

Appropriations Committee Testimony
State Agency Budget Presentations: Conservation & Development Subcommittee
Public Hearing Mar 2, 2015

Members of the Sub-Committee

My name is Bruce Tolhurst. I live in Marlborough, CT. I am writing to you to express my thoughts on the State Agency Budget Presentations: Conservation & Development Subcommittee Public Hearing; regarding specifically the funding for the Pheasant Stocking Program.

I do not SUPPORT the proposed budget reductions and subsequent elimination of the Pheasant Stocking program.

The Pheasant Stocking program is funded ‘primarily’ from the fees collected for the Pheasant Stamp <Authorization>. The fee is \$28.00. With approximately 7,500 Pheasant Stamp <Authorizations> sold during the 2014 hunting season, this provides \$210,000 of “direct funding by sportsmen thru fees” for the purchase of Pheasants for the 2016 “budget”. How can the Legislature, in good conscience, ‘take back’ funds paid for by Sportsmen, dedicated for a specific purpose, and SOLD to those Sportsmen in good faith by DEEP? Unconscionable and perhaps against the legal assent the State of CT gave the Federal Government in 1937 to participate in the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669-669i; 50 Stat. 917) of September 2, 1937, more commonly known as the “Pittman-Robertson Act”. It has been amended several times, and provides Federal aid to States for management and restoration of wildlife. Funds from an 11 percent excise tax on sporting arms and ammunition [Internal Revenue Code of 1954, sec. 4161(b)] are appropriated to the Secretary of the Interior and apportioned to States on a formula basis for paying up to 75 percent of the cost approved projects. Project activities include acquisition and improvement of wildlife habitat, introduction of wildlife into suitable habitat, research into wildlife problems, surveys and inventories of wildlife problems, acquisition and development of access facilities for public use, and hunter education programs, including construction and operation of public target ranges. Public Law 91-503, approved October 23, 1970, (84 Stat. 1097) added provisions for the deposit of the 10 percent tax on pistols and revolvers, one-half of which may be used by the States for hunter safety programs. This amendment also provided for development of comprehensive fish and wildlife management plans as an optional means for participating in the program, and changed the maximum limit from \$10,000 to one-half percent for Puerto Rico and to one-sixth percent for the Virgin Islands and Guam. On October 25, 1972, the Act was further amended by P.L. 92-558 (86 Stat. 1172) to add provisions for the deposit of the 11-percent excise tax on bows, arrows, and their parts and accessories for use in wildlife projects or hunter safety programs. Amendments enacted June 8, 1974 (P.L. 93-313; 88 Stat. 238) provided for a six-month delay, until January 1, 1975, in initiation of collection of the excise tax on bows, arrows, parts and accessories. Public Law 98-369 (26 U.S.C. 1 note; 98 Stat. 502), approved July 18, 1984, contained a provision that expanded the tax on arrows to include those used in crossbows. Public Law 98-347 (16 U.S.C. 669h-1; 98 Stat. 321), approved July 9, 1984, amended section 8(a) of the Pittman-Robertson Federal Aid in Wildlife Restoration Act to make American Samoa eligible for wildlife restoration and hunter safety programs. Public Law 101-233 (103 Stat. 1968), approved December 13, 1989, amended the Act to require the Secretary of Treasury to invest funds held in interest-bearing obligations. Provides that that interest be used to fund the North American Wetlands Conservation Act through fiscal year 2005, and then to be available for the wildlife restoration fund beginning fiscal year 2006. Assent Legislation in the Federal Act 1937 - **80.2**: *“A State may participate in the benefits of the Act(s) only after it has passed legislation which assents to the provisions of the Acts and has passed laws for the conservation of fish and wildlife including a prohibition against the diversion of license fees paid by hunters and sport fishermen to purposes other than administration of the fish and wildlife agency. Subsequent legislation which amends*

these state laws shall be subject to review by the Secretary. If the legislation is found contrary to the assent provisions, the State shall become ineligible.

It appears to me that in all likelihood, reducing the DEEP budget, through the elimination of the Pheasant Stocking program, a “fee” which certainly falls under the “assent language” the State of Connecticut gave in 1937 to be eligible for the “Pittman-Robertson” funds. Should Conn be found ‘ineligible’, the amount of the funds in jeopardy <as apportioned in 2014>, would be \$5,458,000. We certainly need the Commissioner of DEEP to speak to this concern, and ‘guarantee’ that the funds are not in jeopardy, because of a “random budget cut”. It is one thing for the Governor and the Legislature to ‘renege’ on a promise to the Sportsmen of Connecticut in collecting funds and then not stocking birds, but it is another, and unforgiveable, for negligent administration which costs Connecticut \$5 Million in Federal Funds.

Thank you for your consideration in this important Conservation budgetary concern.

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Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service

Federal Aid in Wildlife Restoration Act

This Act, [Federal Aid in Wildlife Restoration Act \(16 U.S.C. 669-669i; 50 Stat. 917\) of September 2, 1937](#), is commonly called the "Pittman-Robertson Act." It has been amended several times, and provides Federal aid to States for management and restoration of wildlife.

Funds from an 11 percent excise tax on sporting arms and ammunition [Internal Revenue Code of 1954, sec. 4161(b)] are appropriated to the Secretary of the Interior and apportioned to States on a formula basis for paying up to 75 percent of the cost approved projects. Project activities include acquisition and improvement of wildlife habitat, introduction of wildlife into suitable habitat, research into wildlife problems, surveys and inventories of wildlife problems, acquisition and development of access facilities for public use, and hunter education programs, including construction and operation of public target ranges.

Public Law 91-503, approved October 23, 1970, (84 Stat. 1097) added provisions for the deposit of the 10 percent tax on pistols and revolvers, one-half of which may be used by the States for hunter safety programs. This amendment also provided for development of comprehensive fish and wildlife management plans as an optional means for participating in the program, and changed the maximum limit from \$10,000 to one-half percent for Puerto Rico and to one-sixth percent for the Virgin Islands and Guam.

On October 25, 1972, the Act was further amended by P.L. 92-558 (86 Stat. 1172) to add provisions for the deposit of the 11-percent excise tax on bows, arrows, and their parts and accessories for use in wildlife projects or hunter safety programs.

Amendments enacted June 8, 1974 (P.L. 93-313; 88 Stat. 238) provided for a six-month delay, until January 1, 1975, in initiation of collection of the excise tax on bows, arrows, parts and accessories.

Public Law 98-369 ([26 U.S.C. 1 note](#); 98 Stat. 502), approved July 18, 1984, contained a provision that expanded the tax on arrows to include those used in crossbows.

Public Law 98-347 ([16 U.S.C. 669h-1](#); 98 Stat. 321), approved July 9, 1984, amended section 8(a) of the Pittman-Robertson Federal Aid in Wildlife Restoration Act to make American Samoa eligible for wildlife restoration and hunter safety programs.

Public Law 101-233 (103 Stat. 1968), approved December 13, 1989, amended the Act to require the Secretary of Treasury to invest funds held in interest-bearing obligations. Provides that that interest be used to fund the North American Wetlands Conservation Act through fiscal year 2005, and then to be available for the wildlife restoration fund beginning fiscal year 2006.

[Return to Resource Laws](#)

Code of Federal Regulations

Title 50 - Wildlife and Fisheries

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Date: 1997-10-01

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Title: SUBCHAPTER F - FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

Context: - .

SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

Pt. 80

PART 80—ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

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Authority: 16 U.S.C. 777i; 16 U.S.C. 669j; 18 U.S.C. 701.

Source: 47 FR 22539, May 25, 1982, unless otherwise noted.

Note:

The information collection requirements in this part have been approved by the Office of Management and Budget under control number 1018-0048.

§ 80.1 Definitions.

As used in this part, terms shall have the following meanings:

(a) *The Federal Aid Acts or the Acts.* The Federal Aid in Wildlife Restoration Act of September 2, 1937, as amended (50 Stat. 917; 16 U.S.C. 669-669j), and the Federal Aid in Sport Fish Restoration Act of August 9, 1950, as amended (64 Stat. 430; 16 U.S.C. 777-777k).

(b) *State.* Any State of the United States; the territorial areas of Guam, the Virgin Islands, and American Samoa; the Commonwealth of Puerto Rico, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

(c) *State fish and wildlife agency.* The agency or official of a State designated under State law or regulation to carry out the laws of the State in relation to the management of fish and wildlife resources of the State. Such an agency or official which is also designated to exercise collateral responsibilities, e.g., State Department of Natural Resources, shall be considered the State fish and wildlife agency only when exercising the responsibilities specific to the management of the fish and wildlife resources of the State.

(d) *Secretary.* The Secretary of the Interior or his designated representative.

(e) *Director.* The Director of the U.S. Fish and Wildlife Service, or his designated representative. The Director serves as the Secretary's

representative in matters relating to the administration and execution of the Federal Aid Acts.

(f) *Regional Director*. The Regional director of the U.S. Fish and Wildlife Service, or his designated representative.

(g) *Federal Aid Manual*. The publication of the U.S. Fish and Wildlife Service which contains policies, standards and procedures required for participation in the benefits of the Acts.

(h) *Project*. A program of related undertakings necessary to fulfill a defined need which is consistent with the purposes of the Act.

(i) *Comprehensive fish and wildlife management plan*. A document describing the State's plan for meeting the long-range needs of the public for fish and wildlife resources, and the system for managing the plan.

(j) *Federal Aid Funds*. Funds provided under Federal Aid Acts.

(k) *Resident angler*. A resident angler is one who fishes within the same State where legal residence is maintained.

(l) *Common horsepower*. Common horsepower is defined as any size motor that can be reasonably accommodated on the body of water slated for development.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 80.2 Eligibility.

Participation in the benefits of the Acts is limited to State fish and wildlife agencies as specified below:

(a) Federal Aid in Sport Fish Restoration—Each of the 50 States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.

(b) Federal Aid in Wildlife Restoration—Each of the 50 States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands; except that the benefits afforded by section 4(b) of the Act relating to hunter education projects are limited to the 50 States.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 80.3 Assent legislation.

A State may participate in the benefits of the Act(s) only after it has passed legislation which assents to the provisions of the Acts and has passed laws for the conservation of fish and wildlife including a prohibition against the diversion of license fees paid by hunters and sport fishermen to purposes other than administration of the fish and wildlife agency. Subsequent legislation which amends these state laws shall be subject to review by the Secretary. If the legislation is found contrary to the assent provisions, the State shall become ineligible.

§ 80.4 Diversion of license fees.

Revenues from license fees paid by hunters and fishermen shall not be diverted to purposes other than administration of the State fish and wildlife agency.

(a) Revenues from license fees paid by hunters and fishermen are any revenues the State receives from the sale of licenses issued by the State conveying to a person the privilege to pursue or take wildlife or fish. For the purpose of this rule, revenue with respect to license sales by vendors, is considered to be the net income to the State after deducting reasonable vendor fees or similar amounts retained by sales agents. License revenues include income from:

(1) General or special licenses, permits, stamps, tags, access and recreation fees or other charges imposed by the State to hunt or fish for sport or recreation.

(2) Sale, lease, rental, or other granting of rights of real or personal property acquired or produced with license revenues. Real property includes, but is not limited to, lands, building, minerals, energy resources, timber, grazing, and animal products. Personal property includes, but is not limited to, equipment, vehicles, machine, tools, and annual crops.

(3) Interest, dividends, or other income earned on license revenues.

(4) Federal Aid project reimbursements to the States to the extent that license revenues originally funded the project for which the reimbursement is being made.

(b) For purposes of this rule, administration of the State fish and wildlife agency include only those functions required to manage the fish and wildlife-oriented resources of the State for which the agency has authority under State law.

(c) A diversion of license fee revenues occurs when any portion of license revenues is used for any purpose other than the administration of the State fish and wildlife agency.

(d) If a diversion of license revenues occurs, the State becomes ineligible to participate under the pertinent Act from the date the diversion is declared by the Director until:

(1) Adequate legislative prohibitions are in place to prevent diversion of license revenue, and

(2) All license revenues or assets acquired with license revenues are restored, or an amount equal to license revenue diverted or current market value of assets diverted (whichever is greater) is returned and properly available for use for the administration of the State fish and wildlife agency.

(e) Federal funds obligated for projects approved prior to the date a diversion is declared remain available for expenditure on such projects without regard to the intervening period of the State's ineligibility.

[54 FR 15209, Apr. 17, 1989]

§ 80.5 Eligible undertakings.

The following are eligible for funding under the Acts:

- (a) *Federal Aid in Wildlife Restoration Act.* (1) Projects having as their purpose the restoration, conservation, management, and enhancement of wild birds and wild mammals, and the provision for public use of and benefits from these resources.
- (2) Projects having as their purpose the education of hunters and archers in the skills, knowledges, and attitudes necessary to be a responsible hunter or archer.
- (b) *Federal Aid in Sport Fish Restoration Act.* (1) Projects having as their purpose the restoration, conservation, management, and enhancement of sport fish, and the provision for public use and benefits from these resources. Sport fish are limited to aquatic, gill-breathing, vertebrate animals, bearing paired fins, and having material value for sport or recreation.
- (2) Additional funds resulting from expansion of the Sport Fish Restoration Program must be added to existing State fishery program funds available from traditional sources and not as a substitute therefor.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 80.6 Prohibited activities.

The following are not eligible for funding under the Acts, except when necessary for the accomplishment of project purposes as approved by the regional director.

- (a) Law enforcement activities conducted by the State to enforce the fish and game regulations.
- (b) Public relations activities conducted to promote the State fish and wildlife agency.

§ 80.7 Appeals.

Any difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work may be appealed to the Director. Final determination rests with the Secretary.

§ 80.8 Availability of funds.

Funds are available to a State for obligation or expenditure during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a project agreement is signed by the regional director.

§ 80.9 Notice of desire to participate.

Any State fish and wildlife agency desiring to avail itself of the benefits of the Acts shall notify the Secretary within 60 days after it has received a certificate of apportionment of funds available to the State. Notification to the Secretary may be accomplished by either of the following methods. In either method, the document must be signed by a State official authorized to commit the State to participation under the Act(s).

- (a) Submitting to the regional director within the 60-day period a letter stating the desire of the State to participate in the Act(s); or,
- (b) Having an approved Application for Federal Assistance which contains plans for the use of Federal Aid funds during the period of the apportionment.

§ 80.10 Hunting and fishing license certification.

(a) Information concerning the number of persons holding paid licenses to hunt and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding year shall be furnished upon request of the Director by the fish and wildlife agency of each State on forms furnished by the Fish and Wildlife Service.

(b) This information shall be certified as accurate by the director of the State fish and wildlife agency. When requested by the Director, evidence used in determining accuracy of the certification shall also be furnished.

(c) License holders shall be counted over a period of 12 months; the calendar year, fiscal year, or other licensing period may be used provided it is consistent from year to year in each State. In determining licenses which are eligible for inclusion, the following guidelines shall be observed.

- (1) Trapping licenses, commercial licenses, and other licenses which are not for the express purpose of permitting the holder to hunt or fish for sport or recreation shall not be included.
- (2) Licenses which do not return net revenue to the State shall not be included. To qualify as a paid license, the fee must produce revenue for the State. Net revenue is any amount returned to the State after deducting agent or sellers fees and the cost for printing, distribution, control or other costs directly associated with the issuance of each license.
- (3) Licenses valid for more than one year, either a specific or indeterminate number of years, may be counted in each of the years for which they are valid; provided that:
- (i) The net revenue from each license is commensurate with the period for which hunting or fishing privileges are granted, and
- (ii) Sampling or other techniques are used to determine whether the licensee remains a license holder in the year of certification.
- (4) Combination fishing and hunting licenses (a single license which permits the holder both to hunt and fish) shall be included in the determination of both the number of paid hunting license holders and the number of persons holding paid licenses to fish for sport or recreation.

(5) Some licensing systems require or permit an individual to hold more than one license to hunt or to fish in a State. Such an individual shall not be counted more than once as a hunting or fishing license holder. The State fish and wildlife director, in certifying license information to the Director, is responsible for eliminating duplication or multiple counting of single individuals in the figures which he certifies. Sampling and other statistical techniques may be utilized by the certifying officer for this purpose.

(Approved by the Office of Management and Budget under control number 1018-0007)

§ 80.11 Submission of proposals.

A State may make application for use of funds apportioned under the Acts by submitting to the regional director either a comprehensive fish and wildlife management plan or project proposal.

(a) Each application shall contain such information as the regional director may require to determine if the proposed activities are in accordance with Acts, the provisions of this part, and the standards contained in the Federal Aid Manual.

(b) Each application and amendments of scope shall be submitted to the State Clearinghouse as required by Office of Management and Budget (OMB) Circular A-95 and by State Clearinghouse requirements.

(c) Applications must be signed by the director of the State fish and wildlife agency or the official(s) delegated to exercise the authority and responsibilities of the State's director in committing the State to participation under the Acts. The director of each State fish and wildlife agency shall notify the regional director, in writing, of the official(s) authorized to sign Federal Aid documents, and any changes in such authorizations.

§ 80.12 Cost sharing.

Federal participation is limited to 75 percent of eligible costs incurred in the completion of approved work or the Federal share specified in the project agreement, whichever is less, except that the non-Federal cost sharing for the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa shall not exceed 25 percent and may be waived at the discretion of the regional director.

(a) A minimum Federal participation of 10 percent of the estimated costs is required as a condition of approval.

(b) The non-Federal share of project costs may be in the form of cash or in-kind contributions. The allowability and evaluation of in-kind contributions are subject to the policies and standards prescribed in Office of Management and Budget (OMB) Circular A-102.

(c) The non-Federal share of project costs may not be derived from other Federal funds, except as authorized by specific legislation.

§ 80.13 Substantiality in character and design.

All projects proposed for funding under the Acts must be substantial in character and design. A substantial project (for fish and wildlife purposes) is one which:

(a) Identifies and describes a need within the purposes of the relevant Act to be utilized;

(b) Identifies the objectives to be accomplished based on the stated need;

(c) Utilizes accepted fish and wildlife conservation and management principles, sound design, and appropriate procedures; and

(d) Will yield benefits which are pertinent to the identified need at a level commensurate with project costs.

§ 80.14 Application of Federal aid funds.

(a) Federal Aid funds shall be applied only to activities or purposes approved by the regional director. If otherwise applied, such funds must be replaced or the State becomes ineligible to participate.

(b) Real property acquired or constructed with Federal Aid funds must continue to serve the purpose for which acquired or constructed.

(1) When such property passes from management control of the fish and wildlife agency, the control must be fully restored to the State fish and wildlife agency or the real property must be replaced using non-Federal Aid funds. Replacement property must be of equal value at current market prices and with equal benefits as the original property. The State may have a reasonable time, up to three years from the date of notification by the regional director, to acquire replacement property before becoming ineligible.

(2) When such property is used for purposes which interfere with the accomplishment of approved purposes, the violating activities must cease and any adverse effects resulting must be remedied.

(3) When such property is no longer needed or useful for its original purpose, and with prior approval of the regional director, the property shall be used or disposed of as provided by Attachment N of OMB Circular A-102.

(c) Federal Aid funds shall not be used for the purpose of producing income. However, income producing activities incidental to accomplishment of approved purposes are allowable. Income derived from such activities shall be accounted for in the project records and disposed of as directed by the Director.

§ 80.15 Allowable costs.

Allowable costs are limited to those which are necessary and reasonable for accomplishment of approved project purposes, and are in accordance with the cost principles of OMB Circular A-87.

(a) All costs must be supported by source documents or other records as necessary to substantiate the application of funds. Such documentation and records are subject to review by the Secretary to determine the allowability of costs.

(b) Costs incurred prior to the effective date of the project agreement are allowable only when specifically provided for in project agreement.

(c) Projects or facilities designed to include purposes other than those eligible under the pertinent Act shall provide for the allocation of costs among the various purposes. The method used to allocate costs shall produce an equitable distribution of costs based on the relative uses or

benefits provided.

(d) Administrative costs in the form of overhead or indirect costs for State central services outside of the State fish and wildlife agency must be in accord with an approved cost allocation plan and shall not exceed in any one fiscal year three percentum of the annual apportionment.

(e) Not more than 10 per centum of the annual amount apportioned to each State under provisions of the Federal Aid in Sport Fish Restoration Act may be obligated on projects for aquatic education.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 80.16 Federal aid payments.

Payments shall be made for the Federal share of allowable costs incurred by the State in accomplishing approved projects.

(a) Requests for payments shall be submitted on forms furnished by the regional director.

(b) Payments shall be made only to the office or official designated by the State fish and wildlife agency and authorized under the laws of the State to receive public funds for the State.

(c) All payments are subject to final determination of allowability based on audit. Any overpayments made to the State shall be recovered as directed by the region director.

(d) The regional director may withhold payments pending receipt of all required reports or documentation for the project.

§ 80.17 Maintenance.

The State is responsible for maintenance of all capital improvements acquired or constructed with Federal Aid funds throughout the useful life of each improvement. Costs for such maintenance are allowable when provided for in approved projects. The maintenance of improvements acquired or constructed with non-Federal Aid funds are allowable costs when such improvements are necessary to accomplishment of project purposes as approved by the regional director, and when such costs are otherwise allowable by law.

§ 80.18 Responsibilities.

In the conduct of activities funded under the Acts, the State is responsible for:

(a) The supervision of each project to assure it is conducted as provided in the project documents, including:

- (1) Proper and effective use of funds.
- (2) Maintenance of project records.
- (3) Timely submission of reports.
- (4) Regular inspection and monitoring of work in progress.

(b) The selection and supervision of project personnel to assure that:

- (1) Adequate and competent personnel are available to carry the project through to a satisfactory and timely completion.
- (2) Project personnel perform the work to ensure that time schedules are met, projected work units are accomplished, other performance objectives are being achieved, and reports are submitted as required.

(c) The accountability and control of all assets to assure that they serve the purpose for which acquired throughout their useful life.

(d) The compliance with all applicable Federal, State, and local laws.

(e) The settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into.

§ 80.19 Records.

The State shall maintain current and complete financial, property and procurement records in accordance with requirements contained in the Federal Aid Manual and OMB Circular A-102.

(a) Financial, supporting documents, and all other records pertinent to a project shall be retained for a period of three years after submission of the final expenditure report on the project. If any litigation, claim, or audit was started before the expiration of the three-year period, the records shall be retained until the resolution is completed. Records for nonexpendable property shall be retained for a period of three years following final disposition of the property.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the State.

§ 80.20 Land control.

The State must control lands or waters on which capital improvements are made with Federal Aid funds. Controls may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 80.21 Assurances.

The State must agree to and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds under the Acts. The Secretary shall have the right to review or inspect for compliance at any time. Upon determination of noncompliance, the Secretary may terminate or suspend those projects in noncompliance, or may declare the State ineligible for further participation in program benefits until compliance is achieved.

§ 80.22 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

[49 FR 30074, July 26, 1984]

§ 80.23 Allocation of funds between marine and freshwater fishery projects.

(a) Each coastal State, to the extent practicable, shall equitably allocate those funds specified by the Secretary, in the apportionment of Federal Aid in Sport Fish Restoration funds, between projects having recreational benefits for marine fisheries and projects having recreational benefits for freshwater fisheries.

(1) Coastal States are: Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, Washington, Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) The allocation and subsequent obligation of funds between projects that benefit marine and freshwater interests will be in the same proportion as the estimated number of resident marine anglers and resident freshwater anglers, respectively, bears to the estimated number of total resident anglers in the State. The number of marine and freshwater anglers shall be based on a statistically reliable method for determining the relative distribution of resident anglers in the State between those that fish in saltwater and those that fish in freshwater.

(3) To the extent practicable means that the amounts allocated of each year's apportionment may not necessarily result in an equitable allocation for each year. However, the amounts allocated over a period, not to exceed 3 years, must result in an equitable allocation between marine and freshwater fisheries projects. Ongoing marine project costs can be applied toward the State's saltwater allocation.

(4) Failure to provide for an equitable allocation may result in the State's becoming ineligible to participate in the use of those funds specified, until such time as the State demonstrates to the satisfaction of the Director that funds will be allocated equitably.

(b) [Reserved]

[50 FR 21448, May 24, 1985]

§ 80.24 Recreational boating access facilities.

The State shall allocate at least 10 percentum of each annual apportionment under Federal Aid in Sport Fish Restoration Act for recreational boating access facilities. All facilities constructed, acquired, developed, renovated, or maintained (including those existing structures for which maintenance is provided) must be for the purpose of providing additional, improved, or safer access of public waters for boating recreation as part of the State's effort for the restoration, management, and public use of sport fish. Though a broad range of access facilities and associated amenities can qualify for funding under the 10 percent provision, power boats with common horsepower ratings must be accommodated, and, in addition, the State must make reasonable efforts to accommodate boats with larger horsepower ratings if they would not conflict with aquatic resources management. Any portion of the 10 percent set aside for the above purposes that remains unexpended or unobligated after two years shall revert to FWS.

[50 FR 21448, May 24, 1985]

§ 80.25 Multiyear financing under the Federal Aid in Sport Fish Restoration Program.

(a) States may finance the acquisition of lands or interests in lands including water rights and the construction of structures and facilities utilizing multiyear funding as authorized by the Federal Aid in Sport Fish Restoration Act in two ways:

(1) States may finance the entire cost of the acquisition or construction from a non-Federal funding source and claim Federal Aid reimbursement in succeeding apportionment years according to a scheduled reimbursement plan.

(2) States may negotiate an installment purchase or contract whereby periodic and specified amounts are paid to the seller or contractor and Federal Aid reimbursements are allowed for each payment from any apportionment year current at the time of payment.

(b) Multiyear financing is subject to the following conditions:

(1) Projects must provide for prospective use of funds and be approved by the Regional Director in advance of the State's obligation or commitment to purchase property or contract for structures or facilities.

(2) States must agree to complete the project even if Federal funds are not available. In the event the project is not completed, those Federal funds expended but not resulting in commensurate sport fishery benefits must be recovered by the State and reallocated to approved State sport fish projects.

(3) Project proposals must include a complete schedule of payments to complete the project.

(4) No costs for interest or financing shall be claimed for reimbursement.

[50 FR 21448, May 24, 1985]

§ 80.26 Symbols.

Distinctive symbols are prescribed to identify projects funded by the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act and to identify items on which taxes and duties have been collected to support the respective Acts.

(a) All recipients identified in § 80.2 of this part are authorized to display the appropriate symbol(s) on areas, such as wildlife management areas and fishing access facilities, acquired, developed, operated or maintained by these grants, or on printed material or other visual representations relating to project accomplishments. Recipients may require sub-recipients to display the symbol(s) and may authorize use by others, or for purposes other than as stated above, only with approval of the Director, U.S. Fish and Wildlife Service.

(b) Other persons or organizations may use the symbol(s) for purposes related to the Federal Aid programs as authorized by the Director, U.S. Fish and Wildlife Service. Authorization for the use of the symbol(s) shall be by written agreement executed by the Service and the user. To obtain authorization a written request stating the specific use and items to which the symbol(s) will be applied must be submitted to Director, U.S. Fish and Wildlife Service, Washington, DC 20240.

(c) The user of the symbol(s) shall indemnify and defend the United States and hold it harmless from any claims, suits, losses and damages arising out of any allegedly unauthorized use of any patent, process, idea, method or device by the user in connection with its use of the symbol(s), or any other alleged action of the user and also from any claims, suits, losses and damages arising out of alleged defects in the articles or services with which the symbol(s) is associated.

(d) The appearance of the symbol(s) on projects or items is to indicate that the manufacturer of the product is taxed by, and that the State project was funded through, the respective Act(s). The U.S. Fish and Wildlife Service and the Department of the Interior make no representation or endorsement whatsoever by the display of the symbol(s) as to the quality, utility, suitability or safeness of any product, service or project with which the symbol(s) is associated.

(e) Neither symbol may be used in any other manner except as authorized by the Director, U.S. Fish and Wildlife Service. Unauthorized use of the symbol(s) will constitute a violation of section 701 of title 18 of the United States Code and subject the violator to possible fines and imprisonment as set forth therein.

(f) The symbol pertaining to the Federal Aid in Wildlife Restoration Act is depicted below.

[Please see PDF for image: EC01JN91.182]

(g) The symbol pertaining to Federal Aid in Sport Fish Restoration Act is depicted below.

[Please see PDF for image: EC01JN91.183]

(h) The symbol pertaining to the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act when used in combination is depicted below.

[Please see PDF for image: EC01JN91.184]

[52 FR 47571, Dec. 15, 1987]

Pt. 81

PART 81—CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE, AND PLANTS—COOPERATION WITH THE STATES

Sec.

81.1	Definitions.
81.2	Cooperation with the States.
81.3	Cooperative Agreement.
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81.12	Contracts.
81.13	Inspection.
81.14	Comprehensive plan alternative.
81.15	Audits.
Authority:	Endangered Species Act of 1973, sec. 6(h), 87 Stat. 884, 16 U.S.C. 1531-43, Pub. L. 93-205.
Source:	40 FR 47509, Oct. 9, 1975, unless otherwise noted.

§ 81.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Agreements.* Signed documented statements of the actions to be taken by the State(s) and the Secretary in furthering the purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to section 6(c) of the Endangered Species Act of 1973 and § 81.2 of this part.

(2) A Project Agreement which includes a statement as to the actions to be taken in connection with the conservation of endangered or threatened species, benefits derived, cost of actions, and costs to be borne by the Federal Government and by the States.

- (b) *Conserve, conserving, and conservation.* The use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Endangered Species Act of 1973 are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.
- (c) *Endangered species.* Any species which is in danger of extinction throughout all or a significant portion of its range (other than a species of the Class Insecta as determined by the Secretary to constitute a pest whose protection under the provisions of The Endangered Species Act of 1973 would present an overwhelming and overriding risk to man).
- (d) *Fish or wildlife.* Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.
- (e) *Plant.* Any member of the plant kingdom, including seeds, roots, and other parts thereof.
- (f) *Program.* A State-developed set of goals, objectives, strategies, action, and funding necessary to be taken to promote the conservation and management of resident endangered or threatened species.
- (g) *Secretary.* The Secretary of the Interior or his authorized representative.
- (h) *Species.* This term includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.
- (i) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.
- (j) *State agency.* The State agency or agencies, or other governmental entity or entities which are responsible for the management and conservation of fish or wildlife resources within a State.
- (k) *Plan.* A course of action under which immediate attention will be given to a State's resident species determined to be endangered or threatened.
- (l) *Threatened species.* Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as determined by the Secretary.
- (m) *Project.* A plan undertaken to conserve the various species of fish and wildlife or plants facing extinction.
- (n) *Act.* The Endangered Species Act of 1973, Pub. L. 93-205, 16 U.S.C. 1531 et seq.
- (o) *Project segment.* An essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.
- (p) *Resident species.* For the purposes of the Endangered Species Act of 1973, a species is resident in a State if it exists in the wild in that State during any part of its life.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31580, May 31, 1979; 49 FR 30074, July 26, 1984]

§ 81.2 Cooperation with the States.

The Secretary is authorized by the act to cooperate with any State which establishes and maintains an adequate and active program for the conservation of various endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Secretary must find and reconfirm, on an annual basis, that under the State program, either:

- (a) Authority resides in the State agency to conserve resident species of fish and wildlife or plants determined by the State agency or the Secretary to be endangered or threatened;
- (b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the act, for all residents species of fish and wildlife or plants in the State which are deemed by the Secretary to be endangered or threatened; and has furnished a copy of such program together with all pertinent details, information, and data requested to the Secretary;
- (c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife or plants;
- (d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and
- (e) Provisions are made for public participation in designating resident species of fish and wildlife or plants as endangered or threatened, or that under the State program: (1) The requirements set forth in paragraphs (c), (d), and (e) of this section are complied with concerning fish and wildlife and in paragraphs (c) and (e) of this section concerning plants, and plans are included under which immediate attention will be given to those resident species of fish and wildlife or plants which are determined by the Secretary or the State agency to be endangered or threatened and which the Secretary and the State agency agree are most urgently in need of conservation programs; except that a cooperative agreement entered into with a State whose program is deemed adequate and active pursuant to this paragraph shall not affect the applicability of prohibitions set forth in or authorized pursuant to section 4(d) or section 9(a)(1) of the Endangered Species Act of 1973 with respect to the taking of any resident endangered or threatened species.

[41 FR 15016, Apr. 9, 1976, as amended at 44 FR 31580, May 31, 1979]

§ 81.3 Cooperative Agreement.

Upon determination by the Secretary that a State program is adequate and active and complies with § 81.2, the Secretary shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Project Agreement can be approved for endangered or threatened species projects. A cooperative agreement under § 81.2 must be reconfirmed annually to reflect new laws, species lists, rules and regulations, and programs, and to demonstrate that the program is still active and adequate. The Secretary, in determining which species are most urgently in need of a conservation program as provided for in § 81.2(e), shall apply the following criteria: (1) The degree of threat to the continued existence of the species; (2) the recovery potential of the species; (3) the taxonomic status, e.g., giving full species priority over subspecies or populations; and (4) such other relevant biological factors as determined appropriate.

[41 FR 15016, Apr. 9, 1976, as amended at 44 FR 31580, May 31, 1979]

§ 81.4 Allocation of funds.

The Secretary shall semi-annually allocate funds, appropriated for the purpose of carrying out Section 6, to various State programs using the following as the basis for his determination:

- (a) The international commitments of the United States to protect endangered or threatened species;
- (b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of the Act;
- (c) The number of endangered and threatened species within a State;
- (d) The potential for restoring endangered and threatened species within a State; and
- (e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31580, May 31, 1979]

§ 81.5 Information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement with the Secretary pursuant to section 6(c) of the Act.

§ 81.6 Project Agreement.

(a) Subsequent to the establishment of a Cooperative Agreement pursuant to § 81.3, the Secretary may further agree with the States to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Financial agreements will consist of an Application for Federal Assistance and a Project Agreement. Such agreements' continued existence, and continued financial assistance under such agreements, shall be contingent upon the continued existence of the Cooperative Agreement described in § 81.3 of this part.

(b) The Application for Federal Assistance will show the need for the project, the objectives, the expected benefits and results, the approach, the period of time necessary to accomplish the objectives, and both the Federal and State costs. All of a State's activities proposed for this Federal grant support will be incorporated in one or more project applications.

(c) To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committed to its execution and that it has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A-95 (as revised).

(d) The Project Agreement will follow approval of the Application for Federal Assistance by the Secretary. The mutual obligations by the cooperating agencies will be shown in this agreement executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it.

(e) The form and content for both the Application for Federal Assistance and the Project Agreement are provided in the Federal Aid Manual.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979]

§ 81.7 Availability of funds.

Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Project Agreement is signed by the Secretary, or his authorized representative, attesting to his approval.

§ 81.8 Payments.

The payment of the Federal share of costs incurred in the conduct of activities included under a Project Agreement shall be in accordance with Treasury Circular 1075.

(a) Federal payments under the Act shall not exceed 75 percent of the program costs as stated in the agreement; except, the Federal share may be increased to 90 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Secretary as provided in Office of Management and Budget Circular A-102.

(c) Payments under the Endangered Species Act, including such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of this Act shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State agencies. Payments shall be made only to the State office or official designated by the State agency and authorized under the laws of the State to receive public funds of the State.

(d) Vouchers and forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State agency.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979; 49 FR 30074, July 26, 1984]

§ 81.9 Assurances.

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Office of Management and Budget Circular A-102.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979]

§ 81.10 Submission of documents.

Papers and documents required by the Act or by regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the U.S. Fish and Wildlife Service.

§ 81.11 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project or appraised value of land to be acquired are considered by qualified representatives of the Secretary and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 81.12 Contracts.

The State may use its own regulations in obtaining services providing that they adhere to Federal laws and the requirements provided by Office of Management and Budget Circular A-102. The State is the responsible authority without recourse to the Secretary regarding settlement of contractual issues.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979]

§ 81.13 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject to periodic Federal inspection.

§ 81.14 Comprehensive plan alternative.

In the event that the State elects to operate under a comprehensive fish and wildlife resource planning system, the Cooperative Agreement will be an attachment to the plan. No Application for Federal Assistance will be required since the documentation will be incorporated in the plan. However, the continued existence of the comprehensive plan, and Federal financing thereunder, will be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

§ 81.15 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

[49 FR 30074, July 26, 1984]

Pt. 82

PART 82—ADMINISTRATIVE PROCEDURES FOR GRANTS-IN-AID (MARINE MAMMAL PROTECTION ACT OF 1972)

Subpart A—Introduction

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82.10	Payments to grantee.
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82.19	Patents and inventions.
82.20	Civil rights.
82.21	Copyrights.

Authority: 16 U.S.C. 1361-1407, 86 Stat. 1027.

Source: 40 FR 23281, May 29, 1975, unless otherwise noted.

Subpart A—Introduction

§ 82.1 Scope of regulations.

The regulations in this part are issued, pursuant to the authority of the Secretary in section 1380 of the Marine Mammal Protection Act, 16 U.S.C. 1361-1407 (Supp. II 1972), to provide procedures for the submission and review of applications and the award and administration of research grants, or other forms of financial assistance, to Federal or state agencies, public or private institutions, or other persons including any foreign governments for research relevant to the protection and conservation of marine mammals.

§ 82.2 Purpose of regulations.

The Marine Mammal Protection Act of 1972 (Pub. L. 92-552) authorizes appropriations, and confers authority upon the Secretary, subject to such terms and conditions as he deems necessary, and after review by the Marine Mammal Commission, to make grants, or provide other forms of financial assistance, for the purpose of undertaking research relevant to the protection and conservation of marine mammals. Research initiated pursuant to this authorization is to be directed toward increasing the available knowledge of the ecology and population dynamics of marine mammals and of the factors which bear upon their ability to reproduce themselves successfully, which information may be used for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat.

§ 82.3 Supplementary information and procedures.

The regulations in this part are intended to provide for the maximum flexibility and simplicity in the application and award of grants or other financial assistance and the minimum amount of Federal control in the conduct of the research and supervision of Federal funds, consistent with the anticipated level of appropriated funds and demand for such funds. With respect to grants to state or local governments these regulations are intended to implement and be read as consistent with Federal Management Circular 74-7, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments," (FMC 74-7) 34 CFR part 256, 39 FR 35787-35796, October 4, 1974, unless specifically noted otherwise. The standards and procedures set forth therein, and other referenced Federal management circulars, will, to the extent practical, govern other forms of financial assistance to state and local governments, public and private institutions and persons as well as grants to such institutions and persons. Other Federal regulations and sources of guidance potential applicants may find worthwhile to consult for information which may be helpful in applying and implementing research grants or other financial assistance under these regulations include: 34 CFR part 211, Cost Sharing on Federal Research (FMC 73-3); 34 CFR part 251, Audit of Federal Operations and Programs by Executive Branch Agencies, superseding OMB Circular No. A-73, dated August 4, 1965; 34 CFR part 252, Coordinating Indirect Cost Rates and Audit at Educational Institutions, (FMC 73-6); 34 CFR part 253, Administration of College and University Grants (FMC 73-7); 34 CFR part 254, Cost Principles for Educational Institutions (FMC 73-8); FMC 74-4, Cost Principles under Grants to State and Local Governments.

§ 82.4 Authority.

The Secretary of the Interior has delegated to the Director, Fish and Wildlife Service, his authority under the Marine Mammal Protection Act to enter into grants or other forms of financial assistance for research relevant to the protection and conservation of marine mammals covered by the Act excluding the order *Cetacea* and members, other than walruses, of the order *Pinnipedia*.

§ 82.5 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Act* means the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407.

(b) *Cooperative Agreement* means the properly signed documentation, including the Application for Federal Assistance, which describes the project goals, the time schedule for achieving them, the estimated expenses to be incurred and the terms and conditions under which the research will be conducted, the totality of which constitutes the legally binding instrument between the Secretary and the grantee.

(c) *Grantee* means (1) any private person or entity, or (2) any officer, employee, agent, department, or instrumentality of the Federal Government, or any state or political subdivision thereof or any foreign government, participating in a cooperative agreement with the Secretary.

(d) *Marine Mammal* means any specimen of the following species, whether alive or dead, or any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name	Common name
<i>Ursus maritimus</i>	Polar bear.

<i>Enhydra lutris</i>	Sea Otter.
<i>Odobenus rosmarus</i>	Walrus.
<i>Dugong dugong</i>	Dugong.
<i>Trichechus inunquis</i>	West Indian manatee.
<i>Trichechus manatus</i>	West African manatee.
<i>Trichechus senegalensis</i>	Amazonian manatee.

Note: Common names given may be at variance with local usage; they are not required to be provided by the Act, and they have no legal significance.

(e) *Non-Federal interest* means any organization, association, institution, business, school, individual or group of individuals, state agency, municipality, or others outside the Federal Government which desires to participate within the terms of the Act.

(f) *Project* means any program for which an Application for Federal Assistance and a cooperative agreement have been approved and which provides for research in subjects which are relevant to the protection and conservation of marine mammals.

(g) *Secretary* means the Secretary of the Interior or his delegated representative.

(h) *State* means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(i) *State agency* means any department(s), commission(s), or officials(s), of a state empowered under its laws to administer the state program for marine mammals.

Subpart B—Application for Grants

§ 82.6 Submission of proposals.

(a) Preapplication forms may be submitted by any potential grantee in order to (1) establish communication between the Fish and Wildlife Service and the applicant; (2) to determine the applicant's eligibility; (3) determine how well the project can compete with applications from others; and (4) eliminate any proposals which have little or no chance for Federal funding before the applicant incurs significant expenditures for preparing an application. A notice of review action will be sent to the applicant within 45 days of the receipt of the preapplication form informing the applicant of the results of the review of the preapplication form. If the review cannot be completed within 45 days, the applicant will be informed by letter as to when the review will be completed.

(b) An Application for Federal Assistance for non-construction shall be submitted by all applicants for grants, however, an Application for Federal Assistance—Short Form may be utilized for single purpose and one-time grant applications for less than \$10,000 not requiring clearing house approval, an environmental impact statement, or the relocation of persons, businesses, or farms.

(c) Copies of the applications described in paragraphs (a) and (b) of this section may be obtained from the Federal Aid Coordinator, State Fish and Game Agency, and the Director, U.S. Fish and Wildlife (Attention: Division of Cooperative Research), Washington, DC 20240. An original and two copies of the appropriate application forms should be submitted to the Director at this address. In order to allow sufficient time for processing, the Federal Assistance Application must be submitted by September 1 of the year preceding the fiscal year in which the research is contemplated. Any requests by grantees for changes, continuations, and supplements to approved grants must be submitted on the same form as the original application.

§ 82.7 Coordination with States.

If the proposed project is to be conducted within the territorial limits of a state, the Secretary shall not enter into an agreement with a non-Federal interest other than a State without first consulting with the State agency.

Subpart C—Administration

§ 82.8 Prosecution of work.

(a) The grantee shall pursue the agreed-upon objectives expeditiously, adhering to the procedures set forth in the Cooperative Agreement. Failure to do so or failure to provide timely and adequate reports shall be cause for the Secretary to withhold further reimbursements to the grantee until project commitments are satisfactorily met. All further disbursement of funds under the cooperative agreement may be terminated upon determination by the Secretary that satisfactory progress has not been maintained.

(b) All work shall be performed in accordance with applicable Federal, state, and local laws, including safety, health and sanitation laws, except that when state and local laws are in conflict with Federal laws or regulations, such Federal laws or regulations shall prevail.

§ 82.9 General information for the Secretary.

Before any Federal funds may be obligated for any project the grantee shall furnish to the Director such information regarding the authority of the grantee to participate in the benefits of the Act, such information of the type described in FMC 74-7 Attachment G, concerning the system to be used by the grantee for the financial management of grant funds, the state laws affecting marine mammals, and such other information as the Director may request.

(a) *Document signature.* The Application for Federal Assistance and the Cooperative Agreement must bear the signature of an official who is legally authorized to commit the prospective grantee to expenditure of funds. The Secretary may, from time to time, request, and grantee shall furnish, information relating to the administration and maintenance of any project established under the Act.

(b) [Reserved]

§ 82.10 Payments to grantee.

Payments may be requested by the grantee at intervals of not less than 30 days as work described in the cooperative agreement progresses.

§ 82.11 Forms of vouchers.

Vouchers, on forms provided by the Secretary, showing amounts expended on each project, and the Federal portion claimed to be due on account thereof, shall be certified and submitted to the Director by the grantee.

§ 82.12 Permit requirements.

No work shall commence on a proposal funded under the provisions of 16 U.S.C. 1380 until all appropriate State and Federal permits have been applied for and issued.

§ 82.13 Ownership of property.

When property is acquired pursuant to the provisions of the Act, title to such property or interests therein shall be vested in the grantee as long as the property is used for the authorized purpose. When the property is no longer needed for such purpose, the Director and the grantee shall mutually agree regarding the assignment of title and any compensations consistent with the terms of Federal Management Circular 74-7 or other appropriate referenced Federal Management Circulars cited in § 82.3 of this part.

§ 82.14 Inspection and audit.

(a) Supervision of each project shall be as specified in the initial cooperative agreement and shall include adequate and continuous inspection by the grantee. The project will be subject at all reasonable times to Federal inspection. The Director and the Comptroller General of the United States, or their duly authorized representatives, shall be given access by the grantee during regular business hours to any books, documents, papers, and records of the grantee which are pertinent to the project for the purposes of making audit, examination, excerpts, and transcripts.

(b) The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments of such other sanctions as the Secretary may deem appropriate.

[40 FR 23281, May 29, 1975, as amended at 49 FR 30074, July 26, 1984]

§ 82.15 Record retention.

All records of accounts, and reports, with supporting documentation thereto, will be maintained by the grantee for a period of three years after submission of the final expenditure report, with the qualifications stated in FMC 74-7, Attachment C, paragraph 1.

§ 82.16 Reporting.

Performance reports and other specified reports shall be submitted to the Secretary by the grantee in accordance with requirements prescribed by FMC 74-7 or other appropriate referenced Federal Management Circulars cited in § 82.3 of this part.

§ 82.17 Procurement.

Grantees may use their own procurement regulations which reflect applicable State and local laws, rules, and regulations, provided that procurements made with funds under the Act adhere to the standards set forth in FMC 74-7 or other appropriate referenced Federal Management Circulars cited in § 82.3 of this part.

§ 82.18 Officials not to benefit.

No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or any part of an agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to an agreement made with a corporation for its general benefit.

§ 82.19 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under cooperative agreements entered into pursuant to the Act shall be governed by the "Government Patent Policy," President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of government patent policy as printed in 36 FR 16889.

§ 82.20 Civil rights.

Each cooperative agreement shall be supported by a statement of assurance executed by the grantee providing that the project will be carried out in accordance with title VI, non-discrimination in federally assisted programs, of the Civil Rights Act of 1964, 42 U.S.C. 2000d-2000d-4, and with the Secretary's regulations promulgated thereunder, 43 CFR part 17.

§ 82.21 Copyrights.

Where research conducted under a grant issued pursuant to this part results in a book or other copyrightable material, the author or grantee, subject to the terms of the Cooperative Agreement, is encouraged to publish the work, but the Department of the Interior reserves a royalty free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes. Any publication by the grantee must bear in an appropriate place an acknowledgment of grant support under the Marine Mammal Act from the Department of the Interior. In addition, any publication must include a statement that the findings, conclusions, etc., do not necessarily represent the views of the Department of the Interior. At least two copies of any printed publications must be furnished to the U.S. Fish and Wildlife Service.

Pt. 83

PART 83—RULES IMPLEMENTING THE FISH AND WILDLIFE CONSERVATION ACT OF 1980

Sec.

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Authority: The Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901.

Source: 47 FR 51142, Nov. 12, 1982, unless otherwise noted.

Note:

The information collection requirement contained in this part has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned control number 1018-0048.

§ 83.1 Definitions.

As used in this part, the following terms mean:

- (a) *Act*. The Fish and Wildlife Conservation Act of 1980, Pub. L. 96-366 (16 U.S.C. 2901, et seq.).
- (b) *Conservation plan*. A plan for the conservation of fish and wildlife within a State which meets the requirements set forth in this part.
- (c) *Designated State agency or State agency*. The Commission, department, division or other agency of a State which has the primary legal authority for the conservation of fish and wildlife. If more than one agency is designated by the State to exercise such authority, the term means each such agency acting with respect to its assigned responsibilities.
- (d) *Director*. The Director of the U.S. Fish and Wildlife Service or his/her designee.
- (e) *Federal Aid Manual*. The publication of the U.S. Fish and Wildlife Service which contains policies, standards and procedures required for participation in the benefits of the Act.
- (f) *Fish and Wildlife*. Wild vertebrate animals that are in an unconfined state.
- (g) *Nongame fish and wildlife*. Fish and wildlife that:
 - (1) Are not ordinarily taken for sport, fur, food, or commerce within the State except that any species legally taken for sport, fur, food, or commerce in some but not all parts of a State may be deemed nongame within any area where such taking is prohibited; and
 - (2) Are not listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543); and
 - (3) Are not marine mammals within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(5)); and
 - (4) Are not domesticated species that have reverted to a feral existence.
- (h) *Plan species*. Any species or subspecies or ecologic association of species and subspecies which is designated to be addressed through actions set forth in an approved conservation plan.
- (i) *Project*. A definitive proposal submitted by a State and approved by the regional director for funding under this Act.
- (j) *Regional Director*. The regional director of the U.S. Fish and Wildlife Service or his/her designee.
- (k) *Secretary*. The Secretary of the Interior or his/her designee.
- (l) *State*. Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

§ 83.2 Participant eligibility.

Participation is limited to designated State agencies. If a State places primary legal authority for the conservation of fish and wildlife in more than one agency, the governor or chief executive of that State shall designate the State agency which will serve to coordinate the State actions under this Act. The director of each designated State agency shall notify the regional director, in writing, of the official(s) authorized to sign Federal Aid documents and of any changes in such authorizations.

§ 83.3 Allocation of funds.

In accordance with the provisions of the Act, the allocation of funds to the States shall take into account the area and population of each State.

(a) Area of the land and water of each State shall be as determined by the Department of Commerce and shall include the area of coastal and Great Lakes waters within each State.

(b) Population of each State shall be the most recent population estimates, as determined by the Department of Commerce.

§ 83.4 Eligible undertakings.

Funding under this Act may be approved by the regional director to carry out projects which meet the standards of substantiality as defined in § 83.12 and which conform to one of the following:

(a) A proposal to implement a nongame action in lieu of an approved conservation plan. Upon a showing of need, a State may request funding under this Act before a conservation plan is approved. Such a proposal must:

- (1) Be for the purpose of conserving, restoring, or otherwise benefitting nongame fish and wildlife, its habitats or its users;
- (2) Comply with standards contained in the Federal Aid Manual; and
- (3) Consist of work to be accomplished before October 1, 1986.

(b) A proposal to develop or maintain a conservation plan. The designated State agency may apply for funding of a project for developing a conservation plan, coordinating or consolidating a conservation plan with other plans, or maintaining a previously approved conservation plan. State costs incurred later than September 30, 1991, for the development of a conservation plan cannot be approved for funding.

(c) A proposal to implement actions described in an approved conservation plan. Such a proposal specifies and requests funding to cover one or more of the nongame actions described in the approved conservation plan.

§ 83.5 Limitations.

The following limitations shall apply to the eligibility of projects for funding under the Act:

(a) Of the total estimated costs for any project proposed under this Act, not less than 80 percent shall be for work or activities for the principal benefit of nongame fish and wildlife resources or of the public use of these resources.

(b) Upon approval of a conservation plan, all projects must be limited to actions required for implementing or revising the plan or for coordinating or consolidating the plan with other plans.

(c) Not more than 10 percent of the costs of any project which is carried out in lieu of an approved conservation plan, or which is carried out under an approved conservation plan covering only nongame fish and wildlife resources, may be derived from the sale of hunting, fishing, and trapping licenses and from penalties (including forfeitures) for violations of hunting, fishing, and trapping laws of the State.

(d) Not more than 10 percent of the estimated costs for projects to be funded shall be for law enforcement activities.

(e) Not more than 10 percent of the cost of implementing any project under this Act shall be funded by in-kind contributions from third parties.

§ 83.6 Appeals.

Any difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work may be appealed to the Director. Final determinations rests with the Secretary.

§ 83.7 Availability of funds.

Funds allocated to a State under the Act are available for obligation and expenditure during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a project agreement is approved by the Regional Director.

§ 83.8 Submission of proposals for funding.

To make application for funds allocated under this Act, the State shall submit to the regional director an Application for Federal Assistance.

(a) Each application shall contain such information as the regional director may require to determine if the proposed activities are in accordance with the Act, the provisions of this part, and the standards contained in the Federal Aid Manual.

(b) Applications must be signed by the director of the designated State agency or the official(s) delegated to exercise the authority and responsibilities of such director in committing the State to participation under the Act.

§ 83.9 Conservation plans.

A conservation plan submitted to the regional director for approval shall meet the requirements for substantiality set forth in § 83.12(a) and the standards prescribed in the Federal Aid Manual, and shall:

(a) Identify the species of nongame fish and wildlife, and other fish and wildlife deemed appropriate by the designated State agency which are within the State and are valued for ecological, educational, aesthetic, cultural, recreational, economic, or scientific benefits by the public;

(b) Provide for inventory(ies) of the identified species (plan species) to determine:

- (1) Their population size, distribution, and range; and
- (2) The extent, condition, and location of their significant habitats.

(c) Identify the significant problems which may adversely affect the plan species;

(d) Determine actions which should be taken to conserve the plan species and their significant habitats. Actions proposed will seek to optimize population levels, population distributions, and human benefits while taking fully into account the effects on non-target species and user groups. The actions will utilize methods and procedures which will, to the maximum extent practicable, ensure the well-being and enhancement of the

plan species;

- (e) Establish priorities for implementing the actions proposed in (d);
- (f) Provide for regular monitoring of the plan species and the effectiveness of the actions implemented;
- (g) Provide for the review of the plan and revision, if appropriate, at intervals of not more than 3 years;
- (h) Describe procedures by which inputs have been solicited from the public during plan development and by which inputs will be solicited during revision and implementation of the plan;
- (i) Indicate State and Federal agencies which were consulted during plan development and which will be consulted during plan implementation. If plan implementation will entail substantive cooperation with other agencies, an agreement describing the intended cooperation and signed by the involved parties must be executed before funding is authorized.

§ 83.10 Cost sharing.

Federal and State participation in the costs incurred in completion of approved work funded by this Act shall be limited as follows:

(a) The Federal share may not exceed:

- (1) Ninety percent of the costs for development of conservation plans, except after September 30, 1984, the Federal share may not exceed 75 percent of the cost for development of conservation plans, and after September 30, 1991, no reimbursement may be paid under this Act for development of a conservation plan;
- (2) Seventy-five percent of the costs for implementing and revising an approved conservation plan, except the Federal share may be increased to 90 percent if two or more States have mutually agreed to cooperate in implementation projects, provided, however, that after September 30, 1991, the Federal share may not exceed 50 percent if the conservation plan covers only nongame species;
- (3) Seventy-five percent of the costs incurred prior to October 1, 1986, for projects which are not covered by an approved conservation plan, except the Federal share may be increased to 90 percent if two or more States have mutually agreed to cooperate in projects.

(b) The State share of project costs:

- (1) May be in the form of cash or in-kind contributions, subject to the limitations described in § 83.5 and the following conditions:
 - (i) The allowability and valuation of in-kind contributions shall be in accordance with the provisions of OMB Circular A-102 and the policies and standards as described in the Federal Aid Manual.
 - (ii) Volunteers proposed by the State to provide personal services to be claimed as in-kind contributions must possess qualifications appropriate to the service to be performed. The State must attest to such qualifications of all such volunteers based on the volunteers' training, experience or employment status, or upon an endorsement provided by a recognized institution, agency, or professional society.
- (2) May not be derived from other Federal funds.

§ 83.11 Cooperation between States.

Whenever two or more States propose to cooperate in the revision of a conservation plan or in a conservation action which will result in a higher rate of Federal costsharing, such States shall describe in documentation the plan or action to be jointly undertaken. The proposed cooperation shall:

- (a) Require each cooperating State to accept and carry out a substantial share of the described undertaking;
- (b) Enhance the effectiveness of or reduce the total cost in accomplishing the project purpose;
- (c) Be supported by a memorandum of understanding executed by the cooperating States.

§ 83.12 Project requirements.

Each project proposed for funding under the Act shall be substantial in character and design and shall be in conformance with the policies and standards contained in the Federal Aid Manual.

(a) A substantial project for plan development or plan maintenance is one which:

- (1) Provides defined objectives related to completion or revision of the plan, with schedules for completion;
- (2) Utilizes accepted planning techniques and appropriate procedures;
- (3) Provides for public involvement;
- (4) Accomplishes its purpose at a reasonable cost;
- (5) Provides assurance that, upon completion of the plan, the State intends to be guided by the conservation plan being developed or maintained.

(b) A substantial project for implementation of approved conservation plans is one which:

- (1) Identifies specific conservation actions contained in the plan;
- (2) Identifies the objectives to be accomplished related to the needs described in the plan;
- (3) Utilizes accepted conservation and management principles, sound design, and appropriate procedures.

(c) A substantial project for actions in lieu of an approved conservation plan is one which:

- (1) Identifies and describes a need within the purposes of the Act;

- (2) Identifies the objectives to be accomplished based on the stated need;
- (3) Utilizes accepted conservation and management principles, sound design, and appropriate procedures;
- (4) Will yield benefits which are pertinent to the identified need at a level commensurate with project costs.

§ 83.13 Application of funds provided under the Act.

(a) Funds provided under this Act shall be applied only to activities or purposes approved by the regional director or contained in a conservation plan approved by the regional director. If otherwise applied, such funds must be replaced by the State to maintain eligibility.

(b) Real property acquired or constructed with Federal Aid funds must continue to serve the purpose for which acquired or constructed:

(1) When such property passes from management control of the designated State agency, either the control must be fully restored to the designated State agency or the real property must be replaced using non-Federal Aid funds. Replacement property must be of equal value at current market prices and with equal or commensurate nongame fish and wildlife benefits as the original property. The State may be granted up to 3 years from the date of notification by the regional director, to acquire replacement property before becoming ineligible.

(2) When such property is used for purposes which interfere with the accomplishment of approved purposes, the violating activities must cease and any adverse effects resulting must be remedied.

(3) When such property is no longer needed or useful for its original purpose, and with prior approval of the regional director, the property shall be used or disposed of as provided in Attachment N of OMB Circular A-102.

(c) Federal Aid funds shall not be used for the purpose of producing income. However, income producing activities incidental to accomplishment of approved purposes are allowable. Income derived from such activities shall be accounted for in the project records and its disposition shall be in accordance with Attachment E of OMB Circular A-102.

§ 83.14 Allowable costs.

Allowable costs are limited to those which are necessary and reasonable for accomplishment of the approved project or action and are in accordance with the cost principles of OMB Circular A-87.

(a) All costs must be supported by source documents or other records as necessary to substantiate the application of funds. Such documentation and records are subject to review by the Secretary to determine the allowability of costs.

(b) Costs incurred prior to the effective date of the project agreement are allowable only when specifically provided for in the project agreement.

(c) Projects or facilities designated to include purposes other than those eligible under the Act shall provide for the allocation of costs among the various purposes. The method uses to allocate costs shall produce an equitable distribution of costs based on the relative used or benefits provided.

§ 83.15 Payments.

Payments to the State shall be made for the Federal share of allowable costs incurred by the State in accomplishing approved projects.

(a) Requests for payments shall be submitted on forms furnished by the regional director.

(b) Payments shall be made only to the office or official specified by the designated State agency and authorized under the laws of the State to receive public funds for the State.

(c) All payments are subject to final determination of allowability based on audit. Any overpayments made to the State shall be recovered as directed by the regional director.

§ 83.16 Maintenance.

The State is responsible for maintenance of all capital improvements acquired or constructed with Federal Aid funds throughout the useful life of each improvement. Costs for such maintenance are allowable when provided for in approved projects. The maintenance of improvements acquired or constructed with non-Federal Aid funds are allowable costs when such improvements are necessary to accomplishment of project purposes as approved by the regional director, and when such costs are otherwise allowable by law.

§ 83.17 Responsibilities.

In the conduct of activities funded under the Act, the State is responsible for:

(a) The supervision of each project to assure that it is conducted consistent with the project documents and that it provides:

- (1) Proper and effective use of funds;
- (2) Maintenance of project records;
- (3) Timely submission of reports;
- (4) Regular inspection and monitoring of work in progress.

(b) The selection and supervision of project personnel to assure that:

- (1) Adequate and competent personnel are available to carry the project through to a satisfactory and timely completion;
- (2) Project personnel perform the work to ensure that time schedules are met, projected work units are accomplished, other performance objectives are achieved, and reports are submitted as required.

(c) The accountability and control of all assets to assure that they serve the purposes for which acquired throughout their useful life.

(d) The compliance with all applicable Federal, State, and local laws.

(e) The settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into.

§ 83.18 Records.

The State shall maintain current and complete financial, property and procurement records in accordance with requirements contained in the Federal Aid Manual and OMB Circular A-102.

(a) Financial, supporting documents, and all other records pertinent to a project shall be retained for a period of 3 years after submission of the final expenditure report on the project. If any litigation, claim, or audit was started before the expiration of the 3-year period, the records shall be retained until the resolution is completed. Records for nonexpendable property shall be retained for a period of 3 years following final disposition of the property.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the State.

§ 83.19 Land control.

The State must control lands or waters on which capital improvements are made with Federal Aid funds. Control may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 83.20 Assurances.

The State must agree to and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds under the Act. The Secretary shall have the right to review or inspect for compliance at any time. Upon determination of noncompliance, the Secretary may terminate or suspend any actions or projects in noncompliance, or may declare the State ineligible for further participation in program benefits until compliance is achieved.

§ 83.21 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A-102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

[49 FR 30074, July 26, 1984]

Pt. 85

PART 85—CLEAN VESSEL ACT GRANT PROGRAM

Subpart A—General

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Authority: 16 U.S.C. 777g(c).

Source: 59 FR 11206, Mar. 10, 1994, unless otherwise noted.

Subpart A—General

§ 85.10 Purpose and scope.

The purpose of this part is to establish requirements for state participation in the Clean Vessel Act Grant Program authorized by Section 5604 of the Clean Vessel Act (Public Law 102-587, Subtitle F).

§ 85.11 Definitions.

Terms used in this part shall have the following meaning:

Clean Vessel Act or Act. The Clean Vessel Act (Pub. L. 102-587, subtitle F).

Coastal State. A State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands. The term excludes Alaska and American Samoa because these States have a ratio of the number of recreational vessels in the State numbered under chapter 123 of title 46, United States Code, to number of miles of shoreline (as that term is defined in § 926.2(d) of title 15, Code of Federal Regulations, as in effect on January 1, 1991), of less than one.

Coastal waters. In the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes. In other areas, those waters, adjacent to the shorelines, which contain a measurable percentage of sea water, including sounds, bays, lagoons, bayous, ponds, and estuaries.

Coastal zone. Coastal zone has the same meaning that the term has in section 304(1) of the Coastal Zone Management Act of 1992 (16 U.S.C. 1453(1)). The coastal zone consists of coastal waters (including the lands therein and thereunder) and the adjacent shorelands, including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands and protect coastal waters.

Construction. Activities which produce new capital improvements and increase the value or usefulness of existing property.

Dump station. A facility specifically designed to receive sewage from portable toilets carried on vessels. Dump stations do not include lavatories or restrooms.

Education/information. The education/information program, as identified in the technical guidelines as published in the **Federal Register**, designed to make recreational boaters aware of the environmental pollution problem resulting from sewage discharges from vessels and inform them of the location of pumpout and dump stations.

Eligible applicant. An agency of a State designated by the Governor.

Equitable fees. The maximum charge per pumpout is \$5.00. Price modifications and discounts are subject to State/Federal laws concerning pricing.

Facility. A pumpout station or dump station.

Facility open to the public. (1) A Clean Vessel Act facility that is open and available to the public is one where the public has full and reasonable access to the pumpout/dump station, including:

- (i) Provision of signage visible from the water to direct boaters to pumpout/dump stations;
- (ii) Location of pumpouts to facilitate ease of use by all boats typical to that particular marina;
- (iii) Equitable fees; and
- (iv) Reasonable open periods.

(2) To be eligible for funding under this program, both public and private facilities must be open to the public.

Grant. An award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the Federal Government to an eligible grantee.

Inland State. A State which is not a coastal State. The District of Columbia, American Samoa and Alaska are included as inland States (Rationale for Samoa and Alaska being inland States can be found in § 85.11(b) above).

Maintenance. Those activities necessary for upkeep of a facility. These are activities that allow the facility to function and include routine recurring custodial maintenance such as housekeeping and minor repairs as well as the supplies, materials, and tools necessary to carry out the work. Also included is non-routine cyclical maintenance to keep facilities fully functional.

Operation. Those activities necessary for the functioning of a facility to produce desired results. These are activities that make the facility work.

Plans. Those plans identified in the technical guidelines as published in the **Federal Register**, for construction or renovation of pumpout and dump stations necessary to ensure that there are adequate and reasonably available stations to meet the needs of recreational vessels using the coastal waters of the State.

Private facilities. Private facilities include those operated by the following:

- (1) For profit or non-profit private marinas, docks, etc.;
- (2) For profit or non-profit concessionaires, whether they are leased or private facilities, on public lands; or
- (3) Yacht or boating clubs, whether they are open to the public or members-only facilities.

Public facilities. Public facilities include municipal, county, port authority, State and Federal marinas, docks, etc., operated by those agencies.

Pumpout station. A facility that pumps or receives sewage from a type III marine sanitation device (holding tank) installed on board vessels.

Reasonable open periods. This part does not specify hours, days and seasons, however, some suggested examples, provided no other factors

are involved, are presented:

- (1) Pumpout/dump stations may be open during the same period the fuel docks are normally open.
- (2) Pumpout stations may be open when the marina is open and staff is present to pump out boats.
- (3) Pumpout/dump stations may be open during the hours considered to be normal marina business hours as adjusted by seasonal differences.

Recreational vessel. Watercraft manufactured for operation, or operated, primarily for pleasure. This term includes any watercraft leased, rented, or chartered to another for the latter's pleasure.

Renovation. Major rehabilitation of a facility to restore it to its original intended purpose.

Surveys. Those surveys identified in the technical guidelines as published in the **Federal Register**. Surveys are designed to determine the number and location of all operational pumpout and dump stations at public and private marinas, mooring areas, docks, and other boating access facilities within the coastal zone. Surveys also are designed to determine the number of recreational vessels in coastal waters with holding tanks or portable toilets, and the areas of coastal waters where those vessels congregate.

Type III marine sanitation device (holding tank). Any equipment for installation on board a vessel which is specifically designed to receive, retain, and discharge sewage.

[59 FR 11206, Mar. 10, 1994, as amended at 62 FR 45348, Aug. 27, 1997]

§ 85.12 Information collection, recordkeeping, and reporting requirements.

- (a) The information collection requirements for this grant program, except for surveys, are those necessary to comply with 43 CFR 12 which include a narrative statement as identified in 85.22 Grant Proposals. The collection of survey information contained in this rule was approved by the Office of Management and Budget as required by 44 U.S.C. 3501 *et seq.*, October 18, 1993, OMB No. 1018-0086, expiration date September 30, 1996.
- (b) Record keeping requirements include the tracking of costs and accomplishments related to the grant as required by 43 CFR 12.60, monitoring and reporting program performance (43 CFR 12.80), and financial reporting (43 CFR 12.81).
- (c) Reporting requirements include retention and access requirements as required by 43 CFR 12.82.

Subpart B—Application for Grants

§ 85.20 Eligible activities.

(a) Eligible grant activities—coastal States:

(1) Eligible activities include identification in the coastal zone of all operational pumpout and dump stations, and surveys of recreational vessels in coastal waters with holding tanks or portable toilets, and the areas where those vessels congregate. Also eligible are costs of developing a list, including chart coordinates, of all operational pumpout and dump stations in the coastal zone of the State, for submission to the Fish and Wildlife Service.

(2) Plans for construction and renovation of pumpout and dump stations in the coastal zone of the State necessary to ensure that these stations are adequate and reasonably available to meet the needs of recreational vessels using the coastal waters of the State. Completed State-funded plans may be submitted after the technical guidelines appear in the **Federal Register**.

(b) Eligible grant activities—all States:

(1) Eligible grant activities include education/information program to educate/inform recreational boaters about the environmental pollution problems resulting from sewage discharges from vessels and to inform them of the location of pumpout and dump stations.

(2) Eligible grant activities include the construction, renovation, operation and maintenance of pumpout and dump stations, including floating restrooms in the water, not connected to land or structures connected to the land, used solely by boaters. Eligible grant activities also include any activity necessary to hold and transport sewage to sewage treatment plants, such as holding tanks, piping, haulage costs, and any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities.

(c) Ineligible activities:

(1) Activities that do not provide public benefits.

(2) Enforcement activities.

(3) Construction/renovation of upland restroom facilities.

(4) Construction, renovation, operation and maintenance of on-site sewage treatment plants, such as package treatment plants and septic systems, and of municipal sewage treatment plants for primary and secondary treatment.

§ 85.21 Application procedures.

(a) Eligible applicants will submit their proposals to the appropriate Regional Office of the U.S. Fish and Wildlife Service. Coastal States submitting proposals for both the coastal zone and the inland portion of their States, must submit two separate proposals. The Regional Office addresses follow:

REGION 1 STATES INCLUDE—AMERICAN SAMOA, CALIFORNIA, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, GUAM, HAWAII, IDAHO, NEVADA, OREGON, AND WASHINGTON

DIVISION OF FEDERAL AID, U.S. FISH AND WILDLIFE SERVICE, EASTSIDE FEDERAL COMPLEX, 911 NE 11TH AVENUE, PORTLAND, OREGON 97232-4181, (503) 231-6128

REGION 2 STATES INCLUDE—ARIZONA, NEW MEXICO, OKLAHOMA, AND TEXAS

DIVISION OF FEDERAL AID, U.S. FISH AND WILDLIFE SERVICE, P.O. BOX 1306, 500 GOLD AVENUE SW., ALBUQUERQUE, NEW MEXICO 87103, (505) 766-2095

REGION 3 STATES INCLUDE—ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, AND WISCONSIN

DIVISION OF FEDERAL AID, U.S. FISH AND WILDLIFE SERVICE, BISHOP HENRY WHIPPLE FEDERAL BUILDING, 1 FEDERAL DRIVE, FORT SNELLING, MINNESOTA 55111-4056, (612) 725-3596

REGION 4 STATES INCLUDE—ALABAMA, ARKANSAS, FLORIDA, GEORGIA, KENTUCKY, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, AND THE VIRGIN ISLANDS

DIVISION OF FEDERAL AID, U.S. FISH AND WILDLIFE SERVICE, 1875 CENTURY BOULEVARD, SUITE 324, ATLANTA, GEORGIA 30345, (404) 679-4159

REGION 5 STATES INCLUDE—CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, VERMONT, VIRGINIA, AND WEST VIRGINIA

DIVISION OF FEDERAL AID, U.S. FISH AND WILDLIFE SERVICE, 300 WESTGATE CENTER DRIVE, HADLEY, MASSACHUSETTS 01035-9589, (413) 253-8501

REGION 6 STATES INCLUDE—COLORADO, KANSAS, MONTANA, NORTH DAKOTA, NEBRASKA, SOUTH DAKOTA, UTAH, AND WYOMING

DIVISION OF FEDERAL AID, U.S. FISH AND WILDLIFE SERVICE, 134 FEDERAL BUILDING, P.O. BOX 25486, DENVER, COLORADO 80225

134 UNION BOULEVARD, THIRD FLOOR, LAKEWOOD, COLORADO 80225, (303) 236-7392

REGION 7 STATE INCLUDES—ALASKA

DIVISION OF FEDERAL AID, U.S. FISH AND WILDLIFE SERVICE, 1011 EAST TUDOR ROAD, ANCHORAGE, ALASKA 99503, (907) 786-3435

(b) Proposals will be accepted for FY 1995 funds (\$7.05 million) between the effective date and April 29, 1994. For FY 1996 and FY 1997, proposals will be due by May 1 of the year preceding that fiscal year (e.g., May 1, 1995 for FY 1996).

[59 FR 11206, Mar. 10, 1994, as amended at 62 FR 45348, Aug. 27, 1997]

§ 85.22 Grant proposals.

Grant proposals will consist of a narrative which identifies and describes the following:

- (a) The need within the purposes of the Act (Coastal States with approved plans should indicate how the activities contained in the proposal implements the plan);
- (b) Discrete objective(s) to be accomplished during a specified time period that address the need(s);
- (c) Expected results or benefits from accomplishing the objectives, including the numbers of recreational vessels and people served;
- (d) The approach to be used in meeting the objectives, including specific procedures, schedules, key personnel, cooperators, grant location, innovative approaches, public/private partnerships, education, sensitive waters, public access, and estimated costs;
- (e) Amount and source of matching funds; and,
- (f) Fees for use of facility.

Subpart C—Grant Selection

§ 85.30 Grant selection criteria.

The Director shall give priority consideration to grant proposals that meet the criteria listed in Subsections a-h and in the accompanying chart:

- (a) In coastal States that have no survey or plan, proposals to complete such survey and plan;
- (b) Proposals for constructing and renovating pumpout and dump stations without an approved plan;
- (c) In coastal States, proposals for constructing and renovating pumpout and dump stations in accordance with a coastal State's plan approved under section 5603(c) of the Clean Vessel Act, and for inland States, proposals for constructing and renovating pumpout and dump stations in accordance with an inland State's plan;
- (d) Proposals that provide for public/private partnership efforts to develop and operate pumpout and dump stations;
- (e) Proposals for innovative ways to increase the availability and use of pumpout and dump stations, e.g., where private parties put in more than the minimum amount;
- (f) Proposals that include an education/information component, or the State has an active, ongoing education program;
- (g) Proposals that benefit the waters most likely to be affected by the discharge of sewage from vessels, including the waters as defined in the technical guidelines as published in the **Federal Register**; and,
- (h) Proposals in areas with high vessel/pumpout or dump station ratios.

Criteria	Points		Coastal state	Inland state
a. Do a survey/plan	50			
b. Construct w/no plan	10	5		
c. Construct with plan	20	10		
d. Partnership	10	5		
e. Innovative approach	5	2		

f. Education	5	2
g. Sensitive area	5	2
h. Low pumpout ratio	5	2
Total		

[59 FR 11206, Mar. 10, 1994, as amended at 62 FR 45348, Aug. 27, 1997]

§ 85.31 Grant selection.

The Fish and Wildlife Service, Division of Federal Aid, will convene a ranking panel of Federal employees, to include representatives from the Service's Washington Office of the Division of Federal Aid, the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the U.S. Coast Guard, to review, rank, and make funding recommendations to the Director of the Fish and Wildlife Service. The Director will make the selection of eligible grants by August 1, annually. Upon selection of a proposal the appropriate Regional Office will advise the successful applicant of additional documentation requirements.

Subpart D—Conditions on Use/Acceptance of Funds

§ 85.40 Cost sharing.

- (a) The Federal share shall not exceed 75% of total costs approved in the grant agreement.
- (b) The provisions of 43 CFR 12.64 apply to cost sharing or matching requirements. Third party in-kind contributions must be necessary and reasonable to accomplish grant objectives and represent the current market value of noncash contributions furnished as part of the grant by another public agency, private organization, or individual.

§ 85.41 Allowable costs.

- (a) Allowable grant costs are limited to those costs that are necessary and reasonable for accomplishment of approved grant objectives and meet the applicable Federal cost principles in 43 CFR 12.60(b). Purchase of informational signs, program signs, and symbols designating pumpout and dump stations, are allowable costs.
- (b) Grants or facilities designed to include purposes other than those eligible under the Act shall have the costs prorated equitably among the various purposes. Grant funds shall only be used for the part of the activity related to the Clean Vessel Act.
- (c) Costs incurred prior to the effective date of the grant agreement are not allowable with the exception that preliminary costs are allowed only with the approval of the appropriate Regional Director. Preliminary costs may include such items as feasibility surveys, engineering design, biological reconnaissance, appraisals, or preparation of grant documents such as environmental assessments for compliance with the National Environmental Policy Act.

§ 85.42 Real and personal property.

- (a) Applicable regulations regarding acquisition, property records, maintenance, and disposal of real property and equipment are found in 43 CFR 12.71 and 12.72. If questions arise regarding applicability, the appropriate Regional Office should be contacted.
- (b) A State shall ensure that design and installation of the facilities are in accordance with the technical standards identified in the technical guidelines as published in the **Federal Register**.
- (c) The State must ensure that facilities are operated and maintained, and that structures or related assets are used for the stated grant purpose.

§ 85.43 Signs and symbols.

- (a) *Signs.* Facilities must display appropriate information signs at pumpout and portable toilet dump stations. Such information should indicate fees, restrictions, hours of operation, operating instructions, a contact name and 1-800-ASK-FISH telephone number for boaters to get additional information or to report an inoperable facility.
- (b) *Pumpout symbol.* (1) At appropriate times, to increase public awareness of the Clean Vessel Act Pumpout Grant Program, use a pumpout symbol according to Service specifications. Use the pumpout symbol as follows:
- (i) As a sign at the entrance to a marina advertising the presence of a pumpout and/or portable toilet dump station;
 - (ii) As a directional sign within a marina;
 - (iii) As a sign at a pumpout and/or portable toilet dump station;
 - (iv) As a symbol on educational and informational material; and
 - (v) For other uses as appropriate to advance the purposes of the Clean Vessel Act.
- (2) To avoid confusion with having two symbols, use the selected symbol both for pumpout stations and portable dump stations. The Service encourages the use of this symbol as it is not copyrighted. The NOAA NOS magenta "P" within a magenta circle will continue to be used on nautical charts to identify the location of pumpout and portable toilet dump stations. NOAA will include information about the selected pumpout symbol in the U.S. Coast Pilots, a supplement to the charts, to relate this symbol to the NOAA Nautical Chart magenta "P" and circle.
- (3) All recipients identified in § 85.11 should display the appropriate pumpout symbol on facilities, such as pumpout and portable toilet dump stations, or on printed material or other visual representations relating to project accomplishments or education/information, and should encourage others to do so. Sub-recipients also should display the symbol and should encourage use by others for the purposes stated in this paragraph (b)(3).

(4) The Service encourages other persons or organizations, such as marinas with pumpout stations not constructed with Clean Vessel Act funds, to use the symbol to advance the purposes of the Clean Vessel Act program.

(5) The following specifications shall apply: The symbol is black, the background is white, and the border is international orange. There is no standard for the black and white, but use black and white colors, not shades. The standards for the international orange color is as follows: For day boards (signs), use retroreflective international orange film. For paint, use international orange conforming to FED-STD 595B, chip number 12197 in daylight conditions. For inks, use Pantone Matching System color chart 179C. In order to ensure visibility after dark, use reflectorized film or paint, and/or artificial illumination. Pumpout symbol technical specifications to construct signs and for other purposes are available upon request.

(6) The following rules govern the graphic reproduction of the symbol:

(i) Do not use a smaller than legible symbol.

(ii) If you reduce or enlarge the symbol, maintain the same proportions.

(iii) Do not obscure the symbol by overprinting.

(iv) Do not place the symbol where it will be split by unlike backgrounds.

(v) Do not place the symbol on a background that is highly textured or patterned.

(vi) When appropriate, for economical reasons, depict the symbol in one-color (black) with a white background, rather than two-color (international orange and black) with white background.

(7) The pumpout symbol follows:

[Please see PDF for image: ER27AU97.010]

(c) *Qualifying signs.* (1) In conjunction with the symbol, you may use other qualifying signs below the symbol, either on the same sign or on a separate sign.

(i) You may place the message "P PUMP OUT", "P PUMPOUT STATION", "P PORTABLE TOILET DUMP STATION", or other appropriate qualifier, beneath the symbol. Place the magenta-colored "P" and circle in front of the message to relate the pumpout symbol to the NOAA NOS nautical charts. Messages may be appropriate for several years until the symbol is understood without the message. When appropriate, substitute a black "P" and circle for economical reasons.

(ii) You may place directional arrows beneath the symbol to indicate the direction of pumpout or portable toilet dump station facilities.

(2) The following specifications shall apply: Symbols, such as directional arrows, and letters, are black, and the background is white. For using inks to create the magenta color, use PMS color chart 259U. Letters and black and white colors shall follow the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), FHWA, 1988. The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, provides for sale copies of the 1988 MUTCD, including Revision No. 3, dated September 3, 1993, Stock No. 050-001-00308-2.

(3) The same rules governing the graphic reproduction of the pumpout symbol, as described in paragraph (b)(6) of this section, shall apply to qualifying signs.

(d) *Pumpout slogan.* (1) Use the pumpout slogan according to Service specifications to help increase boater awareness of the need to use pumpout and dump stations to properly dispose of their boat sewage. Use the slogan in conjunction with the pumpout symbol, on educational/informational material, and for other uses as appropriate to advance the purposes of the Clean Vessel Act. The slogan is not copyrighted, and the Service encourages its appropriate use.

(2) All recipients identified in § 85.11 should display the pumpout slogan on facilities, such as pumpout and portable toilet dump stations as appropriate, and on printed material or other visual representations relating to project accomplishments or education/information, and should encourage others to do so. Sub-recipients should display the slogan for purposes as stated above and should encourage others to do so.

(3) The Service encourages other persons or organizations, such as marinas with pumpout stations not constructed with Clean Vessel Act funds, to use the slogan to advance the purposes of the Clean Vessel Act program.

(4) The following specifications shall apply: Letters are black and background is white. The same reference under specifications for Qualifying Signs in paragraph (c)(2) of this section shall apply.

(5) The same rules governing the graphic reproduction of the pumpout symbol, as described in paragraph (b)(6) of this section, shall apply to the pumpout slogan.

(6) The pumpout slogan follows:

KEEP OUR WATER CLEAN—USE PUMPOUTS

(e) All information signs, pumpout symbol, qualifying signs, and pumpout slogan identified in this section and the crediting logo identified in § 85.47, inform and educate boaters. Therefore, use the signs, symbol, slogan and logo as appropriate. For instance, a sign on the water directing boaters to a pumpout may only need the pumpout symbol, and a qualifying sign beneath, e.g., an arrow, and possibly the words "PUMPOUT STATION". For pumpout and dump stations, the pumpout symbol, slogan, information signs, including all information in paragraph (a) of this section, and the crediting and State logo may be appropriate. If desirable, add qualifying signs. Position a legible sign, symbol and logo either on the pumpout/dump station, on a separate sign, or both, for the greatest effect in informing and educating boaters. For other products such as print and video public service announcements, brochures, etc., the placement of symbols, etc. depends on space availability. The following order of priority dictates the order of use under limited space conditions: the pumpout symbol, slogan, 1-800-ASK-FISH telephone number and Sport Fish Restoration crediting logo. Add other information as appropriate. Use judgement when placing information on signs so as not to confuse the reader. Display the symbol, logo, slogan and information signs in the appropriate locations. To reduce wind drag when bolting signs on pilings, it was found helpful in the Northeast to make signs taller than wider. Symbol or logo size may vary. However, if you reduce or enlarge the symbol,

maintain the same proportions.

[62 FR 45348, Aug. 27, 1997]

§ 85.44 Fee charges for use of facilities.

A maximum of a \$5.00 fee may be charged, with no justification, for use of pumpout facilities constructed, operated or maintained with grant funds. If higher fees are charged, they must be justified before the proposal can be approved. Such proceeds shall be retained, accounted for, and used by the operator to defray operation and maintenance costs as long as the facility is needed and it serves its intended purpose. The maximum fee shall be evaluated for inflation, etc., each year.

§ 85.45 Public access to facilities and maintenance.

All recreational vessels must have access to pumpout and dump stations funded under this grant program. Facilities shall be operated, maintained, and continue to be reasonably accessible to all recreational vessels for the full period of their useful life.

§ 85.46 Survey and plan standards.

(a) *Survey standards.* (1) Surveys should be conducted according to the technical guidelines as published in the **Federal Register**.

(2) Surveys may be conducted Statewide, if necessary, to obtain information on boats using the coastal zone.

(b) *Plan standards.* Plans should be developed according to the technical guidelines as published in the **Federal Register**.

§ 85.47 Program crediting.

(a) *Crediting logo.* As the source of funding for Clean Vessel Act facilities, the Sport Fish Restoration program should get credit through use of the Sport Fish Restoration logo. Grant recipients may use the crediting logo identified in 50 CFR 80.26 to identify projects funded by the Clean Vessel Act. The Sport Fish Restoration logo follows:

[Please see PDF for image: ER27AU97.011]

(b) *Recipient logo display.* Grant recipients are authorized to display the Sport Fish Restoration logo. Section 85.11 identifies recipients eligible to display the appropriate logo according to 50 CFR 80.26. Display includes on pumpout and portable toilet dump stations that grantees acquire, develop, operate or maintain by these grants, or on printed material or other visual representations relating to project accomplishments or education/information. Display the logo in the appropriate location, according to § 85.43(e). Symbol or logo size may vary. However, if you reduce or enlarge the symbol, maintain the same proportions. Recipients may require sub-recipients to display the logo.

(c) *Other display of logo.* Other persons or organizations may use the logo for purposes related to the Federal Aid Clean Vessel Act program as authorized in 50 CFR 80.26.

(d) *Crediting language.* Suggested examples of language to use when crediting the Clean Vessel Act follow:

(1) *EXAMPLE 1.* THE SPORT FISH RESTORATION PROGRAM FUNDED THIS PUMPOUT FACILITY THROUGH YOUR PURCHASE OF FISHING EQUIPMENT AND MOTORBOAT FUELS.

(2) *EXAMPLE 2.* THE SPORT FISH RESTORATION PROGRAM FUNDED THIS CONSTRUCTION THROUGH YOUR PURCHASE OF FISHING EQUIPMENT AND MOTORBOAT FUELS.

(3) *EXAMPLE 3.* THE SPORT FISH RESTORATION PROGRAM FUNDED THE PRODUCTION OF THIS PAMPHLET THROUGH YOUR PURCHASE OF FISHING EQUIPMENT AND MOTORBOAT FUELS.

(e) *Logo colors.* Option 1 in paragraph (e)(1) of this section describes the preferred logo colors. Use Options 2 or 3 in paragraph (e)(2) or (e)(3) of this section when necessary or to reduce costs. Do not attempt to match these Pantone Matching Systems (PMS) colors with combinations of screened process colors.

(1) *Option 1.* When printed 100 percent on a white background, use PMS 348.

(2) *Option 2.* When using four-color process printing, print the symbol in 100 percent black on a white background.

(3) *Option 3.* When it is not possible to follow the specifications of Options 1 or 2 in paragraph (e)(1) or (e)(2) of this section, print the logo in any 100 percent solid dark color on a contrasting light background.

[62 FR 45350, Aug. 27, 1997]

§ 85.48 Compliance with Federal laws, regulations, and policies.

(a) In accepting Federal funds, State representatives must agree to and certify compliance with all applicable Federal laws, regulations, and policies. This is done by submitting an assurances statement that describes the compliance requirements for Federal grants.

(b) Compliance with environmental and other laws, as defined in Service Manual 523 FW Chapter 1, may require additional documentation. Consult with Regional Offices for specific applicability.

(c) For method of payment, refer to 43 CFR part 12, 31 CFR part 205, and any other regulations referenced in these parts.

**U.S. FISH AND WILDLIFE SERVICE
FINAL APPORTIONMENT OF PITTMAN-ROBERTSON
WILDLIFE RESTORATION FUNDS FOR FISCAL YEAR 2014**

STATE	WILDLIFE FUNDS-5220	HUNTER EDUCATION SEC 4(c) FUNDS-5210	ENHANCED FUNDS-5230	TOTAL
	CFDA: 15.611	CFDA: 15.611	CFDA: 15.626	
ALABAMA	\$15,259,054.00	\$2,961,069.00	\$175,188.00	\$18,395,311
ALASKA	\$31,129,125.00	\$1,304,769.00	\$77,195.00	\$32,511,089
AMERICAN SAMOA	\$1,037,637.00	\$217,461.00	\$12,865.00	\$1,267,963
ARIZONA	\$15,032,798.00	\$3,914,301.00	\$231,583.00	\$19,178,682
ARKANSAS	\$12,876,254.00	\$1,304,769.00	\$77,195.00	\$14,258,218
CALIFORNIA	\$21,155,207.00	\$3,914,301.00	\$231,583.00	\$25,301,091
COLORADO	\$15,784,045.00	\$3,115,610.00	\$184,331.00	\$19,083,986
CONNECTICUT	\$3,112,914.00	\$2,214,170.00	\$130,999.00	\$5,458,083
DELAWARE	\$3,112,914.00	\$1,304,769.00	\$77,195.00	\$4,494,878
DISTRICT OF COLUMBIA	\$0.00	\$0.00	\$0.00	\$0
FLORIDA	\$9,292,774.00	\$3,914,301.00	\$231,583.00	\$13,438,658
GEORGIA	\$13,130,949.00	\$3,914,301.00	\$231,583.00	\$17,276,833
GUAM	\$1,037,637.00	\$217,461.00	\$12,865.00	\$1,267,963
HAWAII	\$3,134,594.00	\$1,304,769.00	\$77,195.00	\$4,516,558
IDAHO	\$13,248,849.00	\$1,304,769.00	\$77,195.00	\$14,630,813
ILLINOIS	\$11,966,603.00	\$3,914,301.00	\$231,583.00	\$16,112,487
INDIANA	\$9,039,670.00	\$3,914,301.00	\$231,583.00	\$13,185,554
IOWA	\$9,987,312.00	\$1,304,769.00	\$77,195.00	\$11,369,276
KANSAS	\$12,942,915.00	\$1,304,769.00	\$77,195.00	\$14,324,879
KENTUCKY	\$10,539,984.00	\$2,688,258.00	\$159,047.00	\$13,387,289
LOUISIANA	\$11,862,615.00	\$2,808,445.00	\$166,158.00	\$14,837,218
MAINE	\$6,781,098.00	\$1,304,769.00	\$77,195.00	\$8,163,062
MARYLAND	\$3,412,474.00	\$3,576,742.00	\$211,613.00	\$7,200,829
MASSACHUSETTS	\$3,112,914.00	\$3,914,301.00	\$231,583.00	\$7,258,798
MICHIGAN	\$20,882,413.00	\$3,914,301.00	\$231,583.00	\$25,028,297
MINNESOTA	\$19,860,503.00	\$3,285,806.00	\$194,400.00	\$23,340,709
MISSISSIPPI	\$9,089,326.00	\$1,304,769.00	\$77,195.00	\$10,471,290
MISSOURI	\$16,612,305.00	\$3,710,169.00	\$219,507.00	\$20,541,981
MONTANA	\$18,817,074.00	\$1,304,769.00	\$77,195.00	\$20,199,038
N. MARIANA ISLANDS	\$1,037,637.00	\$217,461.00	\$12,865.00	\$1,267,963
NEBRASKA	\$11,165,966.00	\$1,304,769.00	\$77,195.00	\$12,547,930
NEVADA	\$12,087,785.00	\$1,304,769.00	\$77,195.00	\$13,469,749
NEW HAMPSHIRE	\$3,112,914.00	\$1,304,769.00	\$77,195.00	\$4,494,878
NEW JERSEY	\$3,112,914.00	\$3,914,301.00	\$231,583.00	\$7,258,798
NEW MEXICO	\$13,775,765.00	\$1,304,769.00	\$77,195.00	\$15,157,729
NEW YORK	\$16,393,682.00	\$3,914,301.00	\$231,583.00	\$20,539,566
NORTH CAROLINA	\$15,786,463.00	\$3,914,301.00	\$231,583.00	\$19,932,347
NORTH DAKOTA	\$9,891,660.00	\$1,304,769.00	\$77,195.00	\$11,273,624
OHIO	\$12,096,933.00	\$3,914,301.00	\$231,583.00	\$16,242,817
OKLAHOMA	\$14,864,745.00	\$2,323,979.00	\$137,496.00	\$17,326,220
OREGON	\$14,614,249.00	\$2,373,369.00	\$140,418.00	\$17,128,036
PENNSYLVANIA	\$23,829,460.00	\$3,914,301.00	\$231,583.00	\$27,975,344
PUERTO RICO	\$3,112,912.00	\$217,461.00	\$12,865.00	\$3,343,238
RHODE ISLAND	\$3,112,914.00	\$1,304,769.00	\$77,195.00	\$4,494,878
SOUTH CAROLINA	\$7,137,119.00	\$2,865,434.00	\$169,530.00	\$10,172,083
SOUTH DAKOTA	\$12,472,598.00	\$1,304,769.00	\$77,195.00	\$13,854,562
TENNESSEE	\$15,487,359.00	\$3,914,301.00	\$231,583.00	\$19,633,243
TEXAS	\$31,129,125.00	\$3,914,301.00	\$231,583.00	\$35,275,009
UTAH	\$12,431,626.00	\$1,304,769.00	\$77,195.00	\$13,813,590
VERMONT	\$3,112,914.00	\$1,304,769.00	\$77,195.00	\$4,494,878
VIRGIN ISLANDS	\$1,037,637.00	\$217,461.00	\$12,865.00	\$1,267,963
VIRGINIA	\$9,852,513.00	\$3,914,301.00	\$231,583.00	\$13,998,397
WASHINGTON	\$10,267,829.00	\$3,914,301.00	\$231,583.00	\$14,413,713
WEST VIRGINIA	\$6,676,487.00	\$1,304,769.00	\$77,195.00	\$8,058,451
WISCONSIN	\$19,643,385.00	\$3,523,114.00	\$208,441.00	\$23,374,940
WYOMING	\$12,281,087.00	\$1,304,769.00	\$77,195.00	\$13,663,051
TOTAL	\$622,777,635	\$130,476,736	\$7,719,459	\$760,973,830