



# U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

PART	SUBJECT	RELEASE NUMBER
522 FW 7, 9, and 10	State Grant Programs	379
FOR FURTHER INFORMATION CONTACT	Operations and Maintenance Habitat Management Facilities Construction	DATE
Division of Federal Aid		October 10, 2001

## EXPLANATION OF MATERIAL TRANSMITTED:

These chapters include minor revisions and incorporate plain language requirements.

*K Adams*

ACTING DEPUTY DIRECTOR

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## FILING INSTRUCTIONS:

### Remove:

522 FW 7, 12/17/92, FWM 060 (1 sheet)  
522 FW 9, 12/17/92, FWM 060 (1 sheet)  
522 FW 10, 12/17/92, FWM 060 (1 sheet)

### Insert:

522 FW 7, 10/10/01, FWM 379 (1 sheet)  
522 FW 9, 10/10/01, FWM 379 (1 sheet)  
522 FW 10, 10/10/01, FWM 379 (1 sheet)

**FISH AND WILDLIFE SERVICE  
STATE GRANT PROGRAMS**

**State Grant Programs**

**Part 522 Federal Aid Program Guidance**

**Chapter 10 Facilities Construction**

**522 FW 10**

**10.1 What is the purpose of this chapter?** It provides guidance on grants to construct or improve facilities. For this chapter, facilities include buildings, structures, and infrastructure. As used in this chapter, the term “We” refers to the Fish and Wildlife Service, and the term “State(s)” refers to State fish and wildlife agencies and other grantees.

**10.2 What are the eligible purposes of these grants?** Grants for facilities development must have objectives related to one or more of the following purposes [50 CFR 80.5]:

- A.** Providing public access to lands or waters for hunting, fishing, or other wildlife and sport fish associated recreation.
- B.** Enhancing the public use and enjoyment of wildlife or sport fish resources.
- C.** Providing support, such as headquarters and research facilities, necessary to carry out Federal Aid projects.
- D.** Providing training facilities, such as classrooms and target ranges, to carry out hunter education and aquatic education projects.
- E.** Providing for the security and protection of the facilities.

**10.3 Are there special conditions for these grants?**

**A.** Facilities that you construct or improve with Federal Aid funds must continue to serve the purpose for which acquired or constructed. If the State believes that the property can no longer serve this purpose, the property may be sold, traded, or the purpose changed with the prior approval of the Regional Director [50 CFR 80.14]

**B.** The State must have control over the land on which it constructs or develops facilities. Control should be adequate to assure that the facilities will continue to serve their intended purposes throughout their useful life. States may exercise control by fee title, lease, easement, cooperative agreement, permit, or other legally binding instruments [50 CFR 80.18, 50 CFR 80.20].

**C.** The use of facilities must comply with Federal nondiscrimination requirements, including the provision of access for persons with disabilities [Civil Rights Act of 1964 (Pub. L. 88-352), Sec 504 (Pub. L. 93-112), Americans With Disabilities Act of 1990 (28 CFR 35), Age Discrimination Act of 1975 (Pub. L. 94-135), Title IX of the Education Amendments of 1972 (Pub. L. 93-318)].

**D.** States must maintain facilities to ensure that they continue to serve their intended purpose throughout their useful life [50 CFR 80.14, 50 CFR 80.17, 50 CFR 80.18(c)]. The State may operate and maintain the facility under a Federal Aid grant (see 522 FW 7) with State funds, or may enter an agreement with a third party to manage the facility. [50 CFR 80.18(c)].

**E.** For construction costing more than \$100,000, a qualified engineer must approve engineering plans and specifications, approve the feasibility determination, supervise the construction, and furnish a report of final inspection.

**F.** If you anticipate construction in a flood plain or wetland, Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) will apply.

**G.** Construction, improvement, or renovation of fish hatching and rearing facilities are eligible activities under the Federal Aid in Sport Fish Restoration Program when the State can show a continuing need for such a facility for an adequate length of time to justify the capital investment [50 CFR 80.5(b), 50 CFR 80.13, 521 FW 2].

**10.4 What does a project statement include?** For each project for development of facilities within a grant, a project statement must contain the following information [50 CFR 80.11, 50 CFR 80.13]:

**A. Need.** State the reason you need facilities or why existing facilities need improvement.

**B. Objectives.** Provide a concise statement of what the project will accomplish as related to the need. Examples:

(1) By 2004, construct 40 goose hunting blinds on the Bear Bottoms Wildlife Management Area to obtain better distribution of hunters.

(2) During 2002, develop a two-lane concrete boat launching ramp and parking for 50 boat trailer units at Muddy Reservoir.

(3) By 2007, construct a coldwater fish rearing facility in the Clear River drainage vicinity capable of producing fish required to meet the attached stocking plan.

(4) During the period 2002-2007, construct three additional combination trap and skeet fields to the Duke County Shooting Area.

**C. Results and Benefits.** Identify and quantify, to the extent feasible, the recreational user benefits or other benefits that each project within the grant will provide. For example:

(1) Hunting blinds will help to more evenly distribute hunters on the hunting areas, resulting in a safer, more enjoyable experience for all. While the blinds may result in a reduction of total hunter days initially, harvest will likely increase at least 20 percent.

(2) The addition of a two-lane launching ramp will allow an additional 100 boating days of use during peak periods.

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Annually the increased use will provide an additional 3,000 angler days of opportunity.

(3) The fish stocked will provide 1.5 million angler days of recreation through the stocking of 6 lakes and 15 streams.

(4) The expanded shooting facilities will provide live-fire training for 750 hunter education students annually. In addition, the facilities should provide 1,200 recreation days of public use.

**D. Approach.** For each project within the grant, describe how the work will be done. You need not include plans and specifications unless specifically requested by the Regional Director [50 CFR 80.11(a)]. If applicable, describe third party arrangements for operation and/or maintenance of the facility, including how they will handle revenue from any user fees [50 CFR 80.18, 43 CFR 12.65]. Describe the capacity, type of construction, etc. [50 CFR 80.11(a)].

**E. Location.** Identify the specific location of each facility to be constructed or developed.

**F. Costs.** For each project within the grant, provide the estimated cost, by year, for accomplishing the objective.

**10.5 What information do I need to support a Grant Proposal?** 522 FW 1 contains general information on documentation to support the Grant Proposal. You must submit the following information with the Grant Proposal [50 CFR 80.11]:

**A.** Information that the Regional Director needs to determine if the work proposed will have a significant impact on the environment. Also provide information on known use of the project area by Federally listed endangered, threatened, or candidate species; and the conclusion of your State Historic Preservation Officer's evaluation of the project's impacts on cultural resources. You can find additional information on National Environmental Policy Act requirements in 523 FW 1.

**B.** If requested by the Regional Director, provide engineering plans and specifications [WR Act Sec 7(b), SFR Act Sec 7(b), 50 CFR 80.11, 50 CFR 80.13(c)].

**10.6 What information do I need to support a Grant Agreement?** See 522 FW 1 for general information on documentation to support the Grant Agreement. For each project within a grant, you must submit the following information: [50 CFR 80.11(a), 43 CFR 12.50(b)(3), 43 CFR 12.60].

**A.** A schedule of work items and estimated costs that you will fund during the current grant agreement period. Work items include the major structures or components that you will construct, such as boat ramps, buildings, parking lots, comfort facilities, etc.

**B.** If a project within a grant includes a facility that you will use for hunter education, boating access, or aquatic education, identify the subprogram and estimated cost for each subprogram [50 CFR 80.11(a)].

**10.7 What are allowable costs?** 43 CFR 12.62 and 522 FW 1 list general requirements related to allowable costs. Grantees must allocate costs for the acquisition, construction, or improvement of facilities designed to include use other than for Federal Aid program purposes among the benefitting programs [50 CFR 80.15(c)]. You need not allocate costs if the non-Federal Aid program purposes are incidental to the primary use.

**10.8 Are reports required?** 522 FW 1 provides (1) the requirements for monitoring and performance reporting for projects under this chapter and (2) the requirements for financial reporting.

**10.9 Is identification of Federal Aid funded areas required?**

**A.** No, but we encourage you to use the appropriate Federal Aid program symbol (Federal Aid in Wildlife and Federal Aid in Sport Fish) to identify facilities that you construct or improve using Federal Aid funds.

**B.** For public use facilities, States must inform the public of the location, boundaries, and any restrictions on use of facilities [50 CFR 80.5]. You may use maps for this purpose. For more information, go to 50 CFR 80.26.

**10.10 How is third party operator involvement handled?** Facilities that third parties operate and/or maintain must be covered by an agreement between the State and the third party [50 CFR 80.18, 50 CFR 80.20]. The State may use its own laws, regulations, and policies to document and execute the agreement. In accordance with 43 CFR 12.65, 50 CFR 80.14 (c), and 50 CFR 80.18(c), the agreement must include provisions that:

**A.** Revenues from user fees may only be used to offset operation and maintenance costs.

**B.** Prohibits uses of the facility that may conflict with its intended purpose