

Endangered Species Program
Fiscal Year 2009 Cooperative Endangered Species Conservation Fund
(Section 6 of the Endangered Species Act) Grant Program
Notice of Availability of Federal Assistance

Program Overview Information:

Federal Agency Name: Department of the Interior, U.S. Fish and Wildlife Service,
Endangered Species Program

Funding Opportunity Title: Fiscal year 2009 Cooperative Endangered Species Conservation
Fund (Section 6 of the Endangered Species Act) Grant Programs

Announcement Type: Initial announcement for the fiscal year 2009 request for proposals

Funding Opportunity
Number: CESCOF-09

Catalog of Federal Domestic Assistance (CFDA) Number: 15.615 Cooperative Endangered
Species Conservation Fund

Dates: The due date for proposals submitted for the “Traditional” Conservation Grants program will be determined by our Regional Offices (See Table 2, Section VII). Proposals for the “Nontraditional” grants (Habitat Conservation Plan Land Acquisition, Habitat Conservation Planning Assistance, and Recovery Land Acquisition Grants) must be submitted via hard copy to our Regional Offices or electronically through www.Grants.gov by September 22, 2008. Applicants are encouraged to submit proposals to their State Single Point of Contact for review under Executive Order 12372 (if necessary) concurrent with their submission to our Regional Offices.

Additional Information:

The Cooperative Endangered Species Conservation Fund (CESCF) (Section 6 of the Endangered Species Act) provides funding to States and Territories for species and habitat conservation actions on non-Federal lands. States and Territories must contribute a minimum non-Federal cost share of 25% for the estimated program costs of approved projects, or 10% when two or more States or Territories implement a joint project. A State or Territory must currently have, or enter into a cooperative agreement with the Secretary of the Interior to receive grant funds.

Four grant programs are available through the CESCF. They include the “Traditional” Conservation Grants and the “Nontraditional” Habitat Conservation Plan Land Acquisition, Habitat Conservation Planning Assistance, and Recovery Land Acquisition Grants.

Information on the CESCF is also available from the Branch of State Grants, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203 or electronically at <http://www.fws.gov/endangered/grants/section6/>.

The U.S. Fish and Wildlife Service (Service) is soliciting project proposals for financial assistance under the CESCOF. This document describes how you can apply for funding under the CESCOF and how we will determine which project proposals will be funded. Please read each of the following sections carefully. Each section contains important information regarding the CESCOF grant program:

- I. Funding Opportunity Description;
- II. Award Information;
- III. Eligibility Information;
- IV. Application and Submission Information;
- V. Application Review Information;
- VI. Award Administration Information;
- VII. Agency Contacts; and
- VIII. Other Information.

I. Funding Opportunity Description

Because more than half of all species currently listed as endangered or threatened spend at least part of their life cycle on privately owned lands, the Service recognizes that success in conserving species will ultimately depend on working cooperatively with landowners, communities, and tribes to foster voluntary stewardship efforts on private lands. States and Territories (hereafter, "States") play a key role in catalyzing these efforts. A variety of tools are available under the Endangered Species Act (ESA) to help States and landowners plan and implement projects to conserve species. The CESCOF provides grants to States to participate in a wide array of voluntary conservation projects for candidate, listed, and recently recovered species.

Four grant programs are available through the CESCOF; they include the "Traditional" Conservation Grants and the "Nontraditional" Habitat Conservation Plan (HCP) Land Acquisition, Habitat Conservation Planning Assistance, and Recovery Land Acquisition Grants. The four grant programs available through the CESCOF are described below.

"Traditional" Conservation Grants: The "Traditional" Conservation Grants program provides financial assistance to States to implement conservation projects for candidate, listed, and recently recovered species. Funded activities include habitat restoration, species status surveys, public education and outreach, captive propagation and reintroduction, nesting surveys, genetic studies, and development of management plans.

"Nontraditional" Programs:

- **Habitat Conservation Planning Assistance Grants** - Through the development of regional HCPs, local governments incorporate species conservation into local land use planning, which streamlines the project approval process and facilitates economic development. Established in fiscal year 2001, the Habitat Conservation Planning Assistance Grants program provides funding to States to support the development of HCPs. Planning assistance grants may support planning activities such as document preparation, outreach, baseline surveys, and inventories. Proposals for amendments to existing HCPs will not be accepted.

- **Habitat Conservation Plan Land Acquisition Grants** - The HCP Land Acquisition program was established by Congress in fiscal year 1997. This program was designed to reduce conflicts between the conservation of listed species and land uses on specific parcels of land. Under this program, the Service provides grants to States for land acquisitions that are associated with approved (permitted) HCPs. The Service considers the use of Federal acquisition dollars by States for habitat protection adjacent to HCP areas to be an important and effective mechanism to promote the recovery of threatened and endangered species.

The HCP Land Acquisition program has three primary purposes: 1) to fund land acquisitions that complement, but do not replace, mitigation responsibilities contained in HCPs, 2) to fund land acquisitions that have important benefits for listed and candidate species, and 3) to fund land acquisitions that have important benefits for ecosystems that support listed and candidate species.

The HCP Land Acquisition program supports both single-species and multiple-species HCPs. For fiscal year 2009, 10 percent of the funding available through the HCP Land Acquisition program will be targeted to support single species HCP land acquisition projects.

- **Recovery Land Acquisition Grants** - Loss of habitat is the primary threat to most listed species and land acquisition is often the most effective and efficient means of protecting habitats essential for recovery of listed species before development or other land use changes impair or destroy key habitat values. Land acquisition is costly and often neither the Service nor the States individually have the necessary resources to acquire habitats essential for recovery of listed species. Recovery Land Acquisition grant funds are matched by States and non-Federal entities to acquire these habitats from willing sellers in support of approved or draft species recovery plans. The Recovery Land Acquisition program was established in fiscal year 2001.

Significant Changes to the Nontraditional Programs for Fiscal Year 2009: The following changes will be applied to the fiscal year 2009 Non-traditional grant programs (as compared to the fiscal year 2008 and earlier programs):

- The Service is implementing a \$6 million cap on HCP Land Acquisition proposals. The maximum amount that will be awarded per HCP annually is \$6 million.
- In order to support high priority efforts of the Service and States, a new process is being implemented whereby the Service Regional Directors are provided with 25 points total in each of the non-traditional programs to distribute among project proposals to reflect the collective priorities of the State and the Service.

The CESCOF programs are authorized through Endangered Species Act of 1973, 16 U.S.C. 1531 - 1534 et seq., as amended. The codified program regulations can be found at 50 CFR 81.

II. Award Information

For fiscal year 2009, the President's budget request for the CESCFC is approximately \$75.5 million. The actual amount of funding that will be available is based on Congress passing a final appropriations bill for the Department of the Interior.

“Traditional” Conservation Grants: The award announcements for the fiscal year 2009 “Traditional” grants will be determined by our Regional Offices. Funding is allocated by formula to the Service Regions based on the number of species covered in the cooperative agreements with the States within that Region. Regional offices then further allocate the funding to the States within that Region by formula or through a competitive process. Awards for the “Traditional” Conservation Grants will be announced through regional press releases and direct notification of the applicant from the Regional Offices of the Service. An applicant should not initiate a project in expectation of CESCFC funding, nor should they purchase materials or begin work until such time as they receive the final grant award document signed by an authorized Service official. The Service awarded approximately \$9.8 million in fiscal year 2008 through the “Traditional” Conservation Grant Program.

“Nontraditional” Programs: Funding for the HCP Land Acquisition and HCP Planning Assistance programs is allocated based on a national competition. Following a regional “target” allocation from the Washington Office, funding for the Recovery Land Acquisition program is allocated based on regional competitions.

The Service awarded approximately \$56.5 million in fiscal year 2008 appropriated funding to Nontraditional Program projects in 23 States and one Territory through the CESCFC. Of that amount, approximately \$7.5 million was awarded through the HCP Planning Assistance program to fully or partially fund 19 out of 20 eligible proposals from 16 States. Approximately \$35 million fully or partially funded 9 out of 19 eligible proposals through the HCP Land Acquisition program. The Recovery Land Acquisition Grant program awarded approximately \$13.9 million in funding to 22 projects in 12 States and one Territory.

The Service will make award selections for the competitive programs based upon the proposals submitted for consideration through this announcement. The range of grant awards has been between \$1,000 and \$24,000,000, but varies greatly by program. The Service anticipates making award announcements for the fiscal year 2009 “Non-traditional” grant competition at the beginning of the 2009 fiscal year following budget appropriations.

Awards for the “Non-traditional” grants will be announced through a national press release and a memorandum to the Regional Directors of the Service for further notification of the applicants' selection for an award. Notification of an award through a press release or letter from a Regional Office is not an authorization to begin performance. The final exact amount of funds, the scope of work, and terms and conditions of a successful award will be determined in pre-award negotiations between the prospective grantee and the Service's representatives. An applicant should not initiate a project in expectation of CESCFC funding, nor should they purchase materials or begin work until such time as they receive the final grant award document signed by an authorized Service official.

III. Eligibility Information

1. Eligible Applicants

Participation in the CESCO programs is only available to State agencies that have a current cooperative agreement with the Secretary of the Interior. However, individuals or groups (for example land conservancies, cities, counties, community organizations, or conservation organizations) may work with a State agency that has a cooperative agreement, on conservation efforts that are mutually beneficial, as a subgrantee.

The assistance provided to the State agency can include animal, plant, and habitat surveys; research; planning; monitoring; habitat protection, restoration, management, and acquisition; and public education.

2. Cost Sharing or Matching

A proposal must include at a minimum a 25 percent non-Federal cost share. The cost share may be cash or a third party in-kind contribution, such as volunteer efforts and donations of goods or services. This cost share requirement decreases to 10 percent if 2 or more States are contributors to the proposal and its activities as per section 6 of the ESA (see below). The Insular Areas of the U.S. Virgin Islands, Guam, and the Government of the Northern Mariana Islands are exempt from any matching requirements under all U.S. Fish and Wildlife Service Grant Programs (based on an August 23, 1993, Director's Memorandum).

As defined in the Service Manual (521 FW 4.9), States may increase the rate of Federal participation from 75 percent to 90 percent of total grant costs when two or more States cooperate to conserve an endangered or threatened species of common interest.

Section 6 (d)(2)(ii), ESA, defines cooperation as "whenever two or more States having a common interest in one or more endangered or threatened species, . . . enter jointly into agreement with the Secretary." A cooperative action is one where two or more States work on a mutual problem. This may be an action outlined in a recovery plan for a species of multistate concern, an action outlined in a memorandum of agreement between cooperating States, an action described in cooperative grants, or an action outlined in a recovery implementation program.

The cooperating States may designate a lead State to coordinate with the Region. To seek an increased rate of participation for a cooperative project within a grant, cooperating States **MUST** (emphasis added) provide the following documentation to the Regional Director with the Grant Proposal: Documentation of the cooperative action entered into by the cooperating States, which may be in any form (e.g., memorandum, letter of agreement, recovery plan, implementation program) that meets the needs of the cooperating States, provided it contains the responsibilities and work to be carried out by **EACH** (emphasis added) of the cooperating States. Examples follow:

(1) Either (a) one State submits an Application for Federal Assistance (SF 424) and a letter of agreement from another State sharing cooperative efforts, or (b) each State identifies the joint

recovery action from the recovery plan in existing Applications for Federal Assistance (SF 424).

(2) Each cooperating State submits a proposal for the joint project and separate Applications for Federal Assistance (SF 424).

(3) When one or more States are participating in a recovery implementation program, one or more may submit separate Application(s) for Federal Assistance (SF 424) and certification that they are participating in the recovery implementation program, such as "The Colorado River Recovery Implementation Program."

Each cooperating State is responsible for submitting performance and financial reports related to the joint project, when they are actively participating in Federal reimbursement funding. Incomplete work by any one of the cooperating States may result in a recovery of Federal funds from all States, if it is determined that the joint cooperative objective will not be accomplished.

Documentation describing the role of each State in a multistate proposal must be provided with the proposal if the applicants are requesting a reduced cost share. We suggest that following example one or two above most clearly identifies the joint participation in a given project.

Management costs may be used as part of the State cost share for these grants provided that funds sufficient to cover the management costs for a specified time period are secured at the time the land or easement is purchased **AND** provided that the proportion of Federal funding provided for management does not exceed the proportion of Federal funding provided for the land or easement purchase. In other words, the amount of funding for management costs to be included as part of the grant, may not exceed the purchase price for the land or easement.

Please see Section IV.5 for additional funding restrictions.

3. Other

The following additional criteria apply to all CESCO grants and **must be satisfied** for a proposal to be considered for funding:

1. A proposal cannot include U.S. Fish and Wildlife Service Full-Time Equivalent (FTE) costs.
2. A proposal cannot seek funding for projects that serve to satisfy regulatory requirements of the Act including complying with a biological opinion under section 7 of the Act or fulfilling commitments of a HCP under section 10 of the Act, or for projects that serve to satisfy other Federal regulatory requirements (e.g., mitigation for Federal permits).
3. State administrative costs must either be assumed by the State or included in the proposal in accordance with Federal requirements.

Habitat Conservation Planning Assistance: To be eligible for funding under the Habitat Conservation Planning Assistance program, **a proposal must meet all of the mandatory**

conditions listed below. If a proposal does not meet these conditions, do not submit a proposal for consideration.

1. For a proposal involving an ongoing project, evidence of progress made to date must be provided.
2. The proposal must involve a discrete activity(ies) (each activity included in the proposal must have an identified starting point and end point); for example, developing public outreach brochures, gathering baseline data for an HCP, or preparing a draft HCP or associated National Environmental Policy Act (NEPA) documents.
3. The proposal must be for activities to develop a new HCP. Proposals for amendments to existing approved HCPs will not be accepted.

Habitat Conservation Plan Land Acquisition: To be eligible for funding under the HCP Land Acquisition program, **a land acquisition proposal must meet all of the mandatory conditions listed below.** If a land acquisition does not meet these conditions, do not submit a proposal for consideration.

1. The land acquisition complements, but does not replace, mitigation responsibilities contained in the HCP.
2. The land acquisitions must be associated with approved (permitted) HCPs.
3. **The specific parcel(s) to be acquired with the grant is identified.** NOTE: Evidence demonstrating that the landowners are willing sellers (i.e., a letter or other form of written acknowledgment) will be required prior to transfer of funds.

Federal land acquisition grant programs fund the purchase of land at market value, from willing sellers. Market value must be determined by appraisals performed in accordance with the *Uniform Appraisal Standards for Federal Land Acquisitions*, and all other applicable laws and regulations. Appraisals are not required to be submitted with the grant proposals, but are required prior to expenditure of funds if the project is selected for funding. Please be aware that if an appraisal to Federal standards is not provided with the grant application, the amount specified in the award announcement will be based on the estimate of the property's value as provided in the grant proposal. However, the actual purchase price will not be greater than the current market value as determined by an appraisal completed to Federal standards and appraisal review completed to Federal standards. States or other non-Federal partners will be responsible for ensuring that appraisal and title work are completed. The cost of conducting an appraisal(s) and completing title work, in accordance with Federal requirements, must either be assumed by the State or a non-Federal subgrantee, or included in the total cost of the proposal.

4. Habitat must be set aside in perpetuity for the purposes of conservation (this can include easements deeded in perpetuity or other similar instruments).

5. The proposal must state a commitment to funding for, and implementation of, management of the habitat in perpetuity, consistent with the conservation needs of the species.
6. **Only one proposal per HCP may be submitted.** However, a proposal may include more than one parcel for funding consideration. For regional HCPs with subarea plans, please submit multiple acquisition proposals under the one regional plan title. The proposal must specifically identify the parcel to be acquired in order to be considered. We encourage you to include more than one parcel in the proposal in the event the transaction for the highest priority acquisition cannot be completed; subject to the outcome of fund reassignment procedures, funding of the next highest priority parcel acquisition identified in the proposal may be approved. In addition, acquisition of more than one parcel per HCP may be funded. **If you submit more than one parcel for consideration in your proposal, you must include the relative acquisition priorities for each parcel, the price of each parcel, and the amount of the request (purchase price minus the non-Federal match) for each parcel.**
7. A proposal may not be submitted for funding consideration in both the Recovery Land Acquisition Grant Program and the HCP Land Acquisition Grant Program.

Recovery Land Acquisition Grants: To be eligible for funding under the Recovery Land Acquisition program, **a land acquisition proposal must meet all of the mandatory conditions listed below.** If a land acquisition proposal does not meet these conditions, do not submit a proposal for consideration.

1. Habitat must be set aside in perpetuity for the purposes of conservation (this can include easements deeded in perpetuity or other similar instruments).
2. The funds should contribute to the implementation of an approved final or draft recovery plan for at least one listed species. An exception will **ONLY** be made with sufficient justification, according to the following: (1) newly listed species where sufficient time (2 ½ years) for development of a recovery plan has not passed, (2) if the species is exempt from the requirement for development of a recovery plan, or (3) if a recovery plan has not been developed, but the species conservation planning efforts have identified land acquisition priorities. All exceptions will require a narrative justification.
3. **The specific parcel(s) to be acquired with the grant is identified.** NOTE: Evidence demonstrating that the landowners are willing sellers (i.e., a letter or other form of written acknowledgment) will be required prior to transfer of funds.

Federal land acquisition grant programs fund the purchase of land at market value, from willing sellers. Market value must be determined by appraisals performed in accordance with the *Uniform Appraisal Standards for Federal Land Acquisitions*, and all other applicable laws and regulations. Appraisals are not required to be submitted with the grant proposals, but are required prior to expenditure of funds if the project is selected for funding. Please be aware that if an appraisal to Federal standards is not provided with the

grant application, the amount specified in the award announcement will be based on the estimate of the property's value as provided in the grant proposal. However, the actual purchase price will not be greater than the current market value as determined by an appraisal completed to Federal standards and appraisal review completed to Federal standards. States or other non-Federal partners will be responsible for ensuring that appraisal and title work are completed. The cost of conducting an appraisal(s) and completing title work, in accordance with Federal requirements, must either be assumed by the State or a non-Federal subgrantee, or included in the total cost of the proposal.

4. The proposal must state a commitment to funding for, and implementation of, management of the habitat in perpetuity, consistent with the conservation needs of the species.
5. A proposal may not be submitted for funding consideration in both the Recovery Land Acquisition Grant Program and the HCP Land Acquisition Grant Program.

IV. Application and Submission Information

For general guidance on developing and writing grant proposals, see the CFDA Internet site at http://12.46.245.173/pls/portal30/CATALOG.GRANT_PROPOSAL_DYN.show

Applicants are encouraged to submit proposals for projects that would supplement existing projects. These proposals will compete along with applications for new awards.

1. Address to Request Application Package

This application package may also be obtained by accessing our Internet site: <http://www.fws.gov/endangered/grants/section6/index.html> or you may contact the appropriate Regional Program Coordinator listed in Table 2, Section VII below.

2. Content and Form of Application

You must follow the instructions in this document in order to apply for financial assistance under the CESCO. For a description of the information that must be included in a project proposal, please follow the format outlined below.

For hard copy application submissions your project proposal must: 1) not be bound in any manner (except by a single binder clip); 2) not be submitted by facsimile; 3) be printed on only one side of the paper; 4) not include any paper larger than 8.5 by 11 inches; 5) include one signed original and two signed copies of the Application for Federal Assistance (SF 424) and supporting information; 6) be received by the appropriate Regional Office listed in Table 2, Section VII by September 22, 2008.

For electronic application submission through the Grants.gov internet site (www.grants.gov), you must follow all instructions provided by Grants.gov to ensure that your electronic application is received by September 22, 2008. We will ONLY accept electronic applications that are

submitted through the Grants.gov Internet site. We will not accept any other form of electronic application. We highly recommend for applicants that intend to apply electronically through Grants.gov, that you begin your application process well in advance of the closing date for submission of applications. The application process through Grants.gov requires that applicants complete a registration process and requires that all materials submitted are completely and accurately filled out. Please note that Adobe Acrobat Reader 8.1.1 or newer (http://www.adobe.com/products/acrobat/readstep2_allversions.html) is required to submit and download applications via Grants.gov.

We encourage you to contact the Regional Program Coordinator listed in Table 2, Section VII prior to submitting a project proposal if you have questions regarding what information must be submitted with the project proposal. An incomplete proposal will not be considered for funding.

The project proposal is a narrative description of your project and one required Federal form. The ultimate size of the proposal will depend on its complexity, but we request that you attempt to minimize the size of the narrative description of the proposal. Additionally, only information that is pertinent to the proposal should be included (e.g., it is not necessary to include the resumes of project personnel).

The proposal must include a reasonably detailed budget indicating how the funding will be used and how each partner is contributing. The proposal must also indicate the time commitment for maintaining the project's benefits.

The project proposal should also indicate whether partial funding of the project is practicable, and, if so, what specific portion(s) of the project could be implemented with what level of funding. A project proposal that is a part of a longer-term initiative will be considered; however, the proposed project's objectives, benefits, and tasks must stand on their own, as there are no assurances that additional funding would be awarded in subsequent years for associated or complementary projects.

Appraisals are not required to be submitted with the grant proposals, but are required prior to expenditure of funds if the project is selected for funding. Please be aware that if an appraisal to Federal standards is not provided with the grant application, the amount specified in the award announcement will be based on the estimate of the property's value as provided in the grant proposal. However, the actual purchase price will not be greater than the current market value as determined by an appraisal completed to Federal standards and appraisal review completed to Federal standards.

The narrative description of your project proposal should specifically address each of the eligibility criteria and each of the ranking factors. We recommend the following format for the project narrative

PROJECT STATEMENT

NEED: Why is the project being undertaken?

OBJECTIVE: What is to be accomplished during the period of the project pursuant to the stated need? (Specify fully what is to be accomplished within the time, money, and staffing allocated and specify end point.)

EXPECTED RESULTS OR BENEFITS: How will the project impact fish and wildlife resources or benefit the public? Try to provide quantifiable or verifiable resource benefits.

APPROACH: How will the objective be attained? Include specific procedures, schedules, key cooperators and respective roles.

LOCATION: Where will the work be done? Describe habitat type(s) to be affected, and relevant ecosystem/watershed characterization.

ESTIMATED COST: Provide a detailed breakdown of what it will cost to attain the objective.

Applicants must provide an Application for Federal Assistance (SF 424). This form is available from <http://wsfrprograms.fws.gov/Subpages/ToolkitFiles/toolkit.pdf> or http://www.grants.gov/agencies/approved_standard_forms.jsp#1 or from the Regional Program Coordinator. This form must be signed by the official with the authority and responsibility to commit the State to participate in this program. Applications without this completed form will not be considered.

Your proposal should be submitted with the ranking criteria, as described below, in mind. Project descriptions that clearly address the specific ranking criteria in an organized manner will facilitate proposal review and scoring.

3. Submission Dates and Times

“Traditional” Conservation Grants: Service Regional Offices will independently set submission dates and times for the “Traditional” Conservation Grant Program. You should contact the Regional Program Coordinator listed in Table 2, Section VII for further information regarding “Traditional” Conservation Grant submission dates and times.

“Nontraditional” Grants: Grant project proposals submitted by hardcopy must be received by the appropriate Regional Program Coordinator listed in Table 2, Section VII by September 22, 2008. The proposals must be received at the appropriate office by 5:00 pm in that time zone. To confirm the receipt of your proposal you must contact the Regional Program Coordinator listed in Table 2, Section VII.

Grant project proposals submitted electronically through the Grants.gov internet site must be received by September 22, 2008. Applicants will receive notice electronically through Grants.gov to confirm receipt of the proposal. Proposals not received by the date and time provided above will not be reviewed nor considered as eligible for the competition.

4. Intergovernmental Review

These programs are eligible for coverage under Executive Order (EO) 12372 “Intergovernmental review of Federal Programs.” EO 12372 was issued to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The EO allows each State to designate an entity to perform this function. Applicants should contact the Service’s Regional Program Coordinator (see Table 2, Section VII) and/or the State Single Point of Contact (SPOC) for EO 12372 for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review. A complete list of the names and addresses for the SPOCs may be found at <http://www.whitehouse.gov/omb/grants/spoc.html>

5. Funding Restrictions

Participation in the CESCFC programs is only available to State agencies that have a current cooperative agreement with the Secretary of the Interior. However, individuals or groups (for example land conservancies, cities, counties, community organizations, or conservation organizations) may work with a State agency that has a cooperative agreement, on conservation efforts that are mutually beneficial, as a subgrantee.

The project must involve voluntary conservation efforts within the United States. As a voluntary program, we will not grant funding for projects that serve to satisfy regulatory requirements of the Act, including complying with a biological opinion under section 7 of the Act or fulfilling commitments of a HCP under section 10 of the Act, or for projects that serve to satisfy other Federal regulatory requirements (e.g., mitigation for Federal permits).

We cannot reimburse you for time that you expend or costs that you incur in developing a project or preparing the application, or in any discussions or negotiations you may have with us prior to the award. Pre-award costs will not be allowed. We will not accept such expenditures as part of your cost share. The costs proposed to be funded through the CESCFC may not exceed 75 percent of the total costs, unless you are jointly implementing a project with another State, or are included as one of the insular areas exempted from the minimum cost share requirement. The total costs of a project consist of all allowable costs you incur, including the value of in-kind contributions, in accomplishing project objectives during the life of the project.

The final exact amount of funds, the scope of work, and terms and conditions of a successful award will be determined in pre-award negotiations between the prospective grantee and the Service’s representatives. The grant award document will specify the project requirements, such as the cost share, the project design, the time commitment for maintaining the project’s benefits, the reporting requirements, and provisions for Service access to the project area in order to check on its progress. In order to receive funding, the prospective grantee will also need to provide assurances and certifications of compliance with other Federal requirements. For example, see Standard Form 424B (Non-construction) or Standard Form 424D (Construction) available at <http://wsfrprograms.fws.gov/Subpages/ToolkitFiles/toolkit.pdf>. The form(s) must be signed by the official with the authority and responsibility to commit the State to participate in this

program. The grantee is reimbursed actual costs incurred based on the cost sharing formula in the award document. You should not initiate your project until you receive the final grant award document signed by an authorized Service official.

The Service will be implementing a \$6 million cap on HCP Land Acquisition proposals. HCP Land Acquisition proposals should request no more than \$6 million in Federal funds. The maximum amount that will be awarded annually per HCP is \$6 million.

6. Other Submission Requirements

The Service will be accepting both hard copy submissions and electronic submissions of proposals. The project proposal is a narrative description of your project and one required Federal form. Applications must be submitted to the appropriate Regional Office as indicated in Table 2, Section VII, or electronically through www.Grants.gov. We will ONLY accept electronic applications that are submitted through the Grants.gov Internet site. We will not accept any other form of electronic application.

V. Application Review Information

1. Criteria

Proposals for grant funding must be submitted by a State agency with an approved cooperative agreement with the Secretary of the Interior. Individual project proposals must compete with other State submissions for funding.

The project selection process for “Traditional” conservation grants is generally conducted by Service Endangered Species staff in conjunction with the States. The following criteria will be used by Regional Office staff to evaluate “Non-traditional” grant project proposals. Your proposal should be submitted with the ranking criteria, as described below, in mind. Project descriptions that clearly address the specific ranking criteria in an organized manner will facilitate proposal review and scoring.

**HABITAT CONSERVATION PLANNING ASSISTANCE PROGRAM
FISCAL YEAR 2009 EVALUATION FORM**

FWS Regional Staff: Please fill out this form completely. You may attach additional written explanations for the categories in this form if the space provided is inadequate.

Project Title _____

Region _____

State(s) _____

HCP name (As entered in ECOS) _____

Service contact for more information _____

Estimated total cost of proposal _____

Percent of cost to be borne by non-Federal entities (list by entity and % of cost) _____

Amount of funding requested (total cost minus the non-Federal match) _____

Regional priority points for this proposal* _____ (0 – 25 points)

* Each Region will have 25 points to distribute to the eligible Habitat Conservation Planning Assistance grant proposals. That is, 25 points for all eligible proposals, not for each eligible proposal. The 25 points may be applied to grant proposal scores in any amount deemed appropriate by the Regional Director to reflect the Service and State priorities for funding. Please consider regional spotlight species when applying these discretionary points.

Justification for Regional priority _____

Total points available = 100 points + _____ Regional priority pts (maximum 125 points)

SPECIES BENEFITS

The purpose of this section is to evaluate how beneficial the proposal will be to listed and unlisted species proposed to be covered by the HCP. A covered species is any species (listed or unlisted) that is proposed to be identified on the section 10(a)(1)(B) permit.

Federally listed species are defined as those species listed as threatened or endangered by the Federal Government through section 4 of the Endangered Species Act. Unlisted species include candidate, proposed, State listed and all other species.

1) Planning efforts that will benefit more species will score higher. Listed and unlisted species

that are proposed to be covered by the HCP can be considered.

Score: Number of species proposed to be covered by the HCP (listed on the permit) (provides more weight for including unlisted species) (15 pts maximum)

- 1 species (1 pt)
- 2-5 species (5 pts)
- 6-10 species (10 pts)
- 11+ species (15 pts)

Justification (identify species):

2) Planning efforts for HCPs that will provide greater benefit to covered listed and unlisted species will score higher. The benefits to species will be considered **High** if, through the HCP planning effort, the majority of the species' range-wide habitat (75% or greater) or an essential piece of habitat will be protected, a major population necessary for recovery may be protected, or major threats to the species will be eliminated. The benefits to the listed species will be considered **Low** if, through the planning effort, only a small percentage of the species' range-wide habitat is considered (20% or less), etc.

Score: Amount of benefit the HCP will potentially provide to species proposed to be covered. (This factor should be scored based on benefits to the individual species as opposed to the aggregate. To score 15 points, the applicant must document that the HCP will potentially result in a major benefit to at least one species.) (15 pts maximum)

- Low benefit to conservation (5 pt)
- Medium benefit to conservation (10 pts)
- High benefit to conservation (15 pts)

Justification:

Total points for species benefits (sum of 1-2): _____

ECOSYSTEM BENEFITS

The purpose of this section is to evaluate how beneficial the proposed HCP will be for the covered listed and unlisted species.

4) Lands that require little or no management to provide benefits for covered species will score higher in this evaluation factor. This habitat can include occupied or suitable, unoccupied habitat. The level of management expected to be necessary is based on an evaluation of the biotic and abiotic components and ecological processes. Biotic factors include the structure and composition of plant and animal communities. Abiotic factors include soil, hydrology, natural topography, and salinity gradients. Ecological processes include succession, trophic energy flows, and disturbance regimes.

Score: When considered in the context of the surrounding landscape, the HCP plan area contains _____ of the naturally occurring biotic and abiotic components and ecological processes necessary to maintain a fully functioning ecosystem that contains the habitat necessary to support the covered species and other non-covered species associated with that ecosystem. (15 pts maximum)

- _____ None (0 pts)
 _____ Some/Most (8 pts)
 _____ All (15 pts)

Justification:

5) Plan areas for developing HCPs that cover a large area are more likely to consider landscape-level or ecosystem-level planning issues. This type of regional planning benefits numerous species within an ecosystem while streamlining ESA compliance for the smaller landowners within the planning area.

Score: Size of plan area to be covered by the HCP (provides more weight for large plan areas) (15 pts maximum)

- _____ 0-100 acres (1 pt)
 _____ 101-1,000 acres (5 pts)
 _____ 1,001-10,000 acres (10 pts)
 _____ 10,001+ acres (15 pts)

Total points for ecosystem benefits (sum of 4-5): _____

FOSTERING HCP PARTNERSHIPS

The purpose of this section is to emphasize the importance of involving stakeholders in the development of the HCP. This section includes consideration of the number of partners and the amount of cost share contributions.

6) Proposals with a larger number of stakeholders involved in the development of the HCP will score higher. Stakeholders are public or private entities that will play a significant role in the development of the HCP, that is, entities that participate on the HCP steering committee or that will make a contribution in the scoping for, and preparation of, the HCP. The Service, the State agency applying for the grant, and consultants or consulting firms who are preparing the HCP should not be counted.

Score: Number of stakeholders involved in the development of the HCP. (20 pts maximum)

- ___ 1-5 stakeholders (5 pts)
- ___ 6-10 stakeholders (10 pts)
- ___ Greater than 10 stakeholders (20 pts)

List each stakeholder and specifically describe the stakeholder's role in development of the HCP:

7) Commitment to the successful development of a HCP can be evidenced by cost share contributions. Cost share is the percent of the total project cost that will be provided by non-Federal partners. Proposals that include a greater than minimum cost share contribution will be ranked higher. When both the State and local governments are involved, cost sharing by both governments is preferred.

Score: Percentage of cost share provided by non-Federal partners. Rounding of the dollar amounts and/or percentages is not acceptable to meet the minimum cost share requirement or to receive additional points on the evaluation form. (12 pts maximum)

- ___ Minimum 25% (or 10% where two or more States are involved, or 0% for identified Insular Areas) (0 pts)
- ___ Each additional 5% (2 pts)

Total points for HCP partnerships (sum of 6-7): _____

DELIVERY OR COMPLETION

This section is to recognize proposals that will result in the initiation or completion of planning activities.

8) Proposals to initiate planning for a new HCP or to complete an HCP already under development will score higher.

Score: Initiation or completion of the planning process. (4 pts maximum)

- ___ Is instrumental in initiating a planning process (4 pt)
 ___ Finalizes a planning process (4 pts)

Justification:

9) Each activity included in the proposal must have an identified starting point and end point. For example, developing public outreach brochures, gathering baseline data for an HCP, or preparation of the draft HCP. Discrete activity(ies) which can be completed within one year, as opposed to the completion of the entire HCP over multiple years, will score higher. **ALL** discrete activities identified in the proposal, for which funding is sought, must be completed in one year to receive points in this category. It is **NOT** sufficient for one or more discrete activities to be completed in one year with other identified discrete activities being completed in subsequent years, if funding for those additional activities is being sought through this proposal. (4 pts maximum)

- ___ The activity(ies) for which funding is requested cannot be completed within 1 year (0 pts)
 ___ The activity(ies) for which funding is requested can be completed within 1 year (4 pts)

One Year, for the purposes of this grant program, is defined as the close of the calendar year subsequent to the calendar year in which funding was appropriated. For example, for funding appropriated in 2008, ALL discrete activities for which funding is sought must be completed by December 31, 2009 in order to receive the additional points in this category.

Justification:

Total points for Delivery (sum of 8-9): _____

TOTAL POINTS FOR THIS PROPOSAL (sum of 1-9 above): _____

**HCP LAND ACQUISITION PROGRAM
FISCAL YEAR 2009 EVALUATION FORM**

FWS Regional Staff: Please fill out this form completely. You may attach additional written explanations for the categories in this form if the space provided is inadequate.

Single Species HCP Land Acquisition project

Project Title _____

Region _____

State(s) _____

HCP name (As entered in ECOS) _____

Permit number _____

Service contact for more information _____

Acreage of land acquisition (break down acreage by parcel if more than one parcel is proposed for acquisition) _____

Estimated total cost of land acquisition (including management) _____

Percent of cost to be borne by non-Federal entities (list by entity and % of cost) _____

Amount of funding requested (total cost minus the non-Federal match) (break down by parcel if more than one is proposed for acquisition) _____

Regional priority points for this proposal* _____ (0 – 25 points)

* Each Region will have 25 points to distribute to the eligible Habitat Conservation Plan Land Acquisition grant proposals. That is, 25 points for all eligible proposals, not for each eligible proposal. The 25 points may be applied to grant proposal scores in any amount deemed appropriate by the Regional Director to reflect the Service and State priorities for funding. Please consider regional spotlight species when applying these discretionary points.

Justification for Regional priority _____

Total points available = 100 points + _____ Regional priority pts (maximum 125 points)

SPECIES BENEFITS

The purpose of this section is to evaluate how beneficial the land acquisition will be for listed and unlisted species covered by the HCP. Federally listed species are defined as those species listed as threatened or endangered by the Federal Government through section 4 of the Endangered Species Act. Unlisted species include candidate, proposed, State listed and all other species. A **covered species** is any species (listed or unlisted) that is identified on the section 10(a)(1)(B) permit.

Listed Species

1) Acquisitions that benefit more covered listed species will score higher. Only those federally listed threatened or endangered species that are covered in the HCP and will benefit from the proposed land acquisition should be counted. Listed species that are expected to benefit from the land acquisition but not covered by the permit should not be counted.

Score: Number of federally listed species **covered by the HCP (listed on the permit)** that will benefit from the land acquisition. (15 points maximum)

- _____ 1 species (1 pt)
- _____ 2-5 species (5 pts)
- _____ 6-10 species (10 pts)
- _____ 11+ species (15 pts)

Justification (identify species):

2) Acquisitions that provide greater benefit to covered listed species will score higher. The benefits to the listed species will be considered **major** if, through the acquisition, the majority of the species' range-wide habitat or an essential piece of habitat is protected, a major population necessary for recovery is protected, or major threats to the species are eliminated. The benefits to the listed species will be considered **minor** if, through the acquisition, only a small percentage of the species' range-wide habitat is protected, etc.

Score: Magnitude of benefits for listed species **covered by the HCP (listed on the permit)** that will result from the land acquisition. (15 points maximum)

- _____ Mostly minor benefits will result for the listed species (1 pt)
- _____ A combination of major and minor benefits will result for the listed species (10 pts)
- _____ Mostly major benefits will result for the listed species (15 pts)

Justification:

Unlisted Species

3) Only acquisitions that benefit more covered unlisted species will score higher. Unlisted species include species proposed for Federal listing, candidates for Federal listing, State listed species, and other species not federally listed as threatened or endangered. Unlisted species that are expected to benefit from the land acquisition but are not covered by the permit should not be counted.

Score: Number of unlisted (including State-listed species), proposed and candidate species for Federal listing **covered by the HCP (listed on the permit)** that will benefit from the land acquisition. (10 points maximum)

- _____ 0 species (0 pts) - **Skip to Question 5**
 _____ 1-5 species (3 pts)
 _____ 6-10 species (6 pts)
 _____ 11+ species (10 pts)

Justification (identify species):

4) Acquisitions that provide greater benefit to unlisted covered species will score higher. The benefits to the species will be considered **major** if, through the acquisition, the majority of the species' range-wide habitat is protected, an essential piece of the habitat is protected, a major population necessary for conservation is protected, or major threats to the species are eliminated. The benefits to the species will be considered **minor** if, through the acquisition, only a small percentage of the species' range-wide habitat is protected, etc.

Score: Magnitude of species benefits for unlisted species **covered by the HCP (listed on the permit)**. (10 points maximum)

- _____ Mostly minor benefits will result for the unlisted species (1 pt)
 _____ A combination of major and minor benefits will result for unlisted species (6 pts)
 _____ Mostly major benefits will result for the unlisted species (10 pts)

Justification:

Total points for species benefits (sum of 1-4): _____

ECOSYSTEM BENEFITS

The purpose of this section is to evaluate how beneficial the land acquisition will be for the covered listed and unlisted species.

6) Lands that require little or no management to provide benefits for covered species will score higher in this evaluation factor. This habitat can include occupied or suitable, unoccupied habitat. The level of management expected to be necessary is based on an evaluation of the biotic and abiotic components and ecological processes. Biotic factors include the structure and composition of plant and animal communities. Abiotic factors include soil, hydrology, natural topography, and salinity gradients. Ecological processes include succession, trophic energy flows, and disturbance regimes.

Score: When considered in the context of the surrounding landscape, the land targeted for acquisition contains _____ of the naturally occurring biotic and abiotic components and ecological processes necessary to maintain a fully functioning ecosystem that contains the habitat necessary to support the covered species associated with that ecosystem. (15 points maximum)

- _____ None (0 pt)
 _____ Some/Most (8 pts)
 _____ All (15 pts)

Justification:

7) Land acquisitions that fill in critical components for land protection will score higher (e.g., lands that link two preserves together to reduce habitat fragmentation).

Score: Do the lands proposed for acquisition fill a critical void in the matrix of protected lands, such as a connection between protected areas or protection of a core population area? (15 points maximum)

- _____ To some degree for at least one listed species **covered by the HCP (listed on the permit)** (5 pts)
 _____ To a great degree for one listed species and some degree for one or more listed or unlisted species **covered by the HCP (listed on the permit)** (10 pts)
 _____ To a great degree for more than two species **covered by the HCP (listed on the permit)** (15 pts)

Justification:

Total points for ecosystem benefits (sum of 6-7): _____

FOSTERING HCP PARTNERSHIPS

The purpose of this section is to emphasize the importance of partners in significantly contributing to implementation of the HCP. This section includes consideration of the number of partners and amount of cost share contributions.

8) Proposals with a larger number of significant partners involved in the HCP will score higher. A significant partner is a public or private entity that is a significant player in the implementation of the HCP. For example, they are signatories to an implementing agreement, are signatories to some other agreement regarding participation in implementation, or received their own section 10(a)(1)(B) incidental take permit. Subpermittees or entities receiving certificates of inclusion are not significant partners to an HCP; however, they typically make a contribution toward implementation in return for receiving the benefits of incidental take authorization. If an entity that is receiving incidental take authorization is also contributing toward the proposed land acquisition, an additional point is accrued. The Service and the State agency applying for the grant should not be counted.

Score: Number of significant partners involved in the implementation of the HCP. (8 points maximum)

_____ 1-5 significant partners (1 point)

_____ 1-5 significant partners with contributions toward implementation of the HCP from non-significant partners (subpermittees or entities receiving certificates of inclusion and making a monetary contribution toward HCP implementation) (5 points)

_____ Greater than 5 significant partners (8 points)

List each significant partner and describe in detail the significant partner's role in implementing the HCP:

9) Commitment to a successful HCP Land Acquisition project can be evidenced by cost share contributions. Cost share is the percent of the total project cost that will be provided by non-Federal partners. Proposals that include a greater than minimum cost share contribution will be ranked higher.

Score: Percentage of cost share provided by non-Federal partners. Rounding of the dollar amounts and/or percentages is not acceptable to meet the minimum cost-share requirement or to receive additional points on the evaluation form. (12 points maximum)

____ Minimum 25% (or 10% where two or more States are involved, or 0% for identified
Insular Areas) (0 pts)
____ Each additional 5% (2 pts)

Total points for HCP partnerships (sum of 8-9): _____

TOTAL POINTS FOR THIS PROPOSAL (sum of 1-9 above): _____

**RECOVERY LAND ACQUISITION PROGRAM
FISCAL YEAR 2009 EVALUATION FORM**

FWS Regional Staff: Please fill out this form completely. You may attach additional written explanations for the categories in this form if the space provided is inadequate.

Project Title _____

Region _____

State(s) _____

Service contact for more information _____

Acreage of land acquisition (break down acreage by parcel if more than one parcel is proposed for acquisition) _____

Estimated total cost of the proposed project (i.e., Federal and non-Federal portions) _____

Percent of cost to be borne by non-Federal entities (list by entity and % of cost) _____

Amount of funding requested (total cost minus the non-Federal match) (break down by parcel if more than one is proposed for acquisition) _____

Regional priority points for this proposal* _____ (0 – 25 points)

* Each Region will have 25 points to distribute to the eligible Recovery Land Acquisition grant proposals. That is, 25 points for all eligible proposals, not for each eligible proposal. The 25 points may be applied to grant proposal scores in any amount deemed appropriate by the Regional Director to reflect the Service and State priorities for funding. Please consider regional spotlight species when applying these discretionary points.

Justification for Regional priority _____

Total points available = 100 points + _____ Regional priority pts (maximum 125 points)

SPECIES BENEFITS

The purpose of this section is to evaluate how beneficial the land acquisition will be for listed and candidate species. Federally listed species are defined as those species listed as threatened or endangered by the Federal Government through section 4 of the Endangered Species Act. Unlisted species include candidate, proposed, State listed and all other species.

1) Listed species benefits. The extent to which the habitat acquisition contributes to recovery. (This factor should be scored based on benefits to the individual species as opposed to the aggregate. To score 15 points, the applicant must document that the proposal will potentially result in a high benefit to recovery of at least one listed species. Consideration should be given to the magnitude of the benefit in terms of the proportion of the species range/area encompassed by the acquisition, the contribution to stated recovery goals, and whether the acquisition will allow for delisting or downlisting of a listed species. Please provide a brief justification for the score.) (20 pts maximum)

___ Low benefit to recovery (acquisition will provide habitat that is currently unoccupied) (5 pts)

___ Medium benefit to recovery (acquisition is necessary to avoid a significant decline of the taxon {due to loss of habitat, increased threats, etc.}) (10 pts)

___ High benefit to recovery (acquisition is necessary to avoid extinction within the next five years, or the acquisition will assist the taxon achieve its recovery criteria within the next five years) (20 pts)

Justification:

2) Listed species recovery priority number. For those listed species that will benefit from the proposed acquisition that do not currently have an assigned priority number, you may calculate the appropriate number using the guidance provided in the *Federal Register* on September 21, 1983 (Pgs.,43098 - 43105, Vol. 48. No. 184 and Correction in FR notice of Nov. 15, 1983 Pg., 51985, Vol. 48. No. 221) (22 pts maximum)

___ 1 to 3 (10 pts)

___ 4 to 8 (5 pts)

___ 9 to 13 (2 pts)

___ 14 to 18 (1 pt)

Identify species and priority number assigned:

3) Number of species benefitted (listed and candidate only; at least one listed species must benefit). Draft recovery plans may only be considered if a Notice of Availability for the draft plan has been published in the *Federal Register*. Species that are warranted but precluded from listing are considered candidate species. (20 pts maximum)

___ Species with final recovery plans (8 pts for each species with a final plan)

___ Species with draft recovery plans (4 pts for each species with a draft plan)

___ Listed (without draft or final recovery plan) or candidate species (2 pts for each species)

Total points for species benefits (sum of 1-3): _____

ECOSYSTEM BENEFITS

The purpose of this section is to evaluate how beneficial the proposed land acquisition will be for the listed, unlisted (including State-listed species), proposed and candidate species.

5) Ecosystem benefits (20 pts maximum)

Function

___ Habitat fills a critical role in the life cycle of the primary species for which the land is acquired (8 pts)

___ Habitat requires little or no management to provide benefits to the primary species (4 pts)

Connectivity

___ Habitat links two existing protected areas together or is adjacent to existing protected areas, to reduce habitat fragmentation (8 pts)

Total points for ecosystem benefits (sum of 5): _____

COST SHARE CONTRIBUTIONS

6) Amount of cost share. A minimum of twenty-five percent in nonfederal cost share is required. If two or more States or Territories are contributors, the non-Federal cost share decreases to 10 percent. To be eligible for this reduction, each State must actively participate and each State's contribution must be described, e.g., an action in a recovery plan for a species of multi-State concern, in which two or more States or Territories are actively participating in recovery actions. Rounding of the dollar amounts and/or percentages is not acceptable to meet the minimum cost share requirement or to receive additional points on the evaluation form. (18 pts maximum)

___ Minimum 25% (or 10% where two or more States are involved, or 0% for identified Insular Areas) (0 pts)

___ Each additional 5% (2 pts)

Total points for cost share contributions (sum of 6): _____

TOTAL POINTS FOR THIS PROPOSAL (sum of 1-6 above): _____

2. Review and Selection Process

Proposals submitted for consideration in the “Traditional” Conservation Grants program will be reviewed by representatives from our Regional Offices (see Table 2, Section VII) and award selections will be made by the Regional Directors.

Recovery Land Acquisition proposals will compete at a Regional level for funding. Within each Region, a panel of Service representatives will assess the applications and make funding recommendations to the Regional Director. The Regional Director will use the individual panel member recommendations in selecting projects, although geographic distribution of projects, the amount of funding requested for a project compared with the total amount of funding available, and other such factors may also be considered. The Service’s Regional Director will then forward Regional recommendations to the Service’s Director. Partial funding of one or more projects, when practicable, may be considered. After reviewing the Regional Directors recommendations and the other factors, the Service’s Director will make funding selections.

Habitat Conservation Planning Assistance and Land Acquisition proposals will compete at a national level for funding. A panel of Service representatives will assess the applications submitted from the Regional Offices at the national level and make funding recommendations to the Service’s Director. The Director will use the panel member recommendations in selecting projects, although geographic distribution of projects, the amount of funding requested for a project compared with the total amount of funding available, unique single species projects, and other such factors may also be considered. Partial funding of one or more projects, when practicable, may be considered. After reviewing the panel members’ recommendations and the other factors, the Service’s Director will make funding selections.

For fiscal year 2009, the following will apply to the Non-traditional grant programs:

- 10 percent of the total amount of HCP Land Acquisition funding will be targeted to support proposals for single species HCPs;
- The Service will be implementing a \$6 million cap on HCP Land Acquisition proposals. The maximum amount that will be awarded per HCP annually is \$6 million.
- A new process will be implemented providing the Service Regional Directors with 25 points total in each of the non-traditional programs to distribute among project proposals to reflect the collective priorities of the State and the Service.

VI. Award Administration Information

The Service, the Department of the Interior, and the Office of Management and Budget have established requirements concerning Federal financial assistance. This includes established principles for determining which costs are allowable or eligible based on the type of applicant (see Table 1, this Section). Your project proposal must comply with these requirements. Grant award documents will be used to implement selected projects. A project begins on the effective

date of the grant award document between you and an authorized representative of the U.S. Government and ends on the date specified in the award document.

1. Administrative and National Policy Requirements

Listed in the table below are administrative requirements that may apply to your project if funded through the CESCOF. The documents listed below establish principles for determining which costs are allowable or eligible (“cost principles”) and describe other requirements that apply to receiving CESCOF funding. These requirements apply to grantees and subgrantees of CESCOF funding. In some cases, the requirements vary depending upon the type of organization receiving the funding or that is a subgrantee of the funding. Each of these documents can be found at our Internet site: <http://www.fws.gov/angered/grants/section6/index.html>. For projects that are selected for funding, we will also offer additional technical assistance to facilitate the prospective grantees’ understanding of the financial requirements.

On June 27, 2003, The Office of Management and Budget (OMB) published a *Federal Register* notice (68 FR 38402) that announced final policy issuance on the use of a universal identifier by grant applicants. The policy requires applicants applying for Federal grants or cooperative agreements on or after October 1, 2003, to acquire a Data Universal Number System (DUNS) number. It is the responsibility of the organization seeking Federal funds to obtain a DUNS number, as necessary. Grant and cooperative agreement applicants (excluding individuals) need to ensure they have a DUNS number. Therefore, all applicants for CESCOF funding MUST acquire a DUNS number to be submitted with the proposal. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-866-705-5711.

| Table 1. Administrative Requirements for CESCOF Funding Awards | |
|---|---|
| Category: | Specific Requirements: |
| Individuals, private firms, and other non-profits excluded from coverage under OMB Circular No. A-122 | <ul style="list-style-type: none"> * Federal Acquisition Regulation Subpart 31.2 * 43 CFR 18 (New Restrictions on Lobbying) * 48 CFR 31 or FAR 31.2 (Contracts with Commercial Organizations) |
| Non-Profit Organizations covered under OMB Circular No. A-122 | <ul style="list-style-type: none"> * 43 CFR 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs) * 43 CFR 18 (New Restrictions on Lobbying) * 2 CFR 215 (Administrative Requirements for Grants) * 2 CFR 230 (Cost Principles) * OMB Circular No. A-133 (Audits) |

| | |
|--|---|
| Educational Institutions (even if part of a State or local government) | <ul style="list-style-type: none"> * 43 CFR 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs) * 43 CFR 18 (New Restrictions on Lobbying) * 2 CFR 220 (Cost Principles) * 2 CFR 215 (Administrative Requirements for Grants) * OMB Circular No. A-133 (Audits) |
| States, local governments, and Indian Tribes | <ul style="list-style-type: none"> * 43 CFR 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs) * 43 CFR 18 (New Restrictions on Lobbying) * 2 CFR 225 (Cost Principles) * OMB Circular No. A-102 (Grants and Cooperative Agreements) * OMB Circular No. A-133 (Audits) |

Please be aware that if an appraisal to Federal standards is not provided with the grant application, the amount specified in the award announcement will be based on the estimate of the property's value as provided in the grant proposal. However, the actual purchase price will not be greater than the current market value as determined by an appraisal completed to Federal standards and appraisal review completed to Federal standards. A grant award document will specify the project requirements, such as the cost share, the project design, the time commitment for maintaining the project's benefits, and the reporting requirements, and provide for Service access to the project area in order to check on its progress. In order to receive funding, a prospective grantee will also need to provide assurances and certifications of compliance with other Federal requirements. For example, see Standard Form 424B (Non-construction) or Standard Form 424D (Construction) available at <http://wsfrprograms.fws.gov/Subpages/ToolkitFiles/toolkit.pdf>.

The grantee is reimbursed based on the cost sharing formula in the award document. An applicant should not initiate a project in expectation of CESCOF funding, nor should they purchase materials or begin work until such time as they receive the final grant award document signed by an authorized Service official.

Please be aware that when the Service funds fire management on lands other than the National Wildlife Refuge System lands, the activity must be conducted according to Chapter 18 of the Service Fire Management Handbook Regarding Prescribed Burning Off-Service Lands at <http://www.fws.gov/endangered/grants/section6/FY2006/fire.pdf> and further clarified at <http://wsfrprograms.fws.gov/Subpages/ToolkitFiles/firemgnt.pdf>.

The CESCOF programs are eligible for coverage under Executive Order (EO) 12372 "Intergovernmental review of Federal Programs." EO 12372, was issued to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform this function.

Applicants should contact the Service's Regional Program Coordinator (see Table 2, Section VII) and/or the State Single Point of Contact (SPOC) for Federal Executive Order 12372 for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review. A complete list of the names and addresses for the SPOCs may be found at <http://www.whitehouse.gov/omb/grants/spoc.html>

Length and Time Phasing of Assistance:

Obligation of Funds: The Service's goal is to obligate CESCO/Section 6 funds to States within 120 days of the award announcement. States will assist the Service in meeting the 120 day target by providing necessary documents for grant issuance as soon as possible following the grant award announcements.

Expenditure of Funds: Service policy is to allow for up to three years from the date of obligation for the expenditure of CESCO/Section 6 funds. Any extension will require the approval from the Director of the U.S. Fish and Wildlife Service.

2. Reporting

In general, OMB Circulars A-102 §_.40 and _.41 and 2 CFR 215 specify requirements for both financial and program performance reporting. The Service's interim guidance on financial status and performance reporting is available at <http://wsfrprograms.fws.gov/subpages/toolkitfiles/intgdrpt.pdf>. Grantees may be required to complete one or more of the following financial forms:

- SF - 269/269A, Financial Status Report;
- SF - 270, Request for Advance or Reimbursement;
- SF - 272, Federal Cash Transactions Report.

OMB Circulars A-102 §_.40 and 2 CFR 215 also set forth requirements for submission of grantee program performance reports. A performance report is due annually within 90 days of the anniversary of the start date of the grant and a final report is due 90 days after the grant expiration.

Audits: In accordance with the provisions of OMB Circular No. A-133 (Revised, June 24, 1997, "Audits of States, Local Governments, and Non-Profit organizations," non-Federal entities that receive financial assistance of \$500,000 or more in Federal Awards will have a single or a program-specific audit conducted for that year. Non-Federal entities that expend less than \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in Circular No. A-133.

Records: Records must be maintained for 3 years following the submission of the final expenditure report or until final action has been taken on any litigation, claim or audit finding.

VII. Agency Contacts

Please refer to the table below for a list of Regional Program Coordinators. Information on the CESCOF is also available from the Branch of State Grants, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203 or electronically at <http://www.fws.gov/conservation/grants/section6/index.html>

| Table 2. List of Regional Program Coordinators and Where To Send Project Proposals | | | |
|--|--|---|--|
| Service Region | States or Territory where the project will occur | Where to send your CESCOF project proposal | Regional CESCOF Contact and Phone Number |
| Region 1 | Hawaii, Idaho, Oregon, Washington, Guam, and Commonwealth of the Northern Mariana Islands | Regional Director U.S. Fish and Wildlife Service Eastside Federal Complex 911 N.E. 11th Avenue Portland, OR 97232-4181 | Heather Hollis (503/231-2372) |
| Region 2 | Arizona, New Mexico, Oklahoma, and Texas | Regional Director U.S. Fish and Wildlife Service 500 Gold Avenue SW., Room 4012 Albuquerque, NM 87102 | Luella Roberts (505/248-6654) |
| Region 3 | Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin | Regional Director U.S. Fish and Wildlife Service Bishop Henry Whipple Federal Building One Federal Drive Fort Snelling, MN 55111-4056 | Peter Fasbender (612/713-5343) |
| Region 4 | Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands | Regional Director U.S. Fish and Wildlife Service 1875 Century Boulevard, Suite 200 Atlanta, GA 30345 | Kelly Bibb (404/679-7132) or Aaron Valenta (404/679-4144) |

| | | | |
|----------|--|--|---|
| Region 5 | Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia | Regional Director U.S. Fish and Wildlife Service 300 Westgate Center Drive Hadley, MA 01035-9589 | Diane Lynch (413/253-8628) |
| Region 6 | Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming | Regional Director U.S. Fish and Wildlife Service 134 Union Blvd., Suite 645 Lakewood, CO 80228 | Bridget Fahey (303/236-4258) |
| Region 7 | Alaska | Regional Director U.S. Fish and Wildlife Service 1011 East Tudor Road, Anchorage, AK 99503-6199 | Judy Jacobs (907/786-3472) |
| Region 8 | California and Nevada | Regional Director U.S. Fish and Wildlife Service Federal Building, 2800 Cottage Way, Room W-2606 Sacramento, CA 95825-1846 | Mary Grim or Diane Elam (916/414-6464) |

VIII. Other Information

Please note that the Federal Government is not obligated to make any awards as a result of this announcement, and only official Service grant officers can bind the Government to the expenditure of funds.

Policy set forth in the Fish and Wildlife Service Manual (521 FW 4) guides the administration of the CESCO grant programs (<http://www.fws.gov/policy/521fw4.html>).

QUESTIONS AND ANSWERS

General Questions (applicable to all three grant programs)

- 1. Q: Can grant funds be used to assist an entity with mitigation requirements contained in a HCP or the section 10 permit conditions?**

A: No. A proposal cannot include actions required to satisfy a permittee's mitigation responsibilities. A proposal can include actions that complement mitigation actions.

- 2. Q: Can grant funds be used to help an entity come into compliance with a biological opinion?**

A: No. Federal action agencies and their permittees are responsible for meeting the terms and conditions in biological opinions.

- 3. Q: Can grant funds be used to assist an entity in complying with Federal regulations?**

A: No. We do not intend to grant funding for projects that serve to satisfy regulatory requirements at the Federal level (e.g., mitigation for Federal permits). However, actions over and above any existing regulatory requirements would be considered eligible for funding.

- 4. Q: Can Section 6 grant monies be applied to projects that have obtained funds through another Federal nexus, such as the Dingell-Johnson Sport Fish Restoration and the Pittman-Robertson Wildlife Restoration programs?**

A: Yes. These grants may be used to fund distinct aspects of complex or ongoing projects that have obtained grant funds from other Federal sources; full disclosure of the project including, but not limited to, the specific projects and respective funding from each Federal program must be fully described in the proposal. However, accomplishments anticipated under the Section 6 grant should stand on their own and not rely on monies obtained from other Federal sources. If it is an ongoing project, previous phases must already be successfully completed. Use of section 6 funds for these purposes must adhere to all Federal regulations governing such use.

- 5. Q: Can projects that have multiple sources of Federal funding use these other sources of funding as part of the non-Federal match?**

A: No. Any and all sources of Federal funding are considered Federal, and therefore can not be included as part of the non-Federal match.

6. Q: Can National Fish and Wildlife Foundation (NFWF) funds be used as part of the non-Federal cost share?

A: Yes and No, NFWF funds can not be used as part of the non-Federal cost share unless it can be demonstrated that the origin of such funds is non-Federal. NFWF receives funding from a variety of sources, including Federal sources. Therefore, unless it can be clearly demonstrated that NFWF funds are non-Federal in nature, and not commingled with Federal funds, use of NFWF funds will not be accepted as part of the non-Federal cost share.

7. Q: How is the cost share by non-Federal partners determined?

A: The non-Federal cost share is determined as a percent of total project costs. The cost share can include cash, allowable costs incurred, and third party in-kind contributions. The cost share must be expended within the grant period. A proposal must include at least 25 percent non-Federal cost share per section 6 of the Endangered Species Act, if one State is involved. If two or more States or Territories are contributors to the project, the non-Federal cost share decreases to 10 percent. To determine the cost share necessary, first determine the total cost of the project then multiply the total cost by .25 or .10, this is the amount necessary for the cost share. For example, if the estimated project cost is \$1,000, then \$250 ($1000 * .25$) must be provided by our non-Federal partners, and the Federal share would be \$750. If two or more States are contributors, the non-Federal cost share drops to \$100 ($1000 * .10$), and the Federal share would be \$900. Proposals that have a non-Federal cost share greater than the required minimum will receive additional points in the ranking.

8. Q: What evidence must be provided by the States to qualify for a higher Federal participation rate? OR What evidence must be provided by the States to qualify for 90:10 cost share ratio?

A: As described in the Fish and Wildlife Service manual (521 FW 4.9)

States may increase the rate of Federal participation from 75 percent to 90 percent of total grant costs when two or more States cooperate to conserve an endangered or threatened species of common interest [50 CFR 81.8(a)].

Section 6 (d)(2)(ii), ESA, defines cooperation as "whenever 2 or more States having a common interest in one or more endangered or threatened species, . . . enter jointly into agreement with the Secretary." A cooperative action is one where two or more States work on a mutual problem. This may be an action outlined in a recovery plan for a species of multi-State concern, an action outlined in a memorandum of agreement between cooperating States, an action described in cooperative grants, or an action outlined in a recovery implementation program.

The cooperating States may designate a lead State to coordinate with the Regional Director [43 CFR 12.50(b)(3), 50 CFR 81.6, 50 CFR 81.8(a), 50 CFR 81.9]. To seek an increased rate of participation for a cooperative project within a grant, cooperating States **MUST** (emphasis added) provide the following documentation to the Regional Director with the Grant Proposal: Documentation of the cooperative action entered into by the cooperating States, which may be in any form (e.g., memorandum, letter of agreement, recovery plan, implementation program) that meets the needs of the cooperating States, provided it contains the responsibilities and work to be carried out by **EACH** (emphasis added) of the cooperating States. Examples follow:

(1) Either (a) one State submits an Application for Federal Assistance (SF 424) and a letter of agreement from another State sharing cooperative efforts, or (b) each State identifies the joint recovery action from the recovery plan in existing Applications for Federal Assistance (SF 424).

(2) Each cooperating State submits a proposal for the joint project and separate Applications for Federal Assistance (SF 424).

(3) When one or more States are participating in a recovery implementation program, one or more may submit separate Application(s) for Federal Assistance (SF 424) and certification that they are participating in the recovery implementation program, such as "The Colorado River Recovery Implementation Program."

Each cooperating State is responsible for submitting performance and financial reports related to the joint project, when they are actively participating in Federal reimbursement funding. Incomplete work by any one of the cooperating States may result in a recovery of Federal funds from all States, if it is determined that the joint cooperative objective will not be accomplished [43 CFR 12.80].

We have limited funds available for these programs, and each project we fund at the increased Federal cost share rate reduces our ability to support other projects, in other States and Territories; we believe it is most appropriate for States to follow example one or two above to demonstrate a level of support for each project we fund at the higher rate. This will not change the underlying requirements that qualify a proposal for this higher Federal cost share, and we expect that projects that have qualified for this cost share level in the past will be able to provide this information, and so will continue to qualify for the higher rate in the future.

- 9. Q: For Insular Areas including the Virgin Islands, Guam, American Samoa, the Trust territory of the Pacific Islands, and the Government of the Northern Mariana Islands that are exempt from any matching requirements under all Fish and Wildlife Service Grant Programs (based on an August 23, 1993, Director's Memorandum), how will the**

ranking factors for additional cost sharing be addressed given that no such match would be necessary?

A: With regard to the ranking factors that provide additional points for additional cost sharing, proposals received from the Insular Areas listed above shall receive additional points for cost sharing in proportion to the additional points awarded to State proposals (i.e., 2 additional points for each additional 5% of cost share provided above the required minimum of 0% up to the maximum number of points for this ranking factor).

10. Q: How many years may a project proposal be submitted for? OR What is the grant agreement period?

A: The Service has determined that the grant agreement period shall be for up to three (3) years (i.e., three years or less). Therefore, any work proposed in a project proposal must be completed within a three-year time frame. This time frame begins with a signed award document (i.e., obligation of funds) and ends with grant closeout. All work must be completed within this time. We highly recommend that project proposals are structured in such a way that annual costs and related accomplishments are clearly identifiable. In this way, partial funding may be awarded based on the reported annual expenditures and anticipated accomplishments stated in the proposal, should this prove necessary. Please keep in mind that submitting a project in one fiscal year does not preclude submitting the same or similar proposal in subsequent years for additional funding. A performance report is due annually within 90 days of the anniversary of the start date of the grant and a final report is due 90 days after the grant expiration.

11. Q: Can management costs be used as part of the State cost share for these grant projects?

A: Yes. Provided that funds sufficient to cover the management costs for a specified time period are secured at the time the land or easement is purchased **AND** provided that the proportion of Federal funding provided for management does not exceed the proportion of Federal funding provided for the land or easement purchase. In other words, the amount of funding for management costs to be included as part of the grant, may not exceed the purchase price for the land or easement.

For example, if a parcel of land to be purchased cost \$100,000 and a State or Territory were to meet the minimum eligibility criteria of a 75:25 - Federal / non-Federal match, then the maximum amount the Federal government would pay toward the purchase of the land would be \$75,000. If it is determined, and documented that management of this property is going to cost an additional \$150,000, then the total project cost for the land acquisition and management would be \$250,000. Following the minimum eligibility criteria of 75:25 this would yield a split of \$187,500 Federal and \$62,500 non-Federal funding. However, because in this example the management costs exceeded the land purchase price, the Federal government would pay 75 percent of the land purchase price (\$75,000) and 75 percent of the management costs (\$112,500). This would be unallowable scenario because the Federal portion of the grant provided for management

(\$112,500) would exceed the Federal portion of the grant provided for land acquisition (\$75,000).

In order to use the management funding as part of the match, the State or Territory MUST document what activities would occur on the property and how much those activities would cost annually. Please note; management of lands acquired through these programs must be managed in perpetuity for the purposes in which the grant was awarded.

12. Q: Can activities such as habitat and species surveys be used as the State match for these grant projects?

A: Yes. Initial management costs including habitat and species surveys may be used as the State match provided that the costs are accrued and the work is completed within the grant agreement period (3 years). These initial management costs must be incurred for work carried out on the land acquired with the grant or in the case of HCP planning grants, within the planning area associated with the grant. In addition, such work and the associated costs must be considered “allowable costs” per OMB guidelines, which can be obtained through our Wildlife and Sport Fish Restoration Program Office in each U.S. Fish and Wildlife Service Region (<http://wsfrprograms.fws.gov/Subpages/ContactUs/ContactUs.htm>).

13. Q: Will States and Territories be able to claim reimbursement for administrative costs (overhead), especially for those funds that will be forwarded to local or private conservation efforts, and how will appropriate overhead rates be determined?

A: Yes. These costs can be included as long as they are included in the proposal and follow the OMB guidelines for administrative costs, which can be obtained through our Wildlife and Sport Fish Restoration Program Office in each U.S. Fish and Wildlife Service Region (<http://wsfrprograms.fws.gov/Subpages/ContactUs/ContactUs.htm>). Please note that full-time equivalents (FTE) costs by States, Territories, counties, and other entities must be tied to a specific project and should be included in these proposals sparingly. Likewise third party administrative costs should be kept to a minimum and used sparingly.

14. Q: Given that listed plants are usually not protected on private lands, will plants be eligible for consideration?

A: Yes. We encourage recovery of plants on private lands, especially for plants that are unique within their area or region, last known populations, or for other unique considerations. For HCPs, we do list plants on section 10(a) permits as a covered species.

15. Q: Are Tribes eligible to receive funding directly through these grant programs?

A: No. By law, these grant programs apply only to States and Territorial agencies that have current Cooperative Agreements with the Service. However, States may submit

proposals involving Tribes, i.e., Tribes may receive funding by working cooperatively with the State. Other funding opportunities for tribal wildlife conservation have been available since FY 2002. We encourage Tribes to contact the Native American Liaison in each U.S. Fish and Wildlife Service Region (<http://www.fws.gov/grants/Liaison%20contact%20list.pdf>) to find out more about these opportunities.

16. Q: Can a State submit a proposal for reimbursement of previously purchased land?

A: No. It is the Service's policy that grants be funded prospectively; therefore, we will not accept proposals submitted for reimbursement of previously purchased land. Costs for the acquisition of lands or interests in lands incurred prior to approval of the grant award document by an authorized Service official, are not allowable. The State is considered to have incurred the costs for land on the date the State becomes legally obligated for the purchase. Examples of when an acquisition cost is incurred are when a contract to purchase is executed or when an option is exercised. Prior approval by the Regional Director is evidenced by an approved Application for Federal Assistance (SF 424) and the obligation of Federal funds through an approved grant award document.

17. Q: Can National Marine Fisheries Service (NMFS) listed species be included in proposals?

A: Yes and No. Project proposals may be submitted for species with which the Service shares joint jurisdiction with NMFS, when that proposal would benefit the jointly listed species while it is within the jurisdiction of the Service (e.g., a proposal for beach acquisition that would benefit a jointly listed sea turtle species would be acceptable). Proposals for those species solely under NMFS jurisdiction, or that benefit a shared jurisdiction species only while it is within the jurisdiction of NMFS will not be considered. This is not to say that a proposal should not point out additional benefits to NMFS listed species when discussing other merits of the proposal, only that these benefits will not contribute to any of the ranking factors.

18. Q: Must a State or Territory have a Data Universal Number System (DUNS) number to apply for these grants?

A: Yes. On June 27, 2003, OMB published a *Federal Register* notice (68 FR 38402) that announced final policy issuance on the use of a universal identifier by grant applicants. The policy requires applicants applying for Federal grants or cooperative agreements on or after October 1, 2003 to acquire a Data Universal Number System (DUNS) number.

It is the responsibility of the organization seeking Federal funds to obtain a DUNS number, as necessary. Grant and cooperative agreement applicants (excluding individuals) need to ensure they have a DUNS number. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711.

19. Q: Can additional project information, not contained in the written project proposal, be submitted to the U.S. Fish and Wildlife Service for consideration after the closing date for submission of proposals?

A: No. Any and ALL information that the applicant would like to have considered MUST be included in the written proposal. Project applicants may have discussions with Service personnel to clarify information that is contained in the written proposal, however any new or additional information will not be considered. The proposal must be a stand-alone document.

20. Q: Can the U.S. Fish and Wildlife Service and/or the State agency applying for the grant funding be considered a stakeholder or significant partner?

A: No. The Service and the State agency applying for grant funding are recognized as the key stakeholders or significant partners in the HCP planning or HCP land acquisition process. Therefore, neither the Service or any of the Service programs, nor the State or any of the subdivisions of the State agency should be included as stakeholders or significant partners. For the purpose of the HCP Planning Assistance and HCP Land Acquisition Grants we are only considering those stakeholders or significant partners that are in addition to the Service and the State agency applying for grant funding.

Recovery Land Acquisition Grants

1. Q: Can the grant funds be used in planning for acquisitions?

A: No. These funds are provided to States and Territories for the acquisition of habitat and are not intended for planning purposes. Also, these funds shall not be used to fund land acquisitions associated with permitted HCPs.

2. Q: Will perpetual conservation easements satisfy the criterion for a “commitment to funding for and implementation of management of the habitat in perpetuity”?

A: Yes, provided that the easement is established in perpetuity for the purposes of the grant, and that the easement provides for the management of the habitat in perpetuity.

3. Q: Does land acquisition (the land to be acquired) have to be specifically mentioned in a recovery plan to qualify for this grant?

A: Yes and No. When a recovery plan for the species in question exists, the land acquisition must be consistent with the recovery plan. However, if a proposal is considered based on justification provided under one or more of the three exemptions stated in the eligibility criteria, then the land to be acquired does not have to be addressed in a recovery plan.

4. Q: Must a species be downlisted or delisted to obtain maximum points in ranking factor one?

A: No. While downlisting and delisting are desirable endpoints, a high benefit to recovery could exist if the majority of the species' range-wide habitat is protected, an essential piece of habitat is protected, major recovery goals are accomplished, or major threats to the species are eliminated or significantly reduced.

5. Q: Is the eligibility criterion that “habitat must be set aside in perpetuity for the purposes of recovery” appropriate, particularly if the species in question is either delisted due to recovery or goes extinct?

A: Yes. If the species is delisted due to recovery, then the habitat acquired as part of the recovery process should be maintained to insure that habitat loss does not contribute to species decline in the future. Indeed, the degree of habitat protection is a primary consideration in delisting determinations. Furthermore, land set aside for the recovery of one species often provides benefit to other listed species or species of concern. For that reason setting aside the property in perpetuity may provide numerous benefits to species other than the “target” species. There are also instances where a species is presumed to be extinct, only to be “found” later in time. Therefore, setting the property aside in perpetuity is prudent. However, should the “target” species become extinct and the habitat provide no significant benefit to other species, then the Service could revisit this on a case by case basis. Disposition instructions must be obtained from the Service in accordance with 43 CFR 12.71.

6. Q: Can a proposal for acquisition of a particular parcel of land be submitted for consideration in both the Recovery Land Acquisition Grant program and the HCP Land Acquisition Grant program?

A: No. A proposal may not be submitted for funding consideration in both the Recovery Land Acquisition Grant and the HCP Land Acquisition Grant programs in the same fiscal year.

Habitat Conservation Planning Assistance Grants

1. Q: Must an HCP be completed within a year to qualify for this grant?

A: No. As stated in the eligibility criteria, the proposal must involve a discrete activity(ies) that can be accomplished within the grant agreement period (each activity must have an identified starting point and end point); for example, developing public outreach brochures, gathering baseline data for an HCP, finalizing the HCP documents. Furthermore, the proposal should identify work elements that will be completed annually during the grant agreement period. Identifying elements that will be completed annually will facilitate our ability to provide partial funding to a proposal should that become necessary. However, a HCP does not need to be completed in its entirety within one year to qualify for this grant.

2. Q: Must ALL discrete activities identified in the proposal, for which funding is sought, be completed in one year to receive an additional point in the time to completion criteria?

A: YES ALL discrete activities identified in the proposal, for which funding is sought, must be completed in one year to receive points in this category, it is NOT sufficient for one or more discrete activities to be completed in one year with other identified discrete activities being completed in subsequent years, if funding for those additional activities is being sought through this proposal.

3. Q: When does the one year time frame begin and end?

A: One Year, for the purposes of this grant program, is defined as the close of the calendar year subsequent to the calendar year in which funding was appropriated. For example, for funding appropriated in 2008, ALL discrete activities for which funding is sought must be completed by December 31, 2009 in order to receive the additional point in ranking criteria number eight.

HCP Land Acquisition Grants

1. Q: Why is the HCP Land Acquisition Program targeted toward larger, multiple species HCPs?

A: The underlying spirit of the HCP program is to encourage state and local governments and private landowners to undertake regional and multiple species planning efforts. These large-scale, regional HCPs can significantly reduce the burden of the ESA on small landowners by providing efficient mechanisms for compliance, distributing the economic and logistical impacts of endangered species conservation among the community, and bringing a broad range of landowner activities under the HCPs legal protections.

2. Q: Can a proposal for acquisition of a particular parcel of land be submitted for consideration in both the HCP Land Acquisition Grant program and the Recovery Land Acquisition Grant program?

A: No. A proposal may not be submitted for funding consideration in both the HCP Land Acquisition Grant and the Recovery Land Acquisition Grant programs in the same fiscal year.

Policy set forth in the Fish and Wildlife Service Manual (521 FW 4) guides the administration of the CESCFC grant programs (<http://www.fws.gov/policy/521fw4.html>).