

(1) Find other sources of non-Federal funds to complete the project.

(2) Consider if BIG Tier 1—State funds are available to help complete the project. This is not a guaranteed option.

(3) Ask for approval to revise the grant by following the requirements at subpart H of this part.

(c) For BIG Tier 2—National grants, we review and rank each application individually, and each must compete with other applications for the same award year.

(d) If you receive a BIG grant for one of your applications, we do not give preference to other applications you submit.

(e) If you do not complete your project, we may take one or more of the remedies for noncompliance found at 2 CFR 200.338, and any other regulations that apply.

§ 86.45 If the Service does not select my grant application for funding, can I apply for the same project the following year?

Yes. If we do not select your BIG grant application for funding, you can apply for the same project the following year or in later years.

§ 86.46 What changes can I make in a grant application after I submit it?

(a) After you submit your grant application, you can add or change information up to the date and time that the applications are due.

(b) After the application due date and before we announce selected projects, you can add or change information in your application only if it does not affect the scope of the project, would not affect the score of the application,

and is not a correction (see paragraph (c) of this section).

(1) During this period we may ask you to change the useful life following the requirements at § 86.74 or allocation of costs between users of the BIG project following the requirements at § 86.19.

(2) If your application proposes using BIG funds for an action we identify as ineligible, we will decide on a case-by-case basis whether we will allow you to change your application to remove identified ineligible costs and if we will consider your application for funding.

(c) You must inform us of any incorrect information in an application as soon as you discover it, either before or after receiving an award.

(d) We may ask you at any point in the application process to:

(1) Clarify, correct, explain, or supplement data and information in the application;

(2) Justify the eligibility of a proposed action; or

(3) Justify the allowability of proposed costs or in-kind contributions.

(e) If you do not respond fully to our questions at paragraph (d) of this section

in the time allotted, we may decide not to consider your application for funding.

(f) If your application is competitive, but funding is limited and we cannot fully fund your project, we may tell you the amount of available funds and ask you if you wish to accept the reduced funding amount. We will decide on a case-by-case basis if we will consider changes to the scope of your project based on the reduced funding. Any changes to the scope of a project must not result in reducing the number of points enough to lower your project's ranking position. If you choose to accept the reduced amount, you must amend your application to reflect all changes, including the difference in Federal and non-Federal funding.

Subpart E—Project Selection

§ 86.50 Who ranks BIG Tier 2—National grant applications?

We assemble a panel of our professional staff to review, rank, and recommend grant applications for funding to the Director. This panel may

include representatives of our Regional Offices, with Headquarters staff overseeing the review, ranking, and recommendation process. Following the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix), the Director may invite nongovernmental organizations and other non-Federal entities to take part in an advisory panel to make recommendations to the Director.

§ 86.51 What criteria does the Service use to evaluate BIG Tier 2—National applications?

Our panel of professional staff and any invited participants evaluate BIG Tier 2—National applications using the ranking criteria in the following table and assign points within the range for each criterion. We may give added information to guide applicants regarding these criteria in the annual NOFO on <http://www.grants.gov>. This may include the minimum total points that your application must receive in order to qualify for award.

Ranking criteria	Points
(a) Need, Access, and Cost Efficiency	20 total possible points.
(1) Will the proposed boating infrastructure meet a need for more or improved facilities?	0–10.
(2) Will eligible users receive benefits from the proposed boating infrastructure that justify the cost of the project?	0–7.
(3) Will the proposed boating infrastructure accommodate boater access to significant destinations and services that support transient boater travel?	0–3.
(b) Match and Partnerships	10 total possible points.
(1) Will the proposed project include private, local, or State funds greater than the required minimum match?	0–7.
(2) Will the proposed project include contributions by private or public partners that contribute to the project objectives?	0–3.
(c) Innovation	6 total possible points.
(1) Will the proposed project include physical components, technology, or techniques that improve eligible-user access?	0–3.
(2) Will the proposed project include innovative physical components, technology, or techniques that improve the BIG-funded project?	0–2.
(3) Has the facility where the project is located demonstrated a commitment to environmental compliance, sustainability, and stewardship and has an agency or organization officially recognized the facility for its commitment?	0–1.
(d) Total possible points	36.

§ 86.52 What does the Service consider when evaluating a project on the need for more or improved boating infrastructure?

In evaluating a proposed project under the criterion at §§ 86.51(a)(1) on the need for more or improved boating infrastructure facilities, we consider whether the project will:

(a) Construct new boating infrastructure in an area that lacks it, but where eligible vessels now travel or would travel if the project were completed;

(b) Renovate a facility to:

- (1) Improve its physical condition;
- (2) Follow local building codes;

(3) Improve generally accepted safety standards; or

(4) Adapt it to a new purpose for which there is a demonstrated need;

(c) Create accessibility for eligible vessels by reducing wave action, increasing depth, or making other physical improvements;

(d) Expand an existing marina or mooring site that is unable to accommodate current or projected demand by eligible vessels; or

(e) Make other improvements to accommodate an established eligible need.

§ 86.53 What factors does the Service consider for benefits to eligible users that justify the cost?

(a) We consider these factors in evaluating a proposed project under the criterion at § 86.51(a)(2) on whether benefits to eligible users justify the cost:

- (1) Total cost of the project;
- (2) Total benefits available to eligible users upon completion of the project; and

(3) Reliability of the data and information used to decide benefits relative to costs.

(b) You must support the benefits available to eligible users by clearly

describing them in the project statement and explaining how they relate to *Need* at § 86.43(a).

(c) We will consider the cost relevant to all benefits to eligible users that are adequately supported in the application. We may consider the availability of preexisting structures and amenities, but only in the context of the need identified at § 86.43(a).

(d) Describe in your application any factors that would influence project costs, such as:

(1) The need for specialized materials to meet local codes, address weather or terrain, or extend useful life;

(2) Increased transportation costs due to location; or

(3) Other factors that may increase costs, but whose actions support needed benefits.

(e) Describe any costs that are associated with providing a harbor of safe refuge.

§ 86.54 What does the Service consider when evaluating a project on boater access to significant destinations and services that support transient boater travel?

In evaluating a proposed project under the criterion on boater access at § 86.51(a)(3), we consider:

(a) The degree of access that the BIG-funded facility will give;

(b) The activity, event, or landmark that makes the BIG-funded facility a destination, how well known the attraction is, how long it is available, and how likely it is to attract boaters to the facility; and

(c) The availability of services and safety near the BIG-funded facility, how easily boaters can access them, and how well they serve the needs of eligible users.

§ 86.55 What does the Service consider as a partner for the purposes of these ranking criteria?

(a) The following may qualify as partners for purposes of the ranking criteria:

(1) A non-Federal entity, including a subgrantee.

(2) A Federal agency other than the Service.

(b) The partner must commit to a financial contribution or an in-kind contribution, or to take a voluntary action during the period of performance.

(c) In-kind contributions or actions must be necessary and contribute directly and substantively to the completion of the project. You must explain in the grant application how they are necessary and contribute to completing the project.

(d) A governmental entity may be a partner unless its contribution to completing the project is a mandatory

duty of the agency, such as reviewing a permit application. A voluntary action by a government agency or employee is a partnership.

§ 86.56 What does the Service consider when evaluating a project that includes more than the minimum match?

(a) When we evaluate a project under the criterion for match at § 86.51(b)(1), we consider how much cash the applicant and partners commit above the required minimum match of 25 percent of project costs.

(b) The contribution may be from a State, a single source, or any combination of sources.

(c) We will award points as follows:

Percent cash match	Points
26–30	1
31–35	2
36–40	3
41–45	4
46–50	5
51–80	6
81 or higher	7

(d) We must waive the first \$200,000 in match for the entities described at § 86.32(a). We will determine the required match by subtracting the waived amount from the required 25 percent match and award points using the table at paragraph (c) of this section.

§ 86.57 What does the Service consider when evaluating contributions that a partner brings to a project?

(a) We consider these factors for partner contributions in evaluating a proposed project under the criterion at § 86.51(b)(2):

(1) The significance of the contribution to the success of the project;

(2) How the contribution supports the actions proposed in the project statement;

(3) How the partner demonstrates its commitment to the contribution; and

(4) The ability of the partner to fulfill its commitment.

(b) We may consider the combined contributions of several partners, according to the factors at paragraph (a) of this section.

(c) To receive consideration for this criterion, you must show in your application how a partner, or group of partners, significantly supports the project by addressing the factors in paragraph (a) of this section.

(d) You may describe partner contributions in the project statement.

(e) Under this criterion, partner contributions need not exceed the 25 percent required match.

§ 86.58 What does the Service consider when evaluating a project for a physical component, technology, or technique that will improve eligible user access?

(a) In evaluating a proposed project under the criterion at § 85.51(c)(1), we consider whether the project will increase the availability of the BIG-funded facility for eligible users or improve eligible boater access to the facility by:

(1) Using a new technology or technique; or

(2) Applying a new use of an existing technology or technique.

(b) We will not award points for following access standards set by law.

(c) We will consider if you choose to complete the project using an optional or advanced technology or technique that will improve access, or if you go beyond the minimum requirements.

(d) To receive consideration for this criterion, you must describe in the grant application the current standard and how you will exceed the standard.

§ 86.59 What does the Service consider when evaluating a project for innovative physical components, technology, or techniques that improve the BIG project?

(a) In evaluating a proposed project under the criterion at § 86.51(c)(2), we consider if the project will include physical components, technology, or techniques that are:

(1) Newly available; or

(2) Repurposed in a unique way.

(b) Examples of the type of innovations we will consider are components, technology, or techniques that:

(1) Extend the useful life of the BIG-funded project;

(2) Are designed to allow the operator to save costs, decrease maintenance, or improve operation;

(3) Are designed to improve BIG-eligible services or amenities;

(4) Reduce the carbon footprint of the BIG-funded facility. *Carbon footprint* means the impact of the total set of greenhouse gas emissions;

(5) Are used during construction specifically to reduce negative environmental impacts, beyond compliance requirements; or

(6) Improve facility resilience.

§ 86.60 What does the Service consider when evaluating a project for demonstrating a commitment to environmental compliance, sustainability, and stewardship?

(a) In evaluating a project under the criterion at § 86.51(c)(3), we consider if the application documents that the facility where the BIG-funded project is located has received official recognition for its voluntary commitment to

environmental compliance, sustainability, and stewardship by exceeding regulatory requirements.

(b) The official recognition must be part of a voluntary, established program administered by a Federal or State agency, local governmental agency, Sea Grant or equivalent entity, or a State or Regional marina organization.

(c) The established program must require the facility to use management and operational techniques and practices that will ensure it continues to meet the high standards of the program and must contain a component that requires periodic review.

(d) The facility must have met the criteria required by the established program and received official recognition by the due date of the application.

§ 86.61 What happens after the Director approves projects for funding?

(a) After the Director approves projects for funding, we notify successful applicants of the:

- (1) Amount of the grant;
- (2) Documents or clarifications required, including those required for compliance with applicable laws and regulations;
- (3) Approvals needed and format for processing approvals; and
- (4) Time constraints.

(b) After we receive the required forms and documents, we approve the project and the terms of the grant and obligate the grant in the Federal financial management system.

(c) BIG funds are available for Federal obligation for 3 Federal fiscal years, starting October 1 of the fiscal year that funds become available for award. We do not make a Federal obligation until you meet the grant requirements. Funds not obligated within 3 fiscal years are no longer available.

Subpart F—Grant Administration

§ 86.70 What standards must I follow when constructing a BIG-funded facility?

(a) You must design and build a BIG-funded facility so that each structure meets Federal, State, and local standards.

(b) A Region or a State may require you to have plans reviewed by a subject-matter expert if there are questions as to the safety, structural stability, durability, or other construction concerns for projects that will cost more than \$100,000.

§ 86.71 How much time do I have to complete the work funded by a BIG grant?

(a) We must obligate a grant within 3 Federal fiscal years of the beginning of the Federal fiscal award year.

(b) We will work with you to set a start date within the 3-year period of obligation. We assign a period of performance that is no longer than 3 years from the grant start date.

(c) You must complete your project within the period of performance unless you ask for and receive a grant extension.

§ 86.72 What if I cannot complete the project during the period of performance?

(a) If you cannot complete the project during the 3-year period of performance, you may ask us for an extension. Your request must be in writing, and we must receive it before the end of the original period of performance.

(b) An extension is considered a revision of a grant and must follow guidance at § 86.101.

(c) We will approve an extension up to 2 years if your request:

- (1) Describes in detail the work you have completed and the work that you plan to complete during the extension;
- (2) Explains the reasons for delay;
- (3) Includes a report on the status of the project budget; and
- (4) Includes assurance that you have met or will meet all other terms and conditions of the grant.

(d) If you cannot complete the project during the extension period, you may ask us for a second extension. Your request must be in writing, and we must receive it before the end of the first extension. Your request for a second extension must include all of the information required at paragraph (b) of this section and, it must show that:

- (1) The extension is justified;
- (2) The delay in completion is not due to inaction, poor planning, or mismanagement; and
- (3) You will achieve the project objectives by the end of the second extension.

(e) We require that the Regional Director and the Service's Assistant Director for the Wildlife and Sport Fish Restoration Program approve requests to extend a project beyond 5 years of the grant start date.

§ 86.73 How long must I operate and maintain a BIG-funded facility, and who is responsible for the cost of facility operation and maintenance?

(a) You must operate and maintain a BIG-funded facility for its authorized purpose for its useful life. See §§ 86.3, 86.43(f), and 86.74.

(b) Catastrophic events may shorten the useful life of a BIG-funded facility. If it is not feasible or is cost-prohibitive to repair or replace the BIG-funded facility, you may ask to revise the grant to reduce the useful-life obligation.

(c) You are responsible for the costs of the operation and maintenance of the BIG-funded facility for its useful life, except as allowed at § 86.14(b).

§ 86.74 How do I determine the useful life of a BIG-funded facility?

You must determine the useful life of your BIG-funded project using the following:

(a) You must give an informed estimate of the useful life of the BIG-funded project in your grant application, including the information in Steps 1, 2, and 3, in paragraphs (a)(1) through (3) of this section, as applicable.

(1) *Step 1.* Identify all capital improvements that are proposed in your project. We may reject your application if you do not include an estimate for useful life.

(i) Use the definition of *capital improvement* at § 86.3.

(ii) The capital improvement must be a structure or system that serves an identified purpose.

(iii) Consider the function of the components in your application and group those with a similar purpose together as structures or systems.

(iv) All auxiliary components of your project (those that are not directly part of the structure or system) must be identified as necessary for the continued use of an identified capital improvement. For example, a gangway is not part of the dock system, but is necessary for access to and from the dock system, so it could be included in the useful life of the dock system.

(v) Attach an auxiliary component as identified at paragraph (a)(1)(iv) of this section to only one capital improvement. If it supports more than one, choose the one with the longest useful life.

(vi) Examples of structures or systems that could potentially make up a single capital improvement are a: Rest room/shower building; dock system; breakwater; seawall; basin, as altered by dredging; or fuel station.

(2) *Step 2.* Estimate the useful life of each capital improvement identified in Step 1 in paragraph (a)(1) of this section.

(i) State how you determine the useful life estimate.

(ii) Identify factors that may influence the useful life of the identified capital improvement, such as: Marine environment, wave action, weather conditions, and heavy usage.

(iii) Examples of sources to obtain estimates for useful life information when developing your application are: Vendors, engineers, contractors, or others with expertise or experience with a capital improvement.

(3) *Step 3.* If you are asking us to consider additional points for a physical

component, technology, or technique under the criterion at § 86.51(c) that will increase the useful life, you must describe in your application:

- (i) The capital improvement or component that you will apply the criterion at § 86.51(c) to;
- (ii) The expected increase in useful life;
- (iii) The sources of information that support your determination of an extended useful life; and
- (iv) A description of how you expect the useful life will be increased.

(b) After you submit your application, but before we award your grant, you must:

- (1) Confirm the useful life for each capital improvement using a generally accepted method.
- (2) Provide any additional documents or information, if we request it.
- (3) Consult and obtain agreement for your final useful life determinations at the State or Regional level, or both.
- (4) Revise your application, as needed, to include the final useful life determination(s).

(c) If we find before we award the grant that you are unable to support your determination of an extended useful life at § 86.51(c), we will reduce your score and adjust the ranking of applications accordingly.

(d) You must finalize useful life in your grant by one of the following methods:

- (i) State several useful-life expectations, one for each individual capital improvement you identified at paragraph (a)(1) of this section; or
- (ii) State a single useful life for the whole project, based on the longest useful life of the capital improvements you identified at paragraph (a)(1) of this section.

(e) States may decide to use only one of the methods described at paragraph (d) of this section for all BIG-funded projects in their State.

§ 86.75 How should I credit BIG?

(a) You must use the Sport Fish Restoration logo to show the source of BIG funding:



(b) Examples of language you may use to credit BIG are:

(1) A Sport Fish Restoration–Boating Infrastructure Grant funded this facility thanks to your purchase of fishing equipment and motorboat fuel.

(2) A Sport Fish Restoration–Boating Infrastructure Grant is funding this construction thanks to your purchase of fishing equipment and motorboat fuel.

(3) A Sport Fish Restoration–Boating Infrastructure Grant funded this pamphlet thanks to your purchase of fishing equipment and motorboat fuel.

(c) States may ask for approval of alternative language to follow ordinances and restrictions for posting information where the project is located.

§ 86.76 How can I use the logo for BIG?

(a) You must use the Sport Fish Restoration logo on:

- (1) BIG-funded facilities;
- (2) Printed or Web-based material or other visual representations of BIG projects or achievements; and
- (3) BIG-funded or BIG-related educational and informational material.

(b) You must require a subgrantee to display the logo in the places and on materials described at paragraph (a) of this section.

(c) Businesses that contribute to or receive from the Trust Fund that we describe at § 86.30 may display the logo in conjunction with its associated products or projects.

(d) The Assistant Director or Regional Director may authorize other persons, organizations, agencies, or governments not identified in this section to use the logo for purposes related to BIG by entering into a written agreement with the user. The user must state how it intends to use the logo, to what it will attach the logo, and the relationship to BIG.

(e) The Service and the Department of the Interior make no representation or endorsement whatsoever by the display of the logo as to the quality, utility, suitability, or safety of any product, service, or project associated with the logo.

(f) The user of the logo must indemnify and defend the United States and hold it harmless from any claims, suits, losses, and damages from:

(1) Any allegedly unauthorized use of any patent, process, idea, method, or device by the user in connection with its use of the logo, or any other alleged action of the user; and

(2) Any claims, suits, losses, and damages arising from alleged defects in the articles or services associated with the logo.

(g) No one may use any part of the logo in any other manner unless the Service's Assistant Director for Wildlife and Sport Fish Restoration or Regional

Director authorizes it. Unauthorized use of the logo is a violation of 18 U.S.C. 701 and subjects the violator to possible fines and imprisonment.

§ 86.77 How must I treat program income?

(a) You must follow the applicable program income requirements at 2 CFR 200.80 and 200.307 if you earn program income during the period of performance.

(b) We authorize the following options in the regulations cited at paragraph (a) of this section:

(1) You may deduct the costs of generating program income from the gross income if you did not charge these costs to the grant. An example of costs that may qualify for deduction is maintenance of the BIG-funded facility that generated the program income.

(2) Use the addition alternative for program income only if:

(i) You describe the source and amount of program income in the project statement according to § 86.43(k)(2); and

(ii) We approve your proposed use of the program income, which must be for one or more of the actions eligible for funding at § 86.11.

(3) Use the deduction alternative for program income that does not qualify under paragraph (b)(2) of this section.

(c) We do not authorize the cost-sharing or matching alternative in the regulations cited at paragraph (a) of this section.

(d) For BIG Tier 1-State grants with multiple projects that you may complete at different times, we recommend that States seek our advice on how to apply for and manage grants to reduce unintended program income.

(e) If your project is completed before the end of the period of performance, we recommend you notify us and ask for advice on how to adjust the period of performance to manage potential program income.

§ 86.78 How must I treat income earned after the period of performance?

You are not accountable to us for income earned by you or a subgrantee after the period of performance as a result of the grant except as required at §§ 86.90 and 86.91.

Subpart G—Facility Operations and Maintenance

§ 86.90 How much must an operator of a BIG-funded facility charge for using the facility?

(a) An operator of a BIG-funded facility must charge reasonable fees for using the facility based on prevailing rates at other publicly and privately owned local facilities similarly situated

and offering a similar service or amenity.

(b) If other publicly and privately owned local facilities offer BIG-funded services or amenities free of charge, then a fee is not required.

(c) If the BIG-funded facility has a State or locally imposed fee structure, we will accept the mandated fee structure if it is reasonable and does not impose an undue burden on eligible users.

(d) You must state proposed fees and the basis for the fees in your grant application. The information you give may be in any format that clearly shows how you arrived at an equitable amount.

§ 86.91 May an operator of a BIG-funded facility increase or decrease user fees during its useful life?

(a) An operator of a BIG-funded facility may increase or decrease user fees during its useful life without our prior approval if they are consistent with prevailing market rates. The grantee may impose separate restrictions on an operator or subgrantee.

(b) If the grantee or we discover that fees charged by the operator of a BIG-funded facility do not follow § 86.90 and the facility unfairly competes with other marinas or makes excessive profits, the grantee must notify the operator in writing. The operator must respond to the notice in writing, and either justify or correct the fee schedule. If the operator justifies the fee schedule, the grantee and we must allow reasonable business decisions and only call for a change in the fee schedule if the operator is unable to show that the increase or decrease is reasonable.

§ 86.92 Must an operator of a BIG-funded facility allow public access?

(a) *Public access* in this part means access by eligible users, for eligible activities, or by other users for other activities that either support the purpose of the BIG-funded project or do not interfere with the purpose of the BIG-funded project. An operator of a BIG-funded facility must not allow activities that interfere with the purpose of the project.

(b) An operator of a BIG-funded facility must allow public access to any part of the BIG-funded facility during its useful life, except as described at paragraphs (e) and (f) of this section.

(c) An operator of a BIG-funded facility must allow reasonable public access to other parts of the facility that would normally be open to the public and must not limit access in any way that discriminates against any member of the public.

(d) The site of a BIG-funded facility must be:

(1) Accessible to the public; and

(2) Open for reasonable periods.

(e) An operator may temporarily limit public access to all or part of the BIG-funded facility due to an emergency, repairs, construction, or as a safety precaution. (f) An operator may limit public access when seasonally closed for business.

§ 86.93 May I prohibit overnight use by eligible vessels at a BIG-funded facility?

You may prohibit overnight use at a BIG-funded facility if you state in the approved grant application that the facility is only for day use. If after we award the grant you wish to change to day use only, you must follow the requirements at subpart H of this part.

§ 86.94 Must I give information to eligible users and the public about BIG-funded facilities?

(a) You must give clear information using signs or other methods at BIG-funded facilities that:

(1) Direct eligible users to the BIG-funded facility;

(2) Include restrictions and operating periods or direct boaters where to find the information; and

(3) Restrict ineligible use at any part of the BIG-funded facility designated only for eligible use.

(i) You do not need to notify facility users of any restrictions for shared-use areas and amenities that you have already decided have predictable mixed use and you have allocated following § 86.19.

(ii) You must notify facility users of benefits that you decide are only for eligible users, such as boat slips and moorage.

(b) You may use new technology and methods of communication to inform boaters.

Subpart H—Revisions and Appeals

§ 86.100 Can I change the information in a grant application after I receive a grant?

(a) To change information in a grant application after you receive a grant, you must propose a revision of the grant and we must approve it.

(b) We may approve a revision if:

(1) For BIG Tier 1—State and BIG Tier 2—National awards, the revision:

(i) Would not significantly decrease the benefits of the project; and

(ii) Would not increase Federal funds.

(2) For BIG Tier 2—National awards, the revision:

(i) Involves process, materials, logistics, or other items that have no significant effect on the factors used to decide the score; and

(ii) Keeps an equal or greater percentage of the non-Federal matching share of the total BIG project costs.

(c) We may approve a decrease in the Federal funds requested in the application subject to paragraph (b) of this section.

(d) The Regional WSFR Office must follow its own procedures for review and approval of any changes to a BIG Tier 1—State grant.

(e) The Regional WSFR Office must receive approval from the WSFR Headquarters Office for any changes to a BIG Tier 2—National grant that involves cost or affects project benefits.

§ 86.101 How do I ask for a revision of a grant?

(a) You must ask for a revision of a grant by sending us the following documents:

(1) The standard form used to apply for Federal assistance, which is available at <http://www.grants.gov>. You must use this form to update or ask for a change in the information that you included in the approved grant application. The authorized representative of your agency must certify this form.

(2) A statement attached to the standard form at paragraph (a)(1) of this section that explains:

(i) The proposed changes and how the revision would affect the information that you submitted with the original grant application; and

(ii) Why the revision is necessary.

(b) You must send any revision of the scope to your State Clearinghouse or Single Point of Contact if your State supports this process under Executive Order 12372, Intergovernmental Review of Federal Programs.

§ 86.102 Can I appeal a decision?

You can appeal the Director's, Assistant Director's, or Regional Director's decision on any matter subject to this part according to 2 CFR 200.341.

(a) You must send the appeal to the Director within 30 calendar days of the date that the Director, Assistant Director, or Regional Director mails or otherwise informs you of a decision.

(b) You may appeal the Director's decision under paragraph (a) of this section to the Secretary of the Interior within 30 calendar days of the date that the Director mailed the decision. An appeal to the Secretary must follow procedures at 43 CFR part 4, subpart G, "Special Rules Applicable to Other Appeals and Hearings."

§ 86.103 Can the Director authorize an exception to this part?

The Director can authorize an exception to any requirement of this part that is not explicitly required by

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law if it does not conflict with other laws or regulations or the policies of the Department of the Interior or the Office of Management and Budget (OMB).

Subpart I—Information Collection**§ 86.110 What are the information-collection requirements of this part?**

OMB has reviewed and approved the U.S. Fish and Wildlife information

collection requirements (project narratives, reports, and amendments) in this part and assigned OMB Control No. 1018–0109. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. You may send comments on any aspect of the information collection requirements to

the Service Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

Dated: April 21, 2015.

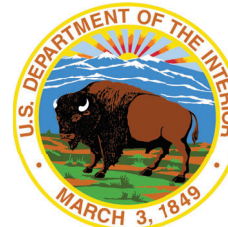
Michael Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2015–09961 Filed 5–5–15; 8:45 am]

BILLING CODE 4310–55–P

NOTICE OF AWARD



AUTHORIZATION (Legislation/Regulations)

Dingell-Johnson Sport Fish Restoration Act—Sport Fish Restoration (16 U.S.C. §777 et seq., except §§777e-1 and q-1)

ALL AMOUNTS ARE SHOWN IN USD

REMARKS (Other Terms and Conditions Attached -
No Program Income is anticipated under this award.

☒ Yes ☐ No)

GRANTS MANAGEMENT OFFICIAL:

PAUL WILKES, WSFR Regional Manager
1875 Century Blvd
Atlanta, GA, 30345
Phone: 404-679-4154

17. VENDOR CODE 0070105970			18a. UEI J1QQFNP52814		18b. DUNS 838103893		19. CONG. DIST. 02	
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION		
1	0054011345-00010	\$381,035.00	10/01/2025	09/30/2027	8151	BA - 9521		

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SCOPE OF WORK**1. Project Description**

The Service hereby incorporates the recipient's application submitted to and approved by the Service into these award terms and conditions. This award supports the re-construction with improvements of the public access boat ramp within Florida's Townsen Park and on the Withlacoochee River. Actions include replacement of the existing gravel boat ramp with an all-season, 16-ft. wide single lance concrete ramp including a staging lane; construction of a new ADA-compliant gangway and floating mooring system; and construction of a new ADA-accessible sidewalk route from parking area to the waterfront.

SPECIAL TERMS AND REQUIREMENTS**1. Environmental Compliance Reviews**

As a condition of award, the Recipient and their sub-recipient(s) and contractor(s) must not begin any potentially impactful work related to this award until the Service has notified you in writing that such work can begin. Recipients and sub-recipients of Federal grants and cooperative agreement awards must comply with the requirements of the National Environmental Policy Act (NEPA), Section 7 of Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA).

AWARD CONDITIONS**1. Office of Conservation Investment Wildlife Restoration / Sport Fish Restoration Match**

The federal share of the total project costs cannot exceed 75%. The Grant Recipient is eligible to request Federal obligated funds up to but not in excess of an amount equal to 75% of the total project expenditures. See also 2 CFR §200.306.

2. Office of Conservation Investment TRACS Grant Entry

The recipient is responsible for entering grant and project statement information for this award into the Service's electronic performance reporting system – TRACS (<https://tracs.fws.gov>). This information must be entered in TRACS within 60 calendar days of the latter: (a) period of performance start date; or (b) the date the award was approved. The grant and project statement information entered in TRACS must be consistent with the approved Project Statement (narrative) in GrantSolutions. If you need assistance, please contact the Office of Conservation Investment Federal Project Officer identified in this Notice of Award.

PAYMENTS**1. Domestic Recipients Enrolled in Treasury's ASAP System**

The recipient will request payments under this award in the [U.S. Treasury's Automated Standard Application for Payment \(ASAP\)](#) system. When requesting payment in ASAP, your Payment Requestor will be required to enter an Account ID. The number assigned to this award is the partial Account ID in ASAP. When entering the Account ID in ASAP, the Payment Requestor should enter the award number identified in the notice of award, followed by a percent sign (%). Refer to the ASAP.gov Help menu for detailed instructions on requesting payments in ASAP.

REPORT

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1. Office of Conservation Investment TRACS Reporting

The recipient is responsible for entering interim (if required) and final performance report information for this award into the Service's electronic performance reporting system – TRACS (<https://tracs.fws.gov>) and attaching those reports from TRACS into GrantSolutions by the report due date(s) as specified in GrantSolutions. Performance information entered in TRACS must provide quantitative outputs to the approved Standard Objectives and narrative responses to the following questions. If the award includes multiple project statements, the recipient must answer these questions for each project statement. If you need assistance, please contact the Office of Conservation Investment Federal Project Officer identified in this Notice of Award.

1. What progress has been made towards completing the objective(s) of the project?
2. Please describe and justify any changes in the implementation of your objective(s) or approach(es).
3. If applicable, please share if the project resulted in any unexpected benefits, promising practices, new understandings, cost efficiencies, management recommendations, or lessons learned.
4. For survey projects only: If applicable, does this project continue work from a previous award? If so, how do the current results compare to prior results? (Recipients may elect to add attachments such as tables, figures, or graphs to provide further detail when answering this question).
5. If applicable, identify and attach selected publications, photographs, screenshots of websites, or other documentation (including articles in popular literature, scientific literature, or other public information products) that have resulted from this project that highlight the accomplishments of the project.
6. Is this a project that you wish to highlight for communication purposes?
7. For CMS State fish and wildlife agencies only: If the grant is a CMS, has the agency submitted an update report every 3 years detailing the CMS components: (a) inventory and scanning; (b) strategic plan; (c) operational plan; and (d) evaluation and control have been reviewed and summaries included which provide detailed review results and recommendations?

2. Office of Conservation Investment TRACS Real Property/Facility

The recipient is responsible for entering required information into the TRACS (<https://tracs.fws.gov>) inventory modules to create real property/facility record(s). These records will become the basis for future recipient real property/facility reporting compliance under 2 CFR 200.330 and 2 CFR 1402.329. If you need assistance with entering real property/facility records in TRACS, please contact the Office of Conservation Investment Federal Project Officer identified in this Notice of Award.

3. Office of Conservation Investment Interim Financial Reports

The recipient is required to submit interim financial reports on an annual basis directly in GrantSolutions. The recipient must follow the financial reporting period end dates and due dates provided in GrantSolutions. The interim reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>Federal Financial Report. The GrantSolutions financial report data entry fields are the same as those on the SF-425, "[Federal Financial Report](#)" form. See also our instructional video on "[Completing the Federal Financial Report \(SF-425\)](#)".

4. Office of Conservation Investment Interim Performance Reports

The recipient is required to submit interim performance reports on an annual basis directly in GrantSolutions. The recipient must follow the performance reporting period end dates and due dates provided in GrantSolutions. The interim reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>PPR.

5. Final Reports

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The recipient must liquidate all obligations incurred under the award and submit a *final* financial report in GrantSolutions no later than 120 calendar days after the award period of performance end date. The GrantSolutions financial report data entry fields are the same as those on the SF-425, Federal Financial Report form, <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>. See also our instructional video on “Completing the Federal Financial Report (SF425)” [https://fawiki.fws.gov/display/VLSV#VirtualLearningSeriesVideosHome-CompletingtheFederalFinancialReport\(SF-425\)](https://fawiki.fws.gov/display/VLSV#VirtualLearningSeriesVideosHome-CompletingtheFederalFinancialReport(SF-425))

The recipient must submit a *final* performance report no later than 120 calendar days after the award period of performance end date. Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results. Please include the Service award number on all reports.

The recipient must follow the final Federal Financial Report and the final Performance Report reporting period end dates and due dates provided in GrantSolutions. The final reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>Federal Financial Report or Reports>FFR.

6. Reporting Due Date Extensions

Reporting due dates may be extended for an award upon request to the Service Project Officer identified in the notice of award. The request should be sent by selecting the award in GrantSolutions and selecting send message. The message must include the type of report to be extended, the requested revised due date, and a justification for the extension. The Service may approve an additional extension if justified by a catastrophe that significantly impairs the award Recipient's operations. The recipient must submit reporting due date extension requests through GrantSolutions to the Service Project Officer identified in their notice of award before the original due date. The Service Project Officer will respond to the recipient after approval or denial of the extension request.

7. Significant Developments Reports

See [2 CFR §200.329\(e\)](#). 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 recipient becomes aware of any 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. The recipient should also notify the Service in writing of any 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.

Terms and Conditions

1. Buy America Provision for Infrastructure

Required Use of American Iron, Steel, Manufactured Products, and Construction Materials for Infrastructure

Per 2 CFR Part 184, none of the funds provided under this award may be used for a project for infrastructure unless:

1. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States,
2. All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the

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manufactured product has been established under applicable law or regulation, and

3. All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States. For construction material standards, see 2 CFR Section 184.6.

This Buy America preference only applies to articles, materials, and supplies consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Department of the Interior (DOI) General Applicability Waivers

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver. Recipients are responsible for determining if an approved waiver applies to their project. A list of active waivers is available at: www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers. As new waivers may be issued at any time, we recommend Recipients frequently check this web page through the life of their project. If an active waiver applies to the project, the Recipient must retain a record of the applicable waiver per 2 CFR Section 200.334 recordkeeping requirements. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the Recipient does not need to request a separate waiver for non-domestic materials.

Waiver Requests

When necessary, recipients may apply for, and the DOI may grant, a waiver from these requirements, subject to review by the Made in America Office. Per 2 CFR Section 184.7, the DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality,
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent, or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

If a general applicability waiver does not already apply, and the Recipient believes that one of the above circumstances applies to an award, the Recipient may submit a request to waive the application of the domestic content procurement preference.

Waiver Submission Instructions

Recipients must submit all waiver requests to the Service in writing. Email all waiver requests to fwhqfasupport@fws.gov. Please use the subject line: "Buy America Waiver Request". Include the following information with each waiver request:

1. Type of waiver requested (non-availability, unreasonable cost, or public interest)
2. Requesting entity name and Unique Entity Identifier (UEI)
3. Federal awarding agency: U.S. Fish and Wildlife Service, DOI
4. Awarding program Assistance Listing number and title (Notice of Award, Block 2)

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5. Project title (Notice of Award, Block 8)
6. Federal Award Identification Number (Notice of Award, Block 4)
7. Federal award amount (Notice of Award, Block 11)
8. Total estimated infrastructure costs, to the extent know (federal and non-federal funds)
9. Infrastructure project description and location, to the extent known
10. List of iron or steel item(s), manufactured goods, and construction material(s) proposed to be waived from the Buy America requirements. Include the name, cost, country of origin, if known, and relevant PSC or NAICS code for each (see <https://psctool.us/> and <https://www.census.gov/naics/>).
11. A certification that the Recipient made a good faith effort to solicit bids for domestic products supported by terms included in requests for proposals, contracts, and nonproprietary communications with the prime contractor.
12. A statement of waiver justification, including a description of the Recipient's efforts (e.g., market research, industry outreach) to avoid the need for a waiver. Such a justification may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation. For market research conducted, provide details on when it was conducted, and the sources and methods used.
13. Anticipated impact if no waiver is issued.

Do not include any Privacy Act information, sensitive data, or proprietary information with the waiver request.

Waiver Review Process

The Department will post waiver requests to www.doi.gov/grants/buyamerica for the required 15-day public comment period. The Made in America Office will also review all waiver requests. The Department will post approved waivers at www.doi.gov/grants/BuyAmerica/ApprovedWaivers. The Service will notify Recipients of waiver request determinations by email. Waivers may be granted after an award has been issued. However, an approved waiver will not retroactively apply to expenditures already incurred under the award before the effective date of the waiver. Any such expenditures are subject to the Buy America preferences for infrastructure.

Definitions

The terms used in this provision have the meanings given in 2 CFR Section 184.3.

2. U.S. Fish and Wildlife Service

General Award Terms and Conditions

U.S. Fish and Wildlife Service (Service) grant and cooperative agreement award recipients must follow the terms and conditions in their Notice of Award. Award terms and conditions can change. The Service will notify recipients of any changes in writing with a description of the change and the effective date.

Recipients accept their award by starting work, drawing down funds, or electronically indicating acceptance. Recipients must make their subrecipients and contractors aware of applicable award terms and conditions and ensure they comply with them. Recipient failure to comply with award terms and conditions may lead to actions described under 2 CFR §§200.339—343.

A library of the Service's general award terms and conditions with embedded links to all regulations is available on the Service's website

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at: <https://www.fws.gov/library/collections/financial-assistance-general-award-terms-and-conditions>. Refer to the general terms and conditions in this library in effect as of the signature date on your award. See also the Department of the Interior's General Award Terms and Conditions on their website at: <https://www.doi.gov/grants/doi-standard-terms-and-conditions>.

Administrative Requirements, Cost Principles, and Audit Requirements

These requirements and cost principles are applicable to all awards except those to individuals receiving the award separate from any business or organization they may own or operate. Foreign public entities and foreign organizations must comply with special considerations and requirements specific to their entity type, unless otherwise stated in this section. Foreign public entities must comply with those for states.

2 CFR Part 200, Subparts A—D, as supplemented by 2 CFR Part 1402

Foreign public entities must follow payment procedures in 2 CFR §200.305(b). For foreign public entities and foreign organizations, the requirements in 2 CFR §§200.321—323 do not apply.

2 CFR Part 200, Subpart E—Cost Principles

Applicable to all domestic and foreign non-Federal entities except non-profit organizations identified in Appendix VIII to 2 CFR Part 200. Non-Federal entities include for-profit organizations.

48 CFR Subpart 31.2—Contracts with Commercial Organizations

Applicable to non-profit organizations identified in Appendix VIII to 2 CFR Part 200.

Indirect Cost Proposals

Requirements for development and submission of indirect cost rate proposals are contained in Appendix III (Institutions of Higher Education), Appendix IV (Nonprofit organizations), and Appendix VII (States, local government agencies, and Indian tribes) to 2 CFR Part 200. See also the DOI negotiated indirect cost rate deviation policies at 2 CFR §1402.414. For-profit entities should contact the DOI National Business Center, Office of Indirect Cost Rate Services at: <https://ibc.doi.gov/ICS/indirect-cost>.

2 CFR Part 200, Subpart F—Audit Requirements

Applicable to U.S. states, local governments, Indian tribes, institutions of higher education, and nonprofit organizations. Not applicable to foreign public entities, foreign organizations, or for-profit entities.

Statutory and National Policy Requirements

These requirements are applicable to all awards, including those to individuals, for-profits, foreign public entities, and foreign organizations, unless otherwise stated in this section.

Appendix A to 2 CFR Part 25—Universal Identifier and System for Award Management

Not applicable to individuals or any entity exempted by the awarding bureau or office prior to award per 2 CFR §25.110(a)(2) and bureau or office policy.

Appendix A to 2 CFR Part 170—Award term for reporting subaward and executive compensation

Not applicable to individuals. See 2 CFR 170 for other exceptions.

2 CFR 175.15—Award Term for Trafficking in Persons

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Applicable to awards to private entities as defined in 2 CFR 175.25(d), states, local governments, and Indian tribes. Applicable to awards to foreign public entities if funding could be provided to a private entity as a subrecipient under the award. Recipients receiving more than \$500,000 for activities outside the U.S. must comply with the plan and certification requirements in 2 CFR 175.105(b) before receiving an award and submit an annual certification each year the award is in effect.

2 CFR Part 184—Buy America Preference for Infrastructure Projects

None of the funds under an award may be obligated for an infrastructure project unless all the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. This part applies to an entire infrastructure project even if funded by Federal and non-Federal funds under one or more awards. Recipients must include this preference in all subawards, contracts, and purchase orders related to infrastructure projects under Federal awards. Service awards subject to this preference will include a Buy America Provision for Infrastructure.

Appendix XII to 2 CFR Part 200—Award Term and Condition for Recipient Integrity and Performance Matters

Applies to awards with a total Federal share of more than \$500,000, except for awards to individuals and foreign public entities.

2 CFR Part 1400—Nonprocurement Debarment and Suspension

All recipients must ensure they do not enter into any covered transaction with an excluded or disqualified participant or principal. See also 2 CFR Part 180—OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).

2 CFR Part 1401—Requirements for Drug-Free Workplace (Financial Assistance)

Not applicable to foreign public entities or foreign organizations.

43 CFR Part 18—New Restrictions on Lobbying

If the Federal share of the award is more than \$100,000, the recipient must disclose making or agreeing to make any payment using non- appropriated funds for lobbying in connection with the award. To make such a disclosure, the recipient must complete and submit the SF-LLL, “Disclosure of Lobbying Activities” form to the Service. This form is available at: <https://www.grants.gov/forms/forms-repository/post-award-reporting-forms>. For more information on when additional submission of this form is required, see 43 CFR, Subpart 18.100. These restrictions are not applicable to such expenditures by Indian tribe, tribal organization, or any other Indian organization that is specifically permitted by other Federal law.

41 U.S.C. §6306—Prohibition on Members of Congress Making contracts with Federal Government



Agreement #22021

Attachment J

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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Attachment J: Executive Order 20-44 Attestation Form

This form must be returned annually to FWC by April 1 to satisfy the requirements under the Governor's Executive Order Number 20-44, published February 20, 2020. Your attestation is needed for the following information:

Legal Name of Organization: _____

IRS Issued Tax Id/DUNS Number: _____

Type of Organization: __Non-Profit __For-Profit __Educational Institution __Local Municipality __Other

Service Location for Organization: _____ (city), _____ (county)

- 1) **Does the organization currently receive 50% or more of its budget annually from the State of Florida or from a combination of State and Federal funds?** __Yes __No
- 2) All compensation must be reported and shall indicate what percent of compensation comes directly from the State or Federal allocations to the Contractor. **IF THE ANSWER TO #1 IS YES**, please submit the following information to the Contract Manager:
 - a) A copy of the IRS Form 990.
 - b) Documentation showing total compensation—to include salary, bonuses, cashed-in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout—for all members of the Contractor's executive leadership team for the past tax year.
 - c) Total compensation amount: \$ _____
 - d) Total number of members: _____
- 3) The Contractor shall provide this information on an annual basis to the Contract Manager, along with the requirement to inform the Contract Manager of any changes in total executive compensation between the annual reports.

Attestation Statement: As an "Authorized Representative" of the Respondent, I duly attest to the best of my knowledge that all information provided in this questionnaire is accurate and true as presented. I also understand that pursuant to section 287.135, Florida Statutes, the submission of a false certification may be subject to civil penalties, attorney's fees, and/or costs.

Contractor/Authorized Representative Signature

Printed Name

Title

FEDERAL CERTIFICATION REGARDING LOBBYING

APPENDIX A, 44 C.F.R. PART 18

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for 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 in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor, _____ certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Name and Title of Contractor's Authorized Official

Date

Federally Required Contract Provisions

Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with Executive Order 11246, “Equal Employment Opportunity” ([30 FR 12319, 12935, 3 CFR Part, 1964-1965](#) Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at [41 CFR part 60](#), “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act ([40 U.S.C. 3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give

up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act ([40 U.S.C. 3701-3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under [37 CFR § 401.2 \(a\)](#) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act ([42 U.S.C. 7401-7671q](#).) and the Federal Water Pollution Control Act ([33 U.S.C. 1251-1387](#)), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act ([42 U.S.C. 7401-7671q](#)) and the Federal Water Pollution Control Act as amended ([33 U.S.C. 1251-1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#)) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a

member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See [§ 200.323](#).

(K) See [§ 200.216](#).

(L) See [§ 200.322](#).

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75888](#), Dec. 19, 2014; [85 FR 49577](#), Aug. 13, 2020]