

**Joint Federal State Task Force on Federal Assistance Policy**  
*Thirteenth Meeting – December 6 through 8, 2005*  
*Meeting Report*

The Joint Federal/State Task Force on Federal Assistance Policy (JTF) met in San Antonio, Texas on December 6, 7 and 8, 2005. This report summarizes the outcomes resulting from that meeting.

**Attendance:**

Glen Salmon	Co-Chair - Director, Division of F&W, Indiana DNR
Mitch King	Co-Chair – Assistant Director, WSF Restoration, USFWS

**State Representatives**

Tom Niebauer	Federal Policy Advisor, Wisconsin DNR
John Frampton	Director, South Carolina DNR
Keith Sexson	Assistant Secretary, Kansas Department of W&P
Lisa Evans	Assistant Director, Sport Fish Division, Alaska Department of F&G
Kelly Hepler	Director, Sport Fish Division, Alaska Department of F&G

**Fish and Wildlife Service Representatives**

Rowan Gould	Regional Director – Region 7 (new member)
Kris LaMontagne	Chief, Division of FA, Washington
Chris McKay	Assistant Regional Director – Region 1
John Organ	Chief, Division of FA – Region 5
Tom Barnes	Policy Branch Chief, FA, Washington

**Additional Attendees**

Larry Mellinger	Office of the Solicitor, DOI (ex-officio)
Carol Bambery	Special Counsel, IAFWA (ex-officio)
Kelly Reed	Special Assistant, IAFWA, (JTF Recorder)
Jim Greer	Deputy Chief of FA, Washington (observer)
Kim Galvan	Special Assistant, FWS

This summary of discussions is provided in the following outline:

- I. Review Lake Placid Meeting Action Items
- II. Manual Chapters – Comprehensive Review
- III. Cost Accounting Director's Order – Outstanding Issue
- IV. Recreational Activities Director's Order – Incorporating SWG & LIP
- V. Recreational Activities Director's Order – Incorporating SWG & LIP
- VI. FWS Fire Management Policy for Prescribed Burning – Application to States
- VII. LIP as a Competitive Program

- VIII. 25% Minimum Match Language – Application to LIP and SWG
- IX. Miscellaneous Discussion Items
- X. Future Meeting Schedule

## **I. Review Lake Placid Meeting Action Items**

The JTF reviewed the status of the action items from the Lake Placid meeting. Most of those action items have been completed, some will be addressed further in this meeting and some remained ongoing and will be carried over till the next meeting. A couple of items worth mentioning from this discussion were:

1. The JTF and the FA Staff will continue to utilize Regional Associations and the various meetings of FA State Coordinators to promote a consistent understanding of the policies coming out of the JTF process.
2. The Washington FA Staff will continue to work with External Affairs and Fisheries / Habitat Conservation Staff to assure that where appropriate, the policies developed through the JTF process are applied to Tribal and Coastal Wetland grant programs.

## **II. Manual Chapters – Comprehensive Review**

FWS Manual Chapters related to the Federal Assistance Program have seen considerable expansion over the last decade and some chapters have not been revised since 1992. To ensure consistency, there is a need to perform a comprehensive review of all portions of the Manual that relate to Federal Assistance. The JTF adopted a process for completing this comprehensive review over the next year. The process will include a State/FWS team of experts carefully reviewing all aspects of the manual that relate to Federal Assistance. This team will also look closely at related regulations. Team recommendations will come before the JTF and given careful review by FWS and State Federal Assistance staff prior to any changes being made.

## **III. Cost Accounting Director's Order – Outstanding Issue**

The JTF identified a minor problem with the Cost Accounting Director's Order (now a Manual Chapter) that developed when the DO was expanded to cover SWG. The JTF will correct this problem with a modification to the Manual Chapter.

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## **IV. Recreational Activities Director's Order – Incorporating SWG & LIP**

The JTF proposed changes to the current DO which would make it applicable to SWG and LIP (non-Tribal) grants. We utilized Group Systems to seek input from States and FWS Offices.

Overall, we had comments from 23 respondents representing 18 states and 5 FWS Offices. Following is a summary of the most significant comments and the corresponding JTF response and/or action.

A comment that surfaced several times pertained to placing restrictions on recreational activities on private lands. Commenters made a very strong point that the original DO appropriately addressed recreational activities on State lands but that LIP (and in some cases SWG) activities may occur on private lands and that such restrictions may adversely impact the ability to find landowners willing to participate. The JTF agreed with this comment and added a paragraph to Section 5 of the DO to clarify that recreational activities on private lands were to be agreed upon between the State and the private landowner.

One commenter suggested that changes also needed to be considered for the Useful Life DO. The JTF reviewed the Useful Life DO and determined that it clearly follows the regulations and the use of the term “useful life” here precludes the need to cite and restate the regulation.

One commenter expressed concern that this DO might be interpreted to apply to lands not purchased with Federal Assistance funds or license revenues that might at one time had a Federal Assistance grant for a management activity. The JTF felt that Section 3(b) and (c) provide clear direction that the DO applies to Federal Assistance funded developments or improvements only for the “useful life” of the development or improvement (Section 3(b)); and, to Federal Assistance funded management activities only during the defined grant period (Section 3(c)).

We received several comments regarding the authorities provided in Section 4 and citations to regulations throughout the DO. JTF legal counsel carefully reviewed each of these comments and made appropriate changes.

Comments were provided that the phrase “species of greatest conservation need” in Section 5(a) could be interpreted to apply to management activities funded through the Sport Fish and Wildlife Restoration accounts. Other comments on this section suggested expanding the list of species to more clearly reflect the species covered in each of the programs. The JTF reviewed the language and restated the section to more closely align with the programs covered by the DO.

Several comments suggested adding or deleting from the list of examples provided in Section 5(b). The JTF considered these comments and decided against making changes. The actions cited are clearly identified as examples and are not intended to be a complete list of actions.

One commenter wanted to add language to Section 5(b) that would restrict activities that are not wildlife dependent only if they were necessary to provide reasonable access for wildlife dependent activities (i.e., horseback riding, bicycling, motorboats, etc.). After discussion, the JTF decided that they disagreed with this restriction and made no changes.

One commenter expressed concern that there might be the implication that the activities mentioned in Section 5(b) are acceptable and create unrealistic expectations with the public and pressures on the State Director. The suggestion was to delete this section entirely. The JTF reviewed this section and decided to leave it in noting that the section clearly states that these activities would only be allowed if they do not interfere with the purpose for which the land was acquired.

One comment on Section 8 suggested that for SWG and LIP Grants with private landowners that the Grant Agreement should include language documenting the agreements between the State and the landowner relative to allowable recreational activities. The JTF agreed with this suggestion and included language to this effect in Section 5(c) of the DO.

One commenter felt that the regulations were clear as to what was required in the Grant Agreement and that Section 8 was not necessary. The JTF considered this comment but decided that Section 8 provided clarification to the regulations.

Finally, one commenter noted that this DO placed the burden of determining what activities and facilities that should be allowed on lands with a Federal Assistance interest on the State Fish and Wildlife Agency. The JTF agrees with this observation. This DO also provides guidance to the States for making that decision. Also, Section 7 of the DO emphasizes the Service's right to review or inspect a project at any time to ensure compliance.

The revised Recreational Activities Director's Order is provided as Attachment 1. Washington FA staff will prepare this DO for transmittal from the co-chairs to the Director and the IAFWA President.

## **V. Commercial Activities Director's Order – Incorporating SWG & LIP**

The JTF proposed changes to the current DO which would make it applicable to SWG and LIP (non-Tribal) grants. We utilized Group Systems to seek input from States and FWS Offices. Overall, we had comments from 22 respondents representing 18 states and 4 FWS Offices. Following is a summary of the most significant comments and the corresponding JTF response and/or action.

A comment that surfaced several times pertained to placing restrictions on commercial activities on private lands. Commenters made a very strong point that the original DO appropriately addressed commercial activities on State lands but that LIP (and in some cases SWG) activities may occur on private lands and that such restrictions may adversely impact the ability to find landowners willing to participate. The JTF agreed with this comment and added a paragraph to Section 6 of the DO to clarify that

commercial activities on private lands were to be agreed upon between the State and the private landowner.

One commenter suggested that changes also needed to be considered for the Useful Life DO. The JTF reviewed the Useful Life DO and determined that it clearly follows the regulations and the use of the term “useful life” here precludes the need to cite and restate the regulation.

One commenter felt that “lands” as used in Section 3 needed better clarification. The JTF carefully reviewed this section and felt no change was needed.

One commenter expressed concern that this DO might be interpreted to apply to lands not purchased with Federal Assistance funds or license revenues that might at one time had a Federal Assistance grant for a management activity. The JTF felt that Section 3(b) and (c) provide clear direction that the DO applies to Federal Assistance funded developments or improvements only for the “useful life” of the development or improvement (Section 3(b)); and, to Federal Assistance funded management activities only during the defined grant period (Section 3(c)).

We received several comments regarding the authorities provided in Section 4 and citations to regulations throughout the DO. JTF legal counsel carefully reviewed each of these comments and made appropriate changes.

One commenter was concerned with the language that added forestry and agricultural activities as commercial activities, especially when those activities might be used as a habitat management tool. The JTF discussed this comment and realizes that some management tools may be considered commercial activities. However, when a commercial activity supports a management purpose those activities are allowable under this DO.

One commenter expressed concern that including examples in Section 5 that are not related to the purpose for which the land was purchased would create unrealistic expectations that those activities are allowable. The JTF reviewed this section and decided to make no changes noting that the Section 6 clearly states that these activities would only be allowed if they do not interfere with the purpose for which the land was acquired.

Comments were provided that the reference to Federally listed species and the phrase “species of greatest conservation need” in Section 6(b) could be interpreted to apply to management activities funded through the Sport Fish and Wildlife Restoration accounts. The JTF reviewed the language and restated the section to more closely align with the programs covered by the DO.

The revised Commercial Activities Director’s Order is provided as Attachment 2. The Washington FA staff will prepare this proposed Director’s Order for transmittal by the co-chairs to the Director and the IAFWA President.

## **VI. FWS Fire Management Policy for Prescribed Burning – Application to States**

The JTF was informed that a recent FWS policy memo on prescribed burning on non-Service lands may have had some unforeseen interpretations that led to some concern that the policy may extend to prescribed burning activities undertaken by a State F&W agency that is funded through PR funds. FWS Director Hall has already reiterated that this should not be the case and has asked the JTF to advise him on how to correct this misinterpretation. The JTF agreed that some level of clarification is necessary. John O. and Tom N. were tasked with putting together some language for the JTF to review (via email) and send to FWS Director Hall.

## **VII. LIP as a Competitive Program**

The JTF discussed whether LIP should be a competitive grant program rather than a formula allocated program. It was noted that there was significant State staff time dedicated to developing grant applications and FWS staff time associated with reviewing and approving the grants. The JTF discussed a formula allocation alternative and the fairly strict appropriation language that seems to leave little doubt that the Secretary intended this program to be awarded to the States “competitively.” The JTF will discuss this issue with the appropriate committees within the IAFWA to get their reaction. Also, FWS will elevate the issue to the Secretary’s level to determine if there is latitude to affect a change in the enabling language.

## **VIII. 25% Minimum Match Language – Application to LIP and SWG**

The JTF explored the concept of applying the 25% minimum match language (developed by the JTF for all PR and DJ proposals) to SWG and LIP. It was recognized that the exact match requirements of SWG and LIP may be different, but the idea of allowing the State to drop back to the minimum match requirement (should something happen to partner contribution commitments) would still be applicable. It was noted that LIP Tier 2 proposals receive extra credit for extra match, therefore, it would not be appropriate to allow the States to drop back to minimum match levels for those proposals. After discussion, the JTF agreed that there should be three additional conditional statements for; SWG-Implementation (a minimum 50/50 match); SWG-Planning (a minimum 75/25 match); and, LIP-Tier 1 (a minimum 75/25 match).

## **IX. Miscellaneous Discussion Items**

The JTF discussed the edits to DOs made by the Service PDM Branch as DOs are transitioned to Manual Chapters. Since most of these edits are minor, the JTF provided the Service and State

Co-Chairs (working with the State and Service Solicitors) the latitude to move minor changes through without review by the JTF.

The JTF addressed questions about the 2006 SWG appropriation language regarding the “10% Rule” relative to using SWG funding to support educational efforts. The 2006 language did not specifically mention this restriction and some were wondering if it represented an intentional change or just an oversight. The FWS will follow up with appropriators to get clarification. This discussion surfaced the bigger question of the applicability of the SWG Qs and As that were developed several years back considering the constantly changing nature of the SWG language coming out of the Appropriation Committee. It was agreed that the Service will work with the IAFWA to make sure that the current Qs and As are circulated among the appropriate committees during their March meetings to get as much input as possible before the Service takes on the task of rewriting. The JTF will review the input provided at their May meeting.

The JTF decided to utilize Group Systems to ask States and FWS Office for additional nationally significant issues that the JTF should consider.

## **X. Future Meeting Schedule**

The next JTF meeting will be in South Carolina. The meeting dates are May 23-25. Monday, May 22 will be a travel day. We will start first thing on the 23<sup>rd</sup> and will finish by noon on the 25<sup>th</sup>.

**Attachments**

**Attachment 1 – Revised DO-152 – Allowable Recreational Activities**

**Attachment 2 - Revised DO-167 – Allowable Commercial Activities**

# **Attachment 1 – Revised DO-152 – Allowable Recreational Activities**

DIRECTOR'S ORDER NO: 152 REVISED

Subject: Allowable Recreational Activities and Related Facilities on Federal Assistance Lands

**Sec. 1 What is the purpose of this Order?** This Order provides guidance on recreational activities conducted and related facilities constructed on lands acquired, developed, or managed with Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), and the Landowner Incentive Program (non-Tribal).

**Sec. 2 To whom does this Order Apply?** This Order applies to all Service personnel who administer grant funds through the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), and the Landowner Incentive Program (non-Tribal).

**Sec. 3 To what lands does this guidance apply?** These guidelines apply to the following, unless otherwise specified in the grant agreement between the State fish and wildlife agency and the Service:

- a. Lands acquired with Federal Assistance funds, regardless of when the lands were acquired.
- b. Lands that have been developed or improved with Federal Assistance funds, for the useful life of the development or improvement.
- c. Lands upon which any Federal Assistance-funded management activities were conducted during the defined grant periods.

**Sec. 4 What are the authorities for taking this action?**

- a. 16 U.S.C. 777
- b. 16 U.S.C. 669
- c. 43 CFR 12.71(b)
- d. 43 CFR 12.83
- e. 50 CFR 80.5
- f. 50 CFR 80.14(b)
- g. 50 CFR 80.18(c)
- h. 50 CFR 80.21
- i. Wildlife Conservation and Restoration Program Authorizing Legislation
- j. State Wildlife Grants Program Authorizing Legislation
- k. Landowner Incentive Program Authorizing Legislation

**Sec. 5 What recreational activities and related facilities are allowed on lands acquired, developed, or managed with Federal Assistance funds?** The State fish and wildlife agency determines what recreational activities and related facilities are allowed on Federal Assistance supported lands, within the bounds of the following guidance.

- a. The State fish and wildlife agency is prohibited from allowing recreational activities and related facilities that would interfere with the purpose for which the land was acquired or developed, or is managed. This means that the State fish and wildlife agency may not allow an activity or facility that will interfere with the fulfillment of the grant objectives for restoration, conservation, management, and/or enhancement of fish, wildlife, plants, and their habitats eligible for funding through the programs listed in Section 1.
- b. As required by law, grants to acquire, develop, or manage lands must have a purpose consistent with the Wildlife Restoration and Sport Fish Restoration Acts, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), or the Landowner Incentive Program (non-Tribal). Fish or wildlife dependent activities (e.g., hunting, trapping, fishing, birding, wildlife photography, or viewing platforms) would frequently be associated with the purpose for which the land was acquired, developed, or managed, and, therefore, such activities would generally be allowed, because they would not interfere with such purpose. Recreational activities and related facilities that are not fish or wildlife dependent (e.g. bicycling, swimming, rock climbing, kennels, stables, horseback riding) may be allowed if it is shown they will not interfere with the purpose for which the land was acquired or developed, or is managed.
- c. With regard to the Federal Assistance programs identified in this Order that fund activities on private lands, it is the responsibility of the State and the private landowner to agree on allowable recreational activities and related facilities, consistent with (a) and (b) of this section.

Therefore, recreational activities and related facilities that would interfere with the approved purpose for which the land was acquired, developed, or is managed are prohibited. At the request of the State, the Service will confer on proposed recreational activities and related facilities.

**Sec. 6 Are costs attributable to recreational activities on lands acquired, developed, or managed with Federal Assistance funds eligible for Federal Assistance funding?** The standard for an "allowable" recreational activity or related facility is separate and distinct from the standard to determine whether or not the associated costs are eligible for Federal Assistance funding. A State fish and wildlife agency may only be awarded a grant if the grant is consistent with the purposes of the Wildlife Restoration or Sport Fish Restoration Acts, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), or the Landowner

Incentive Program (non-Tribal); and the agency may only recover costs attributable to recreational activities if the activity or facility is (1) allowable as defined in Section 5 and (2) specified in the grant agreement.

**Sec. 7 What is the Service's authority to review compliance with this guidance?**

The State fish and wildlife agency has responsibility for the accountability and control of all assets, and has first responsibility to determine if a recreational activity or related facility interferes with the purpose for which the land was acquired or developed, or is managed [43 CFR 12.71 or 50 CFR 80.18]. However, the Service has the right to review or inspect at any time to ensure compliance with Section 5 [50 CFR 80.21 or 43 CFR 12.83].

**Sec. 8 Must recreational activities and related facilities on lands acquired, developed, or managed with Federal Assistance funds be included in the grant documents?**

A description of recreational activities and related facilities on lands acquired, developed, or managed with Federal Assistance funds does not need to be included in grant documents as long as: (1) the decision as to what recreational activities and related facilities will be allowed remains with the State fish and wildlife agency; (2) the activities and related facilities would not interfere with the purpose for which the lands were acquired or developed, or are managed; and (3) the cost of the activities and related facilities will not be paid for with Federal Assistance funds.

**Sec. 9 What is the effective date of this Order?** This Order is effective immediately. We will include the contents of this Order in Part 522 of the Fish and Wildlife Service Manual. This Order will expire on \_\_\_\_\_, unless amended, superseded, or revoked.

## **Attachment 2 - Revised DO-167 – Allowable Commercial Activities**

**DIRECTOR'S ORDER NO: 167 REVISED**

**SUBJECT: Allowable Commercial Activities and Related Facilities on Federal Assistance Lands**

**Sec. 1 What is the purpose of this Order?** This Order provides guidance on commercial activities conducted and related facilities constructed on lands acquired, developed, or managed with Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), and the Landowner Incentive Program (non-Tribal).

**Sec. 2 To whom does this Order Apply?** This Order applies to all Service personnel who administer grant funds through the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), and the Landowner Incentive Program (non-Tribal).

**Sec. 3 To what lands does this guidance apply?** These guidelines apply to the following, unless otherwise specified in the grant agreement between the State fish and wildlife agency and the Service:

- a. Lands acquired with Federal Assistance funds, regardless of when the lands were acquired.
- b. Lands that have been developed or improved with Federal Assistance funds, for the useful life of the development or improvement.
- c. Lands upon which any Federal Assistance-funded management activities were conducted during the defined grant periods.

**Sec. 4 What are the authorities for taking this action?**

- a. 16 U.S.C. 777
- b. 16 U.S.C. 669
- c. 43 CFR 12.65(a)
- d. 43 CFR 12.71(b)
- e. 50 CFR 80.14(b)(2) and (c)
- f. 50 CFR 80.18(c)
- g. 50 CFR 80.21
- h. Wildlife Conservation and Restoration Program Authorizing Legislation
- i. State Wildlife Grants Program Authorizing Legislation
- j. Landowner Incentive Program Authorizing Legislation

**Sec. 5 What commercial activities are covered by this Order?** This Order applies to any activity or service that produces income to any entity or individual that is conducted on lands or facilities acquired, developed, or managed with Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), and the Landowner Incentive Program (non-Tribal).

**Examples include boat rentals, launching fees, camping fees, concessionaires, fees for guiding services, forestry and agricultural activities, snowmobile fees, professional photography, site access fees, horseback trail rides, special associated event fees and visitor center fees.**

**Sec. 6 Who determines what commercial activities and related facilities are allowed on lands acquired, developed, or managed with Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal) and the Landowner Incentive Program (non-Tribal)?** Subject to guidance in this Order, the State fish and wildlife agency determines what commercial activities and related facilities are allowed on lands supported by Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), and the Landowner Incentive Program (non-Tribal).

- a. For commercial activities and related facilities on lands supported under the Wildlife and Sport Fish Restoration Programs, the State agency may not allow a commercial activity or facility that will interfere with the fulfillment of the restoration, conservation, management, and enhancement grant objectives for sport fish, wild birds, or wild mammals on the area, and the provision for public use of and benefits from these resources.
- b. For commercial activities and related facilities on lands supported under the Wildlife Conservation and Restoration Program, State Wildlife Grants Program (non-Tribal), and the Landowner Incentive Program (non-Tribal), the State agency may not allow a commercial activity or facility that will interfere with the fulfillment of the grant objectives for the benefit of species and their habitats eligible for funding through these three programs.
- c. With regard to the Federal Assistance programs identified in this Order that fund activities on private lands, it is the responsibility of the State and the private landowner to agree on allowable commercial activities and related facilities, consistent with (a) and (b) of this section.

Therefore, commercial activities and related facilities that would interfere with the approved purpose for which the land was acquired, developed, or is managed are prohibited. At the request of the State fish and wildlife agency, the Service will confer on proposed commercial activities or construction of related facilities.

**Sec. 7 What is the Service's authority to review compliance with this guidance?**

The State fish and wildlife agency has responsibility for the accountability and control of all assets, and has first responsibility to determine if a commercial activity or related facility interferes with the purpose for which the land was acquired or developed, or is managed (50 CFR 80.18). However, the Service has the right to review or inspect at any time to ensure compliance with Section 6 (50 CFR 80.21).

**Sec. 8 Are State fish and wildlife agency costs attributable to commercial activities and related facilities on lands acquired, developed, or managed with Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal), and the Landowner Incentive Program (non-Tribal) eligible for Federal Assistance funding?**

No. Costs associated with commercial activities on lands acquired, developed, or managed with Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal) and the Landowner Incentive Program (non-Tribal) are not eligible Federal Assistance Program costs, unless the commercial activity supports a grant's primary purpose. Note: States may use contracts or other third-party agreements to fulfill grant objectives.

**Sec. 9 Must commercial activities and related facilities on lands acquired, developed, or managed with Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal) and the Landowner Incentive Program (non-Tribal) be included in the grant agreement?**

A description of commercial activities and related facilities on lands acquired, developed, or managed with Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the State Wildlife Grants Program (non-Tribal) and the Landowner Incentive Program (non-Tribal) does not need to be included in the grant agreement as long as:

- a. The decision as to what commercial activities and related facilities will be allowed remains with the State fish and wildlife agency.
- b. The activities and related facilities would not interfere with the purpose for which the lands were acquired or developed, or are managed.
- c. The cost of the activities and related facilities will not be paid for with Federal Assistance funds under the Wildlife and Sport Fish Restoration Programs, the Wildlife Conservation and Restoration Program, the State Wildlife Grants Program (non-Tribal) and the Landowner Incentive Program (non-Tribal).

**Sec. 10 What is the effective date of this Order?** This order is effective immediately. We will include the contents of this Order in Part 522 of the Fish and Wildlife Service Manual. This Order will expire on \_\_\_\_\_, unless amended, superseded, or revoke