

**FY 2022 Cooperative Endangered Species Conservation Fund:  
Recovery Land Acquisition Grants  
Frequently Asked Questions**

***Eligibility***

**Q. Which species are eligible for consideration under this funding opportunity?**

A. Federally listed species (species listed as threatened or endangered through section 4 of the Endangered Species Act) for which (1) habitat loss is identified as a threat; and (2) habitat protection is identified as a priority recovery action in the species' most recently approved recovery planning document are eligible for consideration.

**Q. What is an approved recovery planning document?**

A. For the purposes of this funding opportunity, an approved recovery planning document is a Service-approved final recovery plan, draft recovery plan, or a recovery outline if the species has been listed less than 2 ½ years. A recovery plan serves as a guide for activities to be undertaken by Federal, State, or private entities in helping to recover and conserve endangered or threatened species. For newly listed species, a recovery outline serves to direct recovery efforts pending the completion of the species' recovery plan.

**Q. If a species has been listed more than 2 ½ years and does not have a Service-approved draft or final recovery plan, is it eligible for consideration under this funding opportunity?**

A. No. A species listed more than 2 ½ years must have a Service-approved draft or final recovery plan to in order to be considered under this funding opportunity.

**Q. Where can applicants locate a species' most recently approved recovery planning document?**

A. Approved species recovery planning documents are available on the Ecological Services Program's website at <http://www.fws.gov/endangered>. To locate a document, enter a species name in the "Species Search" query box near the top of the page in the "Find Endangered Species" section, and then hit the search icon (shaped like a magnifying glass). If you enter a general name like the word "trout," then a list of species names containing the word "trout" will appear. Click on the scientific name of the desired species to see the regulatory profile for that species.

Next, scroll down to the Recovery section of the profile. Look under the Current Recovery Plans(s) heading to determine whether the species has an approved draft or final recovery plan or recovery outline (if the species has been listed for less than 2.5 years). There are separate web links for the recovery plan, the plan's implementation schedule, and its recovery outline, if available. Applicants should refer to the most recently approved document.

**Q. How can applicants determine if habitat loss is an identified threat in a species' most recently approved recovery planning document?**

A. For the purposes of this funding opportunity, habitat loss includes the destruction, modification, or curtailment of the species' habitat or range. While approved recovery planning documents may vary somewhat in form and content, all identify the main reasons why a species

warrants listing under the Endangered Species Act. The reasons for a species decline are identified as threats as analyzed during the listing decision. Threats can either be found in the Background section of the recovery planning document, or may be embedded within the Recovery Strategy and described as threats or stressors.

**Q. How can applicants determine if habitat protection is a priority recovery action in a species' most recently approved recovery planning document?**

**A.** For the purposes of this funding opportunity, habitat protection is defined as actions taken to protect an area in order to remove or mitigate the threat of conversion, degradation, or removal of suitable occupied or unoccupied habitat, where habitat loss has been identified as a factor contributing to the decline of the species. Protection can involve acquisition, conservation easement, etc.

*Species with approved draft or final recovery plans*

For species with approved draft or final recovery plans, click on the recovery plan title to see the recovery plan document. Recovery actions are most commonly shown along with their priority ranking in the Implementation Schedule table. Please make a note of the action number (e.g., action 1.2.3), Priority number, and exact text of the applicable priority recovery action(s) that apply to your project, as you will need to include this information in your application.

*Species with approved recovery outlines*

For species listed for less than 2.5 years, click on the title of the recovery outline to see the document and to determine the recommended recovery actions. Please make a note of the exact text of the applicable recovery activity in the recovery outline, as you will need to include this information in your application.

**General**

**Q. Can applications to acquire the same property be submitted for consideration under both the Recovery Land Acquisition Grant Program and the Habitat Conservation Plan Land Acquisition Grant Program?**

**A.** No. Applications to support the same land acquisition project may not be submitted for funding consideration under both programs in the same fiscal year.

**Q. Can applicants submit additional information after the application due date?**

**A.** Applications submitted for consideration to this national competition must be in final format by the due date specified in the funding opportunity. The only application changes that will be accepted after the due date are those that will not affect the project scope or evaluation and scoring, such as small corrective or clarifying statements, unless requested by the Service. To facilitate an efficient merit review process, applicants should ensure there are no inconsistencies or errors within the application that would cause the review panel difficulty in accurately assessing and scoring the project. Applications will not be scored under a criterion if the information provided is inaccurate, inconsistent, or cannot be reasonably located or understood.

## ***Evaluation Criteria***

### ***Evaluation Criterion 1. Magnitude of Species Benefit: Contribution to Recovery***

#### **Q. Where are recovery actions located in a species' most recently approved recovery planning document?**

A. For species with approved draft or final recovery plans, click on the recovery plan title to see the recovery plan document. Recovery actions are most commonly shown along with their priority ranking in the Implementation Schedule table. Please make a note of the action number (e.g., action 1.2.3), Priority number, and exact text of the applicable priority recovery action(s) that apply to your project, as you will need to include this in information in your application.

For species listed for less than 2.5 years, click on the title of the recovery outline to see the document and to determine the recommended recovery actions. Please make a note of the exact text of the applicable recovery activity in the recovery outline, as you will need to include this information in your application.

#### **Q. Where are down and delisting criteria located in a species' draft or final recovery plan?**

A. Recovery criteria are located in the final or draft recovery plan, typically under the Recovery Strategy section. In some cases, a species' recovery plan has been amended or revised to update the recovery criteria. This may be available in a separate document (also located on the species' Environmental Conservation Online System [ECOS] web page). A threatened species will only have delisting criteria. An endangered species may have both down and delisting criteria, or it may only have downlisting criteria.

### ***Evaluation Criterion 2. Ecosystem Functionality***

#### **Q. What is the definition of suitable habitat?**

A. Suitable habitat is habitat that provides for the species needs for breeding, feeding, and sheltering. Specific parameters of suitable habitat for the target species is defined in the approved recovery planning document or in the Species Status Assessment report (if available). Other locations of suitable habitat are the species' final listing rule or ECOS public profile page.

### ***Evaluation Criterion 3. Magnitude of Species Benefit: Contribution to Population Viability***

#### **Q. Where can an applicant find more information regarding representation, resiliency, and redundancy to assist in addressing this evaluation factor?**

A. For a background on representation, resiliency, and redundancy, and its role in ESA decisions, refer to [Smith et. al 2018](#). Applicants may also refer to the USFWS [Species Status Assessment Framework](#).

Viability is the ability of a species to maintain populations in the wild over time. The conservation biology principles of resiliency, redundancy, and representation are used to assess viability. To sustain populations over time, a species must have the capacity to withstand: (1) environmental and demographic stochasticity and disturbances (Resiliency),

- (2) catastrophes (Redundancy), and
- (3) novel changes in its biological and physical environment (Representation).

A species with a high degree of resiliency, representation, and redundancy (the 3Rs) is better able to adapt to novel changes and to tolerate environmental stochasticity and catastrophes. In general, species viability will increase with increases in resiliency, redundancy, and representation.

Resiliency is the ability of a species to withstand environmental stochasticity (normal, year-to-year variations in environmental conditions such as temperature, rainfall), periodic disturbances within the normal range of variation (fire, floods, storms), and demographic stochasticity (normal variation in demographic rates such as mortality and fecundity.) Resiliency is the ability to sustain populations through the natural range of favorable and unfavorable conditions. Resiliency can best be gauged by evaluating population level characteristics such as: demography (abundance and the components of population growth rate -- survival, reproduction, and migration), genetic health (effective population size and heterozygosity), connectivity (gene flow and population rescue), and habitat quantity, quality, configuration, and heterogeneity. Also, for species prone to spatial synchrony (regionally correlated fluctuations among populations), distance between populations and degree of spatial heterogeneity (diversity of habitat types or microclimates) are also important considerations.

Redundancy is the ability of a species to withstand catastrophes. Catastrophes are stochastic events that are expected to lead to population collapse regardless of population health and for which adaptation is unlikely (Mangal and Tier 1993, p. 1083). Redundancy can best be gauged by analyzing the number and distribution of populations relative to the scale of anticipated species-relevant catastrophic events. The analysis entails assessing the cumulative risk of catastrophes occurring over time. Redundancy can be analyzed at a population or regional scale, or for narrow-ranged species, at the species level.

Representation is the ability of a species to adapt to both near-term and long-term changes in its physical (climate conditions, habitat conditions, habitat structure, etc.) and biological (pathogens, competitors, predators, etc.) environments. This ability to adapt to new environments-- referred to as adaptive capacity--is essential for viability, as species need to continually adapt to their continuously changing environments (Nicotra et al. 2015, p. 1269). Species adapt to novel changes in their environment by either [1] moving to new, suitable environments or [2] by altering their physical or behavioral traits (phenotypes) to match the new environmental conditions through either plasticity or genetic change (Beever et al. 2016, p. 132; Nicotra et al. 2015, p. 1270). The latter (evolution) occurs via the evolutionary processes of natural selection, gene flow, mutations, and genetic drift (Crandall et al. 2000, p. 290-291; Sgro et al. 2011, p. 327; Zackay 2007, p. 1). Representation can best be gauged by examining the breadth of genetic, phenotypic, and ecological diversity found within a species and its ability to disperse and colonize new areas. In assessing the breadth of variation, it is important to consider both larger-scale variation (such as morphological, behavioral, or life history differences which might exist across the range and environmental or ecological variation across the range), and smaller-scale variation (which might include measures of interpopulation genetic diversity). In assessing the dispersal ability, it is important to evaluate the ability and likelihood of the species to track

suitable habitat and climate over time. Lastly, to evaluate the evolutionary processes that contribute to and maintain adaptive capacity, it is important to assess [1] natural levels and patterns of gene flow, [2] degree of ecological diversity occupied, and [3] effective population size. In our species status assessments, we assess all three facets to the best of our ability based on available data.

#### ***Evaluation criterion 4. Habitat Connectivity***

##### **Q. How is existing conservation area defined and what are some examples?**

A. For the purposes of this funding opportunity, an existing conservation area is any Federal or non-Federal real property protected from development by fee simple ownership, conservation or other restrictive easement, or deed restrictions, to conserve, protect and enhance species and their habitats or open space for the continuing benefit of the American people. Examples include State Wildlife Management Areas, National Parks, National Wildlife Refuges, local parks and recreation areas, and State parks.

#### ***Evaluation criterion 5. Timeliness: Threat of Conversion***

##### **Q. What are some examples of imminent and probable threats?**

A. A threat is considered probable or imminent based on the level of reasonable certainty conversion to land use incompatible with species recovery will occur should the project not receive funding. For example, a developer puts a property with an approved subdivision on the market due to the lack of financial capital. The rate of residential development in the area has grown exponentially in the last several years. If not purchased for conservation purposes, the property will very likely be purchased and developed into 30 homes with 1/2 acre lots.

#### ***Evaluation criterion 6. Timeliness: Readiness of State to Proceed***

##### **Q. What information should be included in a willing seller?**

A. Solely for the purposes of evaluating applications under this funding opportunity, the Service will consider any form of written acknowledgement that is signed and dated by the landowner or their legal representative stating a willingness to enter into negotiations should grant funds be awarded. Letters must be submitted as part of the complete application package and will not be accepted after the NOFO posting closes.

#### **Example Willing Seller Letter**

Date:

Name(s) of Legal Owner (*Trust, etc.*)

Address of Legal Owner(s)

Parcel number(s):

County:

Property Address:

To Whom It May Concern:

This letter is provided to confirm that (*name of owner, trust, etc.*), owner of the above-referenced property, is a willing participant in the proposed real property transaction. Should grant funds be awarded to the grant applicant, (*name of grant applicant*), then (*name of owner, trust, etc.*), as Seller, is willing to enter into negotiations for the sale of the real property for a purchase price not to exceed fair market value.

Acknowledged:

---

*Signature of land owner/ legal representative, Date signed*

### ***Non-Federal Cost Share/ Matching Requirements***

#### **Q. How is the required non-Federal cost share determined?**

**A.** The required non-Federal cost share is determined as a percent of the total project cost. If a single State (as defined under Section 3 of the Endangered Species Act), includes U.S. territories) is involved in implementing the project, the application must include at least 25 percent non-Federal cost share in accordance with section 6(d) of the ESA. If two or more States are cooperators on a project, the required non-Federal cost share decreases to 10 percent of the total project cost.

To calculate the required non-Federal cost share, first determine the total cost of the project. Multiply the total cost by 25 percent (single-State project) or 10 percent (multi-State project). For example:

Single-State project with an estimated total project cost of \$100,000, then:

Minimum required non-Federal cost share= \$25,000 ( $100,000 \times .25 = 25,000$ )  
Maximum Federal share = \$75,000

Multi-State project with an estimated total project cost of \$100,000:

Minimum required non-Federal cost share = \$10,000 ( $100,000 \times .10 = 10,000$ )  
Maximum Federal share = \$90,000

#### **Q. What evidence must be provided by States to qualify for a reduced non-Federal cost share/ higher Federal participation rate?**

**A.** States may increase the maximum Federal participation rate from 75 percent to 90 percent of the total project cost when two or more States cooperate on a project 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 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. Cooperating States do not necessarily have to cooperate on all aspects of, or equally in, the proposed work. However, there must be meaningful cooperation among the partners on some or all portions of the proposed work.

To qualify, the cooperating States **MUST** clearly explain the nature of the collaboration within the body of the project narrative, outlining the responsibilities and work to be carried out by each

of the cooperating States. 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, must be submitted with the application.

**Q. How do two or more cooperating States submit an application for a single project?**

A. There are two options. One State may submit an Application for Federal Assistance (SF-424) and the proposal for the joint project, OR cooperating States may submit the same proposal for the joint project and separate Applications for Federal Assistance (SF-424). In the former case, the lead State agency would provide funding to any cooperating State agency through a sub-award that they administer. In the latter case, each State agency applicant would submit identical proposals (including project narratives), budget information, and forms specific to the particular State agency submitting the application. Joint proposals structured in this manner must indicate they are a multi-State proposal and must address the other State agencies on the title page and project narrative. If selected for funding, cooperating State agencies that choose this latter approach would receive their own grant award. In both cases, cooperating States should provide documentation regarding responsibilities and work to be carried out by each of the cooperating States.

Each cooperating State is responsible for submitting performance and financial reports related to the joint project. 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.

**Q. For Insular Areas (Commonwealth of the Northern Mariana Islands and the Territories of American Samoa, Guam, and the U.S. Virgin Islands) that are exempt from grant matching requirements up to \$200,000 in accordance with [48 United States Code \(U.S.C.\) 1469\(a\), Amendment of Subsection \(d\)](#), how will the evaluation criteria for voluntary non-Federal cost share commitment be addressed?**

A. With regard to the evaluation criteria that provides additional points for voluntary non-Federal cost sharing, applications received from the Insular Areas listed above shall receive additional points for non-Federal cost share above the required minimum of 0% (up to \$200,000).

**Q. In what form can non-Federal cost share be contributed to the project?**

A. In accordance with 50 CFR 81.8(b), the non-Federal cost share may be provided in the form of cash or in-kind contributions, including real property, as long as the costs are necessary for completion of the work being proposed and comply with Federal cost principles (see [OMB Uniform Guidance](#)). The source of the cost share, whether cash or in-kind, may be the State agency applicant or other project cooperators. Both sources and type of cost share must be appropriately identified.

**Q. Can grant funds and/or the associated non-Federal cost share be used to assist an entity with Federal mitigation, minimization, and/or monitoring requirements contained in an HCP or the section 10(a)(1)(b) permit conditions?**

**A.** No. Neither the Federal funds awarded through this opportunity nor the associated non-Federal cost share may be used to satisfy a permittee's Federal mitigation requirements. A proposal can include actions that complement mitigation, minimization, and/or monitoring actions. Proposals that include fees collected or used or lands acquired to satisfy the obligations of a State's conservation obligation can be submitted (e.g., fees collected or used or lands acquired that exceed the Federal permit requirements and are collected, used, or acquired to meet a State's conservation obligation of a joint HCP/NCCP). However, grant funds and associated non-Federal cost share may assist in conservation obligations pursuant to State law or local ordinance that are beyond (or additive to) the Federal mitigation requirements for that HCP.

**Q. Can grant funds and/or the associated non-Federal cost share be used to help an entity come into compliance with a Section 7 biological opinion?**

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

**Q. Can grant funds and/or the associated non-Federal cost share be used to assist an entity in complying with other Federal mitigation regulations?**

**A.** No. Neither the Federal funds awarded through this opportunity nor the associated non-Federal cost share may be used to satisfy mitigation requirements at the Federal level (e.g., mitigation for Clean Water Act permits).

**Q. Are lands proposed for acquisition as non-Federal cost share scored using the evaluation criteria to determine an application's ranking during merit review?**

**A.** Yes. Because lands proposed for cost share purposes are part of the total project, reviewers consider both lands being proposed for acquisition with grant funds and lands proposed for acquisition as cost share when assigning points for ranking criteria. Therefore, information on both must be described in adequate detail for each ranking criterion so reviewers can make informed scoring decisions.

**Q. Does land proposed for acquisition as non-Federal cost share need to be necessary and reasonable to the project?**

**A.** Yes. All non-Federal cost share must be necessary and reasonable to achieving project objectives, land acquisition included. Applicants must explain how the parcel(s) proposed as cost share relate to the overall project and provide detailed information for all ranking criteria.

**Q. Who holds title to land acquired under this program or contributed as non-Federal cost share?**

**A.** Title to real property acquired or contributed as match will vest upon acquisition in the grantee or subrecipient, respectively, as directed by 2 CFR 200.306 and 2 CFR 200.311. A Notice of Federal Participation must be recorded for all acquired lands and lands contributed as cost share.

**Q. Can in-kind services or contributions be used as non-Federal cost share?**

**A.** Yes. In-kind services or contributions can be used for part or all of the project's non-Federal cost share.

**Q. Can the in-kind contribution of a landowner accepting an offer below market value for his/her property be used for non-Federal cost share?**

**A.** Yes. The in-kind contribution of a landowner accepting a reduced price for his/her property is called a bargain sale and the difference between the established market value and the actual sale price can be used as part of or all of the non-Federal cost share.