



# 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<br>CONTACT | Operations and Maintenance<br>Habitat Management<br>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 9 Habitat Management

522 FW 9

**9.1 What is the purpose of this chapter?** This chapter provides guidance on projects for the management of lands and waters as habitat for fish and wildlife populations. Habitat management includes vegetation manipulation and creation of a habitat to support fish and wildlife populations. Refer to 522 FW 7 for guidance on projects to carry out operations and maintenance of facilities. 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.

**9.2 What are the eligible purposes for these grants?**

Habitat management grants must have objectives that relate to one or both of the following [50 CFR 80.5]:

**A.** Creating habitats in areas lacking an adequate habitat to support a desired population level, including the construction of impoundments to create new or additional waters for wildlife or sport fish populations.

**B.** Improving habitat conditions to meet fish and wildlife habitat needs, including management of water levels, food and cover plantings, etc.

**9.3 Are there special conditions for these projects/grants?**

The following conditions apply to fish and wildlife habitat management projects within a grant:

**A.** Do not use Federal Aid funds to mitigate fish and wildlife habitat losses where another Federal or State agency incurs the obligation to mitigate that loss [50 CFR 80.14(a)].

**B.** The State must control lands or waters on which it uses Federal Aid funds to make capital improvements. When a State uses Federal Aid funds to conduct habitat management activities on areas owned or controlled by other public agencies or private parties, the State fish and wildlife agency must control all such activities [50 CFR 80.18]. A written agreement with the landowner may achieve control. The agreement must be of sufficient duration to protect the investments [50 CFR 80.20].

**C.** Projects within a grant for the management of migratory bird habitats must be compatible with Federal migratory bird policies and regulations and with flyway management plans. Contact the Flyway Representative or Regional Director when there is a question.

**D.** When using pesticides for habitat management, the State must ensure that the pesticide is registered for its intended use, the application must be according to current label instructions, and a certified applicator must supervise the application [Pub. L. 92-516]. Consult the Regional Director if there is any question concerning the use or application of the pesticide.

**E.** Construction, enlargement, or rehabilitation of a dam is subject to the Federal standards for dam design. Grantees must consult the Regional Director concerning the application of current Federal standards.

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

**9.4 What does a project statement include?** For each project for habitat management within a grant, you must prepare a project statement and include the following information [50 CFR 80.11, 50 CFR 80.13]:

**A. Need.** Provide a statement of why you are creating or improving the habitat. This may be a program objective for the species or populations or the need to overcome a shortage of angling, hunting, or other fish and wildlife-associated recreational opportunities.

**B. Objective.** Describe the objective of the work. Examples:

(1) Construct 2 greentree reservoirs, of 280 acres (113.4 ha) and 350 acres (141.7 ha), on the Bear Bottoms Wildlife Management Area to provide wintering habitat for waterfowl by 2013.

(2) To improve 1 mile (1.6 km) of coho salmon spawning and rearing habitat in Fish Creek by 2005.

(3) For the period 2000-2005, maintain 1,200 acres (485.8 ha) of open field annually for a small game habitat on the Happy Valley WMA by mowing, discing, and burning.

**C. Results and Benefits.** Identify and quantify, to the extent feasible, the resource or public use benefits that you expect to realize from each project within the grant. Examples:

(1) The two greentree reservoirs will increase high quality, reliable, wetland habitats on the Bear Bottom Management Area by approximately 10 percent and should provide capacity to carry an additional 18,000 hunter-days annually.

(2) To provide spawning and rearing habitat for 75 pairs of coho salmon, resulting in an additional 125 harvestable fish.

(3) To keep 10 percent of the WMA available as high quality habitat for small game populations that provides 50,000 days of recreation annually.

**D. Approach.** Describe how you will conduct the work. Include the number of acres/hectares created or improved and the methods or techniques that you plan to employ.

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**E. Location.** Identify the areas on which the work will be done.

**F. Cost.** For each project within the grant, provide the estimated cost(s) by year for completion of the objective.

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

**A.** Provide information that the Regional Director needs to determine if the proposed work 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. (See Part 523 for additional information on National Environmental Policy Act requirements.)

**B.** If the work proposed involves the construction, enlargement, or rehabilitation of dams subject to Federal design requirements, provide evidence that an engineer has reviewed the design and specifications. For dam construction, the review must be by an engineer qualified in the design and construction of dams.

**9.6 What documentation do I need to Support the Grant Agreement (GA)?** See 522 FW 1 for general information on documentation to support the GA. For each project within a grant, provide a summary of work proposed by location and the estimated cost during the GA period.

**9.7 What are the allowable costs?** 43 CFR 12.62 and 522 FW 1 list general requirements related to allowable costs. For habitat management projects within a grant:

**A.** Allocate costs for habitat management activities designed to include other than Federal Aid program purposes among the benefitting programs [50 CFR 80.15(c)]. The allocation of costs is not necessary if the non-Federal Aid program purposes are incidental to the primary use.

**B.** Preliminary costs, such as engineering surveys, site plans, etc., are allowable if specifically provided for in the GA.

**9.8 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.