

Arizona Water Protection Fund Commission Grant Application Manual



Fiscal Year 2020 Funding Cycle

ARIZONA WATER PROTECTION FUND
Grant Application Manual
FY 2020 Funding Cycle

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SECTION I – GENERAL INFORMATION

Introduction

It is declared policy of the legislature to provide for a coordinated effort for the restoration and conservation of the water resources of this state. The Arizona Water Protection Fund (AWPF) is a competitive state grant program that is designed to allow the people of Arizona to prosper while providing funding to interested parties for the development and implementation of measures to protect water of sufficient quality and quantity to maintain, enhance and restore river and riparian resources throughout Arizona, including projects that benefit fish and wildlife that are dependent on these important resources and measures to increase water availability and supply. The distribution of grant funds from the AWPF is authorized pursuant to A.R.S. § 45-2101 *et seq.* and is overseen by the Arizona Water Protection Fund Commission (Commission). The program is administered through the Arizona Department of Water Resources (ADWR).

The AWPF supports projects that fit the following objectives to meet the program goals:

- Provide identified and measurable benefits to the water resources of Arizona through broad based local support
- Provide positive, effective examples for other similar projects.
- Advance the field of water conservation knowledge in Arizona.
- Increase public awareness of the function and value of riparian resources in Arizona.

Riparian Habitat is defined as an ecosystem found between aquatic and upland environments that is dependent on the existence of a perennial, intermittent, or ephemeral water source. Soil and vegetation in riparian areas have distinct characteristics that make them different from surrounding areas.

Riparian habitats are vital resource areas that:

- Improve water quantity by storing water in streambanks, which is slowly released to help maintain base flows.
- Improve water quality by trapping sediments from surface water runoff, providing nutrient cycling and increasing streambank stabilization.
- Provide flood control by slowing and absorbing flood waters, resulting in reduced flood damage and increased groundwater storage.
- Provide highly valued recreational opportunities such as fishing, camping, hiking, wildlife viewing and picnicking.
- Sustain high biodiversity of plant and animal species.
- Provide important wildlife habitat such as food, shelter, relief and travel corridors.
- Help stabilize water temperatures for aquatic species.
- Provide economic benefits by increasing property values, improving water supplies, reducing flood damage, filtering pollutants and supporting recreational activities.

This manual provides the necessary information for interested parties to submit an application for funding consideration. More information about the AWPF is available on the Commission's web site at www.azwfp.gov.

General Guidelines

Funding Categories

The AWPF typically awards grants under three categories:

- 1) **Capital Projects:** Projects under this category include on-the-ground measures that maintain, enhance and restore Arizona's river and riparian resources, including projects that benefit fish and wildlife that are dependent on these important resources. Feasibility of design studies are considered capital projects, but are only eligible if the applicant (1) requests funding to investigate the feasibility of implementing a specific capital project that is being proposed, (2) develops a detailed implementation plan and budget for the proposed project as part of the feasibility study, and (3) has control and tenure over the proposed project area and the authority to implement the proposed project should it be deemed feasible. Acquisition of Central Arizona Project water or effluent to restore and maintain river and riparian resources may also be considered a capital project. Examples of projects under this category include components that do one or more of the following:

- Demonstrate direct benefits to perennial or intermittent rivers or streams *
- Demonstrate commitment to continued maintenance of proposed enhancements *
- Protect/Restore native riparian vegetation and habitat
- Restore proper hydrologic conditions/functions
- Restore proper stream geomorphology/channel characteristics
- Restore floodplains
- Restore wetlands/backwater areas
- Improve watershed conditions using forest and/or near-stream restoration treatments that improve water quality or increase water quantity
- Protect/Restore habitat needs for fish and wildlife
- Decrease negative impacts of non-native species to riparian areas

* INDICATES FUNDING PRIORITY IN STATUTE

- 2) **Research (Total annual funding limited to 5% of monies received by the AWPF each fiscal year):** Projects under this category include research and data collection measures that are related to maintaining, enhancing and restoring Arizona's river and riparian resources, including fish and wildlife that are dependent on these important resources. Research projects must be developed using the Scientific Method. Examples of projects under this category include:

- Research that will advance the science of river and riparian restoration in the Southwest
- Research that will advance scientific understanding of fluvial processes and ecosystem characteristics and functions in association with rivers, streams, and wetlands
- Research that will evaluate impacts or values of invasive species in riparian habitat.

- 3) **Water Conservation:** Projects under this category include measures that develop, promote or implement programs designed to conserve water for a purpose related to maintaining, enhancing and restoring Arizona's river and riparian resources, including fish and wildlife that are dependent on these important resources. Projects under this category must be located outside of all Active Management Areas.

Eligible Applicants

Any person, organization, local/state/tribal agency, or political subdivision of Arizona may submit an application. Federal agencies are not eligible to receive funding from the AWPF; however, funding can be awarded to projects on federal lands.

Eligible Applications

Grant applications must meet all the following requirements to be considered eligible for evaluation during the FY 2020 grant cycle:

- Administrative costs limited to a maximum of 5% of the total AWPf project funds requested.
- Applicant must have legal and physical access as well as authority to implement the project as applied for the area where the grant tasks are to be performed. After grant awards have been determined, signed cooperative agreements with all parties granting such access and authority, will need to be provided to the AWPf in a timely manner prior to the finalization of any contracts.
- Applicant must provide appropriate documentation that any water to be used in the project is legally and physically available to the applicant for the stated purpose.
- Applicant must demonstrate that vital partnerships, funding, etc. have been committed at the time of the application or submit letters of support from the appropriate entities with a plan to obtain these critical elements prior to grant award.

Ineligible Applications

In accordance with state statutes, funding is prohibited for:

- Purchase of real property/conservation easements
- Projects outside the state of Arizona
- Any project that includes the planting of mesquite, tamarisk or other nonnative high-water usage trees that consume water to a degree that is detrimental to water conservation efforts.
- Remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9601, or Water Quality Assurance Revolving Fund (WQARF), A.R.S. § 49-281 *et seq.*
- Research projects with funding requests in excess of 5% of the total funds received for the FY 2020 funding cycle.
- Water conservation projects/program applications within one of the five AMA's.

In accordance with Commission Policy, funding will not be provided for:

- Projects located in areas with elevated levels of environmental contaminants that pose risk of harm to human health or the environment, including hazardous substances, hazardous wastes, petroleum products or Environmental Protection Agency priority toxic pollutants.
- Projects which are required as a result of legal action taken by a regulatory agency, such as ecological mitigation. Applicants must notify the Commission if a proposed project is part of any mitigation effort.

- Projects that are designed to meet wastewater treatment requirements. Proposed projects that create or sustain riparian habitat using treated effluent or recycled water that already meets or exceeds relevant state and federal standards may be considered as long as the project meets the requirements of A.R.S. § 45-2101(B).
- Generally, the Commission does not fund groundwater recharge or recovery projects.

Important Notes

- Administrative costs **must** be limited to a maximum of 5% of the total AWPf project funds 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.
- Payments are made on a cost reimbursement basis. Appropriate documentation (*e.g.*, receipts, invoices, reports, data, and photographs) will be required in order to receive reimbursement.
- Commission/Staff access for inspection and evaluation of the project will be required as a contract condition.
- A final presentation to the commission within 90 days of the contract termination date will be required as a contract condition and will be included as a deliverable within the final reporting task.
- Adequate accounting practices and record keeping will be required.
- Submittal of pertinent information and research gained from all projects will be required.

Grant Cycle Details

FY 2020 Grant Cycle Schedule

The Commission and staff will implement the FY 2020 grant cycle based on the schedule in Table 1*.

Table 1. FY 2020 Grant Application Process Schedule

FY2020 Grant Application Process Schedule*	Timeline
Applications available	July 8, 2019 (on-going)
Application workshop	July 24, 2019
Pre-application consultations (depending on staff availability)	July - August 2019
Final date and time to submit applications	September 6, 2019 at 3:00 PM
Public comment period for applications	September 18 – November 1, 2019
Staff review comments to applicants / Commission	No later than November 15, 2019
Applicant presentations / Commission grant selections	November 19 – 20, 2019
Applicants notified of funding status	December 2019
Staff begins writing grant contracts	December 2019 / January 2020

**The Commission reserves the right to adjust this schedule if necessary.*

Grant Application Workshops & Consultations

AWPF staff will provide opportunities for pre-application consultations (as time permits) with potential applicants on a first-come-first-served basis as indicated in Table 1. Due to time constraints, consultations will be limited to a maximum of one hour. Applicants should schedule a consultation as far in advance as possible, and are encouraged to submit a draft application at least one week in advance of the consultation. Consultations will be conducted at the AWPF office in Phoenix or offered via teleconference.

In addition, AWPF staff will conduct a workshop for potential applicants as indicated in Table 2. It is highly recommended that applicants attend a workshop and schedule a pre-application consultation. Past experience has demonstrated that workshop attendance and discussing your proposal with staff should help you develop a better application.

Table 2. FY 2020 Grant Application Workshop

Location	Date	Time	Address
Phoenix, AZ*	July 24, 2019	1:30 p.m. – 2:30 p.m.	Arizona Dept. of Water Resources 1110 West Washington St. Suite 310 Phoenix, AZ 85007 Middle Verde Conference Rm. 4 th Floor

**Staff will be hosting an online webinar of the grant application workshop for those not able to attend in person. Please contact the Arizona Water Protection Fund (602-771-8528) or rteran@azwater.gov for more information prior to July 24, 2018.*

Application Due Date

Applications must be submitted no later than the date and time indicated in Table 1. Detailed submission requirements are outlined in Section II – Grant Application.

Grant Evaluation Process

Applications will be initially reviewed for completeness and consistency with AWPf statutes and policy. Applications that are complete and eligible under statute and Commission policy will be reviewed by AWPf staff in accordance with the evaluation criteria listed below. Other appropriate state and federal agencies may be asked to review and comment on applications. AWPf staff will compile intra-agency and inter-agency comments. Please note that under the following circumstances, applications will not be given further consideration:

- It is determined that the proposed project is ineligible according to AWPf statutes or Commission policy.
- It is determined that the application does not contain all of the required information identified in Section II of this manual.
- It is determined that any part of the application is ineligible for funding.

Application Evaluation

Application evaluation criteria should guide you in the development of your application. Staff will use the criteria listed below to organize their technical reviews and evaluate applications submitted for consideration. Applications that meet many to all of the criteria will rate higher than those meeting few to none of the criteria. **Please note that the evaluation criteria for capital and water conservation projects are different than those used for research projects.**

The Commission shall give priority to applications which:

- Enhance, maintain and/or restore river, stream and riparian resources in headwater streams and watersheds that will provide direct improvements to water quality and/or increase water quantity, addresses degraded watershed health conditions or impacts to perennial streams through implementation of scientifically based restoration projects (see examples of capital projects listed under funding categories).
- Matching monies or assets of comparable value including in kind contributions will be provided by other sources.
- Provide for the continued maintenance of the portion of the river and stream and associated riparian habitat that are enhanced by the project.
- Projects that include broad based local involvement/support.
- Directly benefit perennial or intermittent rivers or streams or that otherwise increase the supply of water.
- If for the purposes of water conservation, the applicant estimates the water increase and/or savings and how this estimate was determined.

Evaluation Criteria for Capital and Water Conservation Projects

- A. Project Will Enhance, Maintain and/or Restore River, Stream and Riparian Resources (See bullets under capital projects on page 4).
- B. Project Will Benefit Fish and Wildlife Resources Dependent on River, Stream and Riparian Resources (See bullets under capital projects on page 4).

C. Feasibility

- Objectives clearly identified and demonstrate benefits to river, stream and riparian resources / dependent fish and wildlife resources
- Methodologies and designs clearly presented, appropriate and adequate
- Clarity and adequacy of the scope of work and deliverables
- Cost/Benefit compared to similar applications submitted
- Expertise of applicant/personnel/subcontractors appropriate
- Description of the relationship between any existing plans, reports and/or information relevant to the proposed project [**required**]. (See Existing Plans/Reports/Information guidance on page 19.)

D. Monitoring

- Objectives clearly identified
- Methods clearly presented, appropriate and adequate to evaluate benefits to rivers, streams and riparian resources and/or dependent fish and wildlife resources

E. Other Considerations

- Add coordinated effort with state or watershed restoration programs
- Public outreach
- Project will support local businesses
- If the applicant is proposing to use out of state consultants, there is adequate justification for their use and associated travel costs

Evaluation Criteria for Research Applications

A. Research is applicable to river and riparian restoration and or fish and wildlife that are dependent on river and riparian resources

B. Application demonstrates use of the Scientific Method

- Background research includes data collection, analysis and synthesis
 - Data collection will build on existing data, or generate new data
 - Quality literature review provided
- Hypothesis or hypotheses are clearly articulated
- Research/experimental design is clearly presented, appropriate and adequate to:
 - Test hypothesis or hypotheses
 - Analyze data and draw conclusions
 - Report results

C. Feasibility

- Clarity and adequacy of the scope of work and deliverables
- Cost of research reflects potential benefits of outcomes
- Expertise of applicant/personnel/subcontractors appropriate
- Description of the relationship between any existing plans, reports and/or information relevant to the proposed project [**required**] – (See guidance on page 19.)

D. Research results may be translatable

E. Proposal includes some form of publication as a deliverable (e.g. intent to publish results in a professional journal, article in a watershed newsletter, other written media) and a commitment to

some form of public presentation(s) (e.g. AWPf Commission meeting, watershed group meeting, professional conference, or other peer group)

F. Other Considerations

- Project will support local businesses
- If the applicant is proposing to use out of state consultants, there is adequate justification for their use and associated travel costs

Applicant Presentations to Commission

Applicants will be given an opportunity to provide a brief (10-15 minute) presentation to the Commission in accordance with the schedule in Table 1. Commission members consider staff reviews, but also use their own judgment when making grant award selections.

Changes to the scope of work during the application process

Once the application has been received by the commission, applicants are not permitted to make changes to the scope of the project during the application process.

Grant Award Notification

Applicants will be notified as to whether they received a grant award as outlined in Table 1. Notification of grant award does not authorize any expenditure of funds. Please see Grant Awards subsection below.

Application Assistance

Please contact the AWPf staff at (602) 771-8528 if you are in need of any assistance with completing or filing a grant application.

Grant Awards

Grant Award Contracts

A grant award by the Commission does not allow you to immediately start your project. Grant awards are implemented through contracts, which may extend up to five years in duration. The Arizona State Constitution prohibits the Commission from giving gifts. Therefore, monies are granted in return for equivalent products. The grant award contract specifies the deliverables, due dates and costs associated with producing those products. The application is structured so that if it is completed correctly, much of the detail for a contract will have already been obtained. Please note that you **cannot be reimbursed** for any project expenditure activities **conducted prior to executing a contract**.

Grant work may only begin after a grant award contract has been finalized and signed by both the applicant and the Commission Chair. For most grant award contracts, expenditures will be reimbursable, which means that you will be responsible for initial payment of costs. AWPf will reimburse your costs based upon actual initial expenditures. Monetary disbursement is in accordance with the details within each contract and is paid out after submittal of complete and accurate deliverables and payment requests. AWPf staff must review and approve these before payment can be processed. Therefore, the grantee must have a sufficient line of credit to fund project activities for some period of time. In some instances, the Commission may authorize a one-time advance payment at the beginning of the grant, up to 20 percent of the total grant amount, but not to exceed \$50,000. Applicants must indicate on the application cover page whether they are requesting an advance payment.

If a grantee proposes minor modifications to a project, such that the purpose (or scope) of the project will be changed, the AWPf Commission will re-evaluate the project and may grant an amendment to the contract after a formal request is made.

General Provisions - Grant Award Contract

The contract will contain General Provisions, which are standard contract clauses (Appendix A). **Please have your legal counsel and/or responsible contracting authority review and accept these provisions prior to the submittal of your application.**

Long-Term Maintenance of Project Benefits

The Commission intends that AWPf monies act as “seed money” for putting projects on the ground. The Commission expects grantees to maintain the project beyond the contract period, or that it will develop institutional partnerships to do so. The Commission requires that capital improvements be maintained by the grantee for a period of up to 20 years. Unforeseen acts of nature may substantially alter your project in some future year, and upon notifying the Commission of that occurrence, you may not be required to maintain the capital improvements subsequent to that event.

SECTION II: GRANT APPLICATION

Grant Application Planning and Content Overview

*Indicates an electronic form is available.

Application Planning

It is important that application forms are carefully completed with accurate, realistic information. Before developing a grant application, applicants should carefully consider and understand:

- How the project should be structured?
- What are the necessary project components/permits?
- When project components can be completed (realistic timeline)?
- Who the necessary personnel are to complete project components?
- How much each project component will cost to complete?

Application Content Requirements Overview

- 1) Application Cover Page *
- 2) Executive Summary (500-word maximum)
- 3) Project Overview (2-page max.)
 - Background
 - Goals
 - Objectives
 - Statement of Problems/Causes (Capital and Water Conservation Projects)
 - Statement of Solutions (Capital and Water Conservation Projects)
 - Statement of Project Years of Benefit to the resource and general public (Capital and Water Conservation Projects)
- 4) Project Location and Environmental Contaminant Information *
- 5) Scope of work (preferably in Microsoft word format)
- 6) Detailed Budget Breakdown (*preferably in Microsoft Word or Excel format*)
 - Direct Labor & Outside Services Costs
 - Other Direct Costs
 - Capital Outlay & Equipment Costs
 - Administrative Costs
- 7) Detailed Matching Funds Breakdown (If applicable – matching funds are not required)
 - Direct Labor & Outside Services Costs
 - Capital Outlay & Equipment Costs
 - Administrative Costs
- 8) Project Maps and Schematic
 - Arizona Watershed Map *
 - Project Location/Ownership Map(s)
- 9) Supplemental Information
 - State Historic Preservation Office (SHPO) Review Form *
 - Key Personnel
 - Project Site Photographs
 - Existing Plans, Reports, Information Relevant to the Project (summary paragraph for each plan/report with relevant portion or full report attached as an appendix)
 - Letters of Community Support
 - Evidence of Control and Tenure of Land including legal access
 - A narrative as to how the applicant will obtain permission for project work and/or access (agreements must be finalized prior to contract finalization)
 - Letters from those pledging matching funds
 - Evidence of Physical and Legal Availability of Water

Grant Application Instructions

Application Submission Requirements

Applications must include all the information identified in the Application Content Requirements Overview (page 12). Specific content requirements instructions are provided below. Electronic forms are provided in Microsoft Word format for the Application Cover Page, Watershed Map, Project Location and Environmental Contaminants Information, and State Historic Preservation Office requirements only. If you do not have access to Microsoft Word, you may recreate the electronic forms using any word processing software. The electronic forms are available in hard copy, or on the AWPf web site at: www.azwfpf.gov. No electronic forms are provided for the remaining required information. **AWPF prefers that all applications are developed in Microsoft Word and Excel format to provide ease with contract development should your application be approved for funding.**

Applications must be submitted on 8.5" x 11" pages with a font size no smaller than 11 point. Maps may be printed on larger than 8.5" x 11" pages. Please submit all information in the sequence presented in the Application Content Requirements Overview (reference page 12) with page numbers and tabbed dividers separating application content sections.

Applications must be signed by a person who is legally authorized to enter into an agreement on behalf of the applicant.

One electronic copy & one signed copy of the complete application must be submitted to:

**Arizona Water Protection Fund Commission
1110 West Washington Street, Suite 310
Phoenix, AZ 85007**

Applications must be received at the Arizona Water Protection Fund office listed above no later than **3:00 p.m. on September 6, 2018.** Late applications will not be accepted.

Application Content Requirements

The following instructions should guide you through the application process (Reference the Application Content Requirements Overview on the previous page).

Application Cover Page

Provide the requested information on this form (See page 22). The project title should be short, yet descriptive of the proposal. Have the application cover page signed by an authorized person.

Executive Summary (500-word limit)

This section is limited to one page. The executive summary should clearly state the purpose of the proposal and provide a clear overview of all major project features.

Project Overview

Capital and Water Conservation Projects: State the purpose of the project and its general location. Provide any necessary background information for the project, including any relevant history regarding the project area. Identify the overall goal(s) of your project (what you want to achieve), followed by the objectives of your project. Objectives are specific, measurable outcomes of the project. List these objectives in numerical order, with the first objective having the most important outcome. Discuss the problem(s) your proposal is addressing, the cause(s) of these problems, and the solutions that you believe are appropriate. State whether the project will result

in water conservation. State the anticipated number of years of project-related benefit from the project to the resources and the general public, along with a justification for that estimate. For on-going projects, describe the site prior to project initiation, tasks that have been completed and any site changes that have occurred as a result of these activities.

Research and Data Collection Projects: Provide a statement of applicability to river and riparian restoration and/or dependent fish and wildlife. Include any necessary background information for the project such as background research/data collection and analysis or synthesis completed to prepare the current proposal being submitted. Identify if data collection will build upon existing data, or generate new data. If the research is to be place based (e.g., outside of a laboratory), identify the study areas physical characteristics, including drainage area, channel length, slope, soil type, average annual precipitation, depth to groundwater, gaining or losing reach and any other pertinent information. Also, identify the Ecosystem Service(s) that the proposed research will address (See Table 3).

Project Location and Environmental Contaminants Information

All applicants must provide project location and environmental contaminant information (see page 24).

Scope of Work

For each task, please describe in detail the work to be completed, and how it will allow you to accomplish your objectives and achieve your desired results. Tasks should be listed numerically and include the following information:

- Task #:
- Task Title
- Task Description
- Task Purpose/Objective
- Responsible personnel
- Deliverable Description
- Deliverable Due Date
- Task Cost (rounded to the nearest dollar)

General Guidelines

- If applicable, obtaining permits, authorizations, clearances and access agreements should be the first task. Obtaining the appropriate permits will take longer than generally anticipated; allow more time than what is expected to avoid amendments to deliverable due dates.
- If applicable, development of plans (*e.g.*, re-vegetation, construction, monitoring) should be included as a separate task prior to on-the-ground activity.
- Some tasks continue throughout the contract duration, attempt to make each task separate and payable upon completion.
- The final task must be a final report and oral presentation with an appropriate cost assigned.
- A deliverable is a product submitted to the AWPf demonstrating that work has been completed. Deliverables are often reports, photographs, data, etc. that are submitted along with receipts and invoices for materials and labor.

PROJECT GOALS describe the broad intent of the project.

OBJECTIVES provide additional specificity to the goals.

TASKS are the actual practices implemented to achieve the objective.

MONITORING benchmarks establish a metric by which to measure success of a task in meeting the objective.

Example: **Task 1: Permits, Authorizations, Clearances and Agreements**

Task Description: The Grantee must obtain and submit to the Project Manager all permits, authorizations, clearances and agreements, and perform any consultations necessary to complete the tasks listed in this Scope of Work. These may include but are not limited to:

- State Historic Preservation Office (SHPO) clearance
- National Environmental Policy Act (NEPA) compliance
- Endangered Species Act Section 7 consultation with US Fish & Wildlife Service
- Access agreement(s) between Grantee and Landowner(s) (if different)
- Notice of Intention to Drill (NOI) authorization
- Clean Water Act Section 401 Certification from Arizona Department of Environmental Quality
- Clean Water Act Section 404 permit from the Army Corps of Engineers
- Data Collection permit(s) if necessary
- Water right permits if necessary
- Arizona Pollutant Discharge Elimination System (AZPDES) Permit
- Arizona Department of Environmental Quality Pesticide General Permit and filing of Notice of Intent

Task Purpose: To comply with all local, state and federal permit requirements, environmental laws such as NEPA and obtain legal access to project area.

Deliverable Description: Copies of all approved permits, authorizations, clearances and agreements.

Responsible personnel: Grantee/administrator, subcontractor, etc.

Deliverable Due Date: Prior to any ground disturbing activities

Reimbursable Cost: \$2,500.00

Project Schematic

Provide a detailed drawing/schematic on 8.5" x 11" paper, for any projects involving construction and/or investigation of physical features. The schematic must include all project features for which funding is being requested or discussed within the proposal (e.g. check-dams, re-vegetation areas, fence lines, water distribution systems, existing or planned well and gage locations, etc.). Planning documents provided by the USDA Natural Resource Conservation Service will be accepted. In addition, identify all important project features located in relationship to one another, and in relationship to important site physical features (e.g. streams and other bodies of water). The schematic must include a north arrow, a project title and the date of preparation. Submit as many drawings as needed to demonstrate all project features.

Detailed Budget Breakdown

Provide a detailed breakdown of your budget by task in a table format (preferably using Microsoft Word or Excel). Divide your Scope of Work tasks (plans, monitoring, construction, reporting, etc.) into Direct Labor Costs, Outside Services Costs, Other Direct Costs, Capital Outlay &

Equipment Costs, and Administrative Costs. Please round figures up or down to the nearest dollar. Identify only funds being requested from AWPf in this section. Expenditures not listed may not be eligible for reimbursement unless prior written approval is received from the Commission or Staff.

Direct Labor Costs include the labor costs directly involved with the project (wages, salaries, and fringe benefits of grantee and/or its employees). Direct labor costs must be broken down by job classification (e.g., project scientist, hydrologist, laborer, etc.), and average cost/hour for that job classification.

Outside Services are consultants or subcontractors. Outside services costs must be broken down by job classification (e.g., project scientist, hydrologist, laborer, etc.), and average cost/hour for that job classification.

Other Direct Costs include supplies (e.g. paper and pencils), computer time, per diem, printing, public relations, etc. This should be an estimate of costs incurred over the life of the project as a lump sum, not per item.

Capital Outlay & Equipment Costs includes any equipment or other expenditures (e.g., water purchases, sampling equipment, fencing materials). Please list anticipated costs for individual major expenditures in excess of \$1000.00, all other materials/equipment in this section can be summarized as a lump sum by material (i.e. fencing materials \$750.00, backhoe rental \$100.00/hr for 25 hours = \$2500.00).

Administrative Costs are management and overhead costs. **By statute, the total administrative costs charged to the AWPf cannot exceed 5% of the total project costs requested from the AWPf.**

Detailed Matching Funds Breakdown

Matching funds are not required to be eligible for AWPf funding; however, projects that do include matching funds typically receive higher consideration. (See Detailed Budget Breakdown above for guidance). Identify only matching funds on this form. Please note that matching administration costs are **not** limited to 5% of the total project costs.

Volunteer labor costs should be based on current minimum wage rates; technical volunteer labor can be based on an hourly fee comparable to consulting fees.

Project Locations Map(s) and Schematic

Arizona Watershed Map (see page 23)

Type the project title at the bottom of the map. Indicate the location of your project on the map and ensure that your markings are clearly visible on the electronic and hard copy submitted. In addition, provide a map of the project area with Township/Range/Sections clearly identified.

Project Location/Ownership Map(s)

Provide a detailed map(s) to scale that clearly delineates the following information:

- Project location boundaries, including acreage where grant tasks will be performed
- A general description and/or delineation for the area of impact of the project within the watershed.
- Land ownership boundaries, including areas of legal and physical access
- Sources of water to be used in the project

Table 3. Ecosystem Services and Functions*

Ecosystem Service	Ecosystem Function(s)	Examples
Disturbance regulation	Capacitance, damping and integrity of ecosystem response to environmental fluctuations	Storm protection, flood control, drought recovery and other aspects of habitat response to environmental variability mainly controlled by vegetation structure
Water Regulation	Regulation of hydrologic flows	Provisioning of water for agricultural (such as irrigation) or industrial (such as milling) processes or transportation
Water supply	Storage and retention of water	Provisioning of water by watersheds, reservoirs and aquifers
Erosion control and sediment retention	Retention of soil within an ecosystem	Prevention of loss of soil by wind, runoff, or other removal processes, storage of silt in lakes and wetlands
Soil formation	Soil formation processes	Weathering of rock and the accumulation of organic material
Biological control	Trophic-dynamic regulations of populations	Keystone predator control of prey species, reduction of herbivory by top predators
Refugia	Habitat for resident and transient populations	Nurseries, habitat for migratory species, regional habitats for locally harvested species, or overwintering grounds
Genetic resources	Sources of unique biological materials and products	Medicine, products for material science, genes for resistance to plant pathogens and crop pests, ornamental species (pets and horticultural varieties of plants)
Climate regulation	Regulation of global temperatures, precipitation, and other biologically mediated climatic processes at global or local levels	Greenhouse gas regulation, DMS production affecting cloud formation
Gas regulation	Regulation of atmospheric chemical composition	CO ₂ /O ₂ balance, O ₃ for UVB protection, and SO ₄ levels
Nutrient cycling	Storage, internal cycling, processing and acquisition of nutrients	Nitrogen fixation, N, P and other elemental or nutrient cycles
Pollination	Movement of floral gametes	Provisioning of pollinators for the reproduction of plant populations
Recreation	Providing opportunities for recreational activities	Eco-tourism, sport fishing and other outdoor recreational activities
Cultural	Providing opportunities for non-commercial uses	Aesthetic, artistic, educational, spiritual, and/or scientific values of ecosystems
Food production	That portion of gross primary production extractable as food	Production of fish, game, crops, nuts, fruits by hunting, gathering, subsistence farming or fishing
Raw materials	That portion of gross primary production extractable as raw materials	The production of lumber, fuel or fodder
Waste treatment	Recovery of mobile nutrients and removal or breakdown of excess or xenic nutrients and compounds	Waste treatment, pollution control, detoxification

*Costanza, R., d' Arge, Ralph, de Groot, Rudolf, Farber, S., Grasso, M., Hannon, B., Limburg, K., Naeem, S., O'Neill, R. V., Paruelo, J., Raskin, R. G., Sutton, P., & van den Belt, M. The value of the world's ecosystem services and natural capital. *Nature* 387, 253 – 258 (1997)

Supplemental Information

State Historic Preservation Office (SHPO) Review Form is mandatory for all projects submitted to the Arizona Water Protection Fund (See pages 25-29). Please complete the form and have signed by an authorized person.

Key Personnel associated with this project must be identified and a Project Coordinator must be designated. Resumes and/or brief biographical sketches describing the relevant qualifications of all key personnel, including subcontractors also must be submitted.

Project Site Photographs for all types of applications must be submitted. Submit at least one set of color photographs of the project area (or color copies) with the electronic and hard copies of your application. Indicate and describe the location of proposed project features on each photo, including compass direction.

Plans for activities such as sampling/monitoring, study/research designs, revegetation efforts, and photographic monitoring must be discussed at a level of detail that will allow AWPF to evaluate whether the activities will be appropriate and adequate. If you receive a grant award, you will be required to submit detailed plans as deliverables. Your application should include a separate task and appropriate budget within the Scope of Work to complete detailed plans and be included on the budget forms. Also, include a description of any equipment related to such efforts to be purchased using AWPF Funds.

Existing Plans/Reports/Information relevant to the project (e.g. Total Maximum Daily Load (TMDL) Reports, Species Recovery Plans, Watershed Assessments, etc.) must be submitted at the time of application for AWPF to consider when evaluating your proposal.

Community Support should be demonstrated in the application. Include signed copies of letters from community organizations and other groups or individuals that support your project. If you are a local government or state agency, you should attach evidence of support from those citizens who lease or hold use-permits for the lands to be impacted by your project. Letters of support for your proposal received after the application deadline will not be considered for evaluation purposes; however, they will be forwarded to the Commission.

Evidence of Control and Tenure of Land must be demonstrated. Applicant must have legal and physical access and authority to manage the area where grant tasks are to be performed. Cooperative agreements with all parties having such access and authority, or letters of support with a plan to obtain cooperative agreements prior to grant award will meet this requirement and must be included.

- **If you own the land on which the proposed project is located**, attach a copy of the appropriate legal document showing title in the name of the applicant, including a legal description of the property.
- **If you manage the land on which the proposed project is located**, attach a copy of the lease, special use permit, intergovernmental agreement or other appropriate official instrument.
- **If you do not own or manage the land on which the proposed project is located**, attach documentation verifying ownership (as noted above) and attach a copy of the permit, agreement or letter of intent that allows you access to the site.

Evidence of physical and legal availability of water must be demonstrated. If water will be used in the project, the water must be physically and legally available to the applicant for the proposed purpose. Provide a projection of the total number of acre-feet per year necessary for the project.

- **If your proposed project uses surface water flows**, attach the appropriate documentation of your surface water right or claim for the intended use at that location.
- **If you do not have a surface water right or claim** for the intended use at that location, attach a copy of the surface water right or claim that you intend to use, as well as a permit, agreement, or letter of intent that allows your use of the water.
- **If your proposed project will require pumping from wells**, submit well registration numbers for existing wells and appropriate groundwater or surface water right documentation. Note: a Notice of Intention to Drill is not evidence of a water right.

Additionally, for all proposed and existing wells, state the following:

- Appropriate depth and borehole diameter
- Pump size
- Estimated depth and length of perforated or screened interval
- Well drilling method, if known (*e.g.*, hand driven well point, auger, mud rotary, etc.)
- Use of water (*e.g.*, water level measurement, water quality monitoring, livestock watering, revegetation)

Well information is available on the Arizona Department of Water Resources web site: <http://www.azwater.gov/AzDWR/WaterManagement/Wells/default.htm>

- **If the proposed project will use effluent**, attach documentation demonstrating the source of the effluent and your authority to use it (*e.g.*, a contract with the wastewater treatment plant or municipal water provider).
- **If the proposed project will use Central Arizona Project (“CAP”) water**, provide documentation demonstrating your authority to use it (*e.g.*, CAP subcontract).

Projects failing to document evidence of control and tenure of land and/or evidence of physical and legal availability of water are ineligible for funding.

ARIZONA WATER PROTECTION FUND GRANT APPLICATION

Electronic Forms

The following pages include examples of electronic forms currently available:

- Application Cover Page
- Arizona Watershed Map
- Project Location and Environmental Contaminant Information
- State Historic Preservation Office Review Form

[Electronic forms can be accessed on the AWPf website at www.azwfp.gov.](http://www.azwfp.gov) If you are unable to complete these forms electronically, you may print them and hand-write the requested information.

Please note that these forms do not constitute the entire required application package. All information identified in the Application Content Requirements Overview and Grant Application Instructions must be submitted.

**Arizona Water Protection Fund
Application Cover Page
FY 2020**

Title of Project:											
Type of Project: <input type="checkbox"/> Capital or Other <input type="checkbox"/> Water Conservation <input type="checkbox"/> Research	Stream Type: <input type="checkbox"/> Perennial <input type="checkbox"/> Intermittent <input type="checkbox"/> Ephemeral										
Your level of commitment to maintenance of project benefits and capital improvements: <input type="checkbox"/> < 5 years <input type="checkbox"/> 5-10 years <input type="checkbox"/> 11-15 years <input type="checkbox"/> 16-20 years											
Applicant Information: Name/Organization: Address 1: Address 2: City: State: ZIP Code: Phone: Fax: Tax ID No.:											
Inside an AMA: Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, which AMA: <input type="checkbox"/> Phoenix <input type="checkbox"/> Tucson <input type="checkbox"/> Prescott <input type="checkbox"/> Pinal <input type="checkbox"/> Santa Cruz											
Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Continuation											
Contact Person: Name: Title: Phone: Fax: e-mail:											
Any Previous AWP Fund Grants: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide Grant #(s):											
Arizona Water Protection Fund Grant Amount Requested: \$ If the application is funded, will the Grantee intend to request an advance: <input type="checkbox"/> Yes <input type="checkbox"/> No	Matching Funds Obtained and Secured: <table style="width: 100%;"><tr><td style="text-align: center;"><u>Applicant/Agency/Organization:</u></td><td style="text-align: center;"><u>Amount (\$):</u></td></tr><tr><td>1. Applicant</td><td></td></tr><tr><td>2.</td><td></td></tr><tr><td>3.</td><td></td></tr><tr><td colspan="2" style="text-align: right;">Total:</td></tr></table>	<u>Applicant/Agency/Organization:</u>	<u>Amount (\$):</u>	1. Applicant		2.		3.		Total:	
<u>Applicant/Agency/Organization:</u>	<u>Amount (\$):</u>										
1. Applicant											
2.											
3.											
Total:											
Has your legal counsel or contracting authority reviewed and accepted the Grant Award Contract General Provisions? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A											
Signature of the undersigned certifies understanding and compliance with all terms, conditions and specifications in the attached application. Additionally, signature certifies that all information provided by the applicant is true and accurate. The undersigned acknowledges that intentional presentation of any false or fraudulent information, or knowingly concealing a material fact regarding this application is subject to criminal penalties as provided in A.R.S. Title 13. The Arizona Water Protection Fund Commission may approve Grant Awards with modifications to scope items, methodology, schedule, final products and/or budget.											
Typed Name of Applicant or Applicant's Authorized Representative	Title and Telephone Number										
Signature	Date Signed										

Arizona Watershed Map FY 2020



Title of Project: _____

Location (include UTM's & Township/Range/Section): _____

(Must include at least one Section delineation for large scale projects)

Project Location & Environmental Contaminant Information FY 2020

Project Location Information			
1. County: _____	2. Section(s): _____	3. Township: _____	4. Range: _____
<p>5. Watershed: _____</p> <p>6. 8 or 10 Digit Hydrologic Unit Code (HUC): _____</p> <p>7. Name of USGS Topographic Map where project area is located: _____</p> <p>8. State Legislative District: _____</p> <p style="margin-left: 20px;">(Information available at: https://azredistricting.org/Maps/Final-Maps/default.asp)</p> <p>9. Land ownership of project area: _____</p> <p>10. Current land use of project area: _____</p> <p>11. Size of project area (in acres): _____ <u>DIRECT</u></p> <p>12. Stream Name: _____</p> <p>13. Length of stream through project area: _____</p> <p>14. Miles of stream benefited: _____ <u>miles</u></p> <p>15. Acres of riparian habitat: _____ <u>acres</u> will be:</p> <div style="margin-left: 300px;"> <input type="checkbox"/> Enhanced <input type="checkbox"/> Maintained <input type="checkbox"/> Restored <input type="checkbox"/> Created </div>			
<p>16. General description and/or delineation for the area of impact of the project within the watershed.</p> <p>17. Provide directions to the project site from the nearest city or town. List any special access requirements:</p> 			
Environmental Contaminant Location Information			
<p>1. Does your project site contain known environmental contaminants? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, please identify the contaminant(s) and enclose data about the location and levels of contaminants:</p> <p>2. Are there known environmental contaminants in the project vicinity? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, please identify the contaminant(s) and enclose data about the location and levels of contaminants:</p> <p>3. Are you asking for Arizona Water Protection Fund monies to identify whether or not environmental contaminants are present? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>			

STATE HISTORIC PRESERVATION OFFICE Review Form

In accordance with the State Historic Preservation Act (SHPO), A.R.S. 41-861 *et seq.*, effective July 24, 1982, each State agency must consider the potential of activities or projects to impact significant cultural resources. Also, each State agency is required to consult with the State Historic Preservation Officer with regard to those activities or projects that may impact cultural resources. Therefore, it is understood that **recipients of state funds are required to comply with this law** throughout the project period. All projects that affect the ground-surface that are funded by AWPf require SHPO clearance, **including those on private and federal lands.**

The State Historic Preservation Office (SHPO) must review each grant application recommended for funding in order to determine the effect, if any, a proposed project may have on archaeological or cultural resources. To assist the SHPO in this review, the following information **MUST** be submitted with each application for funding assistance:

- A completed copy of this form, and
- A United States Geological Survey (USGS) 7.5-minute map
- A copy of the cultural resources survey report if a survey of the property has been conducted, and
- A copy of any comments of the land managing agency/landowner (i.e., state, federal, county, municipal) on potential impacts of the project on historic properties.
NOTE: If a federal agency is involved, the agency must consult with SHPO pursuant to the National Historic Preservation Act (NHPA); a state agency must consult with SHPO pursuant to the State Historic Preservation Act (SHPA),
OR
- A copy of SHPO comments if the survey report has already been reviewed by SHPO.

Please answer the following questions:

1. Grant Program: _____
2. Project Title: _____
3. Applicant Name and Address: _____
4. Current Land Owner/Manager(s): _____
5. Project Location, including Township, Range, Section: _____
6. Total Project Area in Acres (or total miles if trail): _____
7. Does the proposed project have the potential to disturb the surface and/or subsurface of the ground? YES NO
8. Please provide a brief description of the proposed project and specifically identify any surface or subsurface impacts that are expected: _____

9. Describe the condition of the current ground surface within the entire project boundary area (for example, is the ground in a natural undisturbed condition, or has it been bladed, paved, graded, etc.). Estimate horizontal and vertical extent of existing disturbance. Also, attach photographs of project area to document condition: _____

10. Are there any known prehistoric and/or historic archaeological sites in or near the project area? YES NO

11. Has the project area been previously surveyed for cultural resources by a qualified archaeologist? YES NO UNKNOWN

If YES, submit a copy of the survey report. Please attach any comments on the survey report made by the managing agency and/or SHPO

12. Are there any buildings or structures (including mines, bridges, dams, canals, etc.), which are 50-years or older in or adjacent to the project area? YES NO

If YES, complete an Arizona Historic Property Inventory Form for each building or structure, attach it to this form and submit it with your application.

13. Is your project area within or near a historic district? YES NO

If YES, name of the district:

Please sign on the line below certifying all information provided for this application is accurate to the best of your knowledge.

_____/_____
Applicant Signature /Date Applicant Printed Name

FOR SHPO USE ONLY	
SHPO Finding:	
<input type="checkbox"/> Funding this project will not affect historic properties.	
<input type="checkbox"/> Survey necessary – further GRANTS/SHPO consultation required (<i>grant funds will not be released until consultation has been completed</i>)	
<input type="checkbox"/> Cultural resources present – further GRANTS/SHPO consultation required (<i>grant funds will not be released until consultation has been completed</i>)	
SHPO Comments:	
For State Historic Preservation Office:	Date:

**STATE OF ARIZONA
HISTORIC PROPERTY INVENTORY FORM**

Please type or print clearly. Fill out each applicable space accurately and with as much information as is known about the property.

PROPERTY IDENTIFICATION

For properties identified through survey: Site No. _____ Survey Area: _____

Historic Names (enter the name(s), if any that best reflect the property's historic importance):

Address: _____

City or Town: _____ Vicinity County: _____ Tax Parcel No.: _____

Township: _____ Range: _____ Section: _____ Quarters: _____ Acreage: _____

Block: _____ Lot(s): _____ Plat (Addition): _____ Year of plat (addition): _____

UTM Reference – Zone: _____ Easting: _____ Northing: _____

USGS 7.5' quadrangle map: _____

ARCHITECT: _____ not determined known Source: _____

BUILDER: _____ not determined known Source: _____

CONSTRUCTION DATE: _____ known estimated Source: _____

STRUCTURAL CONDITION

- Good (*well maintained; no serious problems apparent*)
- Fair (*some problems apparent*) Describe: _____
- Poor (*major problems; imminent threat*) Describe: _____
- Ruin/Uninhabitable

USES/FUNCTIONS

Describe how the property has been used over time, beginning with the original use:

Sources: _____

PHOTO INFORMATION

Date of photo: _____
View Direction (looking towards): _____

Attach a recent photograph of property in this space. Additional photographs may be appended.
--

SIGNIFICANCE

To be eligible for the National Register, a property must represent an important part of the history or architecture of an area. The significance of a property is evaluated within its historic context, which are those patterns, themes, or trends in history by which a property occurred or gained importance. Describe the historic and architectural contexts of the property that may make it worthy of preservation.

A. HISTORIC EVENTS/TRENDS – Describe any historic events/trends associated with the property: _____

B. PERSONS – List and describe persons with an important association with the building: _____

C. ARCHITECTURE – Style: _____ no style

Stories: _____ Basement Roof Form: _____

Describe other character-defining features of its massing, size and scale: _____

INTEGRITY

To be eligible for the National Register, a property must have integrity (i.e. it must be able to visually convey its importance). The outline below lists some important aspects of integrity. Fill in the blanks with as detailed a description of the property as possible.

Location - Original Site Moved: Date: _____ Original Site: _____

DESIGN

Describe alterations from the original design, including dates: _____

MATERIALS

Describe the materials used in the following elements of the property:

Walls (structure): _____

Walls (sheathing): _____

Windows: _____

Roof: _____

Foundation: _____

SETTING

Describe the natural and/or built environment around the property: _____

How has the environment changed since the property was constructed? _____

WORKMANSHIP

Describe the distinctive elements, if any, of craftsmanship or method of construction: _____

NATIONAL REGISTER STATUS (if listed, check the appropriate box)

Individually Listed; Contributor; Non-contributor to _____ Historic District

Date Listed: _____ Determined eligible by Keeper of National Register (date: _____)

RECOMMENDATIONS ON NATIONAL REGISTER ELIGIBILITY (opinion of SHPO staff or survey consultant)

Property is is not eligible individually.

Property is is not eligible as a contributor to a listed or potential historic district.

More information needed to evaluate.

If not considered eligible, state reason: _____

ARIZONA WATER PROTECTION FUND
Full Grant Application Check List

- Cover Page*
- Executive Summary
- Project Overview
- Project Location & Environmental Contaminant Form*
- Scope of Work
- Budget
- Matching Funds Breakdown (if applicable)
- Maps & Schematics
- Supplemental Information (State Historic Preservation Office Review*,
Watershed/Location Map*, etc.)

*Indicates electronic form available

APPENDIX A

Grant Award Contract General Provisions

1. DEFINITIONS:

As used throughout this Contract, including the General Provisions, Special Provisions, and the Scope of Work, the following terms have the meaning set forth below:

- a. "Administrative Cost" means those costs that are traditionally termed indirect and overhead.
- b. "Agreement" or "Contract" means this Arizona Water Protection Fund Grant Award Contract between the Commission and Grantee.
- c. "Arizona Water Protection Fund" means the fund established by A.R.S. § 45-2111 and consisting of monies as set forth in A.R.S. § 45-2112.
- d. "Chair" means the chairperson of the Arizona Water Protection Fund Commission or a person duly authorized by the Chair to act on the Chair's behalf.
- e. "Commission" means the Arizona Water Protection Fund Commission or its authorized representative.
- f. "Deliverables" means the reports, documentation, and other materials developed for submission to the Project Manager by the Grantee in the course of the Grantee's performance under this Contract.
- g. "Equipment" means one or more tools, implements, computers, computer hardware, computer software, cameras, camera accessories, vehicles, or instruments purchased or leased with Grant funds pursuant to either this Contract or a prior Contract between the Commission and the Grantee that is intended to be used to carry out the purposes of this Contract.
- h. "Grantee" means the person, firm, or organization performing the work or delivering the items described in this Contract.
- i. "Grant Application" means the application filed by the Grantee upon which this Contract was awarded.
- j. "Grant Award Contract" means this Contract between the Grantee and the Commission.
- k. "Operation and Maintenance Period" means the period of time during which grant-assisted structures, human access or educational facilities, revegetation sites, and any other grant-assisted improvements will be operated and maintained.
- l. "Project" means the total of all work to be performed by the Grantee as set forth in this Contract.
- m. "Project Manager" means the Arizona Department of Water Resources technical Staff person delegated by the Chair to administer this Contract.

- n. "Scope of Work" means that part of this Contract that describes the work to be performed by the Grantee to accomplish the Project purpose. If the Scope of Work conflicts with the General or Special Provisions, the terms of the Scope of Work will govern.
- o. "Special Provisions" means those provisions of this Contract that alter or augment the General Provisions. If the Special Provisions conflict with the General Provisions, the Special Provisions will govern.
- p. "Staff" means the technical, legal, and administrative staff, including the Project Manager, provided to the Commission by the Director of the Arizona Department of Water Resources pursuant to A.R.S. § 45-2114.
- q. "State" means the State of Arizona, including the Department of Water Resources.
- r. "Task" means the specific provisions in the Scope of Work of this Contract that describe the nature and manner of the specific work to be performed and the Deliverables to be submitted to the Project Manager by the Grantee.

2. GENERAL REQUIREMENTS:

- a. This Contract is interpreted in accordance with Arizona law.
- b. The Grantee must obtain and maintain all licenses, permits, and authorizations necessary to perform its obligations under this Contract. The Grantee is responsible for compliance with all applicable local, state, and federal laws.
- c. In this Contract, Special Provisions alter the General Provisions. If the Special Provisions conflict with the General Provisions, the Special Provisions will govern. If the Scope of Work conflicts with either the Special or General Provisions, the Scope of Work will govern.

3. RELATIONSHIP OF THE PARTIES:

The parties agree that the Grantee will not be considered an employee, associate, partner, officer, joint venturer, or agent of the Commission or the State as a result of this Contract. The Grantee is solely responsible for the planning, design, scope, and implementation of the Project funded through this Contract. Neither the Commission nor the State is responsible for any liabilities resulting from the Grantee's planning, design, scope and implementation or performance of the Project funded through this Contract.

4. BOOKS AND RECORDS:

The Grantee must keep adequate books, accounts, files, and records related to work performed and expenditures incurred for a period of five (5) years after the termination of this Contract. Such books, accounts, files, and records must be made available for inspection by the Commission, Staff, or other appropriate agents of the State upon timely written notice. Financial records must: (1) identify the Tasks completed; (2) include records of the time the Grantee spent performing the Tasks; and (3) include

original copies of invoices, statements, sales tickets, billings for work, and similar documents as necessary to document all expenditures applicable to this Contract.

5. INSPECTION AND AUDIT:

Commission representatives and other appropriate agents of the State must, during the term of this Contract, be entitled to review and inspect the Grantee's Project site and data which pertain to the work specified in the Scope of Work. Timely written notice must be provided prior to any inspection. The right to inspect includes review of operation and maintenance of the Project site and performance of field analyses and data collection to assess the degree of success of the Project.

All data collected and maintained pursuant to the requirements of this Contract is subject to examination on the request of the Auditor General in accordance with A.R.S. § 41-1279.

6. INDEMNIFICATION:

The parties to this Contract agree that the Grantee must indemnify, defend, and hold harmless the Commission and the State, including the Department of Water Resources, for all claims which result in vicarious/derivative liability of the State as a result of the act, omission, misconduct, or other fault of the Grantee, its agents, officials or employees.

7. RESOLUTION OF DIFFERENCES:

- a. Disputes arising during the performance of this Contract will be resolved to the maximum extent possible through cooperation and coordination of the Grantee and Staff. If the Grantee and Staff are unable to resolve the differences or circumstances require an immediate decision, the Project Manager will refer the conflict to the Commission for resolution.
- b. Disputes arising out of this Contract are subject to arbitration to the extent required by A.R.S. § 12-133 and § 12-1518.
- c. Disputes arising out of this Contract are subject to the jurisdiction of the Superior Court of the State of Arizona.

8. STOP WORK NOTICE:

In the event of unapproved changes in the Scope of Work, performance or changes outside the scope of the Contract, illegal or unpermitted activities, or other material discrepancies between the Contract and the Grantee's activities, the Commission reserves the right to issue notice to the Grantee to stop work. The notice will further specify that the Commission will not approve resumption of performance or further payments until the issue or issues identified in the stop work notice have been resolved to the satisfaction of the Commission.

9. TERMINATION OF CONTRACT:

- a. The Commission, in addition to other rights set forth elsewhere in this Contract, reserves the right to terminate this Contract in whole or in part, without cause, effective thirty (30) calendar days after receipt of written notice of termination sent by certified mail to the Grantee.

The Commission, in addition to other rights set forth elsewhere in this Contract, reserves the right to terminate this Contract in whole or in part, for cause, effective upon receipt of written notice of termination sent by certified mail to the Grantee.

In the event of termination as provided in Paragraph 9 (a):

- 1) The Grantee must stop work as specified in the notice of termination.
 - 2) If the payments prescribed by this Contract are made on a reimbursable basis, the Commission must pay the Grantee the allowable cost for all Tasks completed in accordance with the Scope of Work as approved by the Project Manager. In addition, the Commission must pay the Grantee its reasonable, actual costs, not to exceed the allowable costs established in the Scope of Work, for work in progress as determined by generally accepted accounting principles and practices.
 - 3) If payments have been made on an advance basis, the Grantee must return all unexpended Grant funds within fifteen (15) calendar days of receipt of notice of termination. The Grantee, at the Commission's request, must deliver to Staff specified completed documents, programs, data, and other information described in the Contract.
- b. The State may cancel this Contract without penalty or further obligation 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 to the contract or a consultant to any other party to the contract with respect to the subject matter of the contract.
 - c. In the event of cancellation under Paragraph 9 (b) of this Contract, or if the term of the Contract expires, the Grantee will receive payment as established in Paragraph 9 (a) (2) and (3) of this Contract.
 - d. In the event that the parties mutually agree to terminate a portion of the Contract, the Grantee must continue to perform work under this Contract to the extent not terminated under the provisions of this Paragraph.

10. NON-DISCRIMINATION:

The Grantee must comply with Arizona State Executive Order Numbers 03-22 and 99-4 and all other applicable federal and state laws, rules and regulations, including the Americans with Disabilities Act.

11. EXPENDITURES AND PAYMENTS:

- a. Payments made by the Commission to the Grantee pursuant to the Contract are conditioned upon the availability to the Commission of funds authorized for expenditure in the manner and for the purpose provided herein. The Commission is not liable for any purchases or work entered into by the Grantee prior to the effective date of this Contract.
- b.
 - 1) Fixed cost and reimbursable payments are conditioned upon receipt and approval by the Project Manager of the Deliverable(s) specified in the Scope of Work and an applicable, accurate, and complete payment request prepared by the Grantee.
 - 2) The Project Manager will have a minimum of thirty (30) working days to approve the Deliverable(s) and payment request forms.
 - 3) If the Project Manager does not approve the Deliverable(s) or payment request, the Project Manager will provide a reasonable time to the Grantee to correct the problem.
- c. If the Project Manager determines that the Grantee is in default in the performance of any obligation under this Contract, the Project Manager 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.

12. ADMINISTRATIVE COSTS:

The Grantee may request reimbursement for Administrative Costs at a rate not to exceed five (5) percent of the total Project costs incurred that are eligible for payment under this Contract.

13. RECOUPMENT OF PAYMENTS:

The Grantee must reimburse the Arizona Water Protection Fund for all grant funds determined by the Commission not to have been spent in accordance with the terms of this Contract.

14. NOTICES:

Whenever notice is required pursuant to this Contract, such notice must be in writing and be directed to the persons and addresses specified for such purpose in the Scope of Work, or to such other persons and addresses as either party may designate to the other party in writing. Unless otherwise set forth in this Contract, notice must be delivered in person or by certified mail, return receipt requested.

15. AMENDMENTS:

The commission generally does not allow significant changes in the scope of work from what is agreed to in the contract. If an applicant requests a significant change in the project scope of work, the commission's general policy is that the grantee will be required to withdrawal from the grant. Minor changes to the budget, scope or timeline of the contract can be accommodated with a contract amendment approved by the commission. All amendment requests must be submitted in writing to the commission and those requiring a change in timeline should be submitted at least 45 days prior to existing contracted

dates. Multiple (in excess of 2) amendments are discouraged by the commission. No amendments to this Contract will be effective unless in writing and signed by all parties to the Contract.

16. SUBCONTRACTS:

- a. Subcontractors or consultants may be used in the performance of Tasks described in the Scope of Work of this Contract.
- b. Proposals to subcontract any Task described in this Contract must be approved by the Project Manager. Any subcontract must be submitted to the Project Manager for approval prior to execution by the Grantee. A copy of any executed subcontract must be submitted to the Project Manager prior to commencement of the subcontracted work.
- c. Any subcontractor or consultant participating in this Contract must comply with the terms and conditions of this Contract, as set forth in the General Provisions, Special Provisions, and Scope of Work.

17. ASSIGNMENTS:

- a. The Grantee may not transfer or assign in whole or in part, any obligations under the General or Special Provisions of this Contract to another party without prior written approval of the Commission.
- b. In the event that the Grantee transfers control or access to the Project site location through sale, lease, or other alienation of title during the term of this Contract or the Operation and Maintenance Period:
 - 1) The Grantee retains all duties and responsibilities assumed under this Contract unless otherwise approved by the Commission.
 - 2) The Grantee must provide written notice to the Commission within 30 days of such action.

18. WAIVERS:

- a. Neither the Grantee nor the Commission may waive or modify any condition or requirement contained in or made a part of this Contract without a written amendment to this Contract.
- b. A waiver by the Commission of any breach or default of any of the provisions of this Contract will not be construed as a waiver of any succeeding breach or default of the same or other provisions.

19. INCORPORATION OF GRANT APPLICATION:

The Grantee's approved Grant Application is incorporated by reference as part of this Contract; however, the terms of this Contract take precedence over the terms of the approved Grant Application in the event of conflict or ambiguity.

20. OPERATION AND MAINTENANCE:

- a. The Operation and Maintenance Period is for 20 years unless otherwise specified in the Special Provisions.
- b. The Operation and Maintenance Period for each individual grant-assisted structure, human access or educational facility, revegetation site, or any other grant-assisted improvement will begin upon the approval by the Project Manager of the designated Deliverables identified in the Scope of Work.
- c. During the Operation and Maintenance Period, the Grantee must, in good faith, provide operation and maintenance of all grant-assisted structures, human access or educational facilities, revegetation sites, and any other grant-assisted improvements.
- d. During the term of this Contract and the Operation and Maintenance Period, the Grantee must provide reasonable protection from vandalism to the Project site and to any grant-assisted structural, revegetation, or other improvements thereon.
- e. If, during the term of this Contract or the Operation and Maintenance Period, a major flood, fire, or other unforeseen act of nature causes substantial damage to the Project site, or to any grant-assisted structure, revegetation, or other improvements, the Grantee must notify the Project Manager in writing within fifteen (15) calendar days of discovering the damage. The parties will assess the damage and determine whether to continue the Project and/or operation and maintenance responsibilities.

21. EQUIPMENT:

- a. The Grantee may not purchase any Equipment without the prior approval of the Project Manager. In addition, the Grantee may not purchase any Equipment with a value equal to or greater than \$3,000 without the prior approval of the Commission.
- b. Equipment is the property of the Grantee, and the Grantee is responsible for maintenance and safekeeping of such Equipment.
- c. Equipment may be used only for the purposes of this Contract.
- d. If Equipment purchased pursuant to this Contract or a prior Contract between the Commission and the Grantee has a remaining useful life after termination of this Contract, the Grantee must continue to use the Equipment for work in any subsequent Arizona Water Protection Fund Contracts as appropriate.
- e. The Grantee may not execute a lease of Equipment without the prior approval of either the Commission or the Project Manager.

22. DATA:

- a. All data, information, research, reports, and analyses prepared or collected by the Grantee in carrying out the terms of this Contract is owned by the parties to this Contract.

- b. Unless otherwise provided in this Contract, all data, information, research, reports, and analyses prepared or collected by the Grantee in carrying out the terms of this Contract must be provided to the Commission as specified in the Scope of Work of this Grant Award Contract.
- c. All Deliverables, including data, information, research, reports, and analyses submitted to the Commission are public records generated for the benefit of the citizens of the State, and may be copied, published, and disseminated to any person upon proper request.

23. REQUEST FOR COPIES:

If the Grantee receives a request to prepare a copy of any Deliverable required by this Contract, the Grantee must provide the copy at cost, or at a price required by law.

24. GRANTEE'S REPRESENTATIONS AND WARRANTIES:

All representations and warranties made by the Grantee under this Contract, including but not limited to those representations made in Paragraph 20 and in the Grant Application, survive the expiration or termination of this Contract. In addition, the parties acknowledge that pursuant to A.R.S. § 12-510, except as provided in A.R.S. § 12-529, the State is not subject to or barred by any limitations of actions prescribed in A.R.S., Title 12, Ch. 5.