

ARIZONA WATER PROTECTION FUND

Grant Application Manual

1998 Funding Cycle

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I. General Application Information

This Section of the manual provides some background information on the Arizona Water Protection Fund (AWPF) granting process. Section II contains information describing how to complete a grant application. Section III contains information that will assist you in setting your expectations about how grant awards actually are implemented. The appendices contain a copy of the criteria rating system that is used to score the proposals, a copy of the contract provisions that will be required of all grant awards, a list of the regulatory agencies that may need to be consulted before implementing a project, checklists to aid you in completion of the application, and a copy of the application forms.

More information about the Arizona Water Protection Fund is available on the Commission's Website at www.awpf.state.az.us.

I.A. Purpose of the Arizona Water Protection Fund

The AWPF was established by the Arizona Legislature in 1994 (ARS § 45-201 et. seq.). The primary purpose of the AWPF is to provide an annual source of funding to protect water of sufficient quality and quantity to maintain, enhance and restore rivers and associated riparian habitats, including fish and wildlife that are dependent on these important habitats. Funding may also be provided to develop and protect riparian habitats in conjunction with human-made water resource projects, if the project directly or indirectly benefits a river or stream and includes or creates a riparian habitat.

The AWPF is overseen by a 15-voting member citizen body comprised of appointed members representing many diverse water users and knowledgeable citizens. Also, there are four ex officio members which are the Director of the Arizona Department of Water Resources (ADWR), the State Land Commissioner, the Chairman of the House of Representatives Natural Resource and Agriculture Committee and the Chairman of the Senate Natural Resources, Agriculture and Environment Committee. The Commission is staffed by the Arizona Department of Water Resources (ADWR). The Commission also provides funding for Arizona State Land Department staff for assistance to the Natural Resource Conservation Districts.

I.B. Fund Sources and Monies Allocated

Approximately five million dollars should be available for funding projects each fiscal year; actual funding availability will be announced each year. Three sources of money support this fund: (1) the state general fund; (2) fees collected by the Central Arizona Project (CAP) on out-of-state purchases of CAP water; and (3) gifts, grants, or donations. Most AWPF monies come from the State general funds and are subject to Legislative approval. Specific percentages of this total money pool can be spent within different funding categories, as described in the next section.

I.C. Fundable Projects and Funding Categories

Fundable projects include projects directly benefiting rivers, streams and riparian habitats as well as projects that benefit watersheds. Projects may benefit perennial, intermittent or ephemeral streams. Projects may create riparian habitat. The Fund is geared toward action (i.e providing resources to put necessary and feasible projects on the ground) and will fund some limited planning, data collection and research.

Funds may be awarded to applicants that seek to accomplish projects that fall within any of the following three categories.

1. Water Acquisition, Capital Projects, Feasibility Studies and Other Specific Measures

Included in this broad category are projects that seek to acquire CAP water or effluent to protect or restore rivers or streams and associated riparian or aquatic habitat by restoring appropriate hydrologic conditions (e.g., depth to water, hydraulic gradient, wetted perimeter, annual flow fluctuations); OR develop and implement capital projects or other specific measures consistent with the goal of protecting water of sufficient quantity and

quality to maintain, enhance and restore Arizona's rivers, streams and associated riparian or aquatic habitats. The Commission also funds feasibility studies under the capital projects portion of the Fund. The Commission distinguishes a feasibility study from a research study as the feasibility study is an investigatory study or plan where the applicant has the control/tenure to implement the study results.

2. Water Conservation (statutory limitation of 5% of available funding)

Develop, promote, and implement programs designed to conserve water (outside of Active Management Areas) for the purpose of maintaining, enhancing or restoring Arizona's rivers, streams and associated riparian or aquatic habitats.

3. Research and Data Collection (statutory limitation of 5% of available funding)

Conduct research related to the maintenance, enhancement or restoration of Arizona's rivers, streams and associated riparian or aquatic habitats.

In accordance with state statutes, funding is prohibited for:

- *Purchase of real property/conservation easements*
- *Projects outside the State of Arizona*
- *Remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 USC § 9601, or Water Quality Assurance Revolving Fund (WQARF), A.R.S. 49-281 et. seq.*

Because the types of projects funded are so wide-ranging and varied, it is recommended that you attend a workshop to learn ways to increase funding success.

I.D. Eligible Applicants

Any person, organization, state or federal agency, or political subdivision of Arizona may submit a proposal. Fund monies are available for newly proposed or on-going projects that meet the AWPF criteria. However, funds will not be available for any project activities conducted prior to signing a grant-award contract.

I.E. Application Submittal Requirements

By statute, the following requirements must be met in each application and will be a requirement of each grantee upon funding:

- Commission/staff access for inspection and evaluation of the project,
- adequate accounting practices and records keeping,
- submittal of pertinent information and research gained from the project, and
- limitation of no more than 5% of the grant spent on administration costs.

5% Administrative Cost Limitation. Of the monies you request from AWPF, you **must** limit administrative costs to a maximum of 5% of the total AWPF grant monies requested. Subcontractors or consultants working on your project must also conform to the 5% administrative cost limit if you are paying them out of AWPF funds. Administrative costs include those costs traditionally termed indirect and overhead. More specifically, administrative costs are those costs that would be incurred with or without the addition of this particular project to your workload, such as costs for office space, electricity, telephone, general secretarial assistance, supervisory management, etc. Any time you determine charges for these types of activities based on a formula or percentage, then you are dealing with an administrative cost category and must limit your charges to 5% of grant funds requested. If you can quantify some of the above-mentioned costs as they relate directly to your proposed AWPF project, then you may consider them direct costs, which are outside of the 5% limitation. For example, if you can quantify that your proposed project will require 60 hours of secretarial time at \$10/hour, then you may consider \$600 to be a direct cost. Consider paying for any administrative costs above that 5% limit out of your matching funds.

Application Signature: The Commission wants to receive applications from individuals, agencies and organizations that can eventually enter into an enforceable, binding contract; contracts are the mechanisms through which grants are awarded. The signature on your application must be a person who has authority to sign contracts and has authority to enter into a binding, enforceable contract. If your organization is a non-profit, not-for-profit, limited partnership, corporation, or other type of organization, the organization must submit a copy of the IRS Determination Letter with the application. The person signing the application should submit a letter on behalf of the Board of Directors showing that he/she is authorized to submit an application. If you are with an agency, the signature on your application should be someone who is delegated to enter into contracts. An unauthorized signature on the application may result in removal of your application from further consideration.

Commission Application Requirements. By Commission policy, the following additional application criteria must be met:

1. The applicant shall demonstrate in the application that it can implement the proposed project and the anticipated benefits to the Fund. The applicant must have legal and physical access to, and authority to manage, the area where the grant tasks are to be performed, the area to be benefited by the grant and any water to be used. Cooperative agreements with all parties having such access and authority or letters of support with a plan to obtain cooperative agreements shall meet this requirement. Projects failing to show that they meet this criteria will be ineligible for funding.
2. Staff positions may be funded with the AWPf monies only to the extent that they are necessary to supervise or perform grant obligations and further specific grant objectives. Those grant obligations and objectives must be detailed within the application along with identification of deliverables and deadlines. Projects failing to meet this criteria will be ineligible for funding.
3. Although the Arizona Water Protection Fund Commission supports efforts to clean up sites containing environmental contaminants, it will not fund such projects. Environmental contaminants present additional liability risks for which suitable long term liability insurance is not available. Applications for projects located at sites where environmental contaminants are present in elevated levels are ineligible for funding.

For purposes of this policy, environmental contaminants are substances which pose risk of harm to human health or the environment and include hazardous substances, hazardous wastes, petroleum products or Environmental Protection Agency priority toxic pollutants¹. Environmental contaminants do not include wastewater from a wastewater facility permitted by a local, state, or federal authority having jurisdiction over wastewater.

4. For projects involving riparian fish or wildlife propagation and/or claims of significant benefits to fish and wildlife as their primary purpose, it is recommended that the application include a letter of support or review from the appropriate fish and wildlife regulatory agency. For propagation of, or benefits to, native wildlife, the Arizona Game and Fish Department or Tribal fish and game department are the regulatory agencies. For federally threatened or endangered wildlife, the U.S. Fish and Wildlife Service is the appropriate agency. See Section II.B. Planning and Writing Your Application in order to appropriately structure your application.
5. Projects that are a part of a stipulated settlement with the enforcement arm of a regulatory agency or required by a regulatory agency with jurisdiction over the regulated activity (such as ecological mitigation requirements for a U.S. Army Corps of Engineers Section 404 permit) are ineligible for funding.
6. AWPf is not a funding source for meeting minimum wastewater treatment requirements. Only those components directly benefiting rivers and streams and associated riparian habitats which are added cost components to a wastewater system which meets or exceeds relevant state and federal standards regarding collection, treatment and discharge of wastewater will be eligible for funding.

¹ Defined by CERCLA 42 USC §9601, RCRA 42 USC §6903 and the Environmental Protection Agency.

7. AWPf is also not a funding source for meeting general groundwater recharge and/or recovery needs. Only those components directly benefiting rivers and streams and associated riparian habitats which are added cost components to a recharge system will be eligible for funding. Generally, structural components of recharge wells are ineligible for funding.
8. Applications requesting AWPf funding for any project portions that are ineligible for AWPf funding will result in the entire application being removed from further consideration. AWPf Commission does not provide opportunity in the application process to negotiate for the removal of ineligible features.

Application rating criteria should also guide you in the development of your application. Selection criteria are: need, feasibility, cost-effectiveness, degree of broad-based local support and involvement, amount of matching funds (including in-kind contributions), degree of environmental impacts and the level of monitoring performed (See Appendix A for the Criteria Rating System). Specifically, **priority** will be given to applications that:

1. benefit or increase riparian or aquatic habitat along perennial or intermittent streams
2. commit to long-term (20 years or greater) benefit to the riparian or aquatic habitat through long-term commitments for the maintenance of capital projects & provision of, or acquisition of, water supply.
3. demonstrate broad-based local support and public involvement
4. do not cause riparian or aquatic habitat degradation, either in the project area or in other watersheds
5. contain matching contributions from other sources
6. contain a public outreach component about the benefits of the project.

I.F. Grant Application Workshops

ADWR staff will conduct workshops located around the state for potential applicants as indicated in the following Table. ADWR staff also provides time for one-on-one consultations with applicants about their application, on a first-come-first-served basis. Due to time constraints, consultations shall be limited to 1 1/2 hour in length maximum. Applicants must schedule a consultation in as far in advance as possible, and submit a draft application at least one week in advance of the consultation. Consultations shall be conducted at the Phoenix ADWR offices. Tele-conferences are also available for those applicants who are unable to drive to Phoenix. It is highly recommended that applicants attend a workshop and a one-on-one consultation. In fact, if you attend a workshop and consultation, your application will receive additional points in the rating process. Past applicant performance has shown that attendance at a workshop and one-on-one consultation significantly improves your project proposal, which makes your project more feasible, and improves your chances of getting funded. Please note the date you attended a workshop and consultation on the cover sheet of your application.

Table 1. Arizona Water Protection Fund 1998 Grant Application Workshops

Location	Date	Time	Address
Flagstaff, AZ	June 9, 1998	2:00 pm - 4:00 pm 6:00 pm - 8:00 pm	Northern Arizona University University/Central Union off of Knoles and Osborne Drives Havasupai A & B Room Flagstaff, Arizona
Tucson, AZ	June 10, 1998	2:00 pm - 4:00 pm 6:00 pm - 8:00 pm	State Complex, North Building 2nd floor Conference Room, #222 400 W. Congress North Building Tucson, AZ
Phoenix, AZ	June 15, 1998	2:00 pm - 4:00 pm 6:00 pm - 8:00 pm	Arizona Department of Water Resources 500 N. 3rd Street 3rd Floor Conf Rm , 3A Phoenix, AZ
Benson, AZ	June 16, 1998	6:00 pm - 8:00 pm	APECO (Arizona Electric Power Coop) 1000 S. Highway 80 Benson, AZ
Pinetop-Lakeside	June 23, 1998	6:00 pm - 8:00 pm	City Hall Council Chambers Rm. 1360 N. Niels Hansen Lane Pinetop, AZ
Lake Havasu City	June 30, 1998	4:00 pm - 6:00 pm	Citizens Island Bridge Company Offices (on island) 1st Floor Meeting Room 1350 McCulloch Blvd. Lake Havasu City, AZ

I. G. Application Due Date, Review & Selection Process

Applicants must submit their proposal package, including all necessary forms and documents, to the Arizona Water Protection Fund Commission, Arizona Department of Water Resources, 500 North Third Street, Phoenix, AZ 85004, by 5:00 pm, Monday, August 17, 1998. No extensions will be granted.

Applications will be available for public review and comment for 45 days after their submittal. During this same time period, submitted applications will be initially reviewed for completeness and consistency with AWPf law and policy. If specific information is found to be lacking during the initial completeness review or the proposed project is ineligible according to AWPf law or policy, the application will not be evaluated. Applications that meet the minimum acceptable criteria will be reviewed by ADWR staff and various state and federal agencies. ADWR staff will compile intra-agency and inter-agency comments.

Rating Criteria (Appendix A). ADWR staff rank the proposals using the Criteria Rating System presented in Appendix A. Staff uses the ranking criteria to organize their technical review and comments on applications. Commission members give serious consideration to the project ranking but will use their own additional criteria

and judgment to select projects.

Written staff comments will be sent to the applicants prior to a staff/applicant oral presentation on each application. (After the Commission selects the applications for grant award, the ADWR ranking will be available to the public.)

Staff and applicants will give a short oral presentation on each application to the Commission, in accordance with the schedule in the following table. At a later meeting in accordance with the schedule, the Commission will select applications for grant award. Grant awards are determined by majority vote by the Commission. It is highly recommended that each applicant attend the grant award selection Commission meeting. The Commissioners often explain their vote. If your application is not selected, the Commission comments may assist you in revising your application for the next grant cycle.

Table 2. Arizona Water Protection Fund 1998 Grants Application Process Schedule

The 1998 Grants Application Process	Dates
Requests for applications circulated	Early June
Pre-application workshops	June 9 - 30
Final date to submit applications	August 17, 1998
Public comment period for applications	Aug. 31 - Oct. 16
Written Staff Comments to Applicants	November 6, 1998
Staff/Applicant oral presentation to the Commission	Nov. 19 & 20 (Also, Dec 3 & 4 if needed)
Commission selects applications to be funded	December 11, 1998
Applicants notified of funding status	December 18, 1998
Deadline for all grant award contracts to be finalized and funds obligated	February 15, 1999

II. Applications Submittal - Planning and Organization

II. A. Application Format

Your application must be on 8.5" x 11" pages, must be typed single-spaced using a font size no smaller than 10 point, and must be numbered. With the exception of the U.S.G.S. maps, project maps should also be 8.5" by 11". The forms and an application template are available on a diskette in both WP 6.1 and Word 6 format as well as the hard copy format within this manual. Please contact the Water Protection Fund Administrative Assistant at (602) 417-2400, ext. 7016 if you would like a copy of the information on disk.

II.B. Planning and Writing Your Application

Grant awards are implemented through contracts which may extend up to three years in duration. ADWR staff will write your contract based on your application, so it is important that you carefully complete the application forms. How you complete your forms will structure the timing of your payments. The application forms are structured to encourage applicants to thoroughly pre-plan the project.

Administrative Costs: Of the monies you request from AWPf, you **must** limit administrative costs to a maximum of 5% of the total AWPf grant monies requested. Subcontractors or consultants working on your project must also conform to the 5% administrative cost limit if you are paying them out of AWPf funds. For purposes of your application, it is generally best to distribute the administrative costs among the tasks. In your application, please separate out those costs and show how those costs are distributed. Reference previous discussion in Section I.E. Application Submittal Requirements.

Project Cash Flow. Be aware of the timing and amount of money (cash-flow) needed to complete the project specified within your application. If you are selected for a grant award, payment is made on a reimbursable basis after products are received and reviewed by ADWR staff. If you are an individual or a small organization and will have a difficult time waiting for reimbursement, talk to ADWR staff in advance of writing your application as they can give you assistance in structuring your application appropriately.

Generally, the Commission may advance up to 20% of the requested money to a grantee. However, the advance should be expended on the front-end of the project and the remainder of the project costs handled on a reimbursement basis. In all cases, you are responsible for adequately planning the cash-flow for your grant.

Proposed Project Cost Estimation: The Commission is prohibited by the Arizona State Constitution from giving gifts, so grants are implemented through contracts and monies are distributed in return for equivalent products. Generally, contracts are reimbursable which means that you must submit your invoices on an actual-cost basis up to the amount of grant award. You need to estimate your costs with sufficient "cushion" to adequately complete your project but be sensitive to excessive exaggeration of project cost. You also need to know your regulatory compliance needs (see Appendix E.2) and estimate your costs of compliance and pay for compliance with either AWPf or matching monies. (Hint: projects that use AWPf funds and involve ground disturbance, even on private lands, need to comply with SHPO and may require an archeological survey.) Regardless of your actual costs, you must complete all deliverables specified in your contract and you may not request additional funds should you have cost-overruns.

Deliverables, Scheduling, and Invoicing: You will need to know your regulatory compliance needs (see Appendix E) and allow for appropriate scheduling for compliance in your application. Build extra time into your schedule in order to address any unforeseen delays in your project. For the purposes of our contracts, products are periodically submitted along with invoices as the funded projects progress. These products are called deliverables. A deliverable may be copies of all permits or access agreements, reports, plans, data, photographs for monitoring

or of completed capital improvements, etc. It is highly preferred that you make tasks discrete, stand-alone tasks with deliverables and invoices submitted upon completion of each task. Some tasks may need to continue throughout the contract period (up to three years) and may be identified as ongoing in the application and may be periodically invoiced. Payments are made after deliverables are reviewed and approved by ADWR staff.

Sampling Plans, Revegetation Plans, Monitoring Plans (Water Quality, Hydrology, Vegetation, Wildlife, etc.), Photo Monitoring Plans: Some applications may include baseline environmental inventories and most will contain project monitoring. Within your application, describe your monitoring or sampling objective(s) and, in as much detail as possible, describe the monitoring and sampling methodology, and/or study design that will be used to accomplish that objective. Include a description of the sampling and monitoring equipment you wish the Fund to purchase. For water features include: water level, well schematics, USGS gage station data, well number/location, existing hydrologic reports, recharge or recovery plans. See Appendix B for outlines.

If you receive a grant award, one of the mandatory products that you will submit as a deliverable will be a more detailed plan. ***Include in your application*** a task and appropriate budget to complete and submit as deliverable(s) detailed plan(s) after grant award.

Riparian Fish and Wildlife Propagation and Project Wildlife Benefits. For projects involving riparian fish or wildlife propagation and/or claims of significant benefits to fish and wildlife as their primary purpose, it is recommended that the application include a letter of support or review from the appropriate fish and wildlife regulatory agency. For propagation of, or benefits to, native wildlife, the Arizona Game and Fish Department or Tribal fish and game department are the regulatory agencies. For federally threatened or endangered wildlife, the U.S. Fish and Wildlife Service (USFWS) is the appropriate agency. In your application include as one of the first tasks and deliverables, submittal of appropriate permits and USFWS consultation.

Information Transfer Meeting. The 1998 triennial public input process indicated that the public believes that information transfer is an important function of the AWPf. Because riparian restoration is developmental in nature, the public wants to know what works and what does not in a timely fashion. Therefore, AWPf will annually sponsor a seminar for all grantees to present the status of their project for public information transfer purposes, either as a presentation or in a poster-session. We encourage you to include in your application a maximum cost of \$500 (to the AWPf) for your participation in at least one of the meetings. Costs will be reimbursable.

Long Term Maintenance of Project Benefits: AWPf is highly accountable to the citizens of Arizona and the Legislature for use of General Fund monies in an efficient manner. The Commission intends that AWPf monies act as “seed money” for putting projects on the ground: it expects that grantees will develop the institutional partnerships to maintain the project benefits after the AWPf contract period. Therefore, the Commission prefers to fund projects where the project benefits will be maintained by the grantee and its partners for 20 years. The actualization of these benefits generally comes from a commitment by the applicant to maintain the benefits, and usually the capital improvements, for a long-term period of 20 years or as negotiated during the contracting process. Unforeseen acts of nature may substantially alter your project in some future year, and upon notification of the Commission of that occurrence, you may not be required to maintain the project benefits subsequent to that event. This issue will be addressed during contract negotiation. Indicate on the Introduction Form the years of project benefit and the period of time to which you are committing for maintenance of the site and AWPf capital improvements.

Final Project Report. For all applications, please include a task for a Final Report which summarizes all methodologies used, describes the outcome of all tasks, and provides analysis and results of project data & monitoring data. Also, evaluate project success measured against the objective. Submit a realistic task cost (fixed cost) to AWPf for this report commensurate with the overall value of your project (5% - 10%). In many cases,

AWPF retention of the final report payment until review and approval of the report provides the contractual incentive to satisfactorily complete the project.

II. C. Application Submittal - Numbers and Location

Submit five complete copies of your application to: The Arizona Water Protection Fund Commission, Arizona Department of Water Resources, 500 North Third Street, Phoenix, AZ 85004. [If you prepare your application using a computer, please submit a single copy of your proposal on a disk, along with the five hard copies mentioned above. This will allow AWPFC staff to more efficiently create the contract between you and the AWPFC if your proposal is selected for funding.]

II. D. Application Preparation Hints

- The information you provide will be used to rate the application. It will also be the basis for a “Scope of Service” section of a contract between you and the AWPFC if your proposal is selected for funding. If you do not provide the detailed information necessary to construct the Scope of Service, then your proposal will not rate as highly as it could.
- Please be aware that the contract may contain conditions or provisions required by the AWPFC that are not included in the original proposal and to which an applicant must agree in order to receive funds.
- Contract work must commence within the fiscal year in which the grant is funded; this means between July 1 - June 30.
- For applicants not using a computer to write their proposal: if the space supplied within a certain section is insufficient for you to supply the necessary detail or information, then please copy the form as many times as is necessary to produce the space you need.
- For applicants using a computer to write their proposal: if you are using the forms supplied on disk and they provide insufficient space for you to supply the necessary detail or information, then please expand the area to whatever size you need to supply the required space. If you wish to duplicate the format using another program, you may do so, but please do not change the order or style of the application.
- A copy of our boiler-plate requirements for all grantees entering into contracts is provided in Appendix C. Please ensure that your attorney or responsible contracting authority reads and accepts these conditions in advance of application submittal. Special conditions will be added to this basic agreement when deemed necessary by the AWPFC.
- When preparing your proposal you should consider the Criteria Rating System (Appendix A) and include information that best shows how your project should rank highly.

II. E. Phone Number for Questions

If you have questions, call (602) 417-2400, xtn 7016 and ask for the Water Protection Fund Administrative Assistant.

III. Grant Awards

III.A. Grant Award = Contract

Grant awards are implemented through contracts. The Commission is prohibited by the Arizona State Constitution from giving gifts, so monies are granted in return for equivalent products. The contract specifies the products, due dates, and costs associated with producing those products.

A grant award by the Commission does not allow you to immediately start your project. Contracts are developed between the ADWR staff and grantees whose projects are selected for grant award. The application is structured so that if all is prepared correctly, much of the detail for a contract will have already been obtained. Please note that you **cannot be reimbursed** for any expenditures for project activities **conducted prior to executing a contract**. Contracts are developed for a maximum duration of three years.

After a project is selected, if it is modified by the applicant to the extent that the purpose (or scope) of the project has significantly changed, the full Commission shall reevaluate the project.

Once contracts have been finalized, signed by both parties, and recorded with the Secretary of State (in cases where AWPf enters into contracts with state, federal, tribal, university, municipality, county, NRCd or other government entity) grant monies can be disbursed. For most contracts, expenditures will be reimbursable, which means that you will be responsible for payment of costs on the front-end and you will then request reimbursement from AWPf based on actual expenditures. Monetary disbursement is in accordance with the details within each contract and is paid out after submittal of complete and accurate payment requests as well as deliverables, which must be reviewed and approved by ADWR staff before payment is approved. Therefore, the grantee must have a sufficient line-of-credit to fund project activities for some period of time.

III.B. Contract Provisions

Scope of Services: Contract negotiation will lead to the preparation of a Scope of Services. If the application is completely prepared, the Scope of Services will already be transferable from the application.

General Provisions: In addition to the Scope of Services, the contract will contain General Provisions which are AWPf's standard contract clauses (Appendix C). Please have your attorney and your contracts administration staff review and accept these provisions prior to submittal of your application.

General Provisions: Right to Inspect. The General Provisions allow ADWR staff to have the right to inspect and conduct studies for the purpose of determining project success of AWPf project sites and capital improvements for a period of 20 years, unless the maintenance period for certain project features is modified.

General Provisions: Maintenance Period. The General Provisions require maintenance of the AWPf capital improvements for a period of up to 20 years, unless otherwise specified within the contract. ADWR staff will work with applicants to identify exceptions to this clause.

Public Access Not Required: The Commission does not require that the public have access to your project. However, some Commissioners prefer that a project contain provision for public access.

III.C. AWPf Invoicing Training

After grant award, ADWR staff will conduct invoicing workshops in Phoenix and/or in one other part of the State to inform grantees about how to invoice the Fund. Attendance is highly recommended for all grantees for both the technical and administrative representatives for each grant.

**APPENDIX A: ARIZONA WATER PROTECTION FUND GRANT REQUESTS
CRITERIA RATING SYSTEM: Page 1 of 3**

1. Need for the project (0-25 points)	
Sub-Section Criteria	Points Assigned
a. Project provides long-term benefit to riparian or aquatic habitats associated with perennial and intermittent streams (0-10 points).	
i. Project likely to benefit riparian or aquatic habitats by protecting, enhancing or restoring the natural processes that sustain perennial or intermittent streams or by contributing to our understanding of these processes (0-10 points) Project likely to benefit riparian or aquatic habitats by creating the processes that sustain perennial or intermittent streams or by contributing to our understanding of these processes and the conditions that sustain them (0-5 points) Project likely to benefit or create riparian or aquatic habitats associated with an ephemeral stream (0 points).	
b. Project addresses a priority issue (i.e. impact or threat) to rivers, streams & associated riparian habitats (0-5 pts)	
i. Project clearly addresses and has substantial beneficial effect on priority issues identified through the statewide public input process, i.e. grazing or development (0-5 pts) ii. Project clearly addresses and has substantial beneficial effect on other issues or threats (0-3 pts)	
c. Project uses measures (i.e. tools) identified in the public input process to address the issues/impacts (0-3 pts)	
i. Project uses measures identified as high priority through the statewide public input process, i.e. institutional partnerships, public education about rivers and watersheds, use/acquisition of wastewater and CAP water for riparian areas or wetlands, groundwater recharge, grazing management, watershed management, and protective (vegetation and or water source) zoning to beneficially impact rivers, streams and associated riparian habitat.	
d. Information derived from the project will be significantly useful statewide for riparian or aquatic habitat protection, enhancement or restoration (0-3 pts.) or creation (0-1 pts.)	
e. Project has a public outreach component about the project benefits (0-2 pts.)	
f. Project is consistent with existing plans, reports or local/regional information and demonstrates collaborative planning (0-2 points)	
Section 1 Total	

CRITERIA RATING SYSTEM: Page 2 of 3

Sub-Section Criteria		Points Assigned
2. Project feasibility (0-25 points)		
a. Objectives, methodology, and design are appropriate, clear, and suitable for the type of project proposed & long-term maintenance of project benefits are assured (0-20 pts)		
<ul style="list-style-type: none"> i. Project objectives are clearly identified and achievable ii. Proposed methodology and design are sound iii. Project deliverables are clear and adequate and presented in a format easily converted into a contract iv. Project schedule is realistic v. Evidence of commitment is made in the application for 20 year maintenance of project capital improvements (or for the life of the capital improvements if < 20 yrs) and for 20 year maintenance of water supply 		
b. Applicants and project cooperators demonstrate past experience with related projects (0-3 points).		
<ul style="list-style-type: none"> I. Demonstrated track record for projects of similar size and complexity with work performed in a timely manner (3 points); some related project experience (1 points); no prior experience (0 pts) 		
c. Applicant attended AWPf workshop and one-on-one consultation for current grant cycle (2 points) or one of them (1 point)		
Section 2 Total		
3. Cost Effectiveness (0-15 points)		
a. How significant are the projected benefits of protected, enhanced or restored habitat or increased understanding of such habitats (0-15 points); or created habitat or increased understanding of such habitats (0-10 points) relative to project costs and to the benefit/costs of other projects submitted for funding?		
Section 3 Total		
4. Broad-Based Local Involvement (0-10 points)		
a. Proposal demonstrates broad-based public involvement and support (0-10 points).		
Section 4 Total		
5. Matching Funds, including in-kind contributions (0-10 points)		
a. Are matching monies or assets of comparable value offered (0-10 points)?		
<ul style="list-style-type: none"> I. Capital contributions ≥ 50% of project cost (10 points); capital and in-kind contributions ≥ 50% (8 points); capital contributions of 25-50% of cost (6 points); capital and in-kind contributions of 25-50% (4 points); capital of < 25% (2 points) and capital and in-kind of <25% (1 point); no contributions (0 points). 		
Section 5 Total		

CRITERIA RATING SYSTEM: Page 3 of 3	
Sub-Section Criteria	Points Assigned
6. Impacts (0-5 points)	
a. Project degradation to habitat or groundwater/surface water quality located off-site (0-5 points).	
Section 6 Total	
7. Monitoring (0-10 points)	
a. Application contains realistic and adequate project monitoring (0-10 points).	
<ul style="list-style-type: none"> i. Monitoring objectives are clearly stated in the application. ii. Monitoring program described within the application is realistic and adequate for the proposed project and appropriate funding is provided and/or requested. iii. Development and submittal of a detailed project monitoring plan is included in the application as a task and deliverable. 	
Section 7 Total	
GRAND TOTAL (Sections 1-7)	

APPENDIX A CONT: Explanation for Criteria Rating System

The purpose of this section is to describe each component of the Criteria Rating System so you can better plan your application to address priority issues.

Need for the project (0-25 points)

1.a: Projects associated with perennial or intermittent streams will rate higher than those associated with ephemeral streams. The stream type designation should be indicated on the cover page of the application. Arizona Game and Fish Department has compiled a map of perennial and intermittent waters in Arizona. This map will be used by Arizona Department of Water Resources (ADWR) staff to determine stream type.

Projects that protect, enhance or restore an existing riparian or aquatic habitat on perennial or intermittent streams will rate higher than projects that create a riparian or aquatic habitat. Projects associated with ephemeral streams will rate lower. These are the designated geographic areas of focus which we are required to address by statute.

1.b: Projects that specifically address a riparian or aquatic habitat issue (threat) that was identified by the public during the triennial public input process will receive more points.

1.c: Projects which utilize the high priority measures (tools) identified during the 1998 triennial public input process will be rated higher than those projects that do not use those methods.

1.d. Projects generating information that will be significantly useful for riparian or aquatic habitat protection, enhancement or restoration will be rated higher than those that generate information on creation or those projects that do not generate significantly useful information.

1.e: Projects which have a public education component about the benefits of the proposed project will receive more points than one that does not.

1.f. Projects which are consistent with exiting plans, reports or local/regional plans and indicate collaborative planning will be rated higher than those that are not.

Project feasibility (0-25 points)

2.a. Projects whose objectives, methodology and design for the type of project proposed are appropriately and clearly expressed will rate higher than other applications. Specifically, projects will rate higher when project objectives are clearly identified and achievable, proposed methodology and design are sound, project deliverables are clear and adequate and presented in a format easily converted into a contract and the project schedule is realistic. Also, the project will rate higher if there is evidence of commitment for 20 year maintenance of project capital improvements (or maintenance for the life of the capital improvement features) and for 20 year maintenance of water supply

2.b: Past experience with related projects for the key personnel should be included in the personnel section. Verification contact names and addresses should be provided.

2.c. If you attend a AWPf grant workshop and one-on-one consultation, you will receive points for doing so. You must sign in on the sign-up sheet at workshops in a manner where ADWR staff can verify your presence and associate your name with an application. Also indicate the date you attended a workshop on the first page of your application form (line #5). In accordance with past applicant performance, attending a workshop significantly improves your project proposal and makes your project more feasible.

Cost Effectiveness (0-15 points)

3.a: Project benefits, costs, results and significance will be compared to other projects of a similar nature. Protection, enhancement, or restoration projects will be rated higher than creation projects.

Broad-based Local Support and Involvement (0-10 points)

4.a: Projects which demonstrate public support from within the project impact area (i.e. include substantive letters of support with proposal) and integrally involve local groups throughout the life of the project will be rated higher than those that do not.

Matching Funds, including in-kind contributions (0-10)

5.a: Projects which have a greater percentage of matching funds will be rated higher than those with a lesser percentage of matching funds. Matching funds consisting of capital contributions will be rated higher than matching funds consisting of in-kind contributions.

Impacts (0-5 points)

6.a: Projects which may have a negative effect on the habitat or surface water/groundwater quality of any areas adjacent to the site, will be rated lower than those that do not impact or positively impact adjacent areas.

Monitoring (0-10 points)

7.a: Applications containing realistic and adequate project monitoring will be rated higher than projects that have either inadequate or no monitoring. Applications with monitoring objectives clearly stated, realistic and adequate monitoring clearly described, appropriate funding provided and/or requested, and a detailed project monitoring plan as a deliverable will rank higher.

APPENDIX: B.1: Arizona Water Protection Fund Outline for Monitoring/Sampling Plan

(Check with ADWR Staff for Updates to Outline)

All monitoring efforts should demonstrate whether or not the goal of the project has been attained. Please complete a narrative description of your monitoring plan that incorporates all of the elements listed below (section 4, select the appropriate method or combination of methods). Be sure that the objectives section explains what you hope to accomplish in the context of riparian restoration, maintenance and enhancement. Be as detailed as possible.

1) Describe the objectives of project - brief declarative statement of biologic, hydrologic or physical changes that will result from your project.

2) Describe the monitoring objective - brief statement identifying the specific site to be monitored, duration of monitoring and attribute or parameter monitored. *Example: We want to detect a 20% increase in density of mesquite trees at Site Y between 1998 and 2002.*

If your project includes long-term monitoring, differentiate between the short term, contract objective (maximum contract period three years) and the long-term monitoring objective.

3) Describe your monitoring strategy - it may be necessary to address each of the above listed objectives (from #2) separately:

A) Describe the appropriate attributes or parameters that you will use to measure whether you have obtained your objectives. *Examples: 1) biologic - abundance, condition, structure, age class, cover, density, frequency, utilization; 2) hydrologic - water quality (list specific parameters for analysis), quantity, streamflow, isotopic composition, direction of groundwater flow, stream type.*

B) Describe on or off-site features that may influence the monitoring design or data collection. *Examples: seasonal variation, edge effects, grazed vs. nongrazed, fire impacts, dams, diversion structures, stream crossings.*

C) Discuss how you will establish baseline conditions for the site. Baseline conditions characterize the pre-project site and are used for future comparisons. Therefore, measures and methods need to be replicable and should allow for determination of trend or change.

D) What information will be generated and how will it help you quantify if you have achieved your objectives?

4) Describe data collection methods and/or sampling plan - include a map that notes the location of monitoring or sampling sites, and individual identifiers

Note: If you are collecting data for an Instream Flow Application, contact ADWR staff before developing methodology for assistance with guidelines, data requirements and methodology.

A) QUANTITATIVE MONITORING

- 1) Specify methods you will use to collect data.
- 2) List equipment you will use to collect data.
- 3) Describe how sampling sites will be selected.
- 4) List the number of sampling sites needed and how you have determined the appropriate number of sites.
- 5) Specify when you will collect data, how often you will collect data and how long you will collect data. *Is data collection period sufficient to be able to determine desired trend or changes?*
- 6) Describe how data will be analyzed. *If using statistical analysis, include acceptable level of false change error rate, acceptable level of power and magnitude of change you want to detect.*

B) QUALITATIVE MONITORING

- 1) Photo point monitoring - see photo monitoring procedures.
- 2) Describe type of qualitative monitoring to be conducted and procedures to be employed.

APPENDIX B. 2: Arizona Water Protection Fund Outline for Revegetation Plan

(Check with ADWR Staff for Updates to Outline)

1. Discuss information on site characteristics and their effect on plant survivability for each species to be planted. This information should determine plant placement by species. Evaluate at a minimum, the following:
 - Determine depth to ground water and soil moisture levels.
 - Evaluate soil types and soil characteristics that might influence the planting.
 - Test soil salinity levels.
2. Discuss whether supplemental water will be necessary to establish plants.
Discuss whether available water is sufficient to eventually sustain plants without supplemental water, and discuss approximately when and if supplemental water will be terminated.
3. Discuss sources and types of plant material.
What sizes and types of plant material will be used (pole cuttings, 5-gallon container plants from “XXX Nursery,” seed, etc.)
Where was plant stock or seed collected.
List plant species (Latin name, please) and numbers of each species to be planted.
4. If you are propagating plants on site or in a nursery, provide information and schematics (if applicable) about nursery facilities, operations, propagation techniques and maintenance.
5. Provide a planting schedule for the project.
6. Discuss planting methods and who will be doing the planting (Boy Scout volunteers, staff, etc.).
7. Provide a schematic showing the planting pattern on the site.
8. If you are irrigating the planting:
Discuss the type of irrigation to be used. Specify equipment and materials, size and number of emitters (if applicable), watering schedule, labor requirements, etc. Identify who will be responsible for monitoring and maintenance of the irrigation system.
Written watering records should be kept for the project. Discuss how you will accomplish this.
Discuss plans for potential problems, such as rodent control and exotic weed control.
9. Discuss plans for replacement of plants.
10. Provide a schematic of the irrigation system. (This can be incorporated with the planting pattern, as mentioned in #7).

APPENDIX B. 3: Arizona Water Protection Fund Outline for Photographic Monitoring Plan & Forms

(Check with ADWR Staff for Updates to Outline)

Photographs are an excellent way to qualitatively document changes that occur on a project site due to project activities. To ensure that the results of your photo documentation are successful, we recommend that you establish a standard procedure. The procedure should be well documented and used each time the photographs are replicated. The same methods must be used each time you photograph a location to ensure consistency of visual images for comparison purposes. The following document describes the main elements to be included in a photographic monitoring procedure.

1. Identify the types of changes you wish to document.

This should relate to your project objectives. Each camera point or group of points should record a specific resource activity or occurrence. For instance, if you are fencing a riparian area to exclude grazing, your objective is to restore the riparian vegetation within the exclosure. Your focus would be on monitoring changes in the amount and type of vegetation within the exclosure versus outside the exclosure.

2. Select permanent photographic locations that will best represent those changes.

Walk the project site and select locations that:

- (a) are accessible, can be permanently marked and easily located on return visits;
- (b) show some type of permanent feature in the background, like a rock outcrop or a distant hill;
- (c) have low probability of being destroyed by a natural or man-made occurrence, such as a flood;
- (d) represent each habitat type or action.

3. Permanently mark photo point locations.

Mark the site with something that is fairly permanent, such as rebar driven into the ground, or PVC pipe filled with cement. The marker should be located directly under the camera position. Permanently mark the photo point number on the location monument. If possible, survey the point using Global Positioning Satellite (GPS) technology. Even if you do not have survey quality GPS, it may get you within sight of the marker on return visits.

4. Establish reference points.

Establish one, and preferably three, reference points within 200 feet of the photo point monument. If possible, select something that can be expected to last for the life of the photo point. Iron stakes, large stumps, boulders or live trees are examples. Carefully measure the distance and determine the true compass bearing between each reference point and the photo point marker.

5. Write a description of each photo point location using references to land marks and GPS coordinates.

Complete the *Initial Take - Permanent Photo Point Record Form*, using care to describe the travel route and location accurately. Check the form for completeness before leaving the site.

6. Pinpoint locations on maps and photos.

After the photo point marker and reference points are in place, accurately mark and label the point location on an aerial photograph or vicinity map (USGS quad map). Photo copies of aerial photos or maps may be used in place of originals.

7. Photograph the point with background.

Before leaving the site, take one or more photographs of the photo point marker and the vicinity with, if possible, one of the references in the background.

8. Instructions for setting up the photograph.

- Use at least a 35 mm camera. Zoom lens is optional. Wide angle lens may be necessary.
- Preferably, use a tripod at a set height, such as 1 meter. If no tripod is available, set a standard lens height above ground and use some type of measuring device.
- Set and document the focal length (35 mm, 50 mm, etc.) at which the photo is to be taken. Exposures should be at the narrowest aperture (largest *f*-stop) for the greatest depth-of-field. Frame the picture so that some horizon or sky is visible, preferably including a fixed object in the photo, such as a distant hill or rock

outcropping.

- Try to level the camera as near to horizontal as possible. If photo must be taken with camera tilted, measure or estimate and record degree of tilt.
- Using a good compass, identify the directional (in degrees) at which the picture is being taken (e.g. east at 92 degrees). Depending on the situation, you may choose to take more than one photograph from a point, but at different directionals. You may also choose to take multiple overlapping exposures to get a panoramic view of the area. (Panoramic or wide angle lenses can also be used). Be sure to document the directional at which each photo was taken.
- Place something in the photo as an indicator of scale placed at a set interval from the lens, such as a painted board with alternate black and white squares.
- Weather conditions: a sunny day is preferred, although a high and bright overcast day is also good. Record an estimate of the time of day when light is likely to be best at the site as a guide for scheduling return visits.
- Clearly document on the *Initial Take Form* all instructions for setting up the photograph at each photo point. This information will assist in relocating the site for re-shoots and will ensure that photographs will be comparable.
- Document the photo number on the roll of film. If shooting multiple rolls of film during a trip, number the rolls of film. This will help you identify the pictures after they are developed.

Example: Film roll no. 4, Kodak Ektachrome
 Photo no. 1 - view 1, photo point 2
 2 - view 2, photo point 2, etc.

9. Establish a baseline by taking the first set of photographs before the project is initiated. Complete the *Initial Photo Info* segment of the *Initial Take Form*.

10. Fill out a data sheet for each photograph and each retake. This will assist with labeling photographs once they are developed. Use the attached forms to document your work. When you send in copies of your project photos/slides, send in the appropriate form describing the sites and photographs.

11. Label Photographs/Slides

- Every photograph and slide should be labeled.
- Establish a standardized format for labeling your photographs and slides. Include the following information:
 - Brief description of picture/location, including photo point number, county, compass direction, etc.
 - Date picture was taken
 - Grant number
 - Camera focal length and film type

Example:
PP1 - looking west at 320° across revegetated field along Santa Cruz R.
Cochise County
10/2/98
94-0021WPF
35 mm 200ASA

12. Retaking Photographs - Match Original Procedure

- Prior to leaving for the field, the photographer should assemble equipment and materials, including copies of the photo point record sheets. You may choose to take copies of earlier photographs to assist in set up and retake of pictures.
- Use the camera and lens that produced the original photograph, if possible. Otherwise, duplicate the equipment as closely as possible. Also duplicate the original film and filters as closely as possible.
- Locate the point by following the directions recorded on the *Initial Take Form*. A GPS unit may be helpful in relocating the marker. Examine the photo point marker and references and note their condition on the form. It may be necessary to replace them.
- Set the camera directly over the location stake, and at the original height above ground. Align the camera on

the original compass bearing as close to horizontal as possible. Check to see that the resulting view coincides with that in the original photograph. If it doesn't, take a photo at the original alignment and one at the alignment which seems to best duplicate the original view.

- Record the bearing for the retake photo on the *Retake Form*. (After films are developed and prints made, retain the ones that best replicate the original view.) Note the proper bearing and angle on the *Retake Form* and explain if different from the original. Check to see that the *Retake Form* is complete before leaving the point.

**INITIAL TAKE
PERMANENT PHOTO POINT RECORD**

Photo Point No. _____
Project Name _____ WPF Grant No. _____
Landowner/Management Unit _____ County _____
Subject and Purpose of Photo _____

Retake Frequency _____ Retake Due Dates _____

Initial Photo Info:

Photographer _____ Date _____ Time _____ am pm
Camera _____ Film _____ ASA _____

Weather Conditions _____

Photo Point Description (Describe access to point, point vicinity, and specific location; include sketch map below):

Legal Description: _____
USGS Quad Map _____
Est. Position Coordinates (UTMs, Lat/Long) _____

VIEW 1	VIEW 2	VIEW 3
Camera Height _____	Camera Height _____	Camera Height _____
Compass Bearing _____	Compass Bearing _____	Compass Bearing _____
Lens _____ Filter _____	Lens _____ Filter _____	Lens _____ Filter _____
F-stop _____ Speed _____	F-stop _____ Speed _____	F-stop _____ Speed _____
Focus Distance _____	Focus Distance _____	Focus Distance _____

SKETCH MAP: Include background reference points to help with relocation.

Reference Point 1
Description _____

Bearing and distance _____

Reference Point 2
Description _____

Bearing and distance _____

Reference Point 3
Description _____

Bearing and distance _____

**RETAKE
PERMANENT PHOTO POINT RECORD**

Photo Point No. _____ Date _____ Time _____ am pm
Project Name _____ WPF Grant No. _____
Landowner/Management Unit _____ County _____
Photographer _____
Camera _____ Film _____ ASA _____

VIEW 1	VIEW 2	VIEW 3
Camera Height _____	Camera Height _____	Camera Height _____
Compass Bearing _____	Compass Bearing _____	Compass Bearing _____
Lens _____ Filter _____	Lens _____ Filter _____	Lens _____ Filter _____
F-stop _____ Speed _____	F-stop _____ Speed _____	F-stop _____ Speed _____
Focus Distance _____	Focus Distance _____	Focus Distance _____
Condition of Point Monument and References: _____		

Weather conditions or recent events that may have influenced conditions at the site:

**RETAKE
PERMANENT PHOTO POINT RECORD**

Photo Point No. _____ Date _____ Time _____ am pm
Project Name _____ WPF Grant No. _____
Landowner/Management Unit _____ County _____
Photographer _____
Camera _____ Film _____ ASA _____

VIEW 1	VIEW 2	VIEW 3
Camera Height _____	Camera Height _____	Camera Height _____
Compass Bearing _____	Compass Bearing _____	Compass Bearing _____
Lens _____ Filter _____	Lens _____ Filter _____	Lens _____ Filter _____
F-stop _____ Speed _____	F-stop _____ Speed _____	F-stop _____ Speed _____
Focus Distance _____	Focus Distance _____	Focus Distance _____
Condition of Point Monument and References: _____		

Weather conditions or recent events that may have influenced conditions at the site:

AWPFC CONTRACT CONTENT:

1. COVER PAGE
 2. CONTENTS PAGE
 3. GENERAL PROVISIONS
 4. SPECIAL PROVISIONS
 5. SCOPE OF SERVICES
 - A. Effective Date
 - B. Term
 - C. Notices, Correspondence and Reports
 - D. Deliverables
 - E. Payment
 - F. Introduction
 - G. Scope of Work
 - H. Schedule of Payments and Deliverables
 6. ATTACHMENTS
-

GENERAL PROVISIONS

1. DEFINITIONS:

As used throughout the General Provisions, Special Provisions, and the Scope of Services, the following terms shall have the meanings set forth below:

- a. "Chair" means the chairperson of the Arizona Water Protection Fund or a person duly authorized by the Chair to act on the Chair's behalf.
- b. "Commission" means the Arizona Water Protection Fund Commission.
- c. "Grant" means the agreement between the Arizona Water Protection Fund Commission and the Grantee to provide the services as set forth herein.
- d. "Grantee" means the person, firm, or organization performing the services or delivering the items described in this Grant.
- e. "Maintenance Period " means the twenty (20) year period following execution of the Grant.
- f. "Project" means the Services to be performed by the Grantee as set forth in the Scope of Services.
- g. "Project Manager" means the person designated by the Chair to administer the Grant.
- h. "Scope of Services" means the provisions of this Grant that delineate the nature and manner of the specific services to be performed and describe the items to be supplied in performing this Grant. If the provisions of the Scope of Services conflict with the Special Provisions or the General Provisions, the terms of the Scope of Services shall govern.
- I. "Shall" means what is mandatory.
- j. "Special Provisions" means provisions which alter the General Provisions. If the provisions of the Special Provisions conflict with the General Provisions, the Special Provisions shall govern.

k. "State" means the State of Arizona.

2. GENERAL REQUIREMENTS:

- a. This Grant shall be interpreted in accordance with Arizona law.
- b. The Grantee shall obtain and maintain all licenses, permits and authority necessary to render services under this Grant and shall abide by all applicable State and federal laws.
- c. The parties agree that the Grantee shall not be considered an officer, employee or agent of the Commission.

3. BOOKS AND RECORDS:

The Grantee shall keep adequate books and records related to work performed and expenditures incurred in accordance with this Grant's Scope of Services and make them available for inspection, upon timely written notice, to Commission representatives and other appropriate agents of the State for a period of five (5) years after the termination of the Grant. Financial records shall: (1) identify the task completed; (2) include records of the time the Grantee spent in performing the services set forth in the Scope of Services; (3) include original copies of invoices, statements, sales tickets, billings for services and similar documents in this Grant as necessary to document all expenditures applicable to this Grant.

4. INDEMNIFICATION:

The Grantee agrees to indemnify and defend the State, its officers, agents and employees, and hold them harmless from and against all losses, damages, expenses and liability resulting from injury to or death of any person or loss of or damage to property, or claims of such injury, death, loss or damage to property, or damage due to any negligent act or omission of the Grantee, his employees or agents in connection with the work performed under this Grant.

5. TERMINATION OF GRANTS:

The Commission or the State may terminate this Grant as described below:

- a. The Commission, in addition to other rights set forth elsewhere in this Grant, reserves the right to terminate this Grant in whole or in part, without cause, effective thirty (30) days after mailing written notice of termination by certified mail, return receipt requested, to the Grantee, or if for default, upon receipt of written notice of termination.
 - 1) In the event of termination as provided in this Section, the Grantee shall stop work as specified in the notice of termination.
 - 2) If the payments prescribed by this Grant are made on a reimbursable basis, the Commission shall pay the Grantee the Grant price for all services completed in accordance with the Scope of Services as approved by the Grant Officer. In addition, the Commission shall pay to the Grantee its reasonable actual costs for work in progress as determined by generally accepted accounting principles and practices. If the payments have been made on an advance basis, the Grantee shall return all unexpended funds within fifteen (15) days of receipt of notice of termination. Upon termination under this Section, the Grantee, at the Commission's request, shall deliver to the Commission specified completed documents, programs, data, and other information described in the Grant.
- b. The State may cancel this Grant without penalty or further obligation to the State pursuant to A.R.S.

§ 38-511, which provides for cancellations of any contract made by the State, its political subdivisions, or any of the departments or agencies of either if any persons significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the State, its political subdivisions or any of the departments or agencies of either is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party of the contract with respect to the subject matter of the contract .

- c. In the event of cancellation under Section 5.b. of the General Provisions of this Grant or if the term of the Grant expires, the Grantee shall perform those acts and receive payment as established in Section 5.a. of the General Provisions of this Grant.
- d. In the event that the parties mutually agree to terminate a portion of the original Grant contract, the Grantee shall continue to perform this Grant to the extent not terminated under the provisions of this Section.

6. NON-DISCRIMINATION:

The Grantee shall comply with all applicable non-discrimination laws including, but not limited to, State Executive Order No. 75-5.

7. GRANT PAYMENTS:

- a. Payments made by the Commission to the Grantee pursuant to the Grant are conditioned upon the availability to the Commission of funds authorized for expenditure in the manner and for the purpose provided herein. The Commission shall not be liable for any purchases entered into by the Grantee prior to the effective date of the Grant.
- b. If the Grant payments are made on a reimbursable basis, payment made by the Commission to the Grantee are conditioned upon receipt of an applicable, accurate and complete invoice prepared by the Grantee. If payments are made on an advance basis, the Grantee shall provide the Commission with such invoices at a time prescribed by the Commission.
- c. If the Grantee is determined by the Commission to be in default in the performance of any obligation under this Grant, the Commission may, at its option and in addition to other available remedies, either adjust the amount of payment or withhold payment until satisfactory resolution of the default.

8. RECOUPMENT OF GRANT PAYMENTS:

The Grantee shall reimburse the Commission for all Grant funds which are determined by the Commission not to have been spent in accordance with the terms of this Grant.

9. INSPECTION:

Commission representatives and other appropriate agents of the State shall, with timely written notice to the Grantee, be entitled to review and inspect the Grantee's grant operation, the site of the project, and data which pertain to the work specified in the Scope of Services during the term of the Grant and Maintenance period. The right to inspect shall include review of maintenance of the project site and conduction of field analyses and data collection to assess the degree of success of the project and shall continue during the term of the Grant and Maintenance period.

10. NOTICES:

Whenever notice is required pursuant to this Grant, the notice shall be in writing and shall be directed to the persons and addresses specified for such purpose in the Scope of Services or to such other persons and

addressees as either party may designate to the other party in writing. Notice shall be delivered in person or by certified mail, return receipt requested.

11. AMENDMENTS:

Amendments to this Grant shall be in writing and signed by all parties to the Grant.

12. SUBCONTRACTS:

- a. The Grantee may subcontract or consult with other parties to perform one or more of the Tasks which are described in the Scope of Services.
- b. Proposals to subcontract any task or segment described in this Grant must be approved by the Commission prior to the commencement of the subcontracted work.
- c. Any subcontractor or consultant participating in this Agreement shall comply with the terms and conditions of this Agreement, as set forth in the General Provisions, Special Provisions, and Scope of Services.

13. WAIVERS/ASSIGNMENTS:

- a. Neither the Grantee nor the Commission shall waive or modify any condition or requirement contained in or made a part of this Grant without a written amendment to this Grant.
- b. The Grantee shall not assign the obligations under this Grant to another party.

14. INCORPORATION OF APPLICATION:

The Grantee's approved application for grant funds is incorporated by reference as part of this agreement; however, the terms of this agreement shall take precedence over the terms of the approved application in the event of conflict or ambiguity.

15. OPERATION AND MAINTENANCE:

The Grantee shall operate and maintain grant assisted capital improvements for the Grant and Maintenance Period. The Grantee shall provide reasonable protection of any project improvements provided pursuant to this Grant to discourage vandalism, for the term of this Grant and maintenance period.

16. EQUIPMENT:

Any equipment purchased by the Grantee with a unit value of \$5,000.00 or more and purchased exclusively with project funds provided by the Commission, shall be surrendered to the Commission upon completion of the project.

17. DATA:

- a. All data, reports, analyses, and other deliverables prepared or collected by the Grantee in carrying out the terms of this Agreement shall be owned by the parties to the Agreement.
- b. Unless otherwise provided in this Agreement, the Grantee shall provide the Commission with all data collected which is used to prepare any Agreement deliverables.
- c. Data, information, or analyses submitted to the Commission as deliverables pursuant to this Agreement are public information which may be copied, published and disseminated by any party to

this Agreement.

18. REQUESTS FOR COPIES:

If the Grantee receives a request to prepare a copy of any deliverable required by this Grant, the Grantee shall provide the copy at cost, or at a price required by law.

19. REQUIRED DELIVERABLE LANGUAGE:

The Grantee shall include the following language in any deliverable prepared for this Grant:

- a. The Arizona Water Protection Fund Commission has funded all or a portion of this report or project.
- b. The views or findings represented in this deliverable are the Grantees and do not necessarily represent those of the Commission nor the Arizona Department of Water Resources.

APPENDIX D:

LIST OF AGENCY ADDRESSES AND TELEPHONE NUMBERS:

Arizona Department of Agriculture

1601 N. 7th Street
Phoenix, AZ 85006
(602) 407-2800

Arizona Department of Water Resources

Groundwater Management Support Section
500 N. Third Street
Phoenix, AZ 85004
(602) 417-2400

Arizona State Parks

1300 W. Washington Street
Phoenix, AZ 85007
(602) 542-4174

Bureau of Land Management

Arizona State Office
3707 N. 7th Street
Phoenix, AZ 85014-5080
(602) 650-0509

U.S. Army Corps of Engineers

Regulatory Branch
3636 N. Central Avenue, Ste. 760
Phoenix, AZ 85012-1936
(602) 640-5385 or (602) 640-2921

U.S. Forest Service

(Contact specific forest office)

Central Arizona Project

23636 N. 7th Street
Phoenix, AZ 85024
(602) 870-2333 (602) 542-4625

Arizona Department of Environmental Quality

3033 N. Central Avenue
Phoenix, AZ 85012
(602) 207-2300

Arizona Game and Fish Department

2221 W. Greenway Road
Phoenix, AZ 85023
(602) 942-3000

Arizona State Parks

State Historic Preservation Office
1330 W. Washington
Phoenix, AZ 85007
(602) 542-4009

National Park Service

202 E. Earl Drive
Suite 115
Phoenix, AZ 85012
(602) 640-5250

U.S. Fish and Wildlife Service

2321 W. Royal Palm Drive
Suite 103
Phoenix, AZ 85021
(602) 640-2720

Arizona State Land Department

1616 W. Adams St.
Phoenix, AZ 85007
(602) 542 - 4621

Environmental Protection Agency

Region 9 - Public Information Center
75 Hawthorne Street
San Francisco, CA 94105-3901
(415) 744-1500

APPENDIX E: CHECKLISTS

The Arizona Water Protection Fund Commission (AWPFC) realizes that completing an application for our program will be a time consuming process. In trying to help you make sure that all statutory requirements and minimum application information requirements are met, we have devised the following checklists. It is suggested that you read through them before you begin any work on your application.. After completing your proposal, revisit these two forms.

APPENDIX E. 1. Minimum Statutory Criteria Checklist - *You do not have to submit this form* . If your project or program does not meet all the Minimum Statutory Criteria, then it cannot be funded and will not be evaluated. If you answer NO to any of its questions, you will have to change that portion of your application before it is submitted

1. Your application is consistent with the statutory prohibition against using AWPFC monies for the acquisition of property? YES___ NO___
2. Your application is in compliance with the statutory provision that prohibits the use of the State's right of eminent domain to acquire water or water rights? YES___ NO___
3. Your application includes a description of the relationship between the project and existing plans, reports and information that are relevant to the project? YES___ NO___
4. When applicable, your application includes provisions for inspection and evaluation of the project? YES___ NO___
5. Your application proposes methods for the expenditure of and accounting for any monies granted by the Commission? YES___ NO___
6. Your application includes a provision for the submittal of all pertinent information and research gained from the project to the Commission? YES___ NO___
7. Your application proposes to spend no more than 5% of the funds requested on the administration costs? YES___ NO___
8. If a city, town, county, natural resource district, special district, or Indian community requests to work jointly with you on this project, your application states that you will work in such a fashion? YES___ NO___
9. Your project is located within the State of Arizona? YES___ NO___
10. If your project is a research project, research of a similar nature has not been or is not in the process of being performed and is already available? YES___ NO___ N/A___
11. You have not been identified as a Potentially Responsible Party (PRP) and/or your proposed project does not involve the expenditure of funds for a federal Superfund or Water Quality Assurance Revolving Fund (WQARF) project? YES___ NO___ N/A___
12. Your project complies with local, state, and federal law? YES___ NO___
13. Your project avoids contribution to water quality or quantity problems? YES___ NO___
14. If your project involves water conservation, the project will occur outside of any Active Management Area? YES___ NO___ N/A___

APPENDIX E.2. Regulatory Compliance Checklist and Permit Descriptions - *You do not have to submit this form.* Applicants/Grantees are responsible for determining that all necessary permits that apply to their project are identified and obtained. While the checklist is not all inclusive, it does provide a basic list of some permits which may potentially be required. It is very important that you **know your regulatory compliance needs to estimate your costs of compliance** and pay for it with either AWPf or matching monies.

Applies to project:		REGULATIONS/PERMITS	Regulatory Authority
Yes	No		
LOCAL			
		Floodplain Ordinances	County
		Planning and Zoning Ordinances	City and County
		Other	
STATE			
		Floodplain Use Permits	ADWR
		Water Quality Certification (Section 401)	ADEQ
		Aquifer Protection Permits	ADEQ
		Wastewater Reuse Permits	ADEQ
		Groundwater and Surface Water Laws	ADWR
		State Historic Preservation Act	SHPO
		Special Use Permits	ASLD
		Arizona Native Plant Laws	ADA
		Other	
FEDERAL			
		CWA (Section 402): Point Source/Stormwater Discharges	EPA/ADEQ
		CWA (Section 404): Dredge and Fill	COE
		CWA: Section 10 Rivers and Harbors Act	COE
		Wilderness or Wild and Scenic River Acts	BLM/USFS
		Endangered Species Act	USFWS
		National Environmental Policy Act	BLM/USFS
		National Historic Preservation Act	Land Agency/ SHPO
		Special Use Permits	BLM/USFS
		Other	

INDIAN RESERVATIONS			
		CWA (Section 402): Point Source/Stormwater Discharges	Some Tribes/EPA
		CWA (Section 404): Dredge and Fill	Some Tribes/EPA
		National/State Historic Preservation Act	Tribe/SHPO
		Water Quality Certification (Section 401)	Some Tribes/EPA
		National Environmental Policy Act	Tribes/BIA
		Endangered Species Act	USFWS
		Tribal Permits	Tribes
		Other	

APPENDIX E: CONTINUED

REGULATORY OVERVIEW

The purpose of this section is to briefly summarize the most common local, state, and federal permits that may apply to riparian projects which qualify for consideration by the Arizona Water Protection Fund Commission (AWPFC). **This list is not meant to be all inclusive, and it is the responsibility of the applicant to address all permit issues with regard to their project.** In Appendix D you will find a list of agencies, addresses and phone numbers which may be helpful in obtaining more detailed information about specific permits.

The applicant should realize that permit processes can be lengthy, and in some cases, costly. To ensure that your project receives full consideration, the AWPFC recommends that all permit issues be determined during the planning phase of a project and addressed as fully as possible in a submitted grant application.

Local:

Local permits may relate to such things as floodplain, planning or zoning ordinances. Since these ordinances may be unique to a particular city or county, you will have to contact the respective entity for information. Contact the Planning, Engineering, or Flood Control departments of the relevant city or county.

State:

Floodplain Use Permits are required for doing almost any type of work within the designated 100-year floodplain. This is normally defined by the Federal Emergency Management Agency (FEMA), and is managed by a local floodplain administrator. If you do not know who your floodplain administrator is, contact the Arizona Department of Water Resources (ADWR).

Water Quality Certification (Section 401) is required for any project with federal involvement that results in a discharge into waters of the State. Such involvement could include use of federal land, use of federal funds, the requirement of a federal permit (such as Section 404), a federal license, or federal approval for the project. Contact the Arizona Department of Environmental Quality (ADEQ) to determine if this certificate is required.

Aquifer Protection Permits (APP) are required for any "discharging facilities", where "discharge" means a direct or indirect addition of any pollutant (defined broadly) from a facility either directly to an aquifer or to the land surface in such a manner that there is reasonable probability the pollutant will reach an aquifer. "Facilities" may include surface impoundments (ponds and lagoons for example), injection wells, and groundwater recharge projects, just to name a few. Contact ADEQ to determine if this permit is required for your project.

Wastewater Reuse Permits are required for the operators of wastewater treatment facilities, so that the reclaimed and treated water can be reused, for such activities as irrigation or artificial recharge. Contact ADEQ to determine if this permit is required.

***NOTE:** The Wastewater Reuse Permit, the APP and Water Quality Certification are all reviewed and issued by ADEQ. The amount and detail of information ADEQ will require will depend on the type of project and its impact to the surface waters of the state and/or to groundwater. This could range from a brief description of the project and its location (at a minimum) to a full hydrogeologic report with surface and groundwater modeling. The best advice is to contact ADEQ during the initial project planning process and receive their advice concerning the specific information that they will require for reviewing your project.*

State Historic Preservation Act (SHPO) deals with impact to significant cultural resources. If your project involves the potential to disturb the surface and/or subsurface of the ground, you have to ensure that no prehistoric and/or historic archaeological sites, or any buildings or structures that are 50 years or older, will be disturbed. The National Historic Preservation Act and Arizona laws regarding human remains and objects of cultural heritage also may apply on federal lands.

***NOTE:** SHPO clearance is required for all projects funded by the State of Arizona. If your project is funded through the AWPFC, you will be required to obtain SHPO clearance, even if your project site is on private land.*

Arizona Native Plant Law is administered by the Arizona Department of Agriculture (ADA). The ADA has compiled a list of protected plants, and placed them in one of five categories of varying degrees of protection. Depending on the category, there are certain restrictions on the removal, transfer and/or destruction of the plant. This law applies to both privately- and state-owned lands. Contact the ADA for information about notices or permits which must be obtained for your specific project.

Special Use Permits may apply if your project is located on state-owned land. Your project may be classified as a "special use" of the land. Contact the Arizona State Land Department (ASLD) to determine whether your project may require a special use permit.

Groundwater Withdrawal/Use may involve several types of permits and notices, depending on the location. Groundwater withdrawal is regulated in Active Management Areas (AMAs) and the party must have a right to withdraw the water. Well construction is regulated statewide. If your project involves the use of groundwater,

including modifying or drilling any type of well, you should contact ADWR for the relevant requirements.

Surface Water Use requires a permit or certificate of water right from ADWR. If your project involves the diversion of surface water, contact ADWR for the relevant requirements.

Artificial Groundwater Recharge projects also require permits from ADWR.

Federal:

Clean Water Act (CWA), Section 10 is only applicable if your project involves the Colorado River. Contact the U.S. Corps of Engineers (COE) for more information.

Dredge and Fill Permits (CWA Section 404) are required for any project that will result in the discharge of dredged or fill material into waters of the United States (i.e., almost any stream bed or drainage). There are both individual (covers one specific project) and general (covers a broad project class) permits. Applicants should also review the list of exemptions from this 404 requirement. Contact the COE to determine whether or not your project requires a 404 permit. If a 404 permit is required, you will also need to obtain a 401 state certificate.

National Pollutant Discharge Elimination System (NPDES) Permit, under the CWA Section 402: Point Source/Stormwater Discharges. This permit is required for any private or public entity who discharges or proposes to discharge pollutants from a point source into waters of the United States. Waters of the United States can apply to almost any stream bed, whether it is perennial, intermittent or ephemeral. Point source usually refers to such things as a pipe, ditch, channel, tunnel, conduit or well. Contact ADEQ/EPA to determine if this permit is required. (NPDES Permits are a federal requirement handled by the Environmental Protection Agency (EPA). However, ADEQ processes the applications within the state, and passes the information on to the EPA.)

National Environmental Policy Act (NEPA) may be applicable to projects having a federal connection, such as projects on federal lands and those that will use federal funds. This may involve the preparation of an Environmental Assessment (E.A.) or an Environmental Impact Statement (E.I.S.). Contact the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) to see if any part of NEPA applies to your project.

Special Use Permits may apply if your project is on federal lands. Contact the appropriate agency (USFS, BLM, National Parks, etc.) and find out if any special use permits are required for your specific project.

Endangered Species Act (ESA) may apply if your project area includes habitat that supports an endangered species. To initially find out about the probability of an endangered species being present in your locale, contact the Arizona Game and Fish Department (AGFD). The U.S. Fish and Wildlife Service (USFWS) is actually responsible for enforcing the ESA, and should be contacted after you obtain a response from AGFD.

Indian Reservations

Water Quality Certification (Section 401): See explanation under state. Similar except some Tribes have delegated authority.

Dredge and Fill Permits (CWA Section 404): See explanation under federal. Similar except some Tribes have delegated authority.

National Pollutant Discharge Elimination System (NPDES) Permit, under the CWA Section 402: Point Source/Stormwater Discharges. See explanation under federal. Similar except some Tribes have delegated authority.

National Environmental Policy Act (NEPA) See explanation under federal. Similar except Tribes generally interface through the Bureau of Indian Affairs.

Endangered Species Act (ESA): See explanation under federal.

APPENDIX E. 3. Application Completion Checklist

You do not have to submit this form. The Application Completion Checklist indicates the types of information that the application requires. If a form or piece of information is listed as MANDATORY, and is applicable to your project, it must be included or your application will not be evaluated.

Form Number	Description	Mandatory (if applicable) Y/N	Completed Y/N/NA
	Cover page signed by contracting-delegated person	Y	
	IRS Determination Letter & Bd. Of Director Letter for Nonprofit, Not-for Profit, etc.	Y	
	Arizona map	Y	
	Summary Page	Y	
	Project Schematic Drawing	Y	
	Project Area Photographs	Y	
	Location Information, 7.5 minute USGS map, & Environmental Contaminant Location Info	Y	
	Evidence of Control and Tenure	Y	
	Introduction	Y	
	Scope of Work - Objectives	Y	
	Scope of Work - Tasks	Y	
	Scope of Work - Revegetation & Monitoring Plans	Y	
	Task-Timetable	Y	
	Budget Form	Y	
	Matching Information	Y	
	Existing plans	Y	
	Community support	Y	
	Personnel	Y	
	SHPO information sheet	Y	
	Signed letters of support	N	

APPENDIX F: Application Forms

The application forms are structured so that if they are done completely, *ADWR staff can write the contract from the application. They are also formulated around the principle that you have pre-planned your project and know how the project needs to be structured: what the components are, when and what personnel are needed and how much it will cost to complete each component.* Read the directions inside the box at the top of each form for specific information about completing the form.

If your project is straight-forward and relatively simple, your response within the application forms will be straight-forward and simple; a simple project may require only a paragraph of description for many forms. More complicated projects do require a more complicated response. It is highly recommended that you attend an application workshop and a one-on-one consultation with staff to assist you with the application forms.

Please Note: The Application forms are available in both **WordPerfect 6.1** and **Microsoft Word 6.0** format. Please print the **Arizona map** to include in your application. *The map is not provided in the file containing the application forms.* A **sample proposal** has been prepared as a guide and to assist in the development of your proposal.