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Pt. 86

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Authority: 16 U.S.C. 777g, 777g-1.

Source: 66 FR 5286, Jan. 18, 2001, unless otherwise noted.

Subpart A—General Information About the Grant Program

§ 86.10 What does this regulation do?

In this part, the terms “I,” “you,” “my,” and “your” refer to the State agency seeking participation in the national Boating Infrastructure Grant (BIG) Program. “We” and “us” refers to the Fish and Wildlife Service. This part establishes your requirements under the Sportfishing and Boating Safety Act of 1998 to:

- (a) Participate in the national BIG Program,
- (b) Complete your boat access survey, and
- (c) Develop State plans to install tie-up facilities for transient nontrailerable recreational vessels.

§ 86.11 What does the national BIG Program do?

This program provides funds for States to construct, renovate, and maintain tie-up facilities with features for transient boaters in vessels 26 feet or more in length, and to produce and distribute information and educational materials about the program.

§ 86.12 Definitions of terms used in part 86.

For the purposes of this part, the following terms are defined:

Construct means engaging in activities that produce new capital improvements and increase the value or usefulness of existing property. These activities include building new tie-up facilities or replacing or expanding existing tie-up facilities.

Grant means financial assistance the Federal Government awards to an eligible applicant.

Grant agreement means a contractual agreement used to obligate Federal Aid funds for carrying out work covered by an approved grant proposal.

Maintain means engaging in activities that allow the facility to continue to function, such as repairing docks. These activities exclude routine janitorial activities.

Navigable waters means waters connected to or part of the jurisdictional waters of the United States that transient nontrailerable recreational vessels currently use or can use.

Nontrailerable recreational vessels mean 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 his or her pleasure.

Project means a specific plan or design.

Proposal means a description of one or more projects for which a State requests grant funds.

Recreational waters means navigable waters that vessels use for recreational purposes.

Renovate means to rehabilitate or repair a tie-up facility to restore it to its original intended purpose, or to expand its purpose to allow transient nontrailerable recreational vessels.

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

Survey instrument means a tool developed by the Service and approved by OMB to assess the need for boating facilities.

Tie-up facilities mean facilities that transient nontrailerable recreational vessels occupy temporarily, not to exceed 10 consecutive days; for example, temporary shelter from a storm; a way station en route to a destination; a mooring feature for fishing; or a dock to visit a recreational, historic, cultural, natural, or scenic site.

Transient means passing through or by a place, staying 10 days or less.

Water-body means the lake, section of river, or specific area of the coast, such as a harbor or cove, where tie-up facilities or boat access sites are located.

§ 86.13 What is boating infrastructure?

Boating infrastructure refers to features that provide stopover places for transient nontrailerable recreational vessels to tie up. These features include, but are not limited to:

- (a) Mooring buoys (permanently anchored floats designed to tie up nontrailerable recreational vessels);
- (b) Day-docks (tie-up facilities that do not allow overnight use);
- (c) Navigational aids (e.g., channel markers, buoys, and directional information);
- (d) Transient slips (slips that boaters with nontrailerable recreational vessels occupy for no more than 10 consecutive days);
- (e) Safe harbors (facilities protected from waves, wind, tides, ice, currents, etc., that provide a temporary safe anchorage point or harbor of refuge during storms);
- (f) Floating docks and fixed piers;
- (g) Floating and fixed breakwaters;
- (h) Dinghy docks (floating or fixed platforms that boaters with nontrailerable recreational vessels use for a temporary tie-up of their small boats to reach the shore);
- (i) Restrooms;
- (j) Retaining walls;
- (k) Bulkheads;
- (l) Dockside utilities;
- (m) Pumpout stations;
- (n) Recycling and trash receptacles;
- (o) Dockside electric service;
- (p) Dockside water supplies;
- (q) Dockside pay telephones;
- (r) Debris deflection booms; and
- (s) Marine fueling stations.

§ 86.14 Who may apply for these grants?

You, with authority from your State Government. You must identify one key contact only and submit proposals through this person.

§ 86.15 How does the grant process work?

To ensure that grants address the highest national priorities identified in the Act, we make funds available on a competitive basis. You must submit your proposals by the appropriate date as specified in § 86.50. You must address certain questions and criteria (listed in § 86.52) to be eligible and

competitive. We will conduct a panel review of all proposals, and the Service Director will make the final grant awards. You may begin work on your project only after you receive a fully executed grant agreement.

§ 86.16 What are the information collection requirements?

This part contains both routine information collection and survey requirements, as follows:

(a) The routine information collection requirements for grants applications and associated record keeping contained in this part are only those necessary to fulfill applicable requirements of 43 CFR part 12. These requirements include record keeping and reporting requirements. See 43 CFR 12.4 for information concerning OMB approval of those requirements.

(b) The revised information collection requirements related to the surveys will be submitted to OMB for approval as changed. They will not be imposed until we receive OMB approval under the provisions of 44 U.S.C. 3501 *et seq.* The surveys are voluntary and are for States to determine the adequacy, number, location, and quality of facilities that provide public access for all sizes of recreational boats. The public's burden estimate for the survey is as follows:

Type of information	Number of respondents*	Average time required per response(minutes)	Annual burden hours
Boat owners: Part A	11,200	12	2,240
Boat owners: Part B	28,000	12	5,600
Boat Service Providers: Part C	8,400	20	2,800
Boat Service Providers: Part D	4,000	20	1,333

* These numbers are not additive since some boaters will fill out both Parts A and B, and most of the providers will fill out both Parts C and D.

(c) Send comments regarding this collection of information to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b). An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, you must send your comments to OMB by the above referenced date.

[66 FR 5286, Jan. 18, 2001, as amended at 79 FR 43967, July 29, 2014]

Subpart B—Funding State Grant Proposals

§ 86.20 What activities are eligible for funding?

Your project is eligible for funding if you propose to:

(a) Construct, renovate, and maintain either publicly or privately owned boating infrastructure tie-up facilities. To be eligible you must:

- (1) Build these tie-up facilities on navigable waters, available to the public. You must design new construction and renovations to last at least 20 years;
- (2) Design these tie-up facilities for temporary use for transient nontrailerable recreational vessels;
- (3) Build these tie-up facilities in water deep enough for nontrailerable recreational vessels to navigate (a minimum of 6 feet of depth at the lowest tide or other measure of lowest fluctuation);
- (4) Provide security, safety, and service for these boats; and,
- (5) Install a pumpout station, if you construct a facility for overnight stays:
 - (i) If there is already a pumpout within a reasonable distance (generally within 2 miles) of the facility, you may not need one;

- (ii) For facilities intended as day stops, we encourage you to install a pumpout; and,
- (iii) You may use funds from the BIG program, or the Clean Vessel Act pumpout grant program also administered by us, to pay for a pumpout station.
- (b) Do one-time dredging only, to give transient vessels safe channel depths between the tie-up facility and maintained channels or open water.
- (c) Install navigational aids, limited to giving transient vessels safe passage between the tie-up facility and maintained channels or open water.
- (d) Apply funds to grant administration.
- (e) Fund preliminary costs:
 - (1) Preliminary costs may include any of the following activities completed before signing a grant agreement:
 - (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; and
 - (vi) Preparing working drawings, construction plans, and specifications.
 - (2) We will fund preliminary costs only if we approve the project.
 - (3) If the project is approved, the appropriate Service Regional Director must still approve preliminary costs.
- (f) Produce information and education materials such as charts, cruising guides, and brochures.

§ 86.21 What activities are ineligible for funding?

Your project is ineligible for funding if you propose to:

- (a) Complete a project that does not provide public benefits, for instance, a project that is not open to the public for use;
- (b) Involve law enforcement activities;
- (c) Significantly degrade or destroy valuable natural resources or alter the cultural or historic nature of the area;
- (d) Construct or renovate principal structures not expected to last at least 20 years;
- (e) Do maintenance dredging;
- (f) Fund operations or routine, custodial, and janitorial maintenance of the facility;
- (g) Construct, renovate, or maintain boating infrastructure tie-up facilities for nontrailerable vessels, for example the following:
 - (1) Tie-up slips available for occupancy for more than 10 consecutive days by a single party;
 - (2) Dryland storage;
 - (3) Haul-out features; and
 - (4) Boating features for trailerable or “car-top” boats (boats less than 26 feet in length), such as launch ramps and carry-down walkways.
- (h) Develop a State program plan to construct, renovate, and maintain boating infrastructure tie-up facilities; and

(i) Conduct surveys to determine boating access needs.

(1) You may conduct the survey with funds allocated to motorboat access to recreational waters under subsection (b)(1) of section 8 of the Federal Aid in Sport Fish Restoration Act of 1950, as amended (16 U.S.C. 777).

(2) You may combine surveys under one contractor where feasible if you can realize a cost or other savings.

Subpart C—Public Use of the Facility

§ 86.30 Must I allow the public to use the grant-funded facilities?

(a) You must allow reasonable access to all recreational vessels for the useful life of the tie-up facilities. 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, charging equitable fees, and being open for reasonable periods. You must allow public access to the shore and basic features such as fuel and restrooms in facilities that have them. You must specify precise details of the public access in the contract with the facility manager. We do not require public access to the remainder of a park or marina where the facility is found. Nor do we require any restrictions in that park or marina.

(b) You must comply with Americans with Disabilities Act requirements when you construct or renovate all tie-up facilities under this grant.

§ 86.31 How much money may I charge the public to use tie-up facilities?

You may charge the public only a reasonable fee, based on the prevailing rate in the area. You must determine a fee that does not pose an unreasonable, competitive amount, based on other publicly and privately owned tie-up facilities in the area. You must approve any proposed changes in fee structure by a sub-grantee.

Subpart D—Funding Availability

§ 86.40 How much money is available for grants?

There is \$32 million available for grants under the BIG program (\$8 million per year for fiscal years 2000-2003).

§ 86.41 How long will the money be available?

Under the Act, funding for the BIG program is provided for FY 2000-2003. Each year's funds remain available for obligation for a total of three fiscal years (e.g. FY 2000 funds will remain available through FY 2002) (16 U.S.C. 777c(b)(3)(B)).

§ 86.42 What are the match requirements?

The Act authorizes the Secretary of the Interior (through the Director of the U.S. Fish and Wildlife Service (Service)) to award grants to States to pay up to 75 percent of the cost to construct, renovate, or maintain tie-up facilities for transient nontrailerable recreational vessels. You or a partner must pay the remaining project cost—at least a 25 percent match is required. Title 43 CFR 12.64 applies to cost sharing or matching requirements for Federal grants.

§ 86.43 May someone else supply the match?

Third-party contribution, including property and in-kind services, is allowable, but must be necessary and reasonable to accomplish grant objectives. In-kind contributions must also represent the current market value of noncash contributions that the third party furnishes as part of the grant.

§ 86.44 What are my allowable costs?

(a) The State may spend grant funds to pay only costs that are necessary and reasonable to accomplish the approved grant objectives. Grant costs must meet the applicable Federal cost principles in 43 CFR 12.62. You may purchase informational and program signs as allowable costs.

(b) If you include purposes other than those eligible under the Act, you must prorate the costs equitably according to Federal cost principles in 43 CFR 12.62 and 50 CFR 80.15.

§ 86.45 When will I receive the funds?

Once you sign the grant agreement, we will make the funds available.

Subpart E—How States Apply for Grants**§ 86.50 When must I apply?**

(a) We will accept proposals between February 20, 2001, and May 18, 2001, for the first grant cycle; between July 1, 2001, and September 30, 2001, for the second grant cycle; and between July 1, 2002, and September 30, 2002, for the third grant cycle. This program starts fiscal year 2000 and ends fiscal year 2003. We will have \$16 million to award the first grant cycle, and \$8 million each cycle after that.

(b) The annual schedule follows:

Action	FY 2000-2001	FY 2002	FY 2003
We announce the beginning of the grant cycle	February 20, 2001	July 1, 2001	July 1, 2002.
You submit your grant proposal by	May 18, 2001	September 30, 2001	September 30, 2002.
Regions submit the proposals to Washington by	June 18, 2001	October 31, 2001	October 31, 2002.
We rank the proposals by	July 17, 2001	November 30, 2001	November 30, 2002.
The Director approves proposals by	August 16, 2001	December 31, 2001	December 31, 2002.
Regions finalize their grant agreements by	October 15, 2001	February 28, 2002	February 28, 2003.

§ 86.51 To whom must I apply?

You must submit your proposals to the appropriate regional office of the U.S. Fish and Wildlife Service. See the chart below for the address you will need.

Region	State	Address	Telephone
1	California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Commonwealth of the Northern Mariana Islands, and Guam	Division of Federal Aid, U.S. Fish & Wildlife Service, Eastside Federal Complex, 911 NE 11th Avenue, Portland, OR 97232-4181	503-231-6128, Fax: 503-231-6996
2	Arizona, New Mexico, Oklahoma, and Texas	Division of Federal Aid, U.S. Fish & Wildlife Service, P.O. Box 1306, 625 Silver, SW, Suite 325, Albuquerque, NM 87102	505-248-7450, Fax: 505-248-7471
3	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin	Division of Federal Aid, U.S. Fish & Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, MN 55111-4056	612-713-5130, Fax: 612-713-5290
4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands	Division of Federal Aid, U.S. Fish & Wildlife Service, 1875 Century Boulevard, Suite 324, Atlanta, Georgia 30345	404-679-4159, Fax: 404-679-4160
5	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia	Division of Federal Aid, U.S. Fish & Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035-9589	413-253-8200, Fax: 413-253-8487
6	Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming	Division of Federal Aid, U.S. Fish & Wildlife Service, Denver Federal Center, P.O. Box 25486, Lake Plaza North Building, 134 Union Boulevard, 4th Floor, Denver, Colorado 80225	303-236-7392, Fax: 303-236-8192
7	Alaska	Division of Federal Aid, U.S. Fish & Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503	907-786-3435, Fax: 907-786-3575

§ 86.52 What information must I include in my grant proposals?

You must submit the following standard forms and narrative for all projects (Tier One and Tier Two) (see § 86.53):

(a) Standard Form 424 series as prescribed by the Office of Management and Budget. The SF 424 series consists of the Applications for Federal Assistance (SF 424), Budget Information—Non-Construction Programs (SF 424A), Assurances—Non-Construction Programs (SF 424B), Budget Information—Construction Programs (SF 424C), and Assurances—Construction Programs (SF 424D). Submit forms appropriate for either construction or nonconstruction projects. Forms are available from your appropriate Service Regional Office.

(b) Information requested under OMB Circular A-102 (Application Booklet for Federal Aid Grants—pending approval under the Paperwork Reduction Act).

§ 86.53 What are funding tiers?

(a) This grant program will consist of two tiers of funding.

(i) You may apply for one or both tiers.

(ii) The two tiers will allow all States some certainty of base level funding.

(b) Tier One funding will ensure broad geographical distribution to meet the needs of transient nontrailerable recreational vessels.

(c) Tier Two funding will allow States with large projects to compete with other States with large projects based on individual project merits.

(d) We describe the two tiers as follows:

(1) *Tier One Projects.* (i) You may submit a proposal with an unlimited number of projects within this tier. However, your total request cannot exceed \$100,000 of Federal funds for any given fiscal year.

(ii) Tier One projects must meet the eligibility requirements in §§ 86.14 and 86.20.

(2) *Tier Two Projects.* (i) While we expect available funds for Tier Two proposals to be between \$3 million and \$4 million per grant cycle, we have no dollar limit for Tier Two proposals. You may submit any number of projects, which we will score and rank separately according to the criteria in § 86.60.

(ii) Each project will compete nationally against every other project in Tier Two.

(iii) Tier Two projects must also meet the eligibility requirements in §§ 86.14 and 86.20.

§ 86.54 How must I submit proposals?

(a) You may apply for either Tier One funding or Tier Two funding or both.

(b) You may submit more than one project proposal within Tier One and Tier Two.

(c) You may submit one proposal that includes Tier One and Tier Two projects.

(d) If your proposal includes Tier One and Tier Two projects, you must describe Tier One projects separately from Tier Two projects.

(e) You must describe each project in Tier Two separately, so that the Service can rank and score each project in Tier Two separately.

(f) For the first grant cycle, which includes fiscal years 2000 and 2001, a State may submit one Tier One proposal not to exceed \$100,000 per fiscal year. States should submit proposals between February 20, 2001, and May 18, 2001. We will fund one Tier One proposal per State for each fiscal year provided that each proposal meets the eligibility requirements in §§ 86.14 and 86.20. Fiscal year 2000 funds are available only for Tier One proposals. Tier One proposals need not meet the criteria in § 86.60. We will fund Tier Two proposals received between February 20, 2001, and May 18, 2001, that meet the criteria in §§ 86.14, 86.20, and 86.60 with fiscal year 2001 funds and the remainder of fiscal year 2000 funds.

(g) For the remaining grant cycles, you may submit only one proposal of Tier One projects per fiscal year.

(h) When we approve projects, the appropriate Service Regional Office will determine how many grant agreements are necessary.

§ 86.55 What are my compliance requirements with Federal laws, regulations, and policies?

(a) To receive Federal funds, you must agree to and certify compliance with all applicable Federal laws, regulations, and policies. You must submit an Assurance Statement, as described in 43 CFR part 12.51(c), that describes how you comply with Federal grant requirements; and

(b) You may have to provide additional documentation to comply with environmental and other laws, as defined in Fish and Wildlife Service Manual 523 FW 1 (available on the internet at <http://www.fws.gov/directives/523fw1.html>). The Service Regional Office Grant Administrator may request preliminary evidence at the grant proposal stage that the proposed project will meet these compliance requirements. Consult with the appropriate Service Regional Office for specific applicability.

Subpart F—How the Service Selects Projects To Receive Grants

§ 86.60 What are the criteria used to select projects for grants?

(a) We will rank all Tier Two proposals according to the criteria in paragraph (b) of this section and the attached chart, which sets forth points we will ascribe for various factors.

(b) We will consider proposals that:

(1) Plan to construct, renovate, and maintain tie-up facilities for transient nontrailerable recreational vessels following priorities identified in your State's program plan (see Subpart M for State program plan information) that the Secretary of the Interior has approved under section 7404(c) of the Sportfishing and Boating Safety Act	15 points.
(2) Provide for public/private and public/public partnership efforts to develop, renovate, and maintain tie-up facilities. These partners must be other than the Service and lead State agency:	
(i) One partner	5 points.
(ii) Two partners	10 points.
(iii) Three or more partners	15 points.
(3) Use innovative techniques to increase the availability of tie-up facilities for transient nontrailerable recreational vessels (includes education/information)	0-15 points.
(4) Include private, local, or other State funds in addition to the non-Federal match, described in § 86.42:	
(i) Twenty-six percent to thirty-five percent	5 points.
(ii) Between thirty-six and forty-nine percent	10 points.
(iii) Fifty percent and above	15 points.
(5) Are cost efficient. Proposals are cost efficient when the tie-up facility or access site's features add a high value compared with the funds from the proposal, for example, where you construct a small feature such as a transient mooring dock within an existing harbor that adds high value and opportunity to existing features (restrooms, utilities, etc.). A proposal that requires installing all of the above features would add less value for the cost	0-10 points.
(6) Provide a significant link to prominent destination way points such as those near metropolitan population centers, cultural or natural areas, or that provide safe harbors from storms	10 points.
(7) Provide access to recreational, historic, cultural, natural, or scenic opportunities of national, regional, or local significance. Projects that provide access to opportunities of national, regional, or local significance receive 5 points for each, for a maximum of 15 points	

(8) Provide significant positive economic impacts to a community. For example, a project that costs \$100,000 and attracts a number of boaters who altogether spend \$1 million a year in the community	1-5 points.
(9) Include multi-State efforts that result in coordinating location of tie-up facilities	5 points.
(10) Total possible points	105 points.

Criteria	Points
(1) Construct Tie-up Facilities	15
(2) Provide Partnership Efforts	5-15
(3) Use Innovative Techniques	0-15
(4) Include Other Funding Sources	5-15
(5) Are Cost Efficient	0-10
(6) Provide Way Point Linkage	10
(7) Provide Access to Opportunities	5-15
(8) Provide Significant Economic Impacts	1-5
(9) Include Multi-State Efforts	5
(10) Total Possible Points	105

§ 86.61 What process does the Service use to select projects for grants?

The Service's Division of Federal Aid convenes a panel of professional staff to review, rank, and recommend funding to the Service Director. This panel will include representatives from the Service's Washington, DC, and Regional Offices. The Director may convene an advisory panel of nongovernmental organizations to advise and make recommendations to the Federal panel. The Service Director will select projects for grants by August 16, 2001, August 10, 2001, and August 10, 2002, for the three grant cycles.

§ 86.62 What must I do after my project has been selected?

After we approve your award, we will notify you to work with the appropriate Service Regional Office to fulfill the grant documentation requirements and finalize the grant agreement.

§ 86.63 May I appeal if my project is not selected?

If you have a difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work, you may appeal to the Director. Final determination rests with the Secretary of the Interior (50 CFR 80.7).

Subpart G—How States Manage Grants

§ 86.70 What are my requirements to acquire, install, operate, and maintain real and personal property?

(a) You will find applicable regulations for this subject in 43 CFR 12.71 and 12.72. If you have questions about applicability, contact the appropriate Service Regional Office.

(b) You must ensure that the design and installation of tie-up facilities provide for substantial structures that will have a significant longevity, at least 20 years.

(c) You must ensure that you operate, maintain, and use the tie-up facilities and features for the stated grant purpose. You must obtain prior written approval from the appropriate Service Regional Director before you can convert these tie-up facilities to other uses.

§ 86.71 How will I be reimbursed?

For details on how we will pay you, refer to 43 CFR 12.61.

§ 86.72 Do any other Federal requirements apply to this program?

For administrative requirements not covered under these specific guidelines, check 43 CFR 12, which generally applies to all Federal grant programs.

§ 86.73 What if I do not spend all the money?

Funds not obligated or expended after 3 fiscal years from the date of the award revert to the Secretary of Transportation for use in State recreational boating safety programs. (16 U.S.C. 777c(b)(3)(B), 16 U.S.C. 777c(b)(4))

§ 86.74 What if I need more money?

Funds for grants are available only on a competitive basis. Therefore, if you need more money, you must compete in the next grant cycle.

Subpart H—Reporting Requirements for the States

§ 86.80 What are my reporting requirements for this grant program?

(a) For all projects, you must submit to the appropriate Service Regional Office an annual report and a final performance report and otherwise comply with 43 CFR 12.80.

(b) For Tier Two projects, you must submit quarterly reports according to 43 CFR 12.80.

§ 86.81 When are the reports due?

Reports are due as follows:

(a) Annual reports are due 90 days after the grant year ends;

(b) The final performance report is due 90 days after the expiration or termination of grant support;

(c) Tier Two quarterly reports are due January 31, April 30, July 31, and October 31 unless specified otherwise in the grant agreement; and

(d) The State must report certified percentage of completion data and other significant developments in accordance with the grant agreement or 43 CFR 12.80.

§ 86.82 What must be in the reports?

The reports must include the following:

(a) You must identify the actual accomplishments compared to the objectives established for the period;

(b) You must identify the reasons for any slippage if established objectives were not met; and

(c) You must identify any additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

Subpart I—State Use of Signs and Sport Fish Restoration Symbols

§ 86.90 What are my responsibilities for information signs?

You should install appropriate information signs at boating infrastructure tie-up facilities. You should ensure that this information is clearly visible, directing boaters to the facility. Information should show fees, restrictions, hours of operation, a contact name, and telephone number to report an inoperable facility.

§ 86.91 What are my program crediting responsibilities?

You should give public credit to the Federal Aid in Sport Fish Restoration (SFR) program as the source of funding for the BIG Program. You should recognize this program by using the SFR logo. You are encouraged to use the crediting logo identified in § 80.26 of this chapter to identify national BIG Program projects.

§ 86.92 Who can use the SFR logo?

The States may use the SFR logo and should encourage others to display it. Other people or organizations may use the logo for purposes related to the national BIG Program as authorized in § 80.26 of this chapter.

§ 86.93 Where should I use the SFR logo?

You should display the logo on tie-up facilities that you construct, acquire, develop, or maintain under these grants. You should also use the logo on printed material or other visual representations that relate to project accomplishments or education/information. Refer to § 85.47 of this chapter for logo colors.

§ 86.94 What crediting language should I use?

Suggested examples of language to use when crediting the national BIG Program follow:

- (a) *Example 1:* The Federal Aid in Sport Fish Restoration Program funded this facility thanks to your purchase of fishing equipment and motorboat fuels.
- (b) *Example 2:* The Federal Aid in Sport Fish Restoration Program is funding this construction thanks to your purchase of fishing equipment and motorboat fuels. And,
- (c) *Example 3:* The Federal Aid in Sport Fish Restoration Program funded this (pamphlet) thanks to your purchase of fishing equipment and motorboat fuels.

Subpart J—Service Completion of the National Framework

§ 86.100 What is the National Framework?

The National Framework is the survey, required by the Act, you must use to determine boating access needs in your State. Through a State survey, you must conduct a boating access needs assessment or data collection to determine the adequacy, number, location, and quality of tie-up facilities and boat access sites providing access to recreational waters for all sizes of recreational boats.

§ 86.101 What is the Service schedule to adopt the National Framework?

The Secretary of the Interior adopted the National Framework on September 28, 2000 via a notice in the **Federal Register** (Volume 65, Number 189, Page 58284).

§ 86.102 How did the Service design the National Framework?

The Framework divides the survey into two components: boater survey, and boat access provider survey.

- (a) The purpose of the boater survey component is to identify boat user preferences and concerns for existing and needed access available to the public.

- (1) The nontrailerable boat data set will fulfill informational needs for you to develop your State program plans as called for in the Act.

- (2) The boater survey will survey registered boat owners in your State for two types of boats:

- (i) Part A—for nontrailerable recreational vessels.

- (ii) Part B—for trailerable and “car-top” boats (less than 26 feet long).

- (b) The purpose of the boat access provider component is to identify boat access providers' ideas about current and needed facility and site locations and perceptions of boat user preferences and concerns regarding access. We developed these questions to guide interviews of boat access facility and site managers.

- (1) The nontrailerable boat data set will fulfill the informational needs for you to develop your State plans as called for in the Act.

- (2) The boat access provider survey will survey facility providers in your State for two types of boats:

- (i) Part C—a survey to all providers in your State who allow public access, including State agency

and non-State entities (Federal and local government entities, corporate and private/commercial providers), and operate tie-up facilities for nontrailerable recreational vessels.

(ii) Part D—a survey to all providers in your State who allow public access and operate boat access sites for boats less than 26 feet long.

Subpart K—How States Will Complete Access Needs Surveys

§ 86.110 What does the State survey do?

The State survey determines the status of boating access facilities for all recreational boats in your State and your future boater access needs.

§ 86.111 Must I do a survey?

The Act does not require surveys. They are voluntary. However, if you do a survey, you must complete it following the National Framework to receive funds. You must transmit the results to the Service Regional Offices in a common electronic format, such as Microsoft Word, Word Perfect, Excel or Quattro Pro.

§ 86.112 What are the advantages of doing a survey?

Surveys provide the information necessary to fully understand the needs of boaters in your State. Surveys allow you to develop a meaningful plan to provide better access to boaters. Use surveys to complete the plan.

§ 86.113 What if I have recently completed a boat access survey?

If the recent survey substantially answers the provisions in § 86.118, the appropriate Service Regional Office will determine if it is sufficient to meet the needs of the program. If the Regional Office determines that the survey is not sufficient, you must complete that portion(s) or an entire new survey to receive credit for completing a recent survey.

§ 86.114 Do I need to conduct a survey if I already have a plan for installing tie-up facilities?

You need not conduct the survey if the appropriate Secretary of the Interior certifies that you have developed and are carrying out a State program plan, as described in Subpart M of this chapter, that ensures that public boat access exists and is adequate to meet the needs of recreational boaters on your waters.

§ 86.115 How should I administer the survey?

Use a consultant or university specializing in administration of such surveys. Use sample sizes large enough to achieve statistical accuracy so the estimate is within plus or minus 10 percent of the true number.

(a) You may use a telephone, mail, or other type of survey for a sample population of boaters within the State. Costs for telephone and mail surveys are roughly similar. However, response rates for mail surveys are generally lower.

(b) For boat access providers, we prefer that you survey all State agency and non-State providers, but you may survey a sample population.

(c) You may develop your own methodology to collect data, which may include telephone, mail, fax, or other inventory means. We do not expect you to use automated, electronic, mechanical, or similar means of information collection.

(d) Data collected are unique to each respondent. Data collection should use standard survey method criteria to gather information from each respondent.

§ 86.116 May I change the questions in the survey?

You must not change the questions because we need information that is comparable nationwide. We have developed a survey instrument for completing the surveys. We are seeking approval from OMB on the survey questions and the OMB approval does not extend to additional questions.

§ 86.117 [Reserved]

§ 86.118 What does this survey instrument include?

(a) We divided this survey into four parts. Part A being for transient nontrailerable boat owners. Part B is for trailerable or “car-top” boat owners. Part C is for State agency and non-State providers of facilities for nontrailerable recreational vessels in the State. Part D is for State and non-State providers of access sites for trailerable or “car-top” boats.

(b) Follow these instructions to complete Part A—BOAT OWNER SURVEY FOR TIE-UP FACILITIES FOR NONTRAILERABLE RECREATIONAL VESSELS:

- (1) If the boater owns a nontrailerable recreational vessel, ask the boater to fill out Part A;
- (2) If the boater owns more than one boat 26 feet or more in length, ask the boater to provide information for the boat he or she uses most often;
- (3) If the boater owns at least one boat more than and at least one boat less than 26 feet in length, ask the boater to fill out both Parts A and B; and,
- (4) You should use a sample size large enough to achieve statistical accuracy so the estimate is within 10 percent of the true number.

(c) Follow these instructions to complete Part B—BOAT OWNER SURVEY FOR TRAILERABLE OR “CAR-TOP” BOAT ACCESS SITES:

- (1) If the boater owns a boat less than 26 feet long, ask the boater to fill out Part B;
- (2) If the boater owns more than one boat less than 26 feet long, ask the boater to provide information for the boat he or she uses most;
- (3) If the boater owns at least one boat more than and at least one boat less than 26 feet in length, ask the boater to complete both Parts A and B; and,
- (4) You should use a sample size large enough to achieve statistical accuracy so the estimate is within 10 percent of the true number.

(d) Parts C and D are surveys for providers of tie-up facilities and boat access sites. Part C is for State agency and non-State providers of facilities for nontrailerable recreational vessels in the State. Part D is for State and non-State providers of boat access sites for boats less than 26 feet in length.

(e) Follow these instructions to complete Part C—STATE AGENCY AND NON-STATE PROVIDER SURVEY FOR TIE-UP FACILITIES:

- (1) Ask State agency and non-State providers of tie-up facilities for nontrailerable recreational vessels to fill out Part C.
- (2) If more than one State agency manages these facilities, send this survey to all of those agencies.
- (3) If the State agency or non-State provider awards grants to others who provide facilities, ask these grantees to respond for these facilities instead of the State agency or non-State provider.
- (4) If a State agency or non-State provider operates facilities and sites for both nontrailerable and trailerable boats, ask the provider to fill out both Parts C and D.
- (5) Ask State agency and non-State providers to identify all tie-up facilities.
- (6) For all questions, if you need additional space, make copies of the appropriate page.

(f) Follow these instructions to complete Part D—STATE AGENCY AND NON-STATE PROVIDER SURVEY FOR TRAILERABLE BOAT ACCESS SITES:

- (1) Ask State agency and non-State providers of access sites for boats less than 26 feet long to fill out Part D.
- (2) Non-State providers include the Federal Government, local government, corporations, private owners, and others.
- (3) If more than one State agency manages these sites, send this survey to all of them.

(4) If the State agency or non-State provider awards grants to others who provide sites, ask these grantees to respond for these sites instead of the State agency or non-State provider.

(5) If a State agency or non-State provider operates facilities and sites for both nontrailerable and trailerable boats, ask the provider to fill out both Parts C and D.

(6) We prefer that the State agency or non-State provider identify all boat access sites and water-bodies, but if he or she has many sites and water-bodies, the provider may group the information together rather than identify each site individually.

(7) For all questions, if you need additional space, make copies of the appropriate page.

Subpart L—Completing the Comprehensive National Assessment

§ 86.120 What is the Comprehensive National Assessment?

The Comprehensive National Assessment is a national report integrating the results of State boat access needs and facility surveys.

§ 86.121 What does the Comprehensive National Assessment do?

The Comprehensive National Assessment determines nationwide the adequacy, number, location, and quality of public tie-up facilities and boat access sites for all sizes of recreational boats.

§ 86.122 Who completes the Comprehensive National Assessment?

The Service completes the Assessment. We will develop standards in consultation with the States.

§ 86.123 Comprehensive National Assessment schedule.

Using the results from the State surveys, the Service will compile the results and produce the Comprehensive National Assessment by September 30, 2003.

§ 86.124 What are the Comprehensive National Assessment products?

The Comprehensive National Assessment products are:

(a) A single report, including the following information:

(1) A national summary of all the information gathered in the State surveys.

(2) A table of States showing the results of the information gathered.

(3) One-page individual State summaries of the information.

(4) Appendices that include the survey questions, and names, addresses, and telephone numbers of State contacts.

(5) An introduction, background, methodology, results, and findings.

(6) Information on the following:

(i) Boater trends, such as what types of boats they own, where they boat, and how often they boat.

(ii) Boater needs, such as where facilities and sites are now found, where boaters need new facilities and boat access sites, and what changes of features boaters need at these facilities and sites. And

(iii) Condition of facilities.

(b) Summary report abstracting important information from the final national report. And

(c) A key findings fact sheet suitable for widespread distribution.

Subpart M—How States Will Complete the State Program Plans

§ 86.130 What does the State program plan do?

The State program plan identifies the construction, renovation, and maintenance of tie-up facilities needed to meet nontrailerable recreational vessel user needs in the State.

§ 86.131 Must I do a plan?

The Act does not require plans. Plans are voluntary. However, if you do a plan, you must complete it following these regulations.

§ 86.132 What are the advantages to doing a plan?

Plans provide the information necessary to fully understand the needs of boaters operating nontrailerable recreational vessels in your State. The plan will make you more competitive when you submit grants under this program. We will give you 15 points for having an approved plan.

§ 86.133 What are the plan standards?

You must base State program plans on a recent, completed survey following the National Framework.

§ 86.134 What if I am already carrying out a plan?

You need not develop a program plan if we certify that you have developed and are carrying out a plan that ensures public boat access is and will be adequate to meet the needs of recreational boaters on your waters.

§ 86.135 [Reserved]

§ 86.136 What must be in the plan?

The plan must:

- (a) Identify current boat use and patterns of use.
- (b) Identify current tie-up facilities and features open to the public and their condition.
- (c) Identify boat access user needs and preferences and their desired locations. Include repair, replacement, and expansion needs and new tie-up facilities and features needed.
- (d) Identify factors that inhibit boating in specific areas, such as lack of facilities, or conditions attached that inhibit full use of facilities. Identify strategies to overcome these problems.
- (e) Include information about the longevity of current tie-up facilities.

§ 86.137 What variables should I consider?

You should consider the following variables:

- (a) Location of population centers,
- (b) Boat-based recreation demand,
- (c) Cost of development,
- (d) Local support and commitment to maintenance,
- (e) Water-body size,
- (f) Nature of the fishery and other resources,
- (g) Geographic distribution of existing tie-up facilities,
- (h) How to balance the need for new tie-up facilities with the cost to maintain and improve existing facilities.