

Amendment of Service Manual Chapter 522 FW 6

Series: Federal Financial Assistance
Part 522: Federal Aid Program Guidance
Chapter 6: Land Acquisition
Amendment Number: 2
Purpose: This amendment deletes the language of section 522 FW 6.7E because it requires the Regional Director's approval for a State to grant an easement on land they acquire through Federal assistance. This is inconsistent with Departmental regulations at 43 CFR 12.71(c). The regulation at 50 CFR 80.137, which is applicable to three WSFR-administered grant programs, requires a joint decision by the Regional Director and the director of the State fish and wildlife agency when real property is no longer needed for its original purpose. Finally, section 522 FW 6.7E authorizes a Regional Director to grant a State blanket approval authority for easements on land acquired under a grant. Unless this authorization of blanket approval authority is qualified with specific language on how to treat the Federal share of any proceeds received from granting the easement, it could lead to inadvertent violations of 31 U.S.C. 3302(b) and (c)(2).

Action:

Under section 6.7 Special Conditions, delete subsection E and re-letter the remaining subsections. Following is the text we are deleting:

E. The State must obtain approval of the Regional Director prior to granting easements through Federal Aid acquired lands. The Regional Director may grant blanket approval if the State's system for reviewing and granting easements is considered adequate to protect the Federal Aid program interests in the land. To obtain blanket approval, the State should submit a request to the Regional Director. The request should describe the State's system for reviewing and granting easements.

/sgd/ Gregory E. Siekaniec
DEPUTY DIRECTOR

Date: April 29, 2012