



# **Chesapeake & Coastal Service**

## **Boating Infrastructural Grant (BIG)**

### **Program Manual**

**Note: This manual does not contain all BIG requirements – only highlights.  
Potential applicants are strongly encouraged to read the [BIG Final Rule](#)  
(dated May 6, 2015)**

## A. Program Description and Requirements

### 1. Purpose

The BIG Program provides grant funding assistance for the construction, renovation, and maintenance of public and private boating infrastructure tie-up facilities with features for recreational transient (up to 15 days) boats 26 feet or more in length that are available to the general boating public. Since the focus of the Program is on larger recreational vessels, a minimum of 6 feet mean low water (mlw) is generally required.

### 2. Source of Funds

The BIG Program receives federal funding as a percentage of the annual revenues to the Sport Fish Restoration and Boating Trust Fund [26 U.S.C. 4161(a), 4162, 9503(c), and 9504]. The Trust Fund receives revenue from sources including: (1) excise taxes paid by manufacturers on sportfishing equipment and electric outboard motors; (2) fuel taxes attributable to motorboats and non-business use of small-engine power equipment; and (3) import duties on fishing tackle, yachts, and pleasure craft.

### 3. Administration

The U.S. Fish and Wildlife Service (FWS) administers the federal BIG Program under requirements detailed in 50 CFR Part 86, Boating Infrastructure Grant Program; [Final Rule](#) (May 6, 2015).

The Department of Natural Resources (the Department) is designated as the administering agency for Maryland's BIG Program.

Under this grant program, FWS is the "Grantor," the Department is the "Grantee," and the owner of the facility is the "Sub-grantee/sub-recipient".

### 4. Who may apply

The Department encourages local units of government and private marinas/facilities to participate in this program by submitting grant applications to the Department for eligible transient facilities (note deadlines below).

Marinas and facilities requiring membership to access are generally not qualified to apply unless the charter is changed to allow access to the general boating public.

### 5. Levels of funding

There are two levels of funding available; *BIG Tier 1 - State* and *BIG Tier 2 - National*:

- *BIG Tier 1 - State* grants provide up to \$200,000 in federal funds per year, per state, and are non-competitive on a federal level. In other words, DNR does not need to compete with other states in order to receive \$200,000 in *BIG Tier 1 - State* funding

each year. However, *BIG Tier 1 - State* funding may be competitive within the state if more than one facility in Maryland is seeking *BIG Tier 1 - State* funding.

- *BIG Tier 2 – National* grants, providing up to \$1.5 million in federal funds per project, are available each year on a nationally competitive basis.

Note: *BIG Tier 2 – National* grants are highly competitive so, in order to improve the chances that a particular project will be selected for funding, the funding proposal should be much more in depth and provide much more justification than a *BIG Tier 1 – State* proposal.

**Because the Department is the direct Grantee for both BIG Tier 1 and BIG Tier 2 grants, it is the Department’s decision which potential projects, if any, the Department will support for federal funding.**

## 6. Key BIG Sub-grantee Requirements

The owners of large, recreational, transient vessels pay a significant amount of tax dollars and the BIG Program helps these boaters by enabling them to visit and enjoy boating destinations that they might not otherwise have access to.

There are strict requirements in place to ensure that BIG funding is used only for its intended purpose. Below are several key requirements that sub-grantees should be aware of before pursuing BIG funding.

All matching funds (minimum 25%) must come from non-federal sources. Although State Waterway Improvement Funds (WIF) may, possibly, be used as match for publicly owned facilities, State WIF funds cannot be used as match at privately owned marinas, even if the marinas are open to the public. Privately owned marinas must either provide their own match or find non-state/federal partners.

### **Long Term Requirements that Apply to BIG-funded Projects at All Marinas/Facilities**

- Once FWS approves a BIG proposal, a Memorandum of Understanding (MOU) and a Land Control Agreement (LCA) must be executed between the Department and the sub-grantee. An MOU enables the Department to obligate grant funds and specifies the performance period, billing and reporting requirement. The LCA is a legally binding contract which ensures that the sub-grantee will meet all federal and state requirements for the useful life the project. If a sub-grantee is unwilling or unable to comply with all federal/state requirements for the term of the LCA, the sub-grantee would be required to return ALL grant funds to the Department (with no proration).
- The use integrity of the marina/facility, as approved in the grant, must not change. For example, if BIG funding is used to support the creation of five slips dedicated for large, recreational, transient, vessels, then the sub-grantee cannot, at any time during the project’s useful life, use any of those slips for long-term or commercial rental.
- The sub-grantee will be required, at its own expense, to maintain a minimum depth of 6’ mean low water (mlw) throughout the useful life of the project (minimum 20 years), unless a different water depth is pre-approved by FWS.

- All dockage fees, including any change in fee structure, must be approved by DNR and all income generated by the BIG-funded improvements must be kept in a separate account to be used only for the operation and maintenance of the BIG-funded facility. Fees must be based on prevailing rates at other facilities similarly situated and offering a similar service or amenity. User fees cannot discriminate against anyone such as by charging user fees that vary based upon boater residence or vessel homeport.
- If overnight dockage is allowed, the marina/facility must provide pump-out service or there needs to be an operable and available pump-out within two miles.
- The sub-grantee must allow DNR to do periodic inspections of the BIG-funded facility and, every five years, the sub-grantee must submit a status report to DNR (in a format approved by DNR) certifying that the project remains in compliance with all BIG grant requirements.
- A sub-grantee must record a “Notice of Grant Agreement” in the property’s deed (see Appendix C). This requirement ensures that any potential purchaser of the facility is notified of the federal interest and associated use restrictions.

### **Select Requirements that Apply only to Privately Owned Marinas/Facilities**

In addition to the requirements noted above, privately owned marinas/facilities have the following long-term requirements (other requirements may be imposed at the DNR’s discretion):

- In addition to a NOGA, a Record Covenant Agreement (if required by Office of Attorney General and Audit and Management Review) detailing the grant conditions must be included in the property records for the marina/facility.
- Performance bonds and personal guarantees may also be required (if required by Office of Attorney General and Audit and Management Review). The marina/facility must not be sold and there must be no change in the corporate structure/status of the business without DNR and FWS approval. Permission will only be granted if: 1) the new potential owner/partner signs a legally binding agreement, suitable to DNR, indicating that they will continue to comply with all terms and conditions contained in the LCA and 2) the new potential owner/partner provides DNR with any requested information (including an auditing report) to help DNR assess any risk of future non-compliance to the federal grant.
- Each status report (to be submitted by the sub-grantee every five years during the project’s useful life) must include a report completed by an independent auditor, at the sub-grantee’s expense, certifying that the BIG-funded project continues to be used for its intended purpose, that BIG project income is being kept in a separate account, and that BIG project income is being used only for the operation and maintenance of the BIG funded facility.

#### **7. Eligible and non-eligible activities:**

Specific program eligibilities are detailed in the BIG Final Rule §86.11 (eligible) and 86.16 (ineligible). While these national program documents cover all possible project

types, states are allowed to and may elect to only support a subset of the eligible activities. In Maryland, DNR has opted to not submit or administer BIG funds for facility maintenance or dredging at privately owned marinas/facilities.

## **B. Project proposal format and submission process**

Applicants are strongly encouraged to review all applicable federal and state requirements before submitting a BIG proposal. The Additional Resources section provides helpful links and guides.

The ONLY purpose of the federal BIG Program is to provide boating infrastructure facilities for recreational, transient (up to 15 days), vessels 26' or more in length. Any ineligible usage (i.e.; usage of the facility by recreational vessels less than 26' in length, long term dockage, or usage by non-recreational vessels) must be pro-rated out of the grant proposal. Additionally, any activity that interferes with the purpose of the BIG Program is expressly prohibited.

Maryland BIG has a two-phase submission process.

Phase I – applicants interested in BIG grant must submit the Preliminary Application to the Department by **April 30** of each year.

Phase II – If the department select your project to be forwarded to FWS for consideration, you must submit the complete Project Statement and supporting document to the Department by **August 31 each year or earlier as notified.**

The Department generally submits the BIG application packages via online portal GrantSolutions to FWS sometime in September.

Electronic submission is preferred. Submit Preliminary Application Form and supporting documents by April 30 to:

Li Lan Carson, Federal Projects Lead  
Chesapeake and Coastal Service, Department of Natural Resources  
Tawes Office Building, E-2  
580 Taylor Avenue, Annapolis, Maryland 21401  
Phone: 410-260-8452, Email: [lilan.carson@maryland.gov](mailto:lilan.carson@maryland.gov)

*Please be advised that incomplete applications may not be considered for funding. Use the check list on the last page of Preliminary Application Form to make sure your application includes all the documents.*

## **C. Review and Selection**

Once the Preliminary Application is received, Program staff will contact the applicant for a site visit if needed. A site visit will help the Department understand what the applicant is interested in doing as well as the situation at the facility. The Department may conduct a bathymetric survey to verify the water depth requirement (6' mlw) during the site visit.

Program staff will review the applications and make selection(s) of which project(s) will be submitted to FWS for possible BIG funding. Upon being informed that your project is up for further consideration, the applicant should begin work on putting together a Project Statement as detailed in the annual Notice of Funding Opportunity (typically published by FWS each May). The deadline for submission of the Project Statement and all supporting documentation to the Department is **August 31 each year or earlier as notified.**

Project Statement preparation is the responsibility of the sub-grantee so please keep in mind that *BIG Tier 2 – National* Project Statements may take several months for you to prepare. If you are applying for *BIG Tier 2 – National* funding, it is recommended that you start drafting your Project Statement at the same time you are filling out the state application form.

If you miss the August 31<sup>st</sup> deadline for submitting the final Project Statement for a potential BIG Tier 2 – National project, the Department will submit the application package to FWS the following year, assuming the federal funding is available, and you are still interested in pursuing it.

If you miss the deadline for submitting the Project Statement for a potential BIG Tier 1 – State grant, the Department will consider submitting the project to FWS the following year but, because only \$200,000 per year in BIG Tier 1 – State funding is available, your project will be considered along with any others that may be submitted so there is no guarantee that your project will be selected.

## **D. Notification of Award**

If FWS approves a project for funding, the Department will notify the applicant (sub-grantee) and begin to work with the applicant to complete all the required compliance documentation and forward them to FWS. A conditional grant award will be issued by FWS, typically pending receipt of a signed land control agreement (LCA) along with other terms and conditions.

The Department and the applicant (sub-grantee) will then execute a Memorandum of Understanding (MOU) and a legally binding LCA as Exhibit B of the MOU to pass through all those terms and conditions to the sub-grantee. A sample of the LCA can be found in **Appendix B**. One condition of the LCA is that a Notice of Grant Agreement must be made part of the facility's deed (see **Appendix C**).

Once the LCA is fully executed, the Department will issue an Authorization to Proceed, only then the sub-grantee can begin the work.

The sub-grantee is responsible for obtaining all permits for the project, as noted in the LCA. The sub-grantee will publicly advertise all aspects of the project for bids including but not limited to engineering, construction, and inspection. All plans and specifications must be reviewed by the Department before bids are solicited. Bid tabulation and recommended award along with the bids documentation received must be submitted to and concurred/approved by the Department before the contracts are awarded.

Unless pre-agreement costs are specifically approved (i.e., for engineering), the sub-grantee is prohibited from expending any money until: 1) FWS approves the award, 2) a memorandum of understanding (MOU) between DNR and the sub-grantee is executed, 3) the sub-grantee has all permits/approvals in hand, 4) the sub-grantee has undertaken a competitive bid process that has been overseen by DNR, and 5) DNR provides the sub-grantee with a Notice to Proceed.

No reimbursement from the BIG grant will be processed by the Department until all above mentioned requirements are met and proof of NOGA recorded in the deed.

## **E. Monitoring**

The Department will monitor progress in accordance with the stated timelines and objectives as set forth in the approved Project Statement. Upon completion of the project, the Department will conduct final inspection. The final inspection date will serve as the beginning time of the LCA. During the term of the LCA, the Department will conduct periodic inspections to make sure the facility is in compliance with BIG Program Rules and Regulations. These inspections may include DNR auditing the relevant financial records for the project.

The Department will monitor the subgrantee's compliance with BIG requirements based on the risk assessment, and the subgrantee must submit a status report every five years through the useful life.

A BIG grant funded facility must remain for its original intended purpose and there must be no change in the corporate structure/status of the business without DNR and USFWS approval. Permission will only be granted if: 1) the new potential owner/partner signs a legally binding agreement, suitable to DNR, indicating that they will continue to comply with all terms and conditions contained in the LCA and 2) the new potential owner/partner provides DNR with any requested information (including an auditing report) in order to help DNR assess any risk of future non-compliance to the federal grant. 3) A BIG Grant Assignment/Transfer Form must be completed and signed by transferor/transferee and approved by DNR.

## **F. Anticipated Program Timeline**

April 30	State Preliminary Applications due by 4:00 p.m.
May/June	The Department conducts site visits (if needed), applications review, etc.
July	The Department informs the applicant(s) whether the project(s) is selected for submission to FWS.

August 31	Complete Project Statement with supporting documents due from the sub-grantee(s) whose project(s) have been selected.
September	The Department Submits grant applications to FWS via GrantSolutions, depending on the due date set by FWS
March/April of the following year	FWS announces applications selected for funding.
May/June of the following year	The Department begins working with the sub-grantee(s) to get the grant conditionally approved by FWS and execute the MOU and the LCA.  ***After the LCA is fully executed, the Department will issue an Authorization to Proceed, only then the sub-grantee can begin the work.

Once the project construction is complete and final walkthrough is performed, the post-construction compliance and monitoring period begins and lasts till the end of useful life, minimum 20 years (based on the useful life determination).

## G. Appendices

- Appendix A – MD BIG Preliminary Application Form
- Appendix B – Risk Assessment Form
- Appendix C - Sample MOU with Exhibit B Land Control Agreement
- Appendix D – Sample Notice of Grant Agreement
- Appendix E – BIG Grant Assignment/Transfer Form

## H. Governing Guidance

- Sport Fishing and Boating Safety Act of 1998
- 50 CFR Part 86, BIG Program; [Final Rule](#), May 6, 2015
- [2 CFR Part 200](#) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- [FWS Manual Chapters](#)
- Maryland DNR Waterway Improvement Fund Grants Manual