

# Arizona Game & Fish Department

## CLEAN VESSEL ACT PUMPOUT GRANT PROGRAM

### FY 2005 - 2006 GRANT APPLICATION INSTRUCTION MANUAL



#### **Application Deadline:**

Applications must be received at:

Arizona Game and Fish Department  
Development Branch  
Boating Facilities Program Manager  
2221 W. Greenway Road  
Phoenix, AZ 85023

**No later than: Friday, December 31, 2004 by 5:00 p.m.**

Administered by the  
**DEVELOPMENT BRANCH**  
**BOATING FACILITIES SECTION**

This manual supersedes all previous manuals

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# TABLE OF CONTENTS

<b>I. INTRODUCTION</b>	
Purpose.....	1
Objective.....	1
Program Funding.....	1
Eligible Applicants.....	2
<b>II. GRANT APPLICATION</b>	
Application Process.....	3
Grant Proposals.....	3
Grant Selection Criteria.....	4
<b>III. CONDITIONS ON USE/ACCEPTANCE OF FUNDS</b>	
Ownership.....	6
Operation and Maintenance of Facility.....	6
Usage of Facility .....	6
User Fees.....	7
Third Party Memorandum of Understanding.....	7
Single Audit Act Amendments of 1996.....	8
<b>IV. GRANT REIMBURSEMENT GUIDELINES</b>	
Grant-in-Aid Subgrant Agreement.....	9
Amendment to Grant-in-Aid Subgrant Agreement.....	9
Transfer of Funds.....	10
<b>V. ELIGIBLE PROJECTS</b>	
Eligibility.....	12
Eligible Grant Activities.....	12
Ineligible Activities.....	12
Allowable Costs.....	12
<b>VI. PROGRESS REPORTS</b>	
Quarterly Construction Progress Report.....	14
<b>VII. PROJECT MANAGEMENT</b>	
Project Design.....	15
Construction or Purchasing.....	15
Equipment Purchases.....	16
On Site Inspections.....	17
Program Crediting.....	17
Signs and Symbols.....	17

**VIII. DOCUMENTATION/PERMITS REQUIRED**

USFWS Environmental Assessment (EA) Adoption..... 19  
Endangered Species Act (ESA)..... 20  
    Biological Assessment and Evaluation (BA&E)..... 20  
National Environmental Policy Act (NEPA)..... 20  
Clean Water Act (CWA) Documentation..... 21  
State Historic Preservation Office (SHPO)..... 21  
Arizona Department of Agriculture..... 21  
Arizona Game and Fish Department (AGFD) Environmental Assessment (EA)..... 22

**IX. PROJECT CLOSURE**

Final Payment..... 23  
Final On-Site Inspections..... 24  
Post-Completion Requirements..... 24  
Program Contact..... 25

**APPENDIX (Annual Inserts)**

Appendix A: Program Forms

- AGFD Form C1: CVA Grant Project Application Forms
- AGFD Form C2: Grant-in-Aid Subgrant Agreement (Example of)
- AGFD Form C3: Amendment to Grant-in-Aid Subgrant Agreement (Example of)
- AGFD Form C4: Bid Award Letter (Example of)
- AGFD Form C5: Grant Payment Request
- AGFD Form C6: Quarterly Construction Progress Report
- AGFD Form C7: Project Expenditure Record
- AGFD Form C8: Site Inspection Form (Example of)

Appendix B: Glossary of Terms and Acronyms & Definitions

## I. INTRODUCTION

### PURPOSE

The Clean Vessel Act Pumpout Grant Program (CVA or Program) is designed to construct, develop and maintain sewage pumpout facilities for recreational boaters and for programs that educate boaters about the importance of properly disposing of sewage to improve water quality throughout Arizona lakes for the boating public, wildlife, and recreational users.

### OBJECTIVE

Overall Program objectives are geared toward meeting federal goals established through the Clean Vessel Act (Public Law 102-587, Subtitle F).

### PROGRAM FUNDING

The Program is a cooperative effort involving the U.S. Fish and Wildlife Service (USFWS) and the Arizona Game and Fish Department (Department). Federal administration of the Program is by the USFWS. Section 5604 of the Clean Vessel Act of 1992 authorizes the Program. The Department according to federal regulations, state statutes and Department policy administers the Program.

The Program is designed to construct, develop and maintain sewage pumpout facilities for recreational boaters and for programs that educate boaters about the importance of properly disposing of sewage.

The Federal share does not exceed 75% of total costs approved in the Grant-in-Aid Subgrant (subgrant) agreement. The provisions of 43 CFR 12.64 apply to cost sharing or matching requirements. The recipient of grant funds must provide non-federal matching funds in an amount of not less than 25% of the total project cost. Third party in-kind contributions (25%) must be necessary and reasonable to accomplish grant objectives and represent the current market value of non-cash contributions furnished as part of the grant by another public agency, private organization, or individual.

## **ELIGIBLE APPLICANTS**

Applicants must be direct and authorized representatives of federal and state government agencies or political subdivisions or public/private marinas. The Department itself is eligible for and does utilize Clean Vessel Act funds to undertake its own projects.

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.

## II. GRANT APPLICATION

### APPLICATION PROCESS

Funds are awarded through a competitive application process to ensure that grants address the highest national priorities. Applications are sent to and reviewed by the Department. The Department will forward the application(s) to the USFWS for consideration. The Fish and Wildlife Service, Division of Federal Assistance, will convene a ranking panel of Federal employees, to include representatives from the Service's Washington Office of the Division of Federal Assistance, the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the U.S. Coast Guard, to review, rank and make funding recommendations to the Director of the Fish and Wildlife Service. **The Director will make the selection of eligible grants by August 1, annually.** Upon selection of a proposal the USFWS Regional Office will advise the Department of the successful applicant and if any additional documentation requirements are needed.

### GRANT PROPOSALS

Grant proposals will consist of a narrative, which identifies and describes the following:

- a. The need within the purposes of the Act;
- b. Discrete objective(s) to be accomplished during a specified time period that address the need(s);
- c. Expected results or benefits from accomplishing the objectives, including the numbers of recreational vessels and people served;
- d. The approach to be used in meeting the objectives, including specific procedures, schedules, key personnel, cooperators, grant location, innovative approaches, public/private partnerships, education, sensitive waters, and estimated costs;
- e. Amount and source of matching funds; and
- f. Fees for use of facility.

The participating agencies shall complete the application utilizing the form entitled, Clean Vessel Act Pumpout Grant Program (AGFD Form C1). Applications for funding are

received and reviewed on an annual basis to be considered for funding during the following State fiscal year beginning July 1. Formal grant applications (**1 original and 1 copy**) 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  
2221 W. Greenway Rd.  
Phoenix, Arizona 85023-4312

During the review period, it is possible that the subgrantee will be contacted with recommended changes in the application(s). A proposal for a suggested change is not an acknowledgement that the Department or USFWS awarded the project.

#### **GRANT SELECTION CRITERIA**

The Director of Fish and Wildlife Service shall give priority consideration to grant proposals that meet the criteria listed in Subsections below and in the accompanying chart:

- a. Proposals for constructing and renovating pumpout and dump stations without an approved plan;
- b. Proposals for constructing and renovating pumpout and dump stations in accordance with an inland State's plan;
- c. Proposals that provide for public/private partnership efforts to develop and operate pumpout and dump stations;
- d. Proposals for innovative ways to increase the availability and use of pumpout and dump stations, e.g., where private parties put in more than the minimum match amount;
- e. Proposals that include an education/information component;
- f. Proposals that benefit the waters most likely to be affected by the discharge of sewage from vessels, including the waters as defined in the technical guidelines as published in the Federal Register; and,
- g. Proposals in areas with high vessel/pumpout or dump stations ratios.

<b>Criteria</b>	<b>POINTS</b>	
	<b>Coastal States</b>	<b>Inland States</b>
a. Do a survey/plan	50	0
b. Construct w/no plan	10	5
c. Construct with plan	20	10
d. Partnership	10	5
e. Innovative approach	5	2
f. Education	5	2
g. Sensitive area	5	2
h. Low pumpout ratio	5	2

### **III. CONDITIONS ON USE/ACCEPTANCE OF FUNDS**

#### **OWNERSHIP**

The land/facility to be used in development must be owned in fee by the subgrantee or the subgrantee must have full control of the land/facility through a long-term lease or agreement. The subgrantee must provide proof of ownership or control.

#### **OPERATION AND MAINTENANCE OF FACILITY**

The subgrantee is responsible for operation and maintenance of all capital improvements acquired or constructed with State Trust Grant funds as long as reasonably accessible to all recreational vessels for the full period of their useful life. However, additional development or renovation at those sites can be funded and the new facilities may be eligible for operation and maintenance funding.

#### **USAGE OF FACILITY**

Facilities constructed with CVA 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 allows a maximum of a \$5.00 fee to be charged, with no justification, for use of pumpout facilities constructed, operated or maintained with grant funds. If higher fees are charged, they must be justified before the proposal can be approved. Such proceeds shall be retained, accounted for, and used by the operator to defray operation and maintenance costs as long as the facility is needed and it serves its intended purpose. The maximum fee shall be evaluated for inflation, etc., each year. 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, 2) Prohibits uses of the facility that may conflict with its intended purpose, and 3) User fees shall not be used to fund ancillary amenities.

## **THIRD PARTY MEMORANDUM OF UNDERSTANDING (MOU)**

If the subgrantee is sponsoring the application in cooperation with a third party or subcontractors to this agreement, the subgrantee shall be responsible for compliance with agreement provisions in the event of third party or subcontractor default. The subgrantee shall provide a completed and signed MOU between the subgrantee and the third party or subcontractors to the Department before the subgrant 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; and
- C. User fees shall not be used to fund ancillary amenities.

A DRAFT of the MOU must be submitted with the application. AN APPLICATION WILL BE CONSIDERED INELIGIBLE IF A DRAFT MOU IS NOT INCLUDED IN THE APPLICATION.

## **SINGLE AUDIT ACT AMENDMENTS OF 1996**

On July 5, the president signed into law the Single Audit Act Amendments of 1996 (P.L. 104-156) 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 and 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

### GRANT-IN-AID SUBGRANT AGREEMENT

Upon final approval of the project by the Director of USFWS, the subgrantee and the Department must enter into a **Grant-in-Aid Subgrant Agreement** (AGFD Form C2) 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 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 agreement.

Two (2) original copies of the subgrant agreement are mailed to the subgrantee for signature. The individual authorized in the application's resolution must sign the agreement. If acceptable, the subgrantee signs both originals and returns them to the Department within 45 working days of receipt for signature by the Director, or the designee of the Department. The Department retains one (1) original copy and the other is returned to the subgrantee. The subgrant agreement is effective as of the date signed by the Department.

### AMENDMENT TO GRANT-IN-AID SUBGRANT AGREEMENT

Each subgrantee is expected to complete the project(s) within one (1) year, according to the original subgrant agreement. The Department recognizes, however, that the subgrantee may encounter circumstances that warrant an amendment to the subgrant agreement. Only one (1) extension, not to exceed one (1) year, may be granted. Extension requests must provide a detailed explanation and revised timeline for project completion. **Amendments must be submitted to the Department for prior approval (at least three (3) months) to the close of the subgrant agreement period.**

If the amendment involves changes in any of the documents supporting the subgrant agreement, attach a copy of the applicable revised document(s). Provide an original and two (2) copies to the Department. An amendment must be submitted 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 Grant Agreement period.

If the Department approves the amendment, the subgrantee will receive two (2) original copies of the amendments for signature. Within 20 working days of receipt, the subgrantee must return the signed documents to the Department for signature by the Director or designee. The Department retains one (1) original copy and the other is returned to the subgrantee. The amendment is effective as of the date of signing by the Department. If the request is denied, the subgrantee will receive written notification of denial.

If the subgrantee does not submit an extension request before the one (1) year completion date or if the work is not initiated by the amended one (1) year completion date, the Department may terminate the project according to the provisions of the subgrant 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 subgrant agreement. Advances will be considered on a case-by-case basis and are rarely granted. Written justification from the subgrantee as well as a Grant Payment Request form (AGFD Form C5) must accompany requests for advances. Subgrantees may submit payment 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 below documents to request reimbursement:**

1. Grant Payment Request Form (AGFD Form C5)
2. Project Expenditure Record (AGFD Form C7)

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, will be conducted for each reimbursement and must approve the expenditures or construction before reimbursement can occur to the subgrantee. 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 Grant Payment Request form prior to reimbursement. **The subgrantee must retain all original support documentation for five (5) years after the project closure date.** Support documents must identify the grant project name and number as shown on the subgrant agreement.

A grant to cover the costs of engineering services and construction work is made by the Department directly to the subgrantee by use of the subgrant agreement. The subgrantee is responsible for making proper payments to its consultant, contractor, or suppliers.

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

- Designs, Plans & specifications;
- Award of bid letter (AGFD Form C4) (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**

Funds used for construction, renovation, operation, and maintenance of pumpout and dump stations and floating restrooms under this Program must be for the purpose of supporting the State's effort to improve water quality.

### **ELIGIBLE GRANT ACTIVITIES**

1. Education/Information programs to educate/inform recreational boaters about the environmental pollution problems resulting from sewage discharges from vessels and to inform them of the location of pumpout and dump stations.
2. The construction, renovation, operation and maintenance of pumpout and dump stations, including floating restrooms on the water, not connected to land or structures connected to the land, used solely by boaters.
3. Any activity necessary to hold and transport sewage to sewage treatment plants, such as holding tanks, piping, haulage costs, and any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities.

### **INELIGIBLE ACTIVITIES**

1. Activities that do not provide public benefit;
2. Enforcement activities;
3. Construction/renovation of upland restroom facilities;
4. Construction, renovation, operation and maintenance of on-site sewage treatment plants, such as package treatment plants and septic systems, and of municipal sewage treatment plants for primary and secondary treatment.

### **ALLOWABLE COSTS**

1. Allowable grant costs are limited to those costs that are necessary and reasonable for the accomplishment of approved grant objectives and meet the applicable Federal cost principles in 43 CFR 12.60(b). Purchase of informational signs, program signs, and symbols designating pumpout and dump stations, are allowable costs.
2. Grants or facilities designed to include purposes other than those eligible under the

Act shall have the costs prorated equitably among the various purposes. Grant funds shall only be used for the part of the activity related to the Clean Vessel Act.

3. Costs incurred prior to the effective date of the grant agreement are not allowable with the exception that preliminary costs are allowed only with the approval of the Department. Preliminary costs may include such items as feasibility surveys, engineering design, biological reconnaissance, appraisals, or preparation of grant documents such as environmental assessments for compliance with the National Environmental Policy Act.

## **VI. PROGRESS REPORTS**

### **QUARTERLY CONSTRUCTION PROGRESS REPORT**

Following receipt of a fully executed subgrant agreement, the subgrantee is required to submit quarterly construction progress reports (AGFD Form C6) 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 31;
- Fourth quarter (April 1 – June 30) due no later than June 30.

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**

The subgrantee shall select and employ a competent 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 subgrantees 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. 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 this 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 encourage 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 must be completed within one (1) year of the signed Grant-in-Aid Subgrant 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 PURCHASES**

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 subgrant 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 AGFD Form C8). Whenever possible, these inspections will take place during normal working hours with the subgrantee. During inspections, Department staff will determine compliance with the subgrant agreement and provide problem-solving assistance. The Department will determine the need for on-site inspections of equipment purchases.

### **PROGRAM CREDITING**

Signs should acknowledge that the facility was constructed or improved with funds from the Clean Vessel Act. Following is suggested language: "This facility was built (or improved) using State Trust Grant matching funds authorized by the Clean Vessel Act."

### **SIGNS AND SYMBOLS**

A national symbol, to be developed, should be installed to be clearly visible to direct boaters entering the facility to pumpout and dump stations. Appropriate information signs should be installed at pumpout and dump stations. Such information could indicate fees,

restrictions, hours of operation, operating instructions, and a contact name and telephone number if the facility is inoperable.

## VIII. DOCUMENTATION/PERMITS REQUIRED

The subgrantee is responsible for obtaining all necessary documentation and/or permits for CVA construction of pumpout and dump stations facilities. As the funds to be awarded by the Department are State Trust Grant Funds, National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA), among others, are necessary for every grant recipient. The types of documentation/permits necessary by subgrantees are dependent upon whether the action involves a Federal nexus, in addition to the use of State Trust Grant funding. Such an additional Federal nexus exists if the subgrantee is a federal agency, if the project is to be done on federal land, through the use of additional federal funding, or if the project requires a federal permit. In the event that the proposed project does not have an additional federal nexus (i.e. the subgrantee is a State agency, a county, or a tribe, private marina, etc.; with no additional federal funding or permits involved) the Department will complete the necessary NEPA/ESA documentation.

If a Federal nexus in addition to the use of State Trust Grant funding exists, the subgrantee must submit all the necessary additional documentation and permits to the Department for review and approval.

**BEFORE ANY 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 CAN BEGIN**

### **USFWS ENVIRONMENTAL ASSESSMENT (EA) ADOPTION (40 CFR Part §1506.3)**

When a federal agency receives federal funding from the Department's Clean Vessel Act Pumpout Grant Program (considered a State Trust Fund Grant Project) and prepares an Environmental Assessment (EA) in accordance with NEPA, the USFWS can adopt that federal agency's EA to reduce duplication of effort and streamline the NEPA compliance process.

The USFWS must conduct an independent evaluation of the other federal agency's EA to determine if it meets the Department of the Interior and the USFWS NEPA procedures/guidelines. To streamline the NEPA process for State Trust Fund Grant projects, when a draft EA is prepared by a federal agency, the USFWS should be designated as a cooperating agency and sent a draft EA for review/comments. If the EA is adequate, the USFWS may then prepare and issue a Finding Of No Significant Impact (FONSI), streamlining the NEPA process. If the USFWS is not designated a cooperating agency, even if the EA is adequate, the USFWS must make the Final EA available to the public and other agencies, and prepare and issue a FONSI. If the EA is deficient, it may be supplemented with the appropriate information or a new EA may be prepared.

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

It is the responsibility of all recipients of State Trust 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. (See Appendix B - Glossary of Terms and Acronyms for additional information).

#### **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 Grant funds to comply with the NEPA process. Subgrantees must critically evaluate their proposed projects and show that the proposed activity is covered by one or more Categorical Exclusions or prepare an EA or an Environmental Impact Statement (EIS) and submit documentation to the Department for review and approval. (See Appendix B - Glossary of Terms and Acronyms for additional information).

#### **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 OF THE PROJECTS UNDERTAKEN BY THE CLEAN VESSEL ACT PUMPOUT GRANT PROGRAM WILL REQUIRE DOCUMENTATION OF COORDINATION WITH THE ACOE (and potentially the ADEQ), EVEN IF NO PERMIT IS REQUIRED.** (See Appendix B - Glossary of Terms and Acronyms for additional information).

#### **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 the State Historic Preservation Officer with regard to those activities or projects that may impact cultural resources. (See Appendix B - 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 that 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 that are 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 B - Glossary of Terms and Acronyms for additional information).

#### **ARIZONA GAME AND FISH DEPARTMENT ENVIRONMENTAL ASSESSMENT (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.

If the subgrantee is a State agency, a county, or a private marina, etc., the Department will complete the necessary NEPA/ESA documentation through the Departments Environmental Assessment Checklist. The subgrantee is responsible to obtain 404/401 permits from ACOE/ADEQ and SHPO compliance from Arizona State Parks and submit to the Department. (See Appendix B - Glossary of Terms and Acronyms for additional information).

## IX. PROJECT CLOSURE

The subgrantee must complete the project by the ending date specified in the subgrant 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 subgrant 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, which 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. **Please read carefully.**

1. A completed final Grant Payment Request Form (AGFD Form C5),
2. A completed Project Expenditure Form (AGFD Form C7), 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.

## **FINAL ON-SITE INSPECTIONS**

The Department may schedule a final on-site inspection of the project site to determine compliance with the terms of the subgrant agreement and any amendments. 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 subgrantee for record keeping.

The Department may request photos of a completed project in lieu of performing an on-site inspection.

## **POST-COMPLETION REQUIREMENTS**

The results of a completed project shall benefit the public according to the purposes of the Clean Vessel Act and the Clean Vessel Act Pumpout Grant Program. The Department requires the subgrantee to operate and maintain all capital improvements acquired or constructed with State Trust Grant funds as long as the facility is needed and it serves its intended purpose. The improvements shall be available for public use 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 Clean Vessel Act Pumpout Grant Program please contact the **Boating Facilities Program Manager** at the:

Arizona Game and Fish Department

Development Branch

2221 W. Greenway Road

Phoenix, Arizona 85023

Telephone: (602) 789-3481

FAX (602) 789-3327

## **LITERATURE CITED**

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