



**Parks, Recreation
and Historic Preservation**

Boating Infrastructure Grant Program Guidelines

MARCH 2021

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SECTION I - INTRODUCTION

1.1 General Information and Purpose

The Boating Infrastructure Grant (BIG) program was established with the Sportfishing and Boating Safety Act of 1998 to provide funding to States and Territories for the construction, renovation, and maintenance of facilities for transient non-trailerable recreational vessels 26 feet or more in length. The Act amended the Federal Aid in Sport Fish Restoration Act (Wallop-Breaux Act; 16 USC 777) with subsequent reauthorizations of the Act to allow for continuation of funding.

BIG is administered by the US Fish and Wildlife Service (USFWS) through grants to the State from its Wildlife and Sport Fish Restoration Program. The New York State Office of Parks, Recreation and Historic Preservation (NYS Parks) is the designated State Administrative Agency for the BIG program in New York. *All applications must be submitted to NYS Parks, not directly to the US Fish and Wildlife Service.*

Complete Federal rules and regulations that govern this grant program are in 50 CFR, Part 86, Boating Infrastructure Grant (BIG) Program, made a part of these Guidelines by reference.

1.2 Eligible Participants and Uses

A. Eligible Program Participants

1. BIG program funds are available to municipalities, and other governmental entities in New York State.
2. All participants must further agree to abide by all of New York State rules, policies and procedures, as well as any and all local and Federal rules that may apply.

B. Eligible Uses of Program Funds

A project is **eligible** for funding if it proposes to:

1. Construct, renovate, or maintain municipally owned **boating infrastructure** facilities open to the public. To be eligible, a project must:
 - a. Build these facilities on navigable waters, available to the public and design the new construction and renovations to last for the period of the approved useful life, which shall be no less than 20 years;
 - b. Design these facilities for temporary use for transient non-trailerable recreational vessels (no more than 15 consecutive days);
 - c. Build these facilities in water deep enough for eligible recreational vessels to navigate (a minimum of 6 feet of depth at lowest tide or other measure of lowest fluctuation);
 - d. Provide security, safety, and service for these boats; and,
 - e. Install a pump-out station, if constructing a facility for overnight stays.
 - i. If there is already a pump-out station within a reasonable distance (generally 2 nautical miles) of the facility, one may not be needed.
 - ii. For facilities intended as day stops¹, installation is encouraged.

1. Unless explicitly indicated for "day-use only" at time of application, all BIG applications are expected to be designated for overnight use.

- iii. Funds from BIG, or the Clean Vessel Act pump-out grant program also administered by USFWS, may be used to fund up to 75% of a pump-out station.
 - iv. While pumpouts are eligible under BIG, it is *strongly* recommended funding be requested from the Clean Vessel Act through the New York State Department of Environmental Conservation.
- 2. Dredging on navigable waters to a depth to accommodate eligible vessels for safe access.
 - a. Dredging-related costs may not exceed \$200,000 in Federal funding.
- 3. Install navigational aids, limited to giving transient vessels safe passage between the facility and maintained channels or open water.
- 4. Apply funds to grant administration.
- 5. Fund pre-award (preliminary) costs:
 - a. Pre-award costs will only be allowed if explicitly requested at time of application.
 - i. **Pre-award costs will only be funded if the project is approved. All pre-award costs are incurred at the applicant's risk.**
 - b. Pre-award costs may include any of the following activities completed before signing a grant Contract:
 - i. Conducting appraisals;
 - ii. Administering environmental reviews and permitting;
 - iii. Conducting technical feasibility studies, for example, studies about environmental, economic, and construction engineering concerns;
 - iv. Carrying out site surveys and engaging in site planning;
 - v. Preparing cost estimates; or
 - vi. Preparing working drawings, construction plans, and specifications.
 - c. If the project is approved, the appropriate USFWS Regional Director must still approve pre-award costs in writing.
- 6. Produce information and education materials such as charts, cruising guides, and brochures.

C. Ineligible Uses of Program Funds

A project is **ineligible** for funding if it proposes to:

- 1. Complete a project that does not provide public benefits;
- 2. Involve law enforcement activities;
- 3. Significantly degrade or destroy valuable natural resources or alter the cultural or historic nature of the area;
- 4. Construct or renovate principal structures not expected to last at least 20 years;

5. Do maintenance dredging;
6. Fund operations or routine custodial and janitorial maintenance of the facility;
7. Construct, renovate, or maintain boating infrastructure facilities for non-trailerable vessels, for example the following:
 - a. Slips available for occupancy for more than 15 consecutive days by a single party;
 - b. Dryland storage;
 - c. Haul-out features;
 - d. Boating features for trailerable or "car-top" boats (boats less than 26 feet in length), such as launch ramps and carry-down walkways; and
 - e. Roads, parking lots, and other landward facilities that are not necessary for transient users.

1.3 Funding

NYS Parks accepts applications for Tier II (National) BIG Funding, which may request Federal funds up to \$1,500,000 (per award).

- A. NYS Parks may submit more than one project to the USFWS Wildlife and Sport Fish Aid Division for review prior to those applications being submitted to compete nationally with every other project submitted in this Tier.
- B. Our office must receive notice of award from the US Fish and Wildlife Service, Federal Aid Division prior to award of funding by NYS Parks.

1.4 Reimbursement of Project Expenses

- A. This is a reimbursable grant program. Requests for reimbursement are based on New York Office of the State Comptroller requirements and requirements of 43 CFR 12.60-12.66.
- B. Grant funds will be reimbursed to the Subgrantee for eligible expenditures as requested or upon final completion of the project and NYS Parks staff on-site inspection of work completed. Requests for payment must include all necessary forms and documentation. Payment will only be made for documented and verified costs. **NYS Parks will in no case, pre-approve or disburse any advance in Program Funds.**
- C. The Subgrantee must have the financial capability to make timely payments to the contractor or others (upon billing/invoice) pending requested receipt of reimbursable grant funds.
- D. Final payment of no less than 10% will be held until final on-site inspection has been performed and work has been completed to the satisfaction of the State.
- E. Failure to complete the project and make final payment request to NYS Parks within the stipulated period may result in project termination.

1. Project termination may result in loss of award and require the Subgrantee to return any Federal funds reimbursed.

1.5 Matching Funds, Operation and Fee Policy

A. Matching Funds Requirement

1. The Applicant must provide a minimum 25% match or more depending on commitments from Tier 2 applications.
2. Applicants are encouraged to seek other sources of hard (cash) matching funds to help leverage the maximum amount of grant funds available.
3. Applicant may agree to furnish some form of in-kind (soft) matching funds including administration, contract management, and inspection of the project. All soft match funds must be identified at the time of application. Typical in-kind match amounts should be no more than 10% for project administration and 5% for project inspection.

B. Operation and Maintenance Participation and Fee Policy

1. The Subgrantee must agree to provide any and all costs for ordinary and routine operations and maintenance of the facility for the period of useful life, a minimum of 20 years or as determined by the Commissioner. This includes any and all personnel, equipment or service and supplies costs.
2. Fees may be charged to boaters for transient facilities constructed under BIG. Any user fees charged shall be reasonable, consistent with and comparable to fees charges by other facilities for similar use at equivalent facilities. (50 CFR §86.90)
 - a. Revenues from user fees shall be utilized to offset the cost of operating and maintaining the facility for its useful life.
 - b. If Subgrantee charges User Fees during the grant period of performance, it will be considered program income and deducted from the Federal award amount.
3. Operation of the facility must meet guidelines in the final rule of 50 CFR 86, published in the Federal Register on May 6, 2015, volume 80, number 87.

1.6 Project - Design, Environmental Review, Engineering, Management, and Inspection

A. Design and Environmental Review

1. All capital construction public works projects are to be designed and engineered in accordance with local, State and federal laws, including public safety codes and standards. The project must use the best materials and labor at the best cost. As each individual project site is unique, it requires site-specific design that meets best Value Engineering.
2. Projects funded through this program must meet environmental compliance requirements as follows:

- a. Environmental Quality Review Act (SEQR)
- b. National Environmental Protection Act (NEPA)
- c. Section 7 of the Endangered Species Act (ESA)
- d. Section 106 of the National Historic Preservation Act of 1966 (NHPA/SHPO)
- e. Coastal Zone Management Act (CZMA)

This process will require review, according to these requirements, upon notice of Recommendation for Award and prior to final application approval and award of the grant by USFWS.

B. Completing Project Engineering and Master Planning

1. Applicants may provide (at their cost or as an approved match) their own staff or consulting engineers to survey, design, and inspect a project. All work must meet or exceed minimum design standards and guidelines established by all applicable local, State, and Federal laws.
2. Applicants may request Program Funds to assist or pay for the cost of a consulting engineer to survey, design, and engineer a project. All work must meet or exceed minimum design standards and guidelines established by all applicable local, State, and Federal laws.
3. All engineering must be completed by a professional engineer or architect registered in the State of New York or legally qualified to practice as such in his or her own State or country, provided that such person may lawfully practice as such in this State.
4. Projects with detailed engineering estimates will be given priority for funding.

C. Project Management and Inspection

1. It is the Subgrantee's responsibility to contract, manage, and inspect all aspects of grant projects including: the construction contract, materials purchase, engineering, master plan or force account labor performed at any project site.
2. NYS Parks staff may, within budgetary constraints, inspect all Grant Project site work prior, during, and upon completion to ensure compliance with the Contract between NYS Parks and the Subgrantee. The Subgrantee will maintain regular contact with NYS Parks staff during the Grant Period of Performance to provide updates on the progress of work and any problems that may arise.
3. Project deficiencies shall be corrected by the Subgrantee prior to final project close out and payment by NYS Parks. The Subgrantee shall inform NYS Parks staff of any changes or time delays incurred with the project. NYS Parks may restrict any or all payment of grant funds pending correction of such deficiencies.

1.7 Priority Needs

NYS Parks gives highest priority to new access for transient non-trailerable vessels, followed by expansion of existing facilities, then the repair or renovation of existing facilities.

1.8 General Funding Requirements

- A. Grants funds shall only be used to pay costs that are necessary and reasonable to accomplish the approved grant objectives.
 - 1. If a proposed project is expected to benefit other users, all expenses will need to be prorated accordingly.
 - a. For example: if a project is expected to construct a marina with 200 new slips, but only 35 slips will be dedicated to recreational transient boaters meeting requirements of the program, the project expenses will need to be prorated for the 17.5% of work eligible to the program.
 - b. If a project includes items dedicated to only eligible users (i.e. a restroom with a security system utilizing a passcode only given to transient boaters), expenses for those items would qualify as 100% eligible.
 - 2. All prorating occurs *before* determining the amount reimbursable under the BIG award.
 - a. An example of an expense reimbursement figure calculation is as follows:

Total Expense for 200 slip Marina with 35 slips dedicated transient	Prorated for Transients (eligible expense):	Subgrantee (Match) Portion:	Federal (Reimbursable) Portion:
	<i>17.5%</i>	<i>25%</i>	<i>75%</i>
\$1,000,000	\$175,000	\$43,750	\$131,250

- B. If a project is not selected for funding in a given fiscal year, the Applicant must resubmit a new Application (and revised costs) if interested in reconsideration for a new fiscal year. Previously submitted Applications will not be carried forward.
- C. Projects that were previously approved, but the Subgrantee failed to expend the funds during the Contract period, will not be eligible for reconsideration, unless the failure was for reasons beyond the control of the Subgrantee and NYS Parks has granted an explicit approval.

SECTION II - APPLICATION SUBMISSION REQUIREMENTS

2.1 Grant Deadlines and Submission Requirements

- A. The USFWS announces the application period each year, usually around late May/early June. The application submission period is then announced through emails sent to interested parties and eligible participants, and on the website at: <https://parks.ny.gov/grants/boating-infrastructure/default.aspx>. Applications must be delivered to NYS Parks prior to the submission deadline published on the NYS Parks Boating Infrastructure Grant page. That date will be prior to the deadline established by the U.S. Fish and Wildlife Service, generally 30 days, in order for NYS Parks to prepare the application package to submit to the USFWS.
- B. NYS Parks will only accept the Boating Infrastructure Grant Program Application form that is included in these Guidelines by reference. This Application form will be available online at: <https://parks.ny.gov/grants/boating-infrastructure/default.aspx> to download each funding cycle. *NYS Parks will not accept any other form.* NYS Parks will not accept late or incomplete Applications, nor will staff process any Applications received after the specified deadline. Applications received after the deadline will not be considered for submission.
- C. Applicants will be notified of the status of their Applications as information is made available.
- D. In addition to the completed Application, the Applicant must provide written documentation regarding the following:
 1. The Applicant is authorized to submit a grant Application for consideration by NYS Parks. This shall be in the form of an adopted resolution, by the Governing Body on letterhead, authorizing the Project Manager to apply for and administer the grant on behalf of the Applicant.
 2. Project activities are on public lands, owned by the Applicant and the submerged facilities are being operated on navigable, public waters of the State.
 3. A willingness to enter into a Contract with NYS Parks for the period of useful life as established in the application and finalized prior to the award.
 4. A commitment to provide resources to operate and maintain the facility for the period of useful life.
 5. Capability of completing this project within the 3-year construction period allowed by the U.S. Fish and Wildlife Service.
 6. Any possible environmental effects and mitigation actions proposed for construction and land use consistency of the facility.
 7. Prorating details if the proposed project cost includes facilities that will be used by non-transient vessels.

8. The accuracy of the proposed project budget by providing a detailed cost estimate in the form of an engineer's cost estimate, a formal bid's schedule of values or a bona fide vendor's quote. All hard and soft matching funds shall be clearly identified with respect to the amount and authorized availability (especially other matching fund grants).

2.2 Application Preparation – General

The Applicant must submit an original, completed Grant Application and required Attachments on or before the specified deadline.

Completed Applications must include a cover letter addressed to the Program Administrator, requesting consideration of the project(s), **identifying the priority of multiple projects** and any other pertinent information.

Please note the Attachments are *required* to be submitted with the completed Grant Application.

SECTION III - PROJECT CONSIDERATION AND APPROVAL

3.1 NYS Parks Evaluation

The NYS Parks Boating Infrastructure Grant Administrator shall evaluate each eligible Application for completeness and eligibility, in accordance with the BIG Program Guidelines, and 50 CFR, Part 86. Being chosen by NYS Parks for submission to USFWS does not guarantee an award. There is no guarantee that the application will be forwarded to USFWS and applications will not be forwarded if NYS decides for any reason that the application is not recommended to be submitted to USFWS. Projects chosen will be submitted to USFWS to compete nationally. *USFWS makes all final determinations regarding awards and funding authorizations.*

Each submission will be reviewed based upon the extent to which it is determined to meet the criteria set forth in Subsection 3.2 - Application Evaluation Criteria. This is the primary tool used to rank and evaluate all applications.

3.2 Application Evaluation Criteria

Eligible Applications submitted to USFWS will be evaluated according to criteria set forth in 50 CFR Part 86 and ranked according to the criteria outlined in the Boating Infrastructure Grant Ranking Criteria Form. (Appendix A)

3.3 Reviews for Approval of Proposed Projects

- A. NYS Parks will submit eligible applications to the USFWS for review and ranking on a national level.
- B. Upon Notice of Recommendation of Award to NYS Parks by the US Fish and Wildlife Service, NYS Parks will request reviews in accordance with Federal and State environmental compliance requirements. Time for this review may take between 30-120 days. Approval of the grant award and subsequent Contract is contingent upon completion of these reviews. **No work on any grant projects proposed for funding shall start until this process is complete and award of the Grant Agreement has been confirmed by the USFWS.**
- C. Upon review and approval by all entities, NYS Parks will submit compliance documents to USFWS. If USFWS agrees with the findings, a Grant Agreement/award letter will be issued, and the project Period of Performance will begin.
- D. Once the Grant Agreement has been issued by USFWS, NYS Parks will initiate the Contract with the subgrantee. Award of the grant does not constitute a Contract. No project reimbursements will be issued before the Contract has been completed and approved by the NYS Office of the State Comptroller.
- E. Work may begin upon notification that the Grant Period of Performance has begun. The subgrantee must work closely with the BIG administrator to ensure compliance with work approved.

- F. The Contract, unless modified by mutual consent of all parties, shall bind the parties for the period of useful life or as stipulated in the Contract.

3.4 Prior Work (Pre-Award Costs)

Reimbursement will not be made for any portion of a project initiated or completed prior to Grant Agreement unless it is specifically pre-approved, in writing, by USFWS. Recognizing that emergencies may arise which necessitate quick action, the Subgrantee must contact the Program Administrator for direction before initiating any actions with fiscal impacts.

3.5 Review of Bid Documents Approval

- A. Subgrantee shall forward one copy of the bid package to the Program Administrator for review, prior to soliciting for quotations or commencing any work. Please allow twenty-one (21) working days for review. This review will ensure that minimum guidelines are being met. Approval is for the limited purpose of checking for conformance with the scope of work expressed in the Contract. APPROVAL DOES NOT AUTHORIZE CHANGES TO THE CONTRACT.
- B. Upon completion of review, the Program Administrator will notify Subgrantee of approval, at which time Subgrantee may commence bid solicitation of the Project.

3.6 Project Bidding and Contracting Requirements

Depending on the type and cost of the project, bidding and contracting requirements may be different. The Subgrantee's bidding and contracting transactions must comply with all local and State contracting requirements.

3.7 Project Obligation

Subgrantees are to obligate a grant within three (3) fiscal years of the beginning of the Federal fiscal award year or the Contract shall be cancelled, unless a grant extension is requested and approved.

SECTION IV - PROJECT CLOSEOUT

4.1 Contract Closeout

Upon project completion, the Subgrantee shall notify the Program Administrator and arrange an on-site project inspection. Upon approval and/or correction of any identified defects, the Subgrantee may submit the Grantee Certification form, along with the itemized payment request.

- A. Grantee Certification for Payment, Final Report and Close Out: The Subgrantee shall submit to NYS Parks a Grantee Certification for Payment, Final Report and Close Out, upon final completion of the project, certifying that the project is completed and operational.
- B. Payment: No less than 10% of the grant award amount will be held for final contract close out. Upon a Desk Audit of the payment request, final on-site review of the project and receipt of project closeout documents, NYS Parks will process the final payment.

4.2 Cost Overruns

The Subgrantee shall make every effort to avoid cost overruns on a project. If the total cost of the project exceeds the grant amount and match, the Subgrantee shall assume liability for any additional cost.

4.3 Signs

The Subgrantee must maintain at the facility at least one acknowledgement sign identifying the US Fish and Wildlife Service, Sport Fish Restoration, and NYS Parks as primary funding partners. You may also identify Subgrantee and others as primary funding partners, if desired. The sign shall not be less than 9" by 12" in size, displaying each primary funding partners' logos. The acknowledgement signs will be provided by the Subgrantee as part of the project at the Subgrantee's expense.

Sample:



This Project was Supported by a
Boating Infrastructure Grant
administered by the New York Office
of Parks, Recreation, and Historic
Preservation and the U.S. Fish and
Wildlife Service, Wildlife and Sport
Fish Restoration Program:
*Partnering to fund conservation and
connect people with nature.*



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4.4 Reports and Maintenance

It is the responsibility of the Subgrantee to provide any and all ongoing maintenance and operation activities necessary to protect, preserve and provide quality boating facilities for the use and enjoyment of the public. Any significant events (vandalism, flood, fire, or closures) that require corrective action must be promptly reported to NYS Parks actions for the duration of the Contract and Useful Life Period of the Facility.

4.5 Site Dedication, Conversion and Findings of Noncompliance

- A. Land owned by the Subgrantee, which is developed with Program Funds, shall be dedicated for its useful life, as determined in the Contract, as a site for the use and benefit of the public. The dedication must be recorded in the public property records by the Subgrantee. Title to all improvements is retained by the Subgrantee upon final payment by NYS Parks.
- B. Should a Subgrantee, within the periods set forth in Subsection (A) above, convert all or part of a project to other than NYS Parks approved uses, the Subgrantee shall replace the area, facilities, resource, or site at its own expense with a project of comparable scope and quality which is acceptable to NYS Parks.
- C. If a project is found to be in noncompliance with program regulations during the project period or its useful life, the owner of the marina may be required to return the program funds invested into the property to NYS Parks.

4.6 Financial and Accounting Requirements

- A. All Subgrantees must retain all grant project accounting records, supporting documents and any other documents for a period of up to six (6) years following project completion and acceptance by NYS Parks.
- B. The Subgrantee shall ensure that upon reasonable notice, inspection of the financial records specific to the project will be available for auditing.

4.7 Public Access

- A. Eligible participants must allow reasonable access to all eligible recreational vessels. Accessible to the public means located where the public can reasonably reach the facility and where all boats typical to that facility can easily use it.
- B. The Subgrantee shall agree to allow unencumbered access to NYS Parks, its employees or agents for the duration of the Contract and Useful Life Period 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, NYS Parks may request maintenance and use information from the Subgrantee to validate condition of the facility.

- C. The Subgrantee shall ensure, to the maximum extent possible, that no person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in, be denied the proceeds or benefits of, or be otherwise subjected to discrimination.

SECTION V - DEFINITIONS

As used in these Boating Infrastructure Grant Program Guidelines, the following definitions shall have the meanings indicated which are applicable to both the singular and plural thereof:

APPLICANT: A municipality of the State of New York that submits an Application for Boating Infrastructure Grant program funds to NYS Parks during an announced Application Submission Period.

APPLICATION: A formal request for Boating Infrastructure Grant Program funds by an applicant on NYS Parks-approved form and with required documentation.

APPLICATION SUBMISSION PERIOD: The formally announced period of time provided by the U.S. Fish and Wildlife Service for the submission of Boating Infrastructure Grant Program applications by Applicants in a single funding cycle.

BIG-FUNDED FACILITY: Only the part of a facility funded through a Boating Infrastructure Grant.

BOATING INFRASTRUCTURE: Features providing stopover places for eligible recreational vessels to tie up, including (but not limited to):

- Mooring buoys - permanently anchored floats designed for use by eligible recreational vessels;
- Day-docks - facilities that do not allow overnight use;
- Navigational aids - channel markers, buoys, and directional information;
- Transient slips - slips that boaters with eligible recreational vessels occupy for no more than 15 consecutive days;
- Safe harbors - facilities protected from waves, wind, tides, ice, current, etc., that provide a temporary safe anchorage point or Harbor of Refuge during storms;
- Floating docks and fixed piers:
- Floating and fixed breakwaters;
- Dinghy docks - floating or fixed platforms that boaters with eligible recreational vessels use for a temporary of their small boats to reach the shore;
- Restrooms;
- Retaining walls;
- Bulkheads;
- Dockside utilities;
- Pumpout stations;
- Recycling and trash receptacles;
- Dockside electric service;
- Dockside water supplies;
- Dockside pay telephones;
- Debris deflection booms; and
- Marine fueling stations.

BOATING INFRASTRUCTURE GRANT PROGRAM (BIG): The program authorized and described in the Federal Register, May 6, 2015, Volume 80, Number 87.

CAPITAL IMPROVEMENT: (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.

CONSTRUCT: Engage in activities that produce new capital improvements and increase the value or usefulness of existing property. These activities include building new facilities replacing or expanding existing facilities.

CONTRACT: The written agreement under which the Subgrantee and NYS Parks mutually agree to carry out respective responsibilities for a fixed period unless amended by mutual consent. All amendments must also be authorized by USFWS.

CONVERSION: The use of the Grant Project for any other purpose not specified in the Contract.

DESK AUDIT: An audit of the Subgrantee project records made by NYS Parks.

ELIGIBLE RECREATIONAL VESSELS: Transient non-trailerable motorized boats 26 feet or more in length manufactured for and operated primarily for pleasure, including vessels leased, rented, or chartered to another person for pleasure purposes. 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.

EXPAND: Significant increase to an existing transient docking in size and number.

FACILITY: 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.

FEASIBILITY STUDY: A controlled process for identifying problems, opportunities or mandates, determining objectives, describing current situations and successful outcomes, and assessing the range of costs and benefits associated with several alternatives for solving a problem. The study will be used to support the Applicant's justification for a Grant Project.

GRANT: An approved award of money, the principal purpose of which is to transfer funds from a Federal awarding agency to the non-Federal entity 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.

GRANT AGREEMENT: A contractual Agreement used to obligate Federal Aid funds for carrying out work covered by an approved grant proposal.

GRANT PERIOD OF PERFORMANCE: Time of project award, from Federally authorized award start date to notification of final closeout by NYS Parks, during which work is performed and project has not yet been closed out.

GRANT PROJECT: A project to fund installation, expansion or upgrade of facilities for transient non-trailerable recreational vessels 26 feet or more in length with a stay of up to, but no greater than, 15 consecutive days.

GRANTEE CERTIFICATION FOR PAYMENT, FINAL REPORT AND CLOSE OUT: Certification by the Subgrantee to be submitted with payment requests as well as when the grant project or a specified part thereof is sufficiently completed, in accordance with the Contract, so that the grant project or the specified part can be utilized for the purposes for which it was intended.

MAINTENANCE: 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.

MATCH: 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. Match must follow the criteria at 2 CFR 200.306(b).

MUNICIPALITY: Municipality shall mean a county, city, town, village, school district, supervisory district, or an Indian tribe or nation residing within New York State, a local or State public authority or local or State public benefit corporation, a State agency, or any combination thereof.

NAVIGABLE WATERS: Waters connected to or part of the jurisdictional waters of the United States that are deep and wide enough for the passage of eligible vessels within the water body.

NEW COMPONENT: A project element that never existed previously or a substantial upgrade to an existing facility (i.e. add new boarding docks and piles to site where none existed previously).

NYS PARKS: New York State Office of Parks, Recreation and Historic Preservation.

PROGRAM ADMINISTRATOR: NYS Parks' staff member designated to manage the Boating Infrastructure Grant Program.

PROGRAM FUNDS: The primary purpose is to fund the direct costs of projects for installation or upgrade of facilities for transient recreational boats 26 feet or more in length.

PROGRAM INCOME: 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: 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 COMPLETION PERIOD: The number of days or the dates stated in the Grant Agreement/Contract to complete the Grant Project so that it is ready for final payment as evidenced by the Project Completion Certification.

PRORATING: Method of distinguishing costs for facilities that will benefit non-transient vessels vs. transient vessels. Examples: (1) The project includes 20 slips with a cost of \$400,000 but only 5 slips are designated for transient vessels, the total eligible cost is 25 percent of the cost or \$100,000, (2) A wave attenuator is requested with a total cost of \$400,000 at a marina with 100 slips with only 40 transient slips, the total eligible cost is 40 percent of the cost or \$160,000.

RECIPIENT: The eligible State agency authorized to apply for and receive USFWS BIG program award funds. Responsible for oversight and reimbursement of all projects awarded during the award period and Useful Life.

SUB-GRANTEE: The party receiving grant reimbursement, through the Recipient, and responsible for completing the project and the operation and maintenance of the site.

RENOVATE: To rehabilitate all or part of a facility to restore it to its original intended purpose, or to expand its purpose to allow use by eligible recreational vessels.

STATES: Individual States within the United States, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TRANSIENT: Travel to a single facility for day use or staying at a single facility for a maximum time period of 15 consecutive days.

USEFUL LIFE: The period during which a BIG-funded facility is capable of fulfilling its intended purpose with adequate care and maintenance. The Grantee is responsible for the costs of the operation and maintenance of the BIG-funded facility for its useful life. Useful life is established in the grant application as an informed estimate with justification on how the useful life was determined.

VESSEL WASTE FACILITY: All types of stationary or portable systems that pump or remove human waste from a recreational boat's holding tank or portable toilet. This includes pumpouts, dump stations, related forward sewage lift stations and necessary docks, piles, gangways, and related facilities.