

**FISH AND WILDLIFE SERVICE
STATE GRANTS**

State Grants

Part 522 Federal Assistance Program Guidance

Chapter 10 Facilities Construction

522 FW 10

Amendment 1

Series: State Grants
Part 522: Federal Assistance Program Guidance
Chapter 10: Facilities Construction
Amendment Number: 1
Purpose: The purpose of this amendment is to update chapter 10 so that it is consistent with the new information provided in 522 FW 19, Program Income.

Action:

This amends 522 FW 10 as follows:

1. Change section 522 FW 10.4D from:

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)].

to:

D. Approach.

(1) Grant agreements or their attachments or references must describe (consistent with 43 CFR 12.65, 50 CFR 80.18, and 522 FW 19):

(a) The type of construction and the capacity of the new or improved facility,

(b) How the grantee will accomplish the work on each project,

(c) How to treat the costs of generating program income,

(d) The authorized use(s) or disposition of program income during and outside the grant period, and

(e) Any third-party arrangements for operation or maintenance of the new or improved facility, including how to treat revenue generated by user fees.

(2) Grant agreements do not need to describe, attach, or reference plans and specifications for new or improved facilities unless the Regional Director or California/Nevada Operations Office (CNO) Manager requests them (50 CFR 80.11(a)).

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2. Change section 10.10 from:

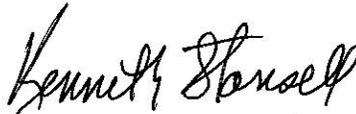
10.10 How is third party operator involvement handled? Facilities that third parties operate and/or maintain must be covered by an agreement between the State and the third party [50 CFR 80.18, 50 CFR 80.20]. The State may use its own laws, regulations, and policies to document and execute the agreement. 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. Prohibit uses of the facility that may conflict with its intended purpose

to:

10.10 How do grantees handle third-party operator involvement? When a third party operates or maintains a facility constructed or improved with Federal assistance funds, the grantee may enter into an agreement with the third party to ensure the facility is only used for its intended purpose. A State grantee may use its own laws, regulations, and policies to execute the agreement.



DEPUTY DIRECTOR

Date: November 13, 2006