

## U.S. Fish and Wildlife Serv., Interior

## § 83.7

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