



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
WASHINGTON, D.C. 20240



ADDRESS ONLY THE DIRECTOR,  
FISH AND WILDLIFE SERVICE

In Reply Refer To:  
FWS/DEN/91-4330

Memorandum

To: Service Directorate

SEP 6 1991

From: ~~Deputy~~ Director

Subject: Procedures and Criteria for Allocation of Emergency Construction  
Project Funds

The Deputy Director's July 5, 1991, memorandum identified interim procedures and criteria for the transfer of funds into and from the Emergency Construction Project Fund and requested review comments. Comments received have been reviewed and some have been incorporated into refined procedures and criteria (attached). Requests that the minimum transfer amount be lowered from \$100,000 to \$50,000 or less were not included because doing so would likely generate an excessive number of requests for small emergency projects which could be more appropriately handled through existing discretionary Regional resources. Also, requests that fish, wildlife, natural, and/or cultural resources-related emergencies be included in the revised criteria were not accepted since the intent of the fund is to address critical human health and safety needs.

Prior to submitting future requests for allocations from this fund, Regional Directors should ensure that the criteria are met. Additionally, the Fiscal Year 1991 appropriation requires the transfer of any unobligated project funds into the Emergency Construction Project Fund within 30 days of completion (defined by the Service as the end of the warranty period). This requirement is set forth in Senate Report 101-534.

If you have any comments or questions regarding these procedures and criteria, please contact Paul Camp, Chief, Division of Engineering on FTS 921-1719.

  
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Attachment

## EMERGENCY CONSTRUCTION PROJECT FUND

### I. Requirements for transfer of unobligated balances to the Emergency Construction Project Fund.

- 1) Upon completion of a project (as identified by the Regional Director or at the end of the warranty period as listed in the Monthly Construction Project Obligation Status Report), the Division of Engineering will provide a recommendation for the transfer of unobligated balances to the Emergency Construction Project Fund. (While Senate Report 101-534 specifically states that "The Service is expected to transfer to the emergency projects category all unobligated balances for projects which have been completed within 30 days of the project completion date," implementation of these procedures is not intended to preclude the use of formal reprogramming procedures, where appropriate, as outlined in 13 AM 3.7).
- 2) The recommendation will be surnamed by the appropriate programmatic Assistant Director as well as the Assistant Director - Policy Budget and Administration. If a project involves cleanup of hazardous substances or oil, the recommendation will also be surnamed by the Assistant Director - Fish and Wildlife Enhancement. The recommendation will then be presented to the Director for approval/denial.
- 3) Once approved by the Director, the Division of Budget will be notified of the need to transfer, via the Work Activity Guidance (WAG), funding to the Emergency Construction Project Fund.

### II. Procedures for requesting funding for a construction project from the Emergency Construction Project Fund.

- 1) Only projects anticipated to cost in excess of \$100,000 will be considered for funding from the Emergency Account. Other emergency construction needs are to be funded by requesting the Director's approval for reprogramming from another construction project.
- 2) Regional Directors will request from the Director, in writing, funding for emergency projects, using the criteria outlined in Section III. The Director will forward these requests to the appropriate programmatic Assistant Director and the Division of Engineering for evaluation based on the criteria listed in Section III. If a project involves cleanup of hazardous substances or oil, the Director will also forward the request to the Assistant Director - Fish and Wildlife Enhancement for evaluation.
- 3) The Division of Engineering will develop a recommendation for approval or denial of emergency projects which will be surnamed by the appropriate programmatic Assistant Director and the Assistant Director - Policy, Budget and Administration. If a project involves cleanup of hazardous substances or oil, the recommendation will also be surnamed by the Assistant Director - Fish and Wildlife Enhancement. The recommendation will then be provided to the Director for approval/denial.



- 4) Following approval by the Director, the Division of Engineering will notify the Division of Budget of the Director's decisions and the amount to be transferred via the Work Activity Guidance (WAG) from the Emergency Construction Project Fund to the regions for completion of the approved projects.

### III. Criteria for construction projects to be considered for funding using the Emergency Account.

Projects will be evaluated according to the following criteria and must meet criterion #1 plus one or more additional criteria.

- 1) Projects are anticipated to cost in excess of \$100,000.
- 2) Emergency response to chemical and hazardous material accidents that cause the release of toxics.
- 3) Response to dam safety emergencies, according to procedures in Emergency Action Plans, where dam failure and threat to life and property is imminent.
- 4) Cleanup of hazardous waste sites where there is a demonstrated need for immediate removal action. A demonstrated need shall include potential threats to human health as well as legal action or physical circumstances that are likely to require considerable greater expenses if removal is not immediate.
- 5) Unexpected repair of deteriorated bridges if their condition imminently threatens human life and the deterioration was caused by factors beyond normal control.
- 6) Removal/replacement of leaking underground storage tanks to comply with State or Federal laws and regulations or for groundwater remediation if nearby public water supplies or natural resources are threatened or if a proven threat to public safety exists.
- 7) Construction of ventilation systems:
  - a. where extreme radon levels or other hazardous gases/substances exceeding the standard jeopardize the health of Service employees and the public. Funds for rehabilitation of facilities where extreme radon levels exceeding the standard adversely affect fish and wildlife should be sought through the budget development process.
  - b. to protect the health of Service employees where there is evidence of human exposure to excessive levels of airborne formaldehyde from existing formaldehyde (formalin) delivery systems.
- 8) Unplanned rehabilitation of existing deteriorated storage facilities for hazardous materials and flammables, if these facilities can be demonstrated to cause an imminent threat of accidental release of toxics by fire or explosion and the deterioration was caused by factors beyond normal control.

- 9) Closure costs for facilities where asbestos is identified to be an immediate threat to human health. Funds for reconstruction or rehabilitation of the facility should be sought through the budget development process.
- 10) Emergency actions to correct violations to Occupational Safety and Health Regulations, cited by an OSHA inspector, that may threaten human health and safety if funds are not made available on an expedited basis.