

Arizona Game & Fish Department



ARIZONA BOATING ACCESS PROGRAM

FY 2007 - 2008 GRANT APPLICATION INSTRUCTION MANUAL

(Funds Available July 2007)

Application Deadline:

Applications must be received at:

Arizona Game and Fish Department
Development Branch
2221 West Greenway Road
Phoenix, Arizona 85023

No later than: Thursday, November 30, 2006 by 5:00 p.m.

Administered by the

DEVELOPMENT BRANCH BOATING FACILITIES SECTION

This manual supersedes all previous manuals.

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I. INTRODUCTION

PURPOSE

The purpose of the Arizona Boating Access Program (ABAP or Program) is to improve boating access and related facilities on waters where gasoline boating is permitted throughout Arizona. The Arizona Game and Fish Department (Department) according to federal regulations, state statutes and Department policy administers the Program. The U.S. Fish and Wildlife Service (USFWS) conducts federal administration of the funding.

OBJECTIVE

Overall Program objectives are geared toward meeting statewide goals established through intergovernmental planning authorities such as the Arizona Outdoor Recreation Coordinating Commission and the Department's Watercraft Strategic Plan.

PROGRAM FUNDING

The Program is a cooperative effort involving the USFWS and the Department. The Program was founded in 1984 through the **Wallop-Breaux Amendment** to the **Federal Aid in Sport Fish Restoration Act** of 1950, as amended, **Dingell-Johnson**. The Program is designed to increase sport fishing and boating opportunities through the wise investment of anglers' and boaters' tax dollars in state sport fishery development projects.

This Program is an outstanding example of a "user pays--user benefits" program. Anglers and boaters are responsible for payment of fishing tackle excise taxes, motorboat fuel taxes, and import duties on tackle and boats. These monies are collected by the sport fishing industry, deposited in the Department of Treasury, and are available the year following collection to state game and fish agencies for sport fisheries and boating access projects. The benefits provided by these projects to users complete the cycle between "user pays--user benefits".

Under the Sport Fish Restoration Act (Wallop-Breaux), a minimum of 15% of this federal aid allocation is to be used to provide boating facility improvements on public lakes and waterways, which allow for the practical use of gasoline-powered motorboats.

The Department provides a 25% match to this allocation to bring about the total funding for the Program. It is anticipated that approximately \$500,000 will be available for the State Fiscal Year (FY) 2008 grant cycle.

ELIGIBLE APPLICANTS

Applicants must be direct and authorized representatives of federal or state government agencies or political subdivisions thereof, having direct appurtenant land jurisdiction to public lakes and waterways in Arizona, or authorized representatives of non-governmental entities operating public boating access facilities under long-term license or lease from an above-mentioned governmental entity.

Applicants must be able to demonstrate financial management capability sufficient to guarantee audit accountability of the expenditures per the grant parameters and "The Common Rule" (43 CFR Part 12) and the Office of Management and Budget (OMB) circulars A-102, A-87, and A-133. Upon verification that an application is timely and eligible for scoring prioritization, applicants may be required to complete and submit a certification of financial management capability.

II. GRANT APPLICATION

MEMORANDUM OF UNDERSTANDING AGREEMENT

Governmental subgrantees are required to enter into a standard agreement with the Department. The agreement is entitled Memorandum of Understanding for Construction and Maintenance of Boating Access Facilities, (M.O.U.); an example can be found in Appendix A, Form B2). This M.O.U. stipulates the limitations, procedures and responsibilities of the parties involved.

At any time prior to the application process, the M.O.U. process can begin for those agencies not under a standing agreement. This agreement can take 6 months to consummate. This M.O.U. must be in place prior to formal award of a grant by the Department.

APPLICATION PROCESS

Grants are awarded through a competitive application process. Applications are reviewed and judged on the basis of their compatibility with goals, needs, and priorities of the Department, project feasibility, merit, and usefulness of results for conservation and management of wildlife. The Department's Budget Prioritization Process (BPP) is used to score and rank project applications that meet eligibility requirements (see Appendix B).

APPLICATION PROCEDURES

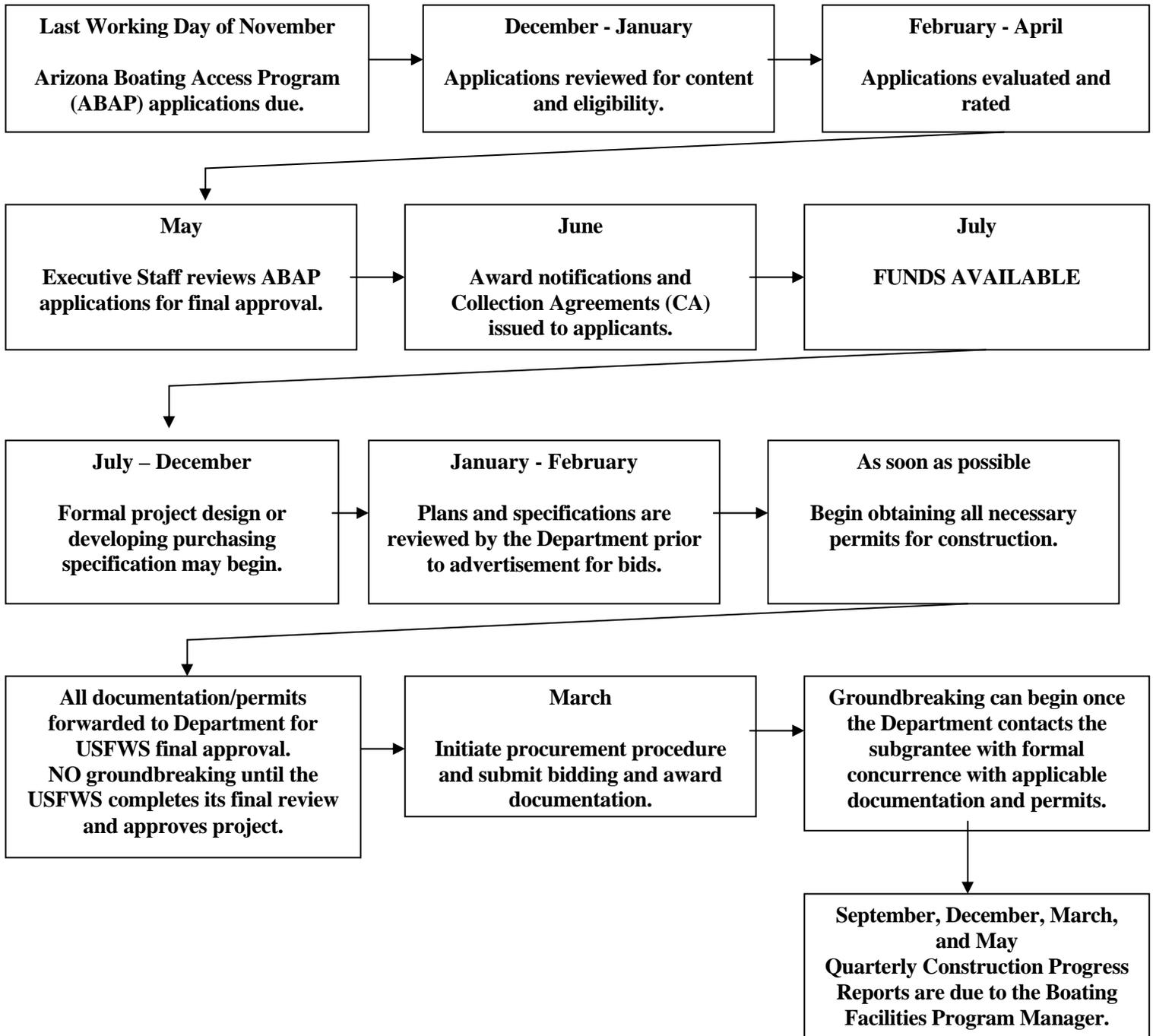
The subgrantee shall complete the application for construction of boating access projects with the Department utilizing the form entitled, **Arizona Boating Access Program-Project Application Form (Appendix A, Form B3) and associated forms Exhibit A-D.** Applications for funding are received and reviewed on an annual basis to be considered for funding during the following fiscal year beginning July 1. During this period, the Department may conduct an on-site inspection with the subgrantee and will review the application, site plan, and preliminary cost estimate for apparent accuracy.

The project application (Appendix A, Form B3) and associated Exhibits A-D (**1 original and 4 copies**) are due no later than the last working day of NOVEMBER each year by 5:00 p.m. in the Development Branch at the following mailing and physical address:

Arizona Game and Fish Department
Boating Facilities Program Manager - SSDV
2221 W. Greenway Rd.
Phoenix, Arizona 85023-4312

During the initial review period, subgrantees may be contacted with recommended changes to the design, scope, and/or cost estimate of a proposed project. A proposal for a suggested change is not an acknowledgement of a funding award. In addition, any mandatory, supplemental information, such as a certification of financial management capability or proof of long-term operation agreement, will be requested from the subgrantee during the review period. Any such information must be provided within 15 working days of the Department's written request or the application may be deemed ineligible for funding.

GENERAL TIMELINE FOR BOATING ACCESS GRANTS



III. CONDITIONS ON USE/ACCEPTANCE OF FUNDS

PROJECT METHODOLOGY

Arizona Boating Access Projects may be accomplished by one of the following methods:

1. **TRANSFER OF FUNDS** - This method utilizes a cash reimbursement to the subgrantee through a Collection Agreement approved by the Department. The subgrantee must be able to demonstrate financial management capability sufficient to guarantee audit accountability of the expenditures per the grant parameters and "The Common Rule" (43 CFR Part 12 and 50 CFR Part 80) and the Office of Management and Budget (OMB) circulars A-102, A-87, and A-133.
2. **DEPARTMENT ADMINISTRATION OF THE PROJECT** - This method entails the accomplishment of the project on areas under the jurisdiction of another agency with its approval. This method is restricted to particular projects of Department interest.
3. **DEPARTMENT FORCE ACCOUNT** - This method utilizes the work force and heavy equipment assets of the Department and, potentially, the Department's design capabilities in accomplishing the project. This method is restricted to particular projects of Department interest, costs and magnitude.

OWNERSHIP

The land to be used in development of boating access facilities must be owned in fee by the subgrantee or the subgrantee must operate the boating access facilities under long-term license, lease or other similar agreement. The subgrantee must provide a copy of any such long-term agreement, and must provide a letter of support for the proposed project from the entity with legal control or ownership of the land, if other than the subgrantee. In addition, any other party with legal control or ownership of the land will be required to formally concur with the terms of the Collection Agreement relating to long-term maintenance and public use of the facilities prior to final authorization to expend funds.

OPERATION AND MAINTENANCE OF FACILITY

The subgrantee is responsible for operation and maintenance of all capital improvements acquired or constructed with State Trust Fund Grant funds throughout the useful life of each improvement. However, additional development or renovation at those sites can be funded and the new facilities may be eligible for operation and maintenance funding.

USE OF FACILITY

Facilities constructed with grant funds shall be open to the general public and the subgrantee shall officially adopt and enforce any necessary rules and regulations to assure the general public is the prime audience served by the facility. It shall be acceptable to close the facility during periods of overcrowding, alternate freezing and thawing, when anticipated public use could cause damage to the facilities, at night to discourage vandalism, during construction for repair or maintenance rendering the facility unsafe for public usage and during periods of excessively high or low water rendering the facility unsafe for public usage; otherwise, the facility must remain open to the public throughout the year. During any period necessitating closure, the public shall be informed of such action by use of proper signing and the news media.

When technically feasible, all facilities must be designed and constructed to accommodate the physically challenged according to the barrier free access requirements of ARS 34-401-411, the Architectural Barriers Act of 1968, and the Americans with Disabilities Act of 1992.

USER FEES

The Program discourages the charging of user fees for project facilities, however, at the subgrantee's discretion and by formal resolution of the governing unit, it may charge minimal area entry fees. 43 CFR Part 12.65, 50 CFR Part 80.14(c), and 50 CFR Part 80.18(c) states that 1) Revenues from user fees may only be used to offset operation and maintenance costs and 2) Prohibits uses of the facility that may conflict with its intended purpose.

THIRD PARTY AGREEMENTS

If the subgrantee is sponsoring the application in cooperation with a third party or subcontractors, the subgrantee shall be responsible for compliance with Collection Agreement provisions in the event of third party or subcontractor default. The subgrantee shall provide the Department a completed and signed agreement between the subgrantee and the third party or subcontractors before the Collection Agreement can be signed.

Facilities that third parties operate and/or maintain must be covered by an agreement between the Department and the third party. The Department may use its own laws, regulations, and policies to document and execute the agreement. In accordance with 43 CFR Part 12.65, 50 CFR Part 80.14(c), and 50 CFR Part 80.18(c), the agreement must include provisions that:

- A. Revenues from user fees may only be used to offset operation and maintenance costs.
- B. Prohibits uses of the facility that may conflict with its intended purpose.

The Collection Agreement may be used to document the responsibilities and commitments of all three parties. In such a case, the Collection Agreement may serve the purpose of the mandatory agreement between the Department and the third party, as well as between the subgrantee and the third party.

SINGLE AUDIT ACT AMENDMENTS OF 1996

The Single Audit Act Amendments of 1996 (P.L. 104-156) are intended to streamline and improve the effectiveness of the Single Audit Act of 1984. If the subgrantee is a federal agency, you are exempt from complying with the Single Audit Act Amendments of 1996.

If the subgrantee is a state or local government, or an Indian tribe, you must comply with the following:

- If the subgrantee expends a total amount of federal awards equal to or in excess of \$300,000 in any fiscal year, the subgrantee shall have either a single audit or a program-specific audit made for such fiscal year in accordance with the requirements of Chapter 75 of Title 31 (Sec. 7502).

- If the subgrantee expends federal awards under more than one federal program shall undergo a single audit in accordance with the requirements of subsections (b) through (i) of Sec. 7502.
- If the subgrantee expends a total amount of federal awards of less than \$300,000 in any fiscal year, shall be exempt from such fiscal year compliance with the audit requirements of this chapter and any applicable requirements concerning financial audits contained in federal statutes and regulations governing programs under which such federal awards are provided to that non-federal entity.

Each exemption shall not exempt non-federal or federal entities from compliance with any provision of a federal statute or regulation that requires such non-federal or federal entities to maintain records concerning federal awards provided to such non-federal or federal entities or that permits a federal agency, pass-through entity, or the Comptroller General access to such records.

IV. GRANT REIMBURSEMENT GUIDELINES

COLLECTION AGREEMENT

Upon final approval of the project by the Department, the participating subgrantee and Department must enter into a Collection Agreement (Form B6) for the specific project(s). This agreement outlines the binding terms and conditions of a grant project between the subgrantee and the Department. By signing the Collection Agreement, the subgrantee acknowledges the source of awarded grant funds and affirms that the grant will be administered and managed according to the terms of the Collection Agreement.

AMENDMENT TO COLLECTION AGREEMENT

Each subgrantee is expected to complete the project according to the original agreement within the approved time frame. The Department recognizes, however, that the subgrantee may encounter circumstances that warrant an amendment to the Collection Agreement. Extension requests must provide a detailed explanation and revised timeline for project completion. **Amendment requests must be submitted to the Department for approval at least three months prior to the close of the agreement period.** If the amendment

involves changes to any documents supporting the Collection Agreement, attach a copy of the revised document(s). Provide an original and two (2) copies to the Department.

An amendment must be requested to obtain the Departments approval for:

- A. Adding or deleting a project from the list;
- B. Adding or deleting approved scope items;
- C. Modifying the agreement period.

If the request is denied, the subgrantee will receive written notification of denial. If the subgrantee does not submit an extension request before the two-year (2) completion date or if the work is not initiated by the amended one-year (1) completion date, the Department may terminate the project according to the provisions of the Collection Agreement. Awarded funds may be de-obligated from the project. The subgrantee shall be notified in writing if the project is terminated.

TRANSFER OF FUNDS

Only items approved by the Department and identified in the scope of work from the subgrantee project application or amendments are eligible for reimbursement. Reimbursements are made according to the percentage specified in the Collection Agreement. Subgrantees may submit requests for reimbursements to the Department whenever costs incurred exceed \$1,000. Payment requests should not be less than \$1,000, unless it is the final reimbursement request.

Subgrantees must use the following documents to request reimbursement:

- 1. Grant Payment Request (Appendix A, Form B9)
- 2. Project Expenditure Record (Appendix A, Form B11)

Documentation such as invoices, statements or claims, warrants or checks must support all expenditures and are necessary for the reimbursement of each request. Site inspections by Department personnel, if necessary, may be conducted for each reimbursement.

A fiscal accounting system that ensures proper accounting of receipts and expenditures attributable to an awarded project must be used. Documentation supporting each

expenditure on the Project Expenditure Record, as specified in the instructions to that form, must be submitted with the Project Expenditure Record and Grant Payment Request form prior to reimbursement. **The subgrantee must retain all original supporting documentation for five (5) years after the project closure date.** Supporting documents must identify the grant project name and number as shown on the Collection Agreement.

A grant which includes the costs of engineering services and/or construction work is made by the Department directly to the subgrantee by use of the Collection Agreement. The subgrantee is responsible for making proper payments to its consultants, contractors, or suppliers.

Prior to the first reimbursement for construction, the subgrantee must submit a copy of the following documentation before any payments are released:

- Plans & specifications;
- Award of bid letter (if applicable);
- List of bids received (if applicable);
- Complete and signed copy of all construction contracts (if applicable), and
- A justification statement if an award is made to a vendor other than the lowest bidder (if applicable).

V. ELIGIBLE PROJECTS

ELIGIBILITY

State public access and boating facilities constructed, acquired, developed, renovated, or maintained under this Program must be consistent with applicable portions of the federal Sport Fish Restoration Act, as amended. In addition, access facilities qualifying under this Program must be on public waterways which accommodate gasoline-powered motorboats with common horsepower ratings. This is defined as any size gasoline-powered motor as can be reasonably accommodated on the body of water.

ELIGIBLE FACILITIES

Facilities that may be constructed on eligible access areas using boating access funds in Arizona include, but are not limited to:

1. Launching facilities, such as ramps and boat lifts.
2. Maneuvering area for vehicle and trailer adjacent to ramp.
3. Parking area to serve ramp users.
4. Access road to the ramp and parking area, which shall be limited to a reasonable distance from an established publicly owned road.
5. Sanitary facilities to serve boaters, including restrooms (floating or on ground), pump out stations, potable water supply and sewage treatment facilities where economically feasible.
6. Initial channel improvements where necessary to facilitate launch ramp usage.
7. Security lighting to serve boaters where necessary and economically feasible. (Operational costs shall be borne by the subgrantee.)
8. Walkways adjacent to ramp area.
9. Courtesy docks for temporary tie up of boats.
10. Fish cleaning stations, fish hoists and other features to assist watercraft based anglers.
11. Publication of guides, brochures, maps, road signs, Internet sites, and other aids to inform boaters of the types, availability, and locations of boating access sites.
12. Boat-in camping/day-use facilities and amenities.
13. Navigation Aids in the immediate area of access facilities.
14. Boat Wash Down Stations (Pressure washers).

Although the responsibility for operational maintenance of facilities constructed with ABAP funds lies with the subgrantee, the Program does allow for major repair or reconstruction projects, depending on funding availability.

ALLOWABLE COSTS

Only items approved by the Department and identified in the scope of work from the subgrantee's original application (itemized cost estimates) or amendments are eligible for reimbursement. Eligible project costs are those identified specifically with and charged directly to a particular scope item. Documents such as invoices, statements or claims, and

warrants or checks must support all expenditures. The subgrantee must reference the project by name and number on all documentation and retain such documentation for five (5) years after the project closure date.

A. Allowable costs are defined as being:

1. Necessary, reasonable and allocable to the scope of the Collection Agreement;
2. Authorized and not prohibited under State or local laws or regulations;
3. In compliance with limitations of Federal laws, regulations, and the Collection Agreement;
4. Consistent with policies, regulations, and procedures that apply to both State Trust Fund Grant funded activities and other activities of the State;
5. Treated in conformance with generally accepted accounting principles;
6. Not included in the cost of any other federally funded activity;
7. The net of all applicable credits; and
8. Adequately documented.

B. Pre-agreement and Design/Engineering (D&E): The Department must approve these costs as a specific item in the scope of work at the time grant funds are awarded. The costs may not exceed ten percent (10%) of the approved grant award.

Cost may include:

1. Site investigation and selection;
2. Site planning;
3. Preliminary design; and
4. Construction drawings and specifications.

The pre-agreement/D&E costs must be identified in the approved scope of work in order to be considered for reimbursement.

C. Construction: Allowable construction costs include activities from site preparation to completion of a project, associated with approved scope items regarding boating access facilities.

- D. **Fund acknowledgement:** The Department will supply basic fund acknowledgement signs for approved projects. Costs associated with additional fund acknowledgement signs are allowable project costs, but must be identified in the scope of work.

NON-ALLOWABLE COSTS

Examples include (this list may not be all inclusive):

1. Operation and maintenance costs;
2. Indirect costs and administrative costs;
3. Costs in excess of the amount specified in the Collection Agreement and amendments;
4. Costs incurred before or after the approved project period;
5. Costs associated with environmental assessments and archaeological data recovery activities beyond preliminary reviews and surveys;
6. Costs associated with the preparation of grant applications;
7. Ceremonial or entertainment expenses;
8. Publicity expenses;
9. Bonus payments or performance awards of any kind;
10. Contingency reserves or similar reserves;
11. Charges in excess of the lowest bid when competitive bidding is required;
12. Charges for deficits, overdrafts, late payment or interest fees;
13. Charges incurred contrary to the policies and practices of the subgrantee;
14. Consequential damage judgments arising out of acquisition, construction, or equipping of a facility, whether determined by judicial action, arbitration, negotiation, or otherwise (damages to adjoining property owned by other persons which are caused by noise, lights, vibration, etc.);
15. Incidental costs associated with acquisition of real property and of interests in real property;
16. Costs of offered discounts not taken by the subgrantee;
17. Fines and penalties;

18. Any losses arising from uncollectible accounts or other claims and related costs;
19. Fund-raising time and effort and legal and professional fees paid in connection with raising funds; and
20. Court costs of any kind.

VI. PROGRESS REPORTS

QUARTERLY CONSTRUCTION PROGRESS REPORT

Following receipt of a fully executed Collection Agreement, the subgrantee is required to submit quarterly construction progress reports (Appendix A, Form B10) to the Department. The subgrantee must ensure that the reports are submitted at the end of each calendar quarter. The subgrantee must submit progress reports according to the following schedule:

- First quarter (July 1 – September 30) due no later than October 31;
- Second quarter (October 1 – December 31) due no later than January 31;
- Third quarter (January 1 – March 31) due no later than April 30;
- Fourth quarter (April 1 – June 30) due no later than July 31.

Subgrantees should report progress on the percent of work completed, not the percent of funds expended. Report progress on approved scope items, project related activity, significant problems, and proposed solutions.

VII. PROJECT MANAGEMENT

PROJECT DESIGN

Once the Collection Agreement has been executed by both parties and returned to the subgrantee, the subgrantee may begin formal project design or developing purchasing specifications. Should the subgrantee select and employ an engineering firm for the design of the proposed facility, the engineering agreement between the subgrantee and the consulting engineering firm is subject to review by the Department.

In-house design of the project by the subgrantee's personnel is acceptable so long as all applicable laws, rules and regulations pertaining to design/engineering expertise are adhered

to; final plans and specifications for the project must bear the seal of an Arizona registrant (except for plans and specifications developed by engineers of agencies of the U.S. Government).

Plans and specifications need to be reviewed by the Engineering Section of the Department prior to advertisement for bids. All plan sheets shall bear the signature and seal of an Arizona registered professional engineer (except for plans and specifications developed by engineers of agencies of the U.S. Government). If deemed necessary, a pre-design meeting may be held, preferably at the site, between the Department, the engineer in charge of design, and representatives of the subgrantee. At that time, dates shall be established for completion of plans and specifications.

CONSTRUCTION OR PURCHASING

The subgrantee shall follow their own procurement standards for competitive procurements. If the subgrantee does not have standard procurement procedures, the subgrantee is encouraged to utilize the standards issued by the Arizona Department of Administration, State Procurement Office.

The format of any advertisement or prospectus soliciting and inviting bids, indicating dates of same, shall be presented to the Department for review prior to publication. All work in excess of \$10,000 value, must be advertised for public letting through competitive bidding. A contract for construction or purchase of the facility is then entered into between the subgrantee and the lowest qualified and responsive bidder. Contracts must contain administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. Contracts must follow the provisions 50 CFR 6176 - Part 12, subpart C, 12.76, (i) Contract provisions (1-13).

Following the award of construction contracts or purchase agreements, the subgrantee should proceed expeditiously towards project completion. **Projects should be completed within two (2) years of the signed Collection Agreement between the subgrantee and Department.** For construction costing more than \$100,000, a qualified engineer must

approve engineering plans and specifications, approve the feasibility determination, supervise the construction, and furnish a report of final inspection.

EQUIPMENT

Subgrantees must follow 45 CFR 12.72(d) regulations for managing equipment, disposition, federal equipment and transferring title. Equipment shall be used by the subgrantee in the project for which it was acquired as long as needed, whether or not the project continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency. If equipment with a current market value over \$5,000 is sold, the proceeds must be treated as program income. Costs related to the sale of the equipment may be deducted in the determination of program income.

When acquiring replacement equipment, the subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the Department. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property, serial number or other identification number, the source of the property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
4. Adequate maintenance procedures must be developed to keep the property in good condition.

5. If the subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

The subgrantee must purchase approved equipment according to the subgrantee's procurement standards. Request for Quotes (RFQ) documents must be released for equipment purchases within six months of the fully executed Collection Agreement. **The RFQ must be submitted to the Department for review and approval prior to releasing the request for bids for equipment.**

ON-SITE INSPECTIONS

Department personnel may make periodic on-site inspections of project sites (see Appendix A, Form B12). Whenever possible, these inspections will take place during normal working hours with the subgrantee.

FUND ACKNOWLEDGEMENT AND SIGNS

The subgrantee must provide temporary and permanent acknowledgement of grant funding assistance according to the following guidelines:

1. **Fund acknowledgement:** At a minimum, fund acknowledgement shall include the following language: "This project was financed in part (or in full) by a grant from the Sport Fish Restoration Program funded by your purchase of fishing equipment and motor boat fuels, administered by the Arizona Game and Fish Department."
2. **Temporary signs:** The project site shall display temporary signs acknowledging the funding source upon initiation of construction and signs shall remain until the project is completed.
3. **Permanent signs:** Fund acknowledgement signs and decals are available from the Department at no cost. The subgrantee must obtain approval from the Department before any other method of acknowledgement is used.

VIII. DOCUMENTATION/PERMITS REQUIRED

The subgrantee is responsible for obtaining all necessary documentation and/or permits for construction of boating access facilities. As the funds to be awarded by the Department are State Trust Fund Grant funds, compliance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA), among others, is necessary for every grant recipient. The types of documentation/permits necessary are dependent upon the specific proposed action. The subgrantee must submit all necessary documentation and permits to the Department for review and approval.

Appendix A, Form B4 is provided to assist the subgrantee in identifying some of the ESA compliance documents and additional permits that may be necessary to implement a project. (See Appendix C - Glossary of Terms and Acronyms for additional information).

BEFORE ANY CONSTRUCTION ACTIVITY OF THE PROJECT CAN BEGIN, THE USFWS MUST COMPLETE THEIR REVIEW OF ALL DOCUMENTATION AND PERMITS. ONCE THE DEPARTMENT HAS RECEIVED FINAL APPROVAL FROM USFWS, THE DEPARTMENT WILL NOTIFY THE SUBGRANTEE THAT CONSTRUCTION MAY BEGIN.

ENDANGERED SPECIES ACT (ESA) OF 1973 (16 U.S.C. 1531-1534)

It is the responsibility of all recipients of State Trust Fund Grant funds to ensure projects are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of critical habitat. Subgrantees must provide the Department with information regarding the probable effects of the proposed project on threatened/endangered species and critical habitat. Such documentation may require the preparation of a Biological Assessment and Evaluation.

Biological Assessment and Evaluation (BA&E): **Biological Assessments** must be prepared for “major construction activities.” Information prepared by, or under the direction of, a Federal agency to determine whether a proposed action is likely to: (1) adversely affect listed species or designated critical habitat; (2) jeopardize the continued existence of species that are proposed for listing; or (3) adversely modify proposed critical habitat. The outcome

of this biological assessment determines whether formal Section 7 consultation or a conference is necessary. **Biological Evaluations** are a more thorough analysis of the effects of the action.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1969 (42 U.S.C. 4321-4347)

NEPA requires that all proposed Federal actions be critically examined with public input to determine what effects they may have upon the environment. Because the awarding of State Trust Fund Grants is considered to be a Federal action, it is the responsibility of all applicants for State Trust Fund Grants to comply with the NEPA process. Subgrantees must demonstrate that the proposed activity is covered by one or more existing Categorical Exclusions, or prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), and submit documentation to the Department for review and approval.

CLEAN WATER ACT (CWA) DOCUMENTATION (SECTION 404 & 401)

This documentation includes permits from the U.S. Army Corps of Engineers (ACOE) per Section 404 and the Arizona Department of Environmental Quality (ADEQ) per Section 401, if applicable. **MOST PROJECTS WILL REQUIRE APPROPRIATE DOCUMENTATION OF COORDINATION WITH THE ACOE (and potentially the ADEQ), EVEN IF NO PERMIT IS REQUIRED.**

STATE HISTORIC PRESERVATION OFFICE (SHPO)

This certification is required by regulations implementing the Arizona State Historic Preservation Act (A.R.S. § 41-861 through 42-864), effective July 24, 1982. If a federal agency is involved, the agency must consult with SHPO pursuant to the National Historic Preservation Act. Each State agency is required to consult with SHPO with regard to those activities or projects that may impact cultural resources.

Appendix A, Form B5 - is provided to assist the subgrantee in identifying whether the project will impact cultural resources and to identify the required documentation that may be necessary to implement a project. (See Appendix C - Glossary of Terms and Acronyms for additional information).

ARIZONA DEPARTMENT OF AGRICULTURE - PROTECTED NATIVE PLANTS

According to the Arizona Revised Statutes (A.R.S.) Section 3-904 & 3-905, the Arizona Department of Agriculture is responsible for the protection of native plants on both public and private land by the landowner or landowner's agent. When an individual, organization or a state agency wish to clear land, they must take into consideration the presence of protected native plants. The subgrantee must ensure their construction contractors preserve and protect all protected native plants on or adjacent to the work sites that do not unreasonably interfere with the work required under the construction contract. The contractor shall only remove protected plants when specifically authorized to do so, and shall avoid damaging vegetation that will remain in place. If the contractor is authorized to remove State protected plants, including trees and wood, permits and tags issued by the Department of Agriculture are required. Protected plants, especially cacti, within the project limits shall be salvaged for re-vegetation. The approximate number and type of species to be salvaged shall be specified in reclamation plans. (See Appendix C - Glossary of Terms and Acronyms for additional information).

ARIZONA GAME AND FISH DEPARTMENT EA CHECKLIST

If the subgrantee is a federal agency, all required NEPA/ESA, SHPO, and 404/401 permits/documentation should be submitted to the Department for review and preparation to send to USFWS for final review and approval of project. For other subgrantees, the Department may complete the necessary NEPA/ESA documentation through the Department's Environmental Assessment Checklist, depending on the scope and complexity of the project. The subgrantee is responsible to obtain 404/401 permits from ACOE/ADEQ and SHPO compliance from Arizona State Parks and submit to the Department.

IX. PROJECT CLOSURE

The subgrantee must complete the project by the ending date specified in the Collection Agreement. The subgrantee is responsible to see that all facilities developed or purchased through the Program are satisfactorily accomplished according to the provisions of the Collection Agreement and all applicable local, State and Federal rules, regulations, ordinances and statutes.

The subgrantee shall have no more than 90 working days following the project ending date or project completion date, whichever ever comes first, to submit all required closure documents to the Department. Failure to submit the closure documents within the time frame shall reflect negatively on the rating of the subgrantee's future grant applications and may result in termination.

The following documents must be submitted to the Department within 90 working days following project completion:

1. A completed final Grant Payment Request (Appendix A, Form B9),
2. A completed Project Expenditure Record (Appendix A, Form B11), which itemizes all expenditures of the grant funds,
3. Certify in writing, to the Department, that the project is complete,
4. Certify in writing, to the Department, that you (the subgrantee) has complied fully with the requirements of the Single Audit Act Amendments of 1996 (see page 8 for requirements) concerning the expenditures on the project, (optionally, the participating agency may instead provide a copy of a CPA Annual Audit that test compliance) and,
5. A qualified engineer must furnish a written report of final inspection when the project has been completed.

FINAL PAYMENT

If applicable, the final reimbursable payment will be processed after the Department receives all required closure documents and conducts a final on-site inspection.

FINAL ON-SITE INSPECTIONS

The Department will schedule a final on-site inspection of the project site to determine compliance with the terms of the Collection Agreement and any amendments. Department personnel must approve the project before final reimbursement can occur to the subgrantee. Problems that become evident during the inspection will be reconciled by amendment, administrative action, or other action appropriate to the funding program and the project. The Department will provide a copy of the final on-site inspection report to the participant for record keeping.

POST-COMPLETION REQUIREMENTS

The results of a completed project shall benefit the public according to the purposes of the USFWS Sportfish Restoration Program and the Arizona Boating Access Program. The Department requires the subgrantee to operate and maintain all capital improvements acquired or constructed with State Trust Fund Grant funds throughout the useful life of each improvement. Generally, the useful life for development projects depends on materials used. The improvements shall be available for public use or enjoyment for the full period of their useful life and shall be operated and maintained as follows:

1. The property shall be maintained to appear attractive and inviting to the public.
2. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
3. Buildings, roads, and other structures and improvements shall be kept in repair throughout the term of public use to prevent undue deterioration and to encourage public use.
4. The facility shall be kept open for public use during reasonable hours and times of the year, according to the type of area or facility.

PROGRAM CONTACT

If you have questions regarding the Arizona Boating Access Program please contact the **Boating Facilities Program Manager** at:

Arizona Game and Fish Department
Development Branch
2221 W. Greenway Road
Phoenix, Arizona 85023
Telephone: (602) 789-3481
FAX (602) 789-3327