

**FISH AND WILDLIFE SERVICE
FEDERAL FINANCIAL ASSISTANCE**

Federal Financial Assistance Part 517 Finan. Assist-Eligibility & Program-Specific Requirements

Chapter 10 State Wildlife Grants – Mandatory Subprogram

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10.1 What is the purpose of this chapter? This chapter provides eligibility standards and administrative procedures for grants in the State Wildlife Grants – Mandatory Subprogram (Program).

10.2 What are the authorities for this Program? The authorities for the Program are in annual appropriations legislation. The first appropriation for the Program was in the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2002 (Public Law 107–63). The annual Appropriations acts since 2002 have included funds for the Program.

10.3 Who is responsible for this Program?

A. The **Director** approves:

(1) Policy for the Program, and

(2) States' Comprehensive Wildlife Conservation Plans (see section 10.7).

B. The **Assistant Director for the Wildlife and Sport Fish Restoration (WSFR) Program**:

(1) Oversees the Program nationally,

(2) Coordinates policy development, and

(3) Determines the amount that each eligible grantee receives under a statutory formula (see section 10.9).

C. The **Regional Directors** oversee the administration of the Program in their Regions.

D. The **Regional WSFR Chiefs**:

(1) Award grants, and

(2) Ensure compliance with the terms of the grant and applicable Federal laws and regulations.

10.4 What terms do you need to know to understand this chapter? You can find terms we use in this chapter in the Fish and Wildlife Service's (Service) handbook, *Wildlife and Sport Fish Restoration Program Glossary*.

10.5 Who can apply for funding?

A. Only the State agency with primary responsibility for fish and wildlife management and conservation may submit grant proposals to WSFR.

B. Government agencies other than the State fish and wildlife agencies, federally recognized tribes, State-recognized tribes, individuals, and organizations may partner with or serve as subgrantees of State fish and wildlife agencies. Federally recognized tribes may also participate in the Program through the Tribal Consultation Process.

10.6 What is the overall process for funding the Program?

A. We follow a statutory formula to divide (apportion) funds noncompetitively among the States.

B. The funds come from an annual appropriation from varying, nonpermanent sources. In the past, funding has come from, among other sources, the Land and Water Conservation Fund and general revenue funds.

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C. The States share the costs of their projects with the Service by meeting a match requirement (see section 10.16).

10.7 What are the requirements to take part in the Program? The only requirement for a State fish and wildlife agency to take part in the Program is that the State must have a Comprehensive Wildlife Conservation Plan (State Plan) that our Director has approved. Some States refer to the State Plan as a Wildlife Action Plan or a Comprehensive Wildlife Conservation Strategy.

A. Each State Plan considers:

(1) The broad range of wildlife and associated habitats, with priority on those species with the greatest conservation need. The “broad range of wildlife” includes:

(a) All species of wild, free-ranging animals, including terrestrial, aquatic, marine, and invertebrate species regardless of whether they are hunted or fished; and

(b) Animals in captive breeding programs intended for reintroduction of extirpated species or to increase depleted populations of native species in suitable habitat.

(2) The relative level of funding available for the conservation of those species.

B. All States committed in their 2005-06 State Plans to review and, if necessary, revise the Plans within 10 years. Based on that commitment, the Service and the Association of Fish and Wildlife Agencies jointly developed and distributed “Guidance for Wildlife Action Plan Review and Revisions (07/12/2007).” It is available on our [Web site](#). Any future revision of the guidance will be on this Web site.

C. Service grant managers may request information from States about other funding sources available for the proposed activities in the project statement. This information may help us understand the relationship of a project to the priorities identified in the State Plan.

10.8 Does the Service limit how the States can use these funds? Yes, we must require that the State agencies use these funds only to:

A. Meet the needs of species of greatest conservation need or their habitats through activities that are identified in a State’s Plan, as approved by the Director, such as research, surveys, species and habitat management, and monitoring (see Table 10–1 in section 10.13);

B. Update, revise, or modify a State’s Plan; or

C. Address emerging issues affecting wildlife or their habitats that are not identified in a State’s Plan. An emerging issue is a critical problem that needs attention or an unexpected and recently recognized opportunity that a State wants to address with Program funds (see Table 10–1 for more information).

10.9 How does the Service calculate the amounts of Program funds that are available for administration and awards for a specific fiscal year? We calculate the amount of Program funds that are available for administration and awards for a fiscal year as follows:

A. **Step 1:** We deduct administrative costs for the Service’s Washington and Regional WSFR offices from the total amount available for the Program.

B. **Step 2:** The District of Columbia and the Commonwealth of Puerto Rico each receives an amount equal to not more than one-half of 1 percent of the amount remaining after step 1 above. The Commonwealth of

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the Northern Mariana Islands and the territories of Guam, American Samoa, and the U.S. Virgin Islands each receives an amount equal to not more than one-fourth of 1 percent of the amount remaining after step 1 above.

C. Step 3:

(1) We divide the remaining amount among the 50 States using the formula in Figure 10–1:

Figure 10–1: How We Calculate Funding for Each State

$$\text{Apportionment} = \text{Dollars}^* \left[\frac{1}{3} \left(\frac{\text{State Land Area}}{\text{Total Land Area of all States}} \right) + \frac{2}{3} \left(\frac{\text{State Population}}{\text{Total Population of all States}} \right) \right]$$

* “Dollars” means the amount of Program funds that are available for apportionment to all 50 States after completing Steps 1 and 2 above.

(2) No State may receive less than 1 percent of the total amount available or more than 5 percent. The process of determining the apportionments is iterative. We return amounts in excess of the maximum allowed to the amount available to other States and run the equation again until the apportionments for maximum and minimum States are set and we can apportion all remaining amounts to other States.

10.10 How long does it take the Service to notify the States of the amounts available to them for Program awards for a specific fiscal year? The Service tries to notify the States of the amounts available to them for Program awards for a specific fiscal year within 60 days after enactment of the annual Appropriations legislation.

10.11 How do States apply for and receive funding? While we make apportioned funds available to States, they may use the funds only after the completion of the grant process. The process includes:

- A. States submit grant applications to us.
- B. We review the applications for completeness, eligibility, and compliance with Federal laws and regulations.
- C. We document that States meet our eligibility and compliance requirements.
- D. We notify the State fish and wildlife agency that we approve the application, and we state the terms and conditions of the grant.

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10.12 What must WSFR look for in a project statement to decide if the proposed project is acceptable for the Program? To decide if the proposed project is acceptable for the Program, WSFR must find information in a project statement that:

- A. Describes a need that is consistent with the criteria in section 10.8;
- B. Specifies the objectives the State will achieve based on the need;
- C. Documents the use of accepted wildlife conservation and management principles, sound design, and appropriate procedures; and
- D. Supports the likelihood of achieving benefits pertinent to the need and at a level commensurate with costs.

10.13 What activities are eligible for funding? Table 10–1 shows the two categories of activities—implementation activities and planning activities—that are eligible for Program funding.

Table 10–1: Activities Eligible for Program Funding	
A. Implementation Activities:	
(1) Conservation and management actions, such as:	<ul style="list-style-type: none"> (a) Research. (b) Surveys. We may approve surveys and monitoring to obtain data for the State to decide if it should designate a species as a species of greatest conservation need. (c) Species monitoring. (d) Species and habitat management. If a species of greatest conservation need depends on a plant species for its survival, we consider the plant species as part of its habitat. (e) Habitat evaluations. (f) Evaluations of the effectiveness of conservation and management actions. (g) Acquisition of real property, including monitoring acquired properties to ensure that they continue to serve the purpose for which they were acquired. (h) Facilities development.
(2) Coordination and administrative activities, such as:	<ul style="list-style-type: none"> (a) Developing and maintaining data management systems to record, store, or disseminate information. (b) Monitoring progress of projects. (c) Developing strategic and operational plans. (d) Coordinating implementation meetings with partners. Partners are entities that take part in planning or carrying out a State Plan. These entities include, but are not limited to: Federal, State, and local agencies; tribes; nonprofit organizations; academic institutions; industry groups; and private individuals.
(3) Education ¹ and law enforcement activities when the activities:	<ul style="list-style-type: none"> (a) Are critical to achieving the project’s objectives, (b) Are no more than 10 percent of the respective project costs,

¹ WSFR defines education as an action or effort intended to increase the public’s knowledge or understanding of wildlife or wildlife conservation and management through instruction or distribution of materials. It includes giving general information to the public about conservation and management programs, actions, or activities.

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Table 10–1: Activities Eligible for Program Funding

	and (c) Specifically benefit species with the greatest conservation need or their habitats.
(4) Providing technical guidance to a specific agency, organization, or person that monitors or manages species of greatest conservation need or their habitats. Technical guidance is expert advice to government agencies, landowners, land managers, and organizations responsible for land planning and management.	
(5) Addressing nuisance wildlife or damage caused by wildlife, but only if the objective is to contribute to the conservation and management of species of greatest conservation need or their habitats, as indicated in a State Plan.	
(6) Conducting environmental reviews, site evaluations, permit reviews, or similar functions intended to protect species of greatest conservation need or their habitats.	
(7) Responding to emerging issues (see sections 10.8 and 10.15).	
(8) Activities that mitigate or compensate for Program-funded activities, or are necessary to secure permits or approval of those activities. Exhibit 1 has examples of mitigation activities that are eligible for Program funding. Additional guidance on mitigation is in 501 FW 2, Mitigation Policy.	
B. Planning activities:	
(1) Efforts to update, modify, or revise a State Plan. This category of planning activity includes the revising, printing, production, and distribution of the State Plan or portions of the State Plan, such as online documents, excerpts, or summary publications.	
(2) Efforts to collect public input by surveys, polling, public meetings, focus groups, or other methods that a State may use to update, modify, or revise its State Plan.	
(3) Processes, such as coordination meetings, that build or strengthen collaboration between the State and partners as they update, modify, or revise a State Plan.	

10.14 What activities are not eligible for Program funding? Activities not eligible for Program funding include:

A. Initiating or enhancing wildlife-associated recreation when that is the primary purpose of the project. Wildlife-associated recreation includes outdoor, leisure activities associated with wildlife, such as hunting, fishing, wildlife observation, and photography. Exhibit 1 has two examples of activities that benefit recreational users, one that is eligible and one that is ineligible for Program funds.

B. Establishing, publishing, and disseminating State-issued regulations on protection and use of wildlife.

(1) This includes, but is not limited to:

(a) Laws,

(b) Orders,

(c) Seasonal regulations,

(d) Bag and creel limits, and

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(e) License fees.

(2) This does not prohibit scientific collection of information or the evaluation of this information to support management recommendations.

C. Mitigating wildlife habitat losses resulting from unapproved activities as explained in Table 10–1, A(8). Exhibit 1 has an example of a mitigation activity that is ineligible for Program funding.

D. Projects that have more than a minor component of educating the public or conducting law enforcement activities (see Table 10–1, A(3)).

E. Public relations activities to promote organizations or agencies.

F. Projects for the primary purpose of producing revenue. This includes:

(1) Printing, distribution, issuance, or sale of licenses or permits; and

(2) The acquisition of real or personal property for rent, lease, sale, or other commercial purposes.

G. Wildlife-damage management activities that are not critical to the conservation and management of species with the greatest conservation need or their habitats.

H. Activities for the primary purpose of conserving or managing populations of plant species, regardless of their status as federally listed or State-listed endangered or threatened species. However, we may allow activities that conserve or manage populations of a plant species if that species is required for the survival of a species of greatest conservation need.

10.15 How must a project statement document an emerging issue? We consider emerging issues relevant to species of greatest conservation need or their habitats although they are not included in the Plans.

A. A project statement must:

(1) Describe the emerging issue fully by identifying the wildlife species or habitats that would benefit from the proposed action;

(2) Explain why it is an emerging issue; and

(3) Commit the State to monitoring the effectiveness of the completed action so the State can adaptively manage future activities.

B. The project statement must include a commitment letter that the director of the State fish and wildlife agency has signed stating that the next version of the State Plan will include the issue if it remains a priority.

C. The Assistant Regional Director for Migratory Birds and State Programs, or an official in a similar position associated with WSFR, must review grant applications or amendments that include emerging issues not in the State Plan. The Assistant Regional Director must concur that the issue is an emerging issue. WSFR must retain the original, a paper copy, or an electronic copy of the concurrence or nonconcurrence.

10.16 What are the match requirements?

A. The Service's share of a project must not be more than:

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- (1) 75 percent of the total cost for planning projects,
- (2) 50 percent of the total cost for implementation projects before fiscal year 2010, and
- (3) 65 percent of the total cost for implementation projects in fiscal year 2010.

B. Each annual Appropriations act after fiscal year 2010 may specify a different Service share.

C. A project statement may contain both planning and implementation activities with each having a different match requirement and estimated cost allocations. WSFR must also ensure that the State can account for and report on costs incurred for each type of activity.

D. WSFR waives the first \$200,000 of the match required for each project funded solely by the Program in grants to the Commonwealth of the Northern Mariana Islands, and the territories of Guam, the U.S. Virgin Islands, and American Samoa.

E. The State's share may not include any Federal funds or Federal in-kind contributions unless legislation specifically allows it.

10.17 May WSFR allow a State to use Program funds to carry out part of a larger project? Yes. WSFR may allow a State to use Program funds to complete part of a larger project funded by more than one grant program if:

A. The part of the work funded by the Program:

- (1) Results in an identifiable achievement consistent with Program purposes, and
- (2) Satisfies the requirements of the Program, including the match; and

B. The match requirements of any other grants in the larger project do not affect the Program's match requirements.

10.18 How long are Program funds available for obligation to a grant? Program funds are available for obligation to a grant until September 30 of the Federal fiscal year after the fiscal year of their apportionment, or the remaining unobligated dollars revert to the Service. WSFR must receive a grant application in time to allow for a thorough review before the end of the period of availability to obligate funds.

A. If we obligate Program funds to a grant, but the grantee does not expend these funds by the end of the grant period, we must deobligate the funds.

B. We may reobligate these funds during the 2-fiscal-year period of availability to an existing grant to the same State or a new grant to the same State.

C. If we deobligate funds after the 2-year period of availability, they revert to the Service, and we add them to the amount available for the next apportionment to all States.

10.19 What should WSFR tell grantees about acknowledging the Program as the funding source? Grant products, such as reports and publications, should acknowledge funding by using the appropriate State agency logo, the Service logo, and language identifying funding support through the Program. States may use the language in Figure 10–2 to acknowledge the source of funding.

Figure 10–2: Sample Language Acknowledging the Source of Funding

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Partial funding for this project was through the [STATE] State Wildlife Grants program grant T-X-X in cooperation with the U.S. Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program.

OR

Funding for this project was through the [STATE] State Wildlife Grants program grant T-X-X in cooperation with the U.S. Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program.

/sgd/ Gregory E. Siekaniec
ACTING DIRECTOR

Date: September 2, 2010