

**FISH AND WILDLIFE SERVICE
STATE GRANTS**

State Grants

Part 522 Federal Assistance (FA) Program Guidance

Chapter 21 Allowable Recreational Activities and Related Facilities on FA Lands

522 FW 21

21.1 What is the purpose of this chapter? This chapter provides guidance on recreational activities and related facilities constructed on lands States acquire, develop, or manage with Federal Assistance funds under:

- A. The Wildlife and Sport Fish Restoration Programs,
- B. The Wildlife Conservation and Restoration Program,
- C. The State Wildlife Grants Program (non-Tribal), and
- D. The Landowner Incentive Program (non-Tribal).

21.2 To whom does this chapter apply? This chapter applies to all Service personnel who administer grant funds through the programs in 21.1A through D.

21.3 To what lands does this chapter apply? This chapter applies to the following, unless otherwise specified in the grant agreement between the State fish and wildlife agency and the Service:

- A. Lands States acquire with Federal Assistance funds, regardless of when they acquired them.
- B. Lands States develop or improve with Federal Assistance funds for the useful life of the development or improvement (see 522 FW 18).
- C. Lands on which States conduct any Federal Assistance-funded management activities during the defined grant periods.

21.4 What are the authorities for this chapter?

- A. Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777).
- B. Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669).
- C. Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Real Property and Enforcement (43 CFR 12.71(b) and 12.83).
- D. Administrative Requirements for Federal Aid in Fish and Federal Aid in Wildlife Restoration Acts, Eligible Undertakings, Application of Federal Aid, Responsibilities, and Assurances (50 CFR 80.5, 80.14(b), 80.18(c), and 80.21).
- E. Consolidated Appropriations Act, 2005 (Pub. L. 108-447, 118 STAT. 2809).
- F. Environment and Related Agencies Appropriations Act (Pub. L. 109-148).

21.5 What recreational activities and related facilities may States allow on lands they acquire, develop, or manage with Federal Assistance funds? The State fish and wildlife agency determines what recreational activities and related facilities to allow on Federal Assistance supported lands, based on authorizing legislation.

A. The statutes and applicable regulations prohibit a State fish and wildlife agency from allowing recreational activities and related facilities that would interfere with the purpose for which the State acquired, developed, or is managing the land. This means that the State fish and wildlife agency may not allow an activity or facility that would interfere with the fulfillment of the grant objectives for restoration, conservation, management, and/or enhancement of fish, wildlife, plants, and their habitats eligible for funding through the programs listed in section 21.1.

B. The statutes and applicable regulations require that grants used to acquire, develop, or manage lands must have a purpose consistent with the Wildlife Restoration and Sport Fish Restoration Acts, the Wildlife

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Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), or the Landowner Incentive Program (non-Tribal):

(1) States generally allow fish or wildlife-dependent activities (e.g., hunting, trapping, fishing, birding, wildlife photography, or viewing platforms) because these activities do not interfere with the purpose.

(2) States may allow recreational activities and related facilities that are not fish or wildlife-dependent (e.g. bicycling, swimming, rock climbing, kennels, stables, horseback riding) if they determine that the activities will not interfere with the purpose for which they acquired, developed, or are managing the land.

C. For the Federal Assistance programs identified in section 21.1 that fund activities on private lands, it is the responsibility of the State and the private landowner to agree on allowable recreational activities and related facilities, consistent with sections 21.5A and B.

D. At the request of the State fish and wildlife agency, the Service will confer on recreational activities or related facilities.

21.6 Are costs attributable to recreational activities on lands States acquire, develop, or manage with Federal Assistance funds eligible for Federal Assistance funding? A State may only recover costs attributable to recreational activities if the activity or facility is:

A. Allowable as section 21.5 describes, and

B. Specified in the grant agreement.

21.7 What is the Service's authority to review compliance with the statutes and regulations related to allowing recreational activities? The State fish and wildlife agency has responsibility for the accountability and control of all assets, and has responsibility to determine if a recreational activity or related facility interferes with the purpose for which it acquired, developed, or is managing the land (see 43 CFR 12.71 and 50 CFR 80.18). However, the Service has the right to review or inspect at any time to ensure compliance (see 50 CFR 80.21 and 43 CFR 12.83).

21.8 Must States include in the grant documents information about recreational activities and related facilities on lands they acquire, develop, or manage with Federal Assistance funds? No. States do not need to include in grant documents a description of recreational activities and related facilities on lands they acquire, develop, or manage with Federal Assistance funds as long as:

A. The decision about what recreational activities and related facilities to allow remains with the State fish and wildlife agency,

B. The activities and related facilities do not interfere with the purpose for which they acquired, developed, or manage the lands, and

C. The cost of the activities and related facilities is not paid for with Federal Assistance funds.



ACTING DIRECTOR

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