

## Frequently Asked Questions

Several questions frequently come up. **The answers provided are intended to be for quick reference only and are not comprehensive and all inclusive.**

- ✓ Are privately owned marinas eligible to receive BIG funding?
- ✓ Must I own the facility in order to apply for BIG grant?
- ✓ What are the BIG match requirements?
- ✓ What happens if a boating facility serves other user groups (i.e., commercial vessels and long-term rentals) besides BIG-eligible vessels?
- ✓ Are there long-term commitments for a facility to use BIG funds?
- ✓ What are the water depth requirements for BIG funded facilities?
- ✓ Is it possible to be paid for work that was undertaken prior to a BIG grant being approved for funding?
- ✓ Are there any requirements for soliciting engineering and construction contracts?
- ✓ Can a facility owner charge a fee for boaters using a BIG-funded facility?
- ✓ Must I record the federal interest in my property deed?

### **Q1. Are privately owned marinas eligible to receive BIG funding?**

- A. Yes. The focus of the BIG Program is to address the unmet transient dockage needs of recreational vessels 26' or more in length. These needs can be addressed either at publicly or privately owned facilities. It is important to remember, however, that the focus of the BIG Program is to benefit a very specific group of boaters; not to benefit marinas. **A property lien may be required!**

### **Q2. Must I own the facility in order to apply for BIG grant?**

- A. The potential sub-grantee(s) must own or have a long term, irrevocable, lease (minimum 20 – 30 years) of the site and must provide document(s) proving the lease. If the potential sub-grantee is a non-public entity, a list of 5 key officials of the entity and its parent entity (if any) must be provided along with a W-9.

### **Q3. What are the BIG match requirements?**

- A. The maximum reimbursement under BIG is 75% of the total BIG-eligible costs, and the minimum 25% match must come from non-federal sources. BIG Tier 2 – National projects are highly competitive so it may be helpful to provide significantly more match and to have multiple partners. Although state Waterway Improvement Fund may possibly be used as match for publicly owned facilities, state funds cannot be used as match at privately owned facilities, even if these marinas are open to the general public. **Privately owned marinas must either provide their own match or find non-state/federal partners.**

### **Q4. What happens if a boating facility serves other user groups (i.e., commercial vessels and long-term rentals) besides BIG-eligible vessels?**

- A. BIG funding is to be used **only** for meeting the needs of recreational, transient, vessels 26' or more in length. Transient means staying up to 15 days. Any other usage

of a boating facility is considered to be ineligible, must be detailed in the funding proposal, and must be pro-rated accordingly (see §86.19 in the BIG Final Rule).

**Q5. Are there long-term commitments for a facility to use BIG funds?**

- A. Yes. If a BIG project is selected for funding, the facility owner and DNR will enter into a legally binding contract known as a Land Control Agreement (LCA) which will ensure that the facility will comply with all federal and state grant requirements for the facility's "useful life;" typically 20-30 years.

**During the term of the LCA, the facility will be subject to periodic inspections and audits (up to twice a year) by DNR.** If a facility owner is either unable or unwilling to comply with all federal/state requirements detailed in the LCA for the project's useful life, the owner of the facility would be required to return all of the grant funding used for the project (with no proration).

**Q6. What are the water depth requirements for BIG funded facilities?**

- A. The marina/boating facility should typically have at least 6' of mean low water (mlw). Although BIG funding may be used for dredging, significant limitations/restrictions apply (Subpart B §86.15, Page 26164).

As noted in the Final Rule, you must certify in the grant application that you have enough resources to maintain the dredged area at the approved width and depth for the useful life of the BIG-funded facility. Although publicly owned facilities may apply for state maintenance dredging funds, there is no guarantee that state funds will be available. **Privately owned marinas are not eligible for state maintenance dredging funds even if the marinas are open to the general public and have received a BIG grant.**

The responsibility of maintaining 6 feet of depth mlw is entirely up to the owner(s) of the facility, and this would have to be surveyed at the expense of the owner if such depth is in doubt. The consequence of a BIG-funded facility not being able to maintain this depth is that the owner of the facility would have to return 100% of the federal and state funding used for the entire project (not just the dredging). DNR reserves the right to conduct bathymetric surveys to verify the water depth.

**Q7. Is it possible to be paid for work that was undertaken prior to a BIG grant being approved for funding?**

- A. No construction may be undertaken and no construction expense is reimbursable until; 1) the federal grant has been approved by USFWS and, 2) the required contracts (MOU and LCA) between DNR and the sub-grantee have been executed

Engineering that occurs prior to a BIG Tier I grant being approved by USFWS is considered to be a "pre-agreement" cost and is reimbursable provided; 1) The pre-

agreement cost is detailed in the grant funding proposal, 2) USFWS approves the grant including the proposed pre-agreement cost, 3) the required contracts (MOU and LCA) between DNR and the sub-grantee have been executed, and 4) construction is complete and final inspection is done. **No pre-agreement costs for BIG Tier II grants will be considered.**

Additionally, BIG is a reimbursement program...The Department will not "up front" any money. The program will not reimburse any costs incurred by the sub-grantee(s) outside of the grant performance period!

**Q8. Are there any requirements for soliciting engineering and construction contracts?**

- A. Yes. Basically, all plans and specifications must be approved by the Department before bides are solicited. The sub-grantee must publicly advertise the project for bids with DNR reserving the right to have a representative at the bid opening. The sub-grantee will then prepare a tabulation of bids and submit it to DNR with comments and recommendations **prior to the award of any contract.**

Please note that federal BIG projects are not subject to federal Davis-Bacon and state prevailing wage requirements.

**Q9. Can a facility owner charge a fee for boaters using a BIG-funded facility?**

- A. Yes. The sub-grantee must charge the public a reasonable fee based on prevailing rates at other publicly and privately owned local facilities offering a similar service or amenity. If, however, other publicly and privately owned local facilities offer BIG-funded services or amenities free of charge then a fee is not required.

The existing fee structure and proposed fees after renovation, along with the basis of arriving at the proposed new fees, must be included in the grant application. DNR must approve the proposed new fees before the sub-grantee(s) may charge the boaters. Additionally, boaters must not be charged different fees based upon where they live or where their vessels are homeported /documented.

**All revenues from user fees must be kept in a separate account and applied to the cost of operating and maintaining the facility for its useful life. Account records must be preserved and are subject to DNR audit up to twice a year.**

**Q10. Must I record the federal interest in my property deed?**

- A. Yes. The facility owner will be required to record a Notice of Grant Agreement (NOGA) in the property's land records. In the event of a transfer of ownership of the property, the grant responsibilities and commitments shall be passed on to the next owner as the BIG funded facility must continue to serve its intended purpose though the useful life (20-30 years).