



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



In Reply Refer To:  
FWS/ABMO/DEN/DTS066462

**OCT 10 2017**

Memorandum

To: **Deputy** Service Directorate  
From: Director *James W. Kurth*  
Subject: Procedures and Criteria for Allocation of Emergency Construction Funds

This memo updates the U.S. Fish and Wildlife Service's (Service) management of the Emergency Construction account procedures to reflect the Service's current organization, and practices. The Emergency Construction account provides quick funding of unanticipated emergency projects. Account funding and use, first authorized in Senate Report 101-534, is affirmed by the Fiscal Year (FY) 2017 Enacted budget:

*"When a construction project is completed or terminated and appropriated funds remain, the Service may use those balances to respond to unforeseen reconstruction, replacement, or repair of facilities or equipment damaged or destroyed by storms, floods, fires and similar unanticipated events."*

Specific underpinnings for transfer of funds out of the Emergency Construction account include:

- The minimum transfer (withdrawal) amount remains \$100,000 to ensure funds are applied toward resolving large-scale emergencies and not depleted by circumstances that may be funded by other sources. Small emergency projects are more appropriately handled through existing discretionary Regional resources;
- Fish, wildlife, natural, and/or cultural resource-related emergencies fall outside the scope of allowable uses and should be addressed through other budgetary processes;
- The threshold amount for transfers out of the Emergency Construction account to respond to an emergency is limited to the Director's authority;
- Construction funds may not be commingled; work accomplished using Construction funds must be severable; and
- The emergency need must be supported by a valid emergency condition assessment and cost estimated in the Service Asset Maintenance Management System (SAMMS), Contaminant Assessment in Environmental Conservation Online System (ECOS) or official safety incident report documented in the Safety Management Information System.

Guidelines for specific uses of the Emergency Construction account are set forth in Attachment 1. Prior to submitting requests for allocations from this fund, Regional Directors should ensure these guidelines are met. A template to request funds is provided as Attachment 2. Coordination between the Regional and Headquarters Engineering Chiefs will determine the appropriate funding levels. If you have any questions, regarding these procedures and criteria, please contact Ms. Marilyn Brower, Chief, Division of Engineering, at 703-358-1924 or [marilyn\\_brower@fws.gov](mailto:marilyn_brower@fws.gov).

Attachments

## ATTACHMENT 1

### **Requirements and procedures for transfer of unobligated balances to the Emergency Construction Account**

#### FY 2017 Construction Appropriation Authorization

*“When a construction project is completed or terminated and appropriated funds remain, the Service may use those balances to respond to unforeseen reconstruction, replacement, or repair of facilities or equipment damage or destroyed by storms floods fires and similar unanticipated events.”* Funds are made available for these purposes by transfer of these funds into the Service’s Emergency Construction account.

#### Procedures for transfer into the account

Unobligated balances from completed or terminated projects are transferred to the Emergency Construction account at the end of the warranty period, as identified by the Regional Engineer. Transfers are carried out by the Headquarters Division of Engineering upon notification by the Regional Engineer in which project funding was received. This notification should be made within 30 days of the project completion date (defined by the Service as the end of the warranty period).

Transfers are documented in the Project Listing, which is updated monthly at ([https://inside.fws.gov/index.cfm/go/post/DEN-Construction Funding](https://inside.fws.gov/index.cfm/go/post/DEN-Construction+Funding)). Project status is reviewed at the end of each fiscal year, assuring all transfers completed. Transfers for completed projects with an unobligated balance of less than \$5,000 may be completed as part of end of year budget activities. Transfers are reported at least semi-annually through the U.S. Department of the Interior to the Hill, based on March and September cost data from FBMS.

#### Procedures for requesting funding for emergency construction funds

1. The Regional Engineer is responsible for coordinating with the Headquarters Chief, Division of Engineering to confirm Emergency Construction funding criteria are met, and the amounts requested are accurate.
2. Each Regional Director or responsible Assistant Director will request from the Director, in writing, funding for emergency projects using the criteria outlined below, and the format provided as Attachment 2 . Requests will be surnamed by the HQ Chief, Division of Engineering (DEN), Assistant Director – Business Management and Operations, Service Budget Officer, Assistant Director – Budget Planning, and Human Capital, and any appropriate programmatic Assistant Director. Upon the Director’s approval, DEN will complete the transfer.

#### Criteria for project requests

Only projects anticipated to cost in excess of \$100,000 will be considered for funding from the Emergency Construction account. Other emergency construction needs are to be funded by requesting the Director's approval for reprogramming from other sources. This criterion must be met in conjunction with one of the provisions below:

1. Projects must respond to unforeseen reconstruction, replacement, or repair of facilities or equipment damage or destroyed by storms, floods, fires, and similar unanticipated events;  
or
2. Emergencies resulting from non-natural or manmade disasters must meet the following criteria:
  - a. Emergency response to chemical and hazardous material accidents that cause the release of toxics;
  - b. Response to dam safety emergencies, according to procedures in Emergency Action Plans, where dam failure and threat to life and property is imminent;
  - c. Cleanup of hazardous waste sites where there is demonstrated need for immediate removal action. A demonstrated need shall include potential threats to human health as well as legal action or physical circumstances that are likely to require considerable greater expenses if removal is not immediate;
  - d. Unexpected repair of deteriorated bridges if the condition imminently threatens human life, the deterioration was caused by factors beyond normal control, and alternative transit routes are not available;
  - e. Removal/replacement of leaking underground storage tanks to comply with state or Federal laws and regulations or for groundwater remediation if nearby public water supplies or natural resource are threatened or if a proven threat to public safety exists;
  - f. Construction of ventilation systems:
    - i. Where extreme radon level or other hazardous gasses/substances exceeding standards, jeopardize the health of Service employees and the public. Funds for the rehabilitation of facilities where extreme radon levels exceeding the standard adversely affect fish and wildlife would be sought through other budget processes; or
    - ii. To protect health of Service employees where there is evidence of human exposure to excessive levels of airborne chemicals or irritants from existing chemical delivery systems.
  - g. Unplanned rehabilitation of existing deteriorated storage facilities for hazardous materials and flammables, if these facilities can be demonstrated to cause imminent threat of accidental release of toxics by fire explosion and the deterioration was caused by factors beyond normal control;
  - h. Closure costs for facilities where asbestos is identified to be an immediate threat to human health. Funds for reconstruction or rehabilitation of the facility should be sought through the budget development process;

- i. Emergency actions to correct violations to Occupational Safety and Health Regulations, cited by an OSHA inspector, that may threaten human health and safety if funds are not made available on an expedited basis; or
- j. Discovery of extensive mold or other health hazards that render a building unfit for habitation, as determined by Safety professionals.

ATTACHMENT 2

In Reply Refer To:  
FWS/ABMO/DTS066462

Memorandum

To: Director  
From: Regional Director or Assistant Director  
Subject: Request for Emergency Construction Funds Transfer

Your approval is requested to transfer (*dollar amount*) from the Emergency Construction Account to the (*requested project name*) to provide for the (*construction/repair/replacement/etc.*) of (asset). (*Construction/repair/replacement/etc.*) is needed due to (*reason per criteria identified in 360 FW 1 – Exhibit 2.*)

*(Briefly describe the scope of the project.)*

*Briefly describe the current condition. Include statement about the course of action, e.g. repair, total replacement, etc.)*

The estimated cost to complete the project is (*total estimated amount of project. Identify plans to secure additional funds required to complete the project.*) Project plans will clearly differentiate the work that will be completed using all Construction Account funds.

This request is consistent with 360 FW 1 and the intent of Emergency Construction transfers first established in Senate Report 101-534, and reauthorized by the FY 2017 Construction Appropriation.

If you have any questions, please contact (*point of contact*)

Approved: \_\_\_\_\_  
Date: \_\_\_\_\_

Disapproved: \_\_\_\_\_  
Date: \_\_\_\_\_

Cc: ABMO  
ABMO-DEN  
ANRS/AFAC/AES/NCTC/ABHC  
ABHC-DB (HQ Division of Budget)