



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240

ADDRESS ONLY THE DIRECTOR  
FISH AND WILDLIFE SERVICE

MAY 29 1996

In Reply Refer To:  
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## Memorandum

To: Regional Directors, Regions 1, 2, 3, 4, 5, 6, and 7  
Assistant Director, Refuges and Wildlife  
Assistant Director, Policy, Budget and Administration  
Assistant Director, External Affairs

From: <sup>acting</sup> Director *John B. Rogers*

Subject: Authority for the Fish and Wildlife Service to Obligate Public Funds for Habitat Restoration Projects on Private Lands

This memo confirms the U.S. Fish and Wildlife Service's authority to conduct habitat development projects on private lands with Federal funds in cooperation with private landowners. The attached Assistant Solicitor's opinion, dated May 3, 1996, clarifies this issue and addresses questions raised in the past regarding this matter.

The importance of the Service's partnership with private landowners in its fish and wildlife habitat restoration efforts cannot be overemphasized. Programs such as Partners for Wildlife, the North American Waterfowl Management Plan, restoration actions associated with Natural Resources Damage Assessment settlement funds, and habitat assistance to Tribes rely on the participation of private landowners for success. Wildlife extension agreements, cooperative agreements, grants, and similar arrangements with private landowners have been the principal tools used to obligate Service dollars for private lands habitat work, and their continued use for this purpose in accordance with the attached opinion is appropriate. Agreements should continue to conform to requirements of the Comptroller General's opinion cited in the attachment with respect to the essential nature, reasonable costs, and protection of the interests of the Government. Use of landowner agreements, and the leveraged resources they generate, provides the Service with the potential to maximize fish and wildlife resources on the landscape in the future.