State and Tribal Wildlife Grants

Appropriations Language

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally-recognized Indian Tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, [\$61,421,000]\$61,323,000, to remain available until expended: *Provided*, That of the amount provided herein, [\$4,275,000]\$4,268,000 is for a competitive grant program for federally recognized Indian Tribes not subject to the remaining provisions of this appropriation: Provided further, That [\$5,741,000]\$13,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting [\$10,016,000]\$17,268,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans; *Provided further*, That any amount apportioned in [2012]2013 to any State, territory, or other jurisdiction that remains unobligated as of September 30, [2013]2014, shall be reapportioned, together with funds appropriated in [2014]2015, in the manner provided herein. (Consolidated Appropriations Act, 2012.)

Authorizing Statutes

Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544). Prohibits the import, export, or taking of fish and wildlife and plants that are listed as threatened or endangered species; provides for adding species to or removing them from the list of threatened and endangered species, and for preparing and implementing plans for their recovery; provides for interagency cooperation to avoid take of listed species and for issuing permits for otherwise prohibited activities; provides for cooperation with states, including authorization of financial assistance; and implements the provisions of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).

Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742(a)-754). Establishes a comprehensive national fish and wildlife policy and authorizes the Secretary of the Interior to take steps required for the development, management, advancement, conservation, and protection of fisheries resources and wildlife resources through research, acquisition of refuge lands, development of existing facilities, and other means.

Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661). The Secretary of the Interior is authorized to provide assistance to, and cooperate with, federal, state, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, and in providing public shooting and fishing areas, including easements across public lands for access thereto.

Appropriation: State and Tribal Wildlife Grants

			2013				Change
		2011 Actual	2012 Enacted	Fixed Costs & Related Changes (+/-)	Program Changes (+/-)	Budget Request	Change from 2012 Enacted (+/-)
State Wildlife Grar (Formula)	nts (\$000)	49,900	51,323	0	-7,268	44,055	-7,268
State Wildlife Grar (Competitive)	nts (\$000)	4,990	5,732	0	+7,268	13,000	+7,268
Tribal Wildlife Gra	nts (\$000)	6,986	4,268	0	0	4,268	0
Total, State and Tribal Wildlife Grants (\$000) FTE		61,876 26	61,323 23	0	0	61,323 23	0

Summary of 2013 Program Changes for State and Tribal Wildlife Grants

Request Component	(\$000)	FTE
 State Wildlife Grants (Formula) 	-7,268	0
 State Wildlife Grants (Competitive) 	+7,268	0
Program Changes	0	0

Justification of 2013 Program Changes

The 2013 budget request for State and Tribal Wildlife Grants is \$61,323,000 and 23 FTE with no net program change from the 2012 Enacted.

State Wildlife Grants (Formula) (-\$7,268,000/+0 FTE)

The Service is proposing to redirect funding from the formula-driven grants to competitively-awarded grants in FY 2013. Formula-driven grants will be decreased by \$7,268,000.

State Wildlife Grants (Competitive) (+\$7,268,000/+0 FTE)

For the 2013 budget request, funding for competitive grants will increase by \$7,268,000. This increase in competitive funding allows states to tailor projects in support of national resource management goals such as landscape-scale management and interstate cooperation. With a changing environment, this effort builds upon other FWS initiatives, like Landscape Conservation Cooperatives and the Cooperative Recovery initiative, to conserve species on a broader scale. Projects funded with competitive grant funding will produce significant conservation benefits by:

- 1. Improving State fish and wildlife agencies' ability to work collaboratively with Landscape Conservation Cooperatives (LCCs) and in implementing management tools;
- 2. Developing baseline surveys on species, such as sea turtles (Green turtles, hawksbills, loggerheads, Kemp's ridleys, olive ridleys, and leatherbacks), and assessments of impacts from climate change and other environmental stressors across state boundaries;
- 3. Intensifying multi-state responsiveness to large-scale emerging species population declines, such as white-nose syndrome in cave-dwelling bats;

- 4. Better protecting species' habitat across state boundaries or Species of Greatest Conservation Need (SGCN) habitat areas through cooperative projects between state fish and wildlife agencies that support viable populations of SGCN over multiple states and broader ecological scales; and
- 5. Increasing national capability and strategic decision making that gathers state fish and wildlife agencies survey and project data, technical expertise and best management practices into a cohesive approach to address common resource management issues. This would foster projects similar to those funded in FY 2011 that built upon traditional State Wildlife Grant (SWG) projects and enhanced native prairies, wetlands, and woodlands on public and private lands across the boundaries of Nebraska, Wyoming, Montana, Idaho and Washington. These projects will benefit various SGCN such as the Bell's vireo, greater prairie chicken, sage grouse, swift fox, and the northern red belly dace.

Program Overview

As authorized by the *Fish and Wildlife Act of 1956*, the State and Tribal Wildlife Grants (STWG) Program provides federal grant funds to states, the District of Columbia, commonwealths, territories (states), and tribes, to develop and implement programs for the benefit of fish and wildlife and their habitat, including species that are not hunted or fished. The Department of the Interior and Related Agencies Appropriations Act for FY 2002 (Public Law 107-63) provides funding for STWG and this fund continues in the annual appropriations legislation. For the past12 years, this grant program has provided state fish and wildlife agencies a stable federal funding source. All funded activities must link with species, actions, or strategies included in each state's Wildlife Action Plan. These state Wildlife Action Plans collectively form a nationwide strategy to prevent wildlife from becoming endangered, and are unique from many prior conservation plans because of broad participation and an inclusive public planning process. By working with stakeholders and other members of the community, state fish and wildlife agencies translate pressing conservation needs into practical actions and on-the-ground results.

In accordance with the *Endangered Species Act* of 1973, the STWG program is the primary source for States and tribes to fund proactive alternatives to address the needs of declining species. Through preventative measures, such as habitat restoration and protection through land acquisition, STWG helps to avert vastly greater expenditures to communities and the Service, by preventing imperiled species from becoming listed under the Endangered Species Act.

Consistent with the *Fish and Wildlife Coordination Act*, as amended (16 U.S.C. 661), STWG accomplishes its goals by leveraging Federal funding through cost-sharing provisions with State fish and wildlife agencies, tribes, and other partners. In doing so, it grants states the flexibility to identify, study, and conserve those species most in need. Effective partnerships are therefore a core principle of STWG, as the program embodies the spirit of cooperation and sharing of resources inherent in the *Coordination Act*.

Since the program's inception, it has enhanced 1.41 million acres of species habitat and protected nearly 108,000 acres of critical habitat through land acquisition or conservation easements.

Goals of the Program - The long-term goal of STWG is to stabilize, restore, enhance, and protect species of greatest conservation need (SGCN) and their habitat. By doing so, the nation avoids the costly and time-consuming process that occurs when habitat is degraded or destroyed and species' populations plummet, therefore requiring additional protection (and federal expenditure) through the Endangered Species Act or other regulatory processes. The program accomplishes its protection goals by 1) focusing projects on SGCN and their habitats, and 2) leveraging federal funding through cost-sharing provisions with state fish and wildlife agencies.

State Wildlife Action Plan - Each state must have a Wildlife Action Plan, approved by the U.S. Fish and Wildlife Service's (Service) Director, for the conservation of fish and wildlife. Each Wildlife Action Plan must consider the broad range of fish and wildlife and associated habitats, with priority on those species with the greatest conservation need, and take into consideration the relative level of funding available for the conservation of those species. The states must review and, if necessary, revise their Wildlife Action Plan by October 1, 2015, and every ten years afterwards, unless completed more frequently at each state's discretion. Revisions to state Wildlife Action Plans must follow the guidance issued in the July 12, 2007 letter from the Service's Director and the President of the Association of Fish and Wildlife Agencies.

<u>Tribal Wildlife Grants</u> - The Tribal Wildlife Grant (TWG) program provides funds to federally recognized tribal governments to develop and implement programs for the benefit of wildlife and their habitat, including species of Native American cultural or traditional importance and species that are not hunted or fished. Although tribes are exempt from the requirement to develop wildlife plans, individual tribes are eager to continue their conservation work using resources from the national tribal competitive program.

The following are eligible activities under SWG:

- Conservation actions, such as research, surveys, species, and habitat management, acquisition of real property, facilities development, and monitoring.
- Coordination and administrative activities, such as data management systems development and maintenance, developing strategic and operational plans, and coordinating implementation meetings with partners. Partners are entities that participate in the planning or implementation of a state's plan. These entities include, but are not limited to, federal, state, and local agencies, tribes, nonprofit organizations, academic institutions, industry groups, and private individuals.
- Education and law enforcement activities under the following conditions:
 - The education activities are actions intended to increase the public's knowledge or understanding of wildlife or wildlife conservation through instruction or distribution of materials.
 - ✓ The law enforcement activities are efforts intended to compel the observance of laws or regulations.
 - ✓ The activities are critical to achieving the project's objectives.
 - ✓ The activities are no more than 10 percent of the respective project cost.
 - ✓ The activities specifically benefit SGCN or their habitats.
- Providing technical guidance to a specific agency, organization, or person that monitors or manages SGCN or their habitats. Technical guidance is expert advice provided to governmental agencies, landowners, land managers, and organizations responsible for implementing land planning and management.
- Addressing nuisance wildlife or damage caused by wildlife, but only if the objective is to contribute to the conservation
 of SGCN or their habitats, as indicated in a state's Wildlife Action Plan.
- Conducting environmental reviews, site evaluations, permit reviews, or similar functions intended to protect SGCN or their habitats.
- Responding to emerging issues.
- Planning activities.

Activities that may be eligible for SWG:

Apportioned funds if they mitigate or compensate for resource losses caused by subprogram-funded activities, or are
necessary to secure permits or approval of these activities. "Mitigate" means to take action required by a federal, state,
or local government agency, through law or regulation, to compensate for adverse impacts on natural resources.

Activities ineligible for funding under the SWG include:

- Initiating or enhancing wildlife-associated recreation, which includes outdoor leisure activities associated with wildlife, such as hunting, fishing, wildlife observation, and photography.
- Establishing, publishing, and disseminating state-issued regulations on the protection and use of wildlife. This includes, but is not restricted to, laws, orders, seasonal regulations, bag limits, creel limits, and license fees. This does not prohibit the scientific collection of information or the evaluation of this information to support management recommendations.
- Mitigating wildlife habitat losses resulting from activities that are not approved.
- Projects that have more than a minor component of educating the public or conducting law enforcement activities.
- Public relations activities to promote organizations or agencies.
- Projects with the primary purpose of producing revenue. This includes all processes and procedures directly related to efforts imposed by law or regulation, such as the printing, distribution, issuance, or sale of licenses or permits. It also includes the acquisition of real or personal property of rental, lease, sale, or other commercial purposes.
- Wildlife damage management activities that are not critical to the conservation of SGCN or their habitats.

Types of State Wildlife Grant Program (SWG) Projects - All 50 states, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of American Samoa, Guam, and the U.S. Virgin Islands participate in this program through their respective fish and wildlife agencies. Each state, Commonwealth, and territory develops and select projects for funding based on the agencies' assessment of problems and needs associated with their Wildlife Action Plan.

<u>Funding Planning and Implementation Grants</u> – In 2007, the Service introduced new SWG guidance that narrowed the scope of work that may be conducted under planning grants. The guidance also restricted the content of state planning grants to 1) conducting internal evaluation of Wildlife Action Plans, and 2) obtaining input from partners and the public on how to improve those plans. Because of the restrictions on the content of work that can be carried out under planning grants, the Service expects the states will shift most of their SWG financial resources away from planning activities and toward conducting "implementation" work for more on-the-ground activities.

After deducting administrative costs for the Service's Washington and Regional Offices, the Service distributes SWG funds to states in the following manner:

- A. The District of Columbia and the Commonwealth of Puerto Rico each receive a sum equal to not more than one-half of 1 percent. The territories of American Samoa, Guam, and the U. S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands each receive a sum equal to not more than one-fourth of 1 percent.
- B. The Service divides the remaining amount among the 50 states by a formula where one-third of the amount for each state is based on the ratio of the state land area to the total land area of the 50 states, with the other two-thirds based on the ratio of the state population to the total population of the 50 states. However, each of the 50 states must receive no less than 1 percent of the total amount available and no more than 5 percent.

The federal share of planning grants must not exceed 75 percent of the total cost, and the federal share of implementation grants must not exceed 50 percent of the total cost. These percentages are subject to change in the annual Appropriations Acts that both reauthorize and fund the SWG. The Wildlife and Sport Fish Restoration Program (WSFR) can waive the 25 percent non-federal matching requirement of the total grant cost for the Commonwealth of the Northern Mariana Islands, and the territories of Guam, the United States Virgin Islands, and American Samoa up to \$200,000 (48 U.S.C. 1469a (d)). The non-federal share may not include any federal funds or federal in-kind contributions unless legislation specifically allows it. Again, tribal Wildlife Grants are competitive and are not required to provide a share of project costs; however, many do, and some quite substantially.

<u>Obligation Requirements</u> – States must obligate SWG funds to a grant by September 30 of the second federal fiscal year after their apportionment, or the remaining unobligated dollars revert to the Service. Reverted SWG funds lose their original fiscal year and state identity, and all states will receive them as an addition to the next year's national appropriation. If a state obligates SWG funds to an approved grant but does not expend the funds in the grant period, WSFR will deobligate the unexpended balance. If WSFR deobligates the funds during the two-year period of availability, WSFR will reobligate these funds to an existing or new grant to the same state. SWG funds deobligated after their two-year period of availability revert to the Service and lose their original fiscal year identity. These reverted funds will go into next year's SWG appropriation for apportionment to all states.

<u>Performance Measurement</u> – In September 2008, after a two-year effort, the Service, in cooperation with states, developed a Conservation Heritage Strategic Plan, which includes goals, and, in a companion document, Conservation Heritage Measures laid out performance measures. Data collection to assess progress on the Conservation Heritage Strategic Plan began in FY 2009. The Conservation Heritage

Measures are designed to demonstrate long-term national outcomes as well as annual output performance goals through data provided by the individual states and collected in national surveys. Below are the targeted measures for FY 2013 under the State Wildlife Grant program.

CONSERVATION HERITAGE MEASURES	FY 2013 TARGETS
4.5.6 # of Acres of terrestrial habitat acquired and protected through fee title	14,787
7.19.4 # of Acres achieving habitat/biological community goals through voluntary agreements	135,000
15.8.17 # of Days of participation in wildlife watching (away from home)	352,070,000
15.8.18 # of Around-the-home wildlife watching participants	67,756,000

2013 Program Performance

With the FY 2013 budget of approximately \$61 million in payments to States and Tribes, the Service expects program grantees to continue to stabilize, restore, enhance, and protect SGCN, as well as their habitat. In addition, the Service will continue working cooperatively with them to find ways to more consistently and comprehensively report accomplishments.

The STWG program has proved a stable Federal funding source for State and tribal fish and wildlife agencies for the past 12 years. This funding stability is critical to the recovery and continued resilience of many species that are in the greatest need of conservation. Some examples of activities planned by State fish and wildlife agencies in FY 2013 include:

- **Florida:** The Florida Fish and Wildlife Conservation Commission will be actively working on a multistate SWG-Competitive award to enhance and restore approximately 47,925 acres of upland longleaf and sandhill habitat on focal areas in Alabama, Florida, Georgia, Louisiana, and Mississippi, of which at least 17,864 acres are privately owned.
- **Pennsylvania:** The Pennsylvania Game Commission will be working on a project to quantify the effects of activities associated with Marcellus Shale gas development on forest bird communities and to test some techniques designed to minimize the effects of well site infrastructure on forest birds, reptiles, and amphibians. Results from this project will provide guidance to regulators and industry on the potential effects of gas well development on forest wildlife species and how to minimize those effects.
- **Kentucky:** The Kentucky Department of Fish and Wildlife Resources will continue with efforts to implement various conservation actions on designated priority Wildlife Management Areas identified in the state's Wildlife Action Plan.
- Georgia: The Georgia Department of Natural Resources will continue their efforts to enhance methods
 for assessment and control of invasive nonnative species on public lands and other conservation lands
 and provide better technical and informational resources to land managers to facilitate invasive species
 control.
- Michigan: The Michigan Department of Natural Resources and Environment will continue efforts to further develop Geographic Information System (GIS) data for nongame wildlife species in the Great Lakes region; investigate effects of temperature on fluvial fish assemblages; protect high-quality riparian corridors, and develop and implement a process to evaluate their river systems for a protective Natural Rivers designation.
- New York: The New York Department of Fish, Wildlife and Marine Resources has a Natural Heritage Program which tracks and documents over 200 of New York's Species of Greatest Conservation Need

(SGCN) and inventories exemplary natural habitats that support them. These efforts will focus on maintaining and improving the capacity of the Natural Heritage Program to track data on SGCN, as well as distribute information on SGCN to land planners and decision makers as part of the review process for projects in New York State.

• New Mexico: The Pueblo of Tesuque Tribe will continue their efforts for an archeological survey and biological assessment of elk grazing grassland habitat for future enhancement activities. The Tribe will capture, collar, and release three to five elk and monitor them for two years using Global Positioning System (GPS) telemetry. Based on the collected data, a long-term elk management plan will be developed. In addition, there will be outreach and educational efforts developed with the Santa Fe Indian School's Community Based Education Program. The benefit of the grant is increased knowledge about the Pueblo's elk population, which will lead to better management of the resource.

In 2013, the Service will continue to integrate cost and performance information for the State and Tribal Wildlife Grant Program. This program has a long history of conservation successes, with ongoing support provided by the Tracking and Reporting on Actions for Conservation Species (TRACS) database system. With this database system, the Service expects to continue improving its accomplishment reporting. This will result in more refined performance numbers and better documentation of the progress in meeting performance goals identified in the Conservation Heritage Strategic Plan.

U.S. FISH AND WILDLIFE SERVICE APPORTIONMENT OF STATE WILDLIFE GRANTS FOR FISCAL YEAR 2012 CFDA: 15.634 State Wildlife - 5720 State Wildlife - 5620 STATE (65/35 Match) (65/35 Match) ALABAMA \$19,291 \$735,602 ALASKA 62,754 2,393,003 AMERICAN SAMOA 3,137 119,650 ARIZONA 31,594 1,204,752 ARKANSAS 14,565 555,393 CALIFORNIA 62.754 2,393,003 COLORADO 26,720 1.018.891 CONNECTICUT 12,551 478,601 DELAWARE 478,601 12,551 DISTRICT OF COLUMBIA 6,275 239,300 FLORIDA 57,220 2,181,968 **GEORGIA** 33,171 1,264,899 **GUAM** 3,137 119,650 HAWAII 12.551 478,601 IDAHO 14.935 569.515 ILLINOIS 41,130 1,568,420 INDIANA 21.781 830.557 IOWA 15,309 583,761 KANSAS 18,160 692,473 KENTUCKY 16,670 635,666 LOUISIANA 18,115 690,767 MAINE 12,551 478,601 MARYLAND 16,580 632,249 MASSACHUSETTS 18,341 699,380 MICHIGAN 33,659 1,283,486 MINNESOTA 24.898 949,418 MISSISSIPPI 13,991 533,523 MISSOURI 24.807 945,954 MONTANA 21,612 824,130 N. MARIANA ISLANDS 3,137 119,650 NEBRASKA 14,814 564,894 NEVADA 21,414 816,557 NEW HAMPSHIRE 12,551 478,601 NEW JERSEY 24,203 922,927 NEW MEXICO 21,146 806,333 NEW YORK 57,466 2,191,347 NORTH CAROLINA 31.961 1,218,752 NORTH DAKOTA 12.551 478.601 OHIO 35,775 1,364,174 OKLAHOMA 18,930 721,829 OREGON 22,648 863,637 PENNSYLVANIA 39,365 1,501,075 PUERTO RICO 6,275 239,300 RHODE ISLAND 12,551 478,601 SOUTH CAROLINA 16,223 618,621 SOUTH DAKOTA 12,551 478,601 TENNESSEE 22,188 846,081 TEXAS 62.754 2,393,003 UTAH 18.263 696,403 VERMONT 12,551 478,601 VIRGIN ISLANDS 3,137 119,650 VIRGINIA 26,354 1,004,941 WASHINGTON 26,540 1,012,030 WEST VIRGINIA 12,551 478,601 22,257 WISCONSIN 848,733

14,127

\$1,255,093

WYOMING

TOTAL

538,710

\$47,860,067

Standard Form 300 DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE STATE and TRIBAL WILDLIFE GRANTS FUND Program and Financing (in millions of dollars) 2011 2012 2013 Identification code 14-1694-0-302 Actual **Estimate Estimate** Obligations by program activity: 0001 State Wildlife Grants 73 57 50 0002 State Competitive Grants 6 12 6 3 0003 Administration 4 4 5 3 0004 Tribal Wildlife Grants 1000 Total obligations 88 74 68 Budgetary resources available for obligation: Unobligated Balance: 1000 Unobligated balance brought forward, Oct 1 65 42 32 1021 Recoveries of prior year unpaid obligations 3 1050 Total budgetary resources available for obligation 68 45 35 New budget authority (Discretionary): 62 61 61 1201 Appropriation 1930 Total Budgetary Resources Available 130 106 96 Change in Obligated Balance: 3000 Obligated balance, start of year 148 155 145 3030 New obligations 88 74 68 3040 Total outlays, gross (-) -78 -81 -79 3080 Recoveries of prior year unpaid obligations -3 -3 -3 3100 Obligated balance, end of year 155 145 131 Outlays (gross), detail: 4010 Outlays from new discretionary authority 13 11 14 4011 Outlays from discretionary balances 67 68 65 4110 Total Outlays (gross) 78 81 79 Net budget authority and outlays: 4180 Budget authority 62 61 61 78 4190 Outlays 81 79 Object Classification (in millions of dollars) **Direct Obligations:** Personnel compensation: 11.11 Personnel compensation: Full-time permanent 2 1 1 11.21 Civilian personnel benefits 1 12.51 Advisory and assistance services 70 14.10 Grants, subsidies and contributions 84 64 19.90 Subtotal, Direct Obligations 87 73 67 99.95 Below Threshold 1 74 99.99 Total obligations 88 68 Personnel Summary Direct: Total compensable workyears: 1001 Full-time equivalent employment 26 23 23

This page intentionally left blank.