Clean Vessel Act
Fiscal Year 2020 Notice of Funding Opportunity

Notice Overview

Federal Program
United States Department of the Interior (Department), Fish and Wildlife Service (Service), Wildlife and Sport Fish Restoration Program (WSFR)

Funding Opportunity Title
Clean Vessel Act (CVA)

Catalog of Federal Domestic Assistance (CFDA) Number
15.616

Authorizing Legislation
Clean Vessel Act, 33 United States Code (U.S.C.) §1322; and Dingell-Johnson Sport Fish Restoration Act, 16 U.S.C. §777 et seq.

Announcement Type
Notice of Funding Opportunity (NOFO) for Federal Fiscal Year (FY) 2020

Funding Opportunity Number
F19AS00240

Paperwork Reduction Act Statement
We are collecting this information in accordance with the Sportfishing and Boating Safety Act, Title VII, Subtitle D, Section 7404, Public Law 105178, 16 U.S.C. 777g-1, Safe, Accountable, Flexible, Efficient Transportation Equity Act, Public Law 109-59, and the Fixing America's Surface Transportation (FAST) Act (Public Law 114-94). Your response is required to obtain or retain a benefit. We will use the information you provide to conduct a review, which may be competitive, and select projects for funding. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. We estimate that it will take applicants under this program about 40 hours to complete an application. We estimate it will take recipients under this program about 6 hours to complete required reporting and required recordkeeping. All burden estimates include the time to review instructions, search existing data resources, gather data needed and complete and review the submission. You may send comments on the burden estimate or any other aspect of this information collection to the Information Collection Clearance Officer, United States Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

OMB Control Number
1018-0100 (Expires: 07/31/2021)

Submission Deadline and Other Information
States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the Territories of Guam, American Samoa, and the United States Virgin Islands (hereafter States) are the only eligible applicants and must submit applications through Grants.gov by the deadline. The deadline for receipt is **December 2, 2019, 11:59 P.M. PDT**. The Service recommends that you submit your application early enough to address any unforeseen technical complications. We also recommend that you verify that Grants.gov received all your documents with your Regional WSFR Office before the deadline. The Service will not consider applications received after the deadline.

Applicants requesting comments or assistance with their applications are encouraged to submit applications to the Service Regional WSFR Office (see Section VII, Agency Contacts) at least 4 weeks prior to the due date. Although there is no guarantee that the Regional WSFR Office will provide comments, feedback may include recommendations to improve the application.

If you would like to be a subrecipient you should check with your state agency for their application deadlines and requirements. Note that some state agencies may, at their discretion, choose not to sub-award to third parties. Please contact the National or Regional WSFR contacts in Section VII if you need contact information for your applicable state agency.

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I. Description of Funding Opportunity

References to “you” in this NOFO refer to the State agency completing the application and any potential subrecipient, if applicable. References to “we” or “us” in this NOFO refer to the Service.

Recreational boating is a popular activity in the United States. There are approximately 11 million registered motorized recreational boats in the United States, and each year over 141 million people, adults and children, enjoy a host of water-based recreational opportunities, such as fishing, cruising, waterskiing, and spending time with family and friends. Many recreational boats are equipped with on-board toilets and wastewater holding tanks, known as Marine Sanitation Devices (MSDs). Proper disposal of sewage from recreational boats is important in preserving and improving water quality in the country’s vital aquatic ecosystems. CVA provides the States with Federal funding to support their ongoing efforts to improve recreational boating opportunities and provide boaters with clean, efficient facilities to prevent waste disposal into public waterways and other ecosystems.

CVA is one of the Service’s “user pay, public benefit” grant programs. Funding comes from the Sport Fish Restoration and Boating Trust Fund and consists of excise taxes on fishing equipment, motorboat and small engine fuels, import duties, and interest on the fund. Four percent of the trust fund, after sequestration, is divided between CVA and Boating Infrastructure Grants (BIG) programs each fiscal year. This year, we expect to fund approximately $12 million in CVA grants.

Each year pumpouts and dump stations funded through CVA and matched with State, local, and/or private funds have a large impact on reducing the amount of waste discharged to the nation’s waters. This has tremendous benefits such as improved water quality for public drinking water supplies, river ecosystems, shellfish beds and other aquatic life; convenient service for boaters; and boaters who are informed of how best to dispose of vessel sewage. Since the inception of CVA, the program has funded over 6,000 pumpout and dump stations and has provided funds to help operate and maintain them. Through dedication of the States, private marinas, the Sport Fishing and Boating Partnership Council, the States Organization for Boating Access, environmental groups, and the boating public, millions of gallons of sewage are diverted from polluting waterbodies each year. These groups have also been instrumental in keeping the facilities in working order, and providing information for the boating public regarding the importance of keeping waters clean by using pumpouts and dump stations.

The CVA slogan is: ***Keep Our Water Clean - Use Pumpouts***.

WSFR’s mission is to work through partnerships to conserve and manage fish and wildlife and their habitats for the use and enjoyment of current and future generations. WSFR’s vision is of healthy, diverse, and accessible fish and wildlife populations that offer recreation, economic activity, and other societal benefits, in addition to sustainable ecological functions. WSFR’s guiding principle is that society benefits from conservation-based management of fish and wildlife, their habitats and opportunities to use and enjoy them. CVA aligns with WSFR’s mission, vision, and guiding principle, and supports three of the Department’s priorities:

1) Creating a conservation stewardship legacy second only to Teddy Roosevelt;

2) Utilizing our natural resources; and

3) Restoring trust with our local communities.

II. Award Information

Awards typically range from $30,000 up to $1,500,000. There is no minimum, and in FY 2020 the maximum award amount is $1,500,000. Coastal States may apply for up to $3,000,000 maximum, $1,500,000 for coastal activities and $1,500,000 for inland activities. Inland States may apply for up to $1,500,000. See State definitions in Section III.

CVA is a competitive program that addresses national needs through funding construction, renovation, operation, and maintenance of pumpout stations and waste reception facilities for recreational boaters, and also to inform boaters about the use, benefits, and availability of pumpout stations and waste reception facilities. Eligible States submit projects to compete in the national CVA ranking process. If funding requests for eligible applications exceed available funds, we will apply a discretionary formula to distribute CVA funds to all eligible applicants and support as many projects as possible across the country. The highest scoring applications have priority and we will partially award applications based on a proportional ratio. We will attempt to provide funding to each State that applies for at least a minimal level of support to address the critical need of preventing pollution from recreational boat sewage. We may not rank applications if funds are available to fund all eligible applications. We will review all applications for eligibility and to insure they meet program requirements.

Please pay close attention to the following information as it may assist you in your planning and application efforts, and we will use it to determine the distribution of funds in an equitable manner, with priority for the highest scoring applications. We will fully fund each eligible application requesting $50,000 or less. No application will receive more than 10 percent of the total available funds, unless there are funds to meet all application requests. We will also:

1. Rank all eligible applications in descending point-score order;

2. Determine the percentage of each application's total score compared to the total possible score. We will use a total possible score of 50 points for all applications in determining the percentage (Note that all coastal States now have a plan. Hence the total possible score is 50 rather than 100 points. See Section V);

3. Determine funding based on the percentage in Step 2 for those applications with Federal CVA funding requests greater than $50,000. For example, applications receiving a perfect score (100 percent) will receive the full Federal funding request (if they clear the 10 percent of total available funds threshold), applications with a percentage of 80 percent (score of 40 points out of 50 possible) will receive 80 percent of the Federal funding request, and applications with a percentage of 60 percent (score of 30 points out of 50 possible) will receive 60 percent of the Federal funding request, and so on, funds permitting;

4. Make additional adjustments as needed to ensure we award the full amount of available funding; and

5. Adjust the 25 percent matching share, if applicable.

If excess funds are available, we reserve the right to publish a supplementary FY 2020 request for applications or, under authority granted by the FAST Act, we may apply the FY 2020 excess CVA funds to the FY 2020 Boating Infrastructure Grant (BIG) Program.

We expect to announce the grant awards by May 31, 2020.

III. Basic Eligibility Requirements

Eligible Applicants

Eligible applicants are the designated State agencies in the United States. If you are uncertain of your eligibility, please contact WSFR (see Section VII, Agency Contacts).

> Coastal State – A State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands. Alaska is eligible as a coastal State for the purposes of CVA.
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> Inland State - A State which is not a coastal State as defined above. The District of Columbia and American Samoa are included as inland States. American Samoa is defined as an inland State because the ratio of number of recreational vessels to number of shoreline miles is less than one.

Many States provide CVA subawards to private marinas, local municipalities, other State agencies, or other non-State entities though it is the State's decision if they want to utilize this approach to meet their public boating needs. There may be a separate application process for potential subrecipients managed by the State agency responsible for administering CVA grants.

Federal law mandates that all entities applying for Federal financial assistance must have a valid Dun & Bradstreet Data Universal Number System (DUNS) number and have a current registration in the System for Award Management (SAM). See 2 CFR 25 for more information.

A. DUNS Registration

Request a DUNS number online at Dun & Bradstreet Registration. For technical difficulties, contact Dun & Bradstreet by email at: govt@dnb.com, or by calling the Government Customer Resource Center at voice phone: 866-705-5711 or TTY line: 877-807-1679 (hearing impaired customers only). Obtaining a DUNS number is absolutely free for all entities doing business with the Federal government. Once assigned a DUNS number, entities are responsible for maintaining up-to-date information with Dun & Bradstreet.

B. Entity Registration in SAM

Register in SAM online at the SAM website. Once registered in SAM, entities must renew and revalidate their SAM registration at least every 12 months from the date previously registered. Entities are strongly urged to revalidate their registration as often as needed to ensure that their information is up to date and in sync with changes that may have been made to DUNS and IRS information.

Note: The official federal government website address for SAM is www.sam.gov. There is no cost to register in or access SAM. There are third-party vendors who charge a fee in exchange for registering entities in SAM; please be aware that you can register to do business with the United States Government for free directly in SAM.

C. Excluded Entities

Applicant entities or their key project personnel identified in the SAM Exclusions database as ineligible, prohibited/restricted or excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits will not be considered for Federal funding, as applicable to the funding being requested under this Federal program. The Service conducts a review of the SAM Exclusions database for all applicant entities and their key project personnel prior to award.

D. Prohibition Regarding Internal Confidentiality Agreements

If you require your employees or your contractors to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts your employees or contractors from lawfully reporting waste, fraud, or abuse to a designated investigative or law enforcement official of a Federal department or agency authorized to receive such information, you are not eligible to compete for or receive an award. See Pub. L. 113- 235, Title VII, Division E, Section 743 for more information.

E. Cost Sharing or Matching

The maximum Federal award under CVA is 75 percent of the total allowable project cost up to $1.5 million. Recipients are required to provide the remaining 25 percent of total allowable project costs using matching non-Federal funds. American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands are exempt from match requirements up to $200,000.

You may meet your minimum required cost share or match through contributions from a third party. A third party is any individual or organization other than the State applicant, such as a partner or subrecipient. In order for match to be allowable, it must meet all the criteria listed in 2 CFR 200.306(b). As the primary State recipient, you are responsible for the full amount of the non-Federal match proposed, including any amount provided by one or more third parties as listed on the Standard Form 424, Application for Federal Assistance (SF-424).

You may attribute some or all of your allowable indirect costs as voluntary committed cost-share/match, however you may only charge to the Federal award the indirect costs calculated against the allowable direct costs charged to the Federal award.

IV. Application and Submission Instructions

You can obtain the application information for CVA on Grants.gov, searching by CFDA 15.616 or the Funding Opportunity Number (F19AS00240). If you have trouble accessing the online forms, you can contact one of the WSFR Offices (see Section VII, Agency Contacts).

States must submit applications online at Grants.gov through the CVA Funding Opportunity. We recommended that you verify with your Regional WSFR Office that Grants.gov has received all of your required documents before the deadline.

Note – Coastal States submitting applications for both the coastal zone and the inland portion of their State must submit two separate applications for ranking purposes.

Applications submitted for CVA funding <u>must</u> contain:

1. **Required Federal Forms and Other Information (no page limit):**
    a. Application for Federal Assistance (SF-424).

    b. Budget Narrative (i.e., estimated costs necessary and reasonable to attain the project objectives). We recommend that you present the information in a table with cost categories broken down by the funding source (e.g., CVA Federal request, non-Federal match provided by State agency, non-Federal match provided by the subrecipient, etc.). You should provide sufficient detail for reviewers to understand proposed costs. See “d” for additional requirements for an indirect cost statement. You may also use the SF-424A or SF-424C Budget Forms (whichever is most appropriate) to submit your budget information.

    c. Statement of Assurances of compliance with applicable Federal laws, regulations, and policies, SF-424B or SF-424D (unless your State agency has an approved Statement of Assurances on file with the Regional Office).

    d. Required Indirect Cost Statement: All applicants must include one of the following statements and attach to their application any required documentation identified in the applicable statement: “We are…

        1. A United States State government agency receiving more than $35 million in direct Federal funding each year with an indirect cost rate of [insert rate]. We submit our indirect cost rate proposals to our cognizant agency. A copy of our most recently approved rate agreement/certification is attached.

        2. A United States State government agency receiving less than $35 million in direct Federal funding with an indirect cost rate of [insert rate]. We are required to prepare and retain for audit an indirect cost rate proposal and related documentation to support those costs.

3. A United States State government agency that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. In the event an award is made, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award is made.

4. A United States State government agency that has never submitted an indirect cost rate proposal to our cognizant agency. Our indirect cost rate is [insert rate]. However, in the event an award is made, we will not be able to meet the requirement to submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after award. We request as a condition of award to charge a flat *de minimis* indirect cost rate of 10 percent of modified total direct costs as defined in 2 CFR 200.68. We understand that we must notify the Service in writing immediately if we do establish an approved rate with our cognizant agency at any point during the award period. We understand that additional Federal funds may not be available to support an unexpected increase in indirect costs during the project period and such changes are subject to review, negotiation, and prior approval by the Service.

5. A United States State government agency that will charge all costs directly."

All applicants are notified of the following:

- Recipients without an approved indirect cost rate are prohibited from charging indirect costs to a Federal award. Accepting the 10 percent *de minimis* rate as a condition of award is an approved rate.

- Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award.

- Recipients must have prior written approval from the Service to transfer unallowable indirect costs to amounts budgeted for direct costs or to satisfy cost-sharing or matching requirements under the award.

- Recipients are prohibited from shifting unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

For more information on indirect cost rates, see the Service's Indirect Costs and Negotiated Indirect Cost Rate Agreements guidance document.

Entities that do not have a Negotiated Indirect Cost Rate Agreement (NICRA) must first have an open, active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department is your cognizant agency your indirect cost rate will be negotiated by the Interior Business Center (IBC). For more information, contact the IBC at:

Indirect Cost Services
Acquisition Services Directorate, Interior Business Center
United States Department of the Interior
650 Capitol Mall, Suite 7-400
Sacramento, CA 95814
Phone: 916-930-3803
Email: Through this email web form.
Internet address: Link to Indirect Cost Services Webpage.

e. Single Audit Reporting Statements:

As required in 2 CFR 200, Subpart F, all non-federal entities expending $750,000 USD or more in Federal award funds in a fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. All State applicants must provide a statement regarding whether your organization was or was not required to submit a Single Audit report for the State's most recently closed fiscal year and, if so, state if that report is available on the Federal Audit Clearinghouse Single Audit Database website and provide the EIN under which that report was submitted. Include these statements at the end of the Project Statement in a section titled "Single Audit Reporting Statements."

2. Project Summary:

A one page summary of the project including objectives, costs, and project description(s). It gives the applicant an opportunity to summarize the project in their own words which can, at times, also help to improve the application's final score.

3. Project Statement (10 pages maximum):

A project statement that does not address the ranking criteria, but rather identifies and describes:

a. The need for the proposed project;

b. Discrete, quantifiable, and verifiable objectives to be accomplished during a specific time period;

c. Expected results or benefits from accomplishing the objectives;

d. The approach to be used in meeting the objectives, including specific procedures, schedules, key personnel, and cooperators;

e. Description of the activity so Service staff can make a preliminary determination of compliance needs for the National Environmental Policy Act (NEPA), Section 7 of Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA); and

f. The anticipated project location(s), including the GPS coordinates in minutes, degrees, seconds. If exact locations are not available at the time of application, please be as specific as possible.

Please note: Project statements submitted in response to this NOFO must use standard objectives and metrics consistent with TRACS. Please see the WSFR Standard Project Statement Wiki for general examples and guidance. We encourage you to work with your WSFR Regional Office if you have questions about formatting your objectives for entry in TRACS.

4. **Ranking Criteria (10 page limit):**
   A description with appropriate documentation of how the proposed project(s) addresses each of the **ranking criteria found in Section V**. Note that 50 CFR 85 Clean Vessel Act Grant Program is the original rule and you should use the NOFO as guidance where they differ as it has been updated to comply with subsequent legislation. We suggest you address each ranking criterion with a brief statement or table in addition to the project statement described in item 3.

5. **Drawings/Maps/Photographs (no page limit):**
   If feasible, we suggest that you include two maps: a map of the State showing the general location of the project(s) and a map of the project site(s). You may attach other geographic aids including aerial photographs.

6. **Certification and Disclosure of Lobbying Activities:**
   Under Title 31 U.S.C., Section 1352, an applicant or recipient must not use any federally appropriated funds (both annually appropriated and continuing appropriations) or matching funds under a grant or cooperative agreement award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress connection with the award. Submission of an application also represents the applicant's certification of the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying. If you/your organization have/has made or agrees to make any payment using non-appropriated funds for lobbying in connection with this proposal AND the Federal share exceeds $100,000, complete and submit the **SF LLL, Disclosure of Lobbying Activities** form available in the Grants.gov Workspace or WSFR's Financial Assistance Wiki Forms Page. See 43 CFR, Subpart 18.100 for more information on when additional submission of this form is required.

7. **Conflict of Interest Disclosures (when applicable):**

You must notify us immediately in writing of any conflict of interest that arise during the life of their Federal award, including those reported to you by any subrecipient under the award. You must notify us in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award. You may not have a former Federal employee as a key project official, or in any other substantial role related to your award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the United States Office of Government Ethics website more information on these restrictions. We will examine each conflict of interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, we will work with you to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies us may result in any of the remedies described in 2 CFR 200.338 Remedies for Noncompliance, including termination of the award.

8. Required Overlap/Duplication Statement:

You must provide a statement that addresses if there is any overlap between the proposed project and any other active or anticipated projects in terms of activities, costs, or time commitment of key personnel. If any overlap exists, you must provide a description of the overlap in your application. You must also state if the proposal submitted for consideration under this program is/is not in any way duplicative of any proposal that was/will be submitted for funding consideration to any other potential funding source (Federal or non-Federal). If such a circumstance exists, you must detail when the other duplicative proposal(s) were submitted, to whom (entity name and program), and when funding decisions are expected to be announced. If at any time a proposal is awarded funds that would be duplicative of the funding requested from the Service, you must notify the Service point of contact for this funding opportunity immediately.

9. Intergovernmental Review:

Before submitting an application, you should determine whether your application is subject to the State intergovernmental review process under Executive Order (E.O.) 12372 “Intergovernmental review of Federal Programs.” E.O. 12372 fosters intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The E.O. allows each State to designate an entity to perform this function. You may contact the State’s designated entity for more information on the process the State requires when applying for assistance. States that do not have a designated entity have chosen not to participate in the review process.

10. Application Format

Applications should be formatted to print on 8.5" X 11" paper, with 1" margins at the top, bottom, and both sides, and page numbers at the bottom of the page. Fonts should be legible, i.e., preferably 12 point Arial, Times New Roman, or other commonly used font.

In accepting Federal funds, you must comply with all applicable Federal laws, regulations, and policies. Applicants must supply evidence of compliance with NEPA, ESA, NHPA, and other Federal laws if we select the application for award.

V. Application Review Information

A. Criteria and Available Point Values

Possible scores for coastal and inland applications are equal, with the exception of the "Survey/Plan" ranking criterion. This is due to legislative changes to the Clean Vessel Act of 1992, Public Law 102-587, title V, subtitle F (106 Stat 5039). The Act was amended by Public Law 109-59, title X, § 10131, August 10, 2005 (119 Stat 1931) stating that priority consideration shall be given to applications that: (A) provide for public/private partnership efforts to develop and operate pumpout stations and waste reception facilities, and (B) propose innovative ways to increase the availability and use of pumpout stations and waste reception facilities. Priority for a coastal State that proposes constructing and renovating pumpout stations and waste reception facilities in accordance with a coastal State's plan was removed. We plan to revise 50 CFR 85 to reflect this change.

Criteria for reviewing and ranking CVA applications are in the Final Rule for CVA (50 CFR 85.30). Please see Appendix A to this document for frequently asked questions about the CVA ranking criteria. You must address the following criteria to receive points. We will rank and recommend applications for funding based on individual scores obtained by adding ranking criteria points. Please list each ranking criterion individually and provide a concise explanation for each one. We may award partial points for some ranking criteria, so we highly recommend that applicants provide detailed information to inform reviewers how the proposed project addresses each ranking criterion. If you do not address a ranking criterion, you may receive 0 points for that criterion.

Scoring for coastal States:

- **Survey/Plan (0 points)**
  - If your State doesn't have a survey or a plan, are you proposing to complete one? If yes, 50 points (Note that all coastal States now have a plan. Hence there should be no points given for this criterion. As a result, the total possible score now is 50 rather than 100 points).
- **Construction/Renovation of Pumpouts or Dump Stations (10 or 20 points)**
  - Are you proposing to construct or renovate pumpout or dump stations in accordance with your State's plan approved under section 5603(c) of the Clean Vessel Act? If yes, 20 points.
  - Are you proposing to construct or renovate pumpout or dump stations and your

State doesn't have a plan or your proposed projects are not in accordance with your State's plan approved under section 5603(c) of the Clean Vessel Act? If yes, 10 points.

- **Partnership (10 points)**
  - Will you have a public/private partnership in developing and/or operating the proposed pumpout or dump stations? If yes, 10 points.
- **Innovative Approach (5 points)**
  - Will you use innovative ways to increase the availability and use of pumpout and dump stations? If yes, up to 5 points. Note that "innovative" is an evolving criterion. What was innovative five years ago may not be innovative today if it has become a standard practice. Please thoroughly describe your innovative approach as we may award partial points.
- **Education (5 points)**
  - Are you proposing to include an education/information component? Or, does your State have an active, ongoing CVA education program? If yes, up to 5 points. Please thoroughly describe your education/information component as we may award partial points.
- **Sensitive Area (5 points)**
  - Will your project benefit waters that are most likely to be affected by the discharge of sewage from vessels? If yes, up to 5 points. Please thoroughly describe how your project will benefit sensitive waters as we may award partial points.
- **Low Pumpout Ratio (5 points)**
  - Will the project be in areas with many vessels and few pumpouts or dump stations? If yes, up to 5 points. Please describe your pumpout ratios and how they were determined as we may award partial points.

Scoring for inland States:

- **Construction/Renovation of Pumpouts or Dump Stations (10 or 20 points)**
  - Are you proposing to construct or renovate pumpout or dump stations in accordance with your State's plan? If yes, 20 points.
  - Are you proposing to construct or renovate pumpout or dump station and your State doesn't have a plan or your proposals are not in accordance with your State's plan? If yes, 10 points.
- **Partnership (10 points)**
  - Will you have a public/private partnership in developing and/or operating the proposed pumpout or dump stations? If yes, 10 points.
- **Innovative Approach (5 points)**
  - Will you use innovative ways to increase the availability and use of pumpout and dump stations? If yes, up to 5 points. Note that "innovative" is an evolving criterion. What was innovative five years ago may not be innovative today if it has become a standard practice. Please thoroughly describe your innovative approach as we may award partial points.
- **Education (5 points)**
  - Are you proposing to include an education/information component? Or, does your State have an active, ongoing education program? If yes, up to 5 points.

Please thoroughly describe your education/information component as we may award partial points.

- **Sensitive Area (5 points)**
  - Will your project benefit waters that are most likely to be affected by the discharge of sewage from vessels? If yes, up to 5 points. Please thoroughly describe how your project will benefit sensitive waters as we may award partial points.
- **Low Pumpout Ratio (5 points)**
  - Will the project be in areas with many vessels and few pumpouts or dump stations? If yes, up to 5 points. Please describe your pumpout ratios and how they were determined as we may award partial points.

Summary Scoring Table for CVA Applications:

Criteria	*Maximum Coastal State*	*Maximum Inland State*
(1) Survey/Plan	**50**	**0**
(2) Construct/renovate with plan or	**20**	**20**
(3) Construct/renovate without plan	**10**	**10**
(4) Partnership	**10**	**10**
(5) Innovative approach	**5**	**5**
(5) Education	**5**	**5**
(6)Sensitive area	**5**	**5**
(7) Low pumpout ratio	**5**	**5**
Total possible points	**100***	**50**

*As noted earlier, the maximum score is now 50 points as all coastal States have a plan.

B. Review and Selection Process

Project selection is a three-step process: application receipt, application ranking, and application selection.

1. Application receipt – Submit applications via Grants.Gov. The Regional WSFR Offices determine applicant eligibility and whether applications are complete, substantial, and contain only activities that are eligible. We will return ineligible applications to the applicant. Revision and resubmission of returned applications is allowable up until the identified deadline for application submittals. Note that your Regional WSFR contact may, upon request, review a draft application prior to submission. Check with your applicable contact in Section VII to if you would like to explore this option.
2. Application ranking - Once an application is received and determined to be eligible by the Regional WSFR Office, they notify the Service WSFR Headquarters Office, which coordinates the review and ranking of the applications. We may not conduct the ranking process if funds are available to fund all eligible applications. We will review all applications for eligibility and to insure they meet program requirements. We invite the National Oceanic and Atmospheric Administration, Environmental Protection Agency and United States Coast

Guard to review the applications and make recommendations to the Service Director.

3. Application selection - The Service Director makes the final funding selections.

VI. Award Administration Information

1. Award Notices

We will notify successful applicants that their application was funded, the grant amount, and the remaining processes they need to complete the grant award. The Service may also publish successful applicants on its website and/or, in coordination with the Department, issue a national press release announcing the selections.

2. Administrative and National Policy Requirements

When selecting an application for funding, compliance with all applicable Federal laws, regulations, and policies, including environmental laws such as the ESA, and applicable executive orders must be satisfied before the Service can approve an award and make funding available. Upon satisfactory compliance with the aforementioned laws, regulations, and policies, the Service will issue an award letter to the recipient, obligating the funds awarded.

All financial assistance awards are subject to Federal financial administration requirements found in 2 CFR 200 and in program-specific regulations. The Regional WSFR Offices will work with applicants to ensure that all financial arrangements comply with these requirements.

Additionally, applicants are encouraged to enter application information, to include grant objectives and metrics, into TRACS. If required to do so, applicants will be notified in the terms and conditions of the award.

3. Reporting

Recipients of financial assistance awards should be aware of the requirements that apply to financial and performance reporting (2 CFR 200.327-328), records retention (2 CFR 200.333), and access to records (2 CFR 200.336) related to the Federal award. Electronic submission of performance information may be required, including the use of TRACS, as detailed in the terms and conditions of the award.

4. Application Checklist

We request that you number pages consecutively, label all sections, and arrange the application in the following order. Failure to provide complete information may cause delays, postponement, or rejection of the application.

- ☐ SF-424, Application for Federal Assistance: A complete, signed and dated SF-424.

☐ SF-424C (or SF-424A if appropriate**)**: A complete SF-424C or SF-424A Budget Information form or a budget spreadsheet providing a similar, or greater, level of budget detail.

☐ Project Summary: including objectives, etc. (1 page maximum)

☐ Project Statement (10 pages maximum)

☐ Budget Narrative (including a list of Federally-funded equipment, if applicable)

☐ NICRA: A statement regarding the status of the agency's Negotiated Indirect Cost Rate Agreement, and if applicable, a copy of the organization's current NICRA.

☐ Single Audit Reporting Statement: Note whether your organization was or was not required to submit a Single Audit report for your most recently closed fiscal year and, if so, state if that report is available on the Federal Audit Clearinghouse Single Audit Database website. You do not need to attach a copy of your Single Audit report.

☐ SF-424 Assurances form: Signed and dated SF-424D or SF-424B Assurances form if annual assurances are not already on file with the Regional WSFR Office.

☐ SF-LLL form: If applicable, completed SF-LLL Disclosure of Lobbying Activities form.

☐ Conflict of Interest statement**:** When applicable.

☐ Geographic Location/Drawings/Maps/Photographs

☐ Required Overlap/Duplication Statement

VII. Agency Contacts

Note that the Department is moving to Unified Regional Boundaries. Please continue to seek guidance based on the list below unless notified otherwise when final guidance is available. You can find information on the Unified Region's on the Department's website.

For national-level program information contact:
Brad Gunn
United States Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program
MS: WSFR
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-2009;
Brad_Gunn@fws.gov

For project-specific information and details to apply, please contact WSFR as indicated below:

American Samoa, Hawaii: Chris Swenson, Chris_Swenson@fws.gov, 503 231-6758

Guam and Commonwealth of the Northern Mariana Islands: Ruth Utzurrum, Ruth_Utzurrum@fws.gov, 503-231-2083

Idaho, Oregon, and Washington: Heidi Nelson, Heidi_Nelson@fws.gov 503-231-2096

Arizona, New Mexico, Oklahoma, and Texas: Ramon Martin, Ramon_Martin@fws.gov, 505-248-7476

Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin: Tony Hewitt, Anthony_Hewitt@fws.gov, 612-713-5156

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, the Commonwealth of Puerto Rico, South Carolina, Tennessee, and the United States Virgin Islands: Scott White, Scott_White@fws.gov, 404-679-7113

Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia: Bill Perry, Bill_Perry@fws.gov, 413-253-8302

Colorado, Kansas, Nebraska, Montana, North Dakota, South Dakota, Utah, and Wyoming: Michael Cotter, Michael_Cotter@fws.gov, 303-236-8179

Alaska: Mary Price, Mary_Price@fws.gov, 907-786-3982

California and Nevada: Julie Hana, Julie_Hana@fws.gov, 916-414-6507

VIII. Other Information

We are not bound to fund any project until our Regional WSFR representative has approved and issued the award.

The Clean Vessel Act of 1992 was signed November 4, 1992 (106 Stat. 5039) and codified in 33 U.S.C. 1322. The Act amended the Dingell-Johnson Sport Fish Restoration Act (Wallop-Breaux Act; 16 U.S.C. 777) and established CVA to provide funding to the 50 States, the District of Columbia, commonwealths, and territories of the United States of America. Funding allows States to construct, renovate, operate, and maintain pumpout stations and waste reception facilities for recreational boaters and to inform boaters about the use, benefits, and availability of pumpout stations and waste reception facilities. Subsequent reauthorizations of the Acts have allowed for the continuation of CVA.

Additional information about the CVA is available at: U. S. Fish and Wildlife Service WSFR CVA web page.

Appendix A: Frequently Asked Questions about CVA Applications:

Q1: Is an inspection or a monitoring program to ensure pumpouts installed with CVA funds are in working order an eligible activity?

A: Yes. An inspection or a monitoring program to ensure pumpouts installed with CVA funds are in working order is an eligible activity as long as it doesn't include law enforcement.

Q2: Is creating and/or revising a coastal State's plan an eligible activity?

A: Yes. A coastal State may apply for and receive funding to create and/or revise their State plan in accordance with the Technical Guidance. However, points for the first ranking criterion are only awarded to a coastal State applicant that has no existing plan. Currently all coastal States have an existing plan so we will award zero points for coastal State plan development.

Please note, that inland States may not receive funding to create and/or revise their State plan (as dictated by the Clean Vessel Act of 1992).

Q3: Which cost categories should I include in my application budget?

A: You should include the following categories, by cooperator and project location/facility:

1. Personnel services including compensation for salaries and fringe benefits;
2. Contracts for services;
3. Travel;
4. Equipment, supplies, and construction costs;
5. Education program costs;
6. Operation and/or maintenance costs; and
7. Indirect costs, if applicable.

You may include other categories of eligible costs that you feel support your activities. Ineligible costs may disqualify your application.

Q4: How long must I maintain a pumpout or dump station that I build with CVA funds?

A: You are responsible for maintaining the pumpout or dump station according to the instructions in your grant award documents and guidance from your Regional WSFR Office.

Q5: Are operation and maintenance funds eligible costs?

A: Yes. You may include operation and maintenance activities in your application. They can be either for a specific location or for an overall CVA operation and maintenance program for the State.

Q6: May I charge more than $5 as a usage fee for each pumpout or dump station?

A: While we encourage applicants to consider providing these services at no cost, the regulations, found in 50 CFR 85, limit the fee that you may charge for use of a CVA funded facility to $5 or less. However, if you provide a written request to increase your per-use charges above the $5 limit and the Service approves your request for an increase, you may charge a higher fee. The regulations also require that the facility operator must retain, account for, and use CVA usage fees to defray operation and maintenance costs for the useful life of the facility. Note that this program-specific regulation has precedence over general program income regulations as it expressly directs how the fees are to be used during, and sometimes beyond, the period of performance.

Q7: Where can I get more information about CVA and applying for funds?

A: You can contact WSFR CVA coordinators. National and regional contact information is listed above in Section VII. An overview of the CVA program is available here.

Q8: Are boats used for the primary purpose as a residence eligible as recreational vessels through CVA?

A: No, to qualify as a recreational vessel for CVA, the vessel must be (a) manufactured for operation, or operated, primarily for pleasure; or (b) leased, rented, or chartered to another for the latter's pleasure.

Q9: Are commercial vessels eligible as recreational vessels through CVA?

A: It depends on whether it meets the criteria to be considered as a recreational vessel under CVA. To qualify as a recreational vessel for CVA, the vessel must meet at least one of the following criteria: (a) manufactured for operation, or operated, primarily for pleasure; or (b) leased, rented, or chartered to another for the latter's pleasure.

Q10: Why must I submit a statement regarding my indirect cost rate in my application?

A: The uniform guidance in 2 CFR 200.210(a)(15) indicates that applications must now include indirect cost rate information in applications for Federal grants. Service-wide policy also has stepped down this requirement to all Service offices.

Q11: Why do I need to include a single audit statement in my application?

A: Service-wide policy has made this a requirement for all Service offices as a result of requirements published in 2 CFR 200, Subpart F.

Q12: How long can the period of performance be on a CVA grant?

A: At present there is no limit set in rule or statute though the Regional WSFR Office may impose limits based on a number of factors including current and past performance by the recipient. We recommend a period of performance of no more than 3 years with an extension of up to 2 years in unusual circumstances. We plan to seek input from stakeholders as we consider addressing this in a revision of the CVA rule.

Attachment B: Department of Interior Award Provisions

I. Conflicts of Interest

(a) Applicability.

(1) This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under, or with respect to, Federal financial assistance agreements.

(2) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.318 apply.

(b) Requirements.

(1) Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.

(2) In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or subrecipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or subrecipient or in development of the requirement leading to the funding announcement.

(3) No actual or prospective recipient or subrecipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or subrecipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or subrecipient.

(c) Notification.

(1) Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.

(2) Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.

(d) Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 USC 1352.

(e) Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

(f) Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR Part 180).

II. Data Availability

(a) Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

(b) Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(c) Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:

(1) The scientific data relied upon;

(2) The analysis relied upon; and

(3) The methodology, including models, used to gather and analyze data.