North American Wetlands Conservation Act

United States Small and Standard Grant Proposal

2019 Eligibility Criteria & Processes

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INTRODUCTION

This document contains the factors used to determine whether a proposal is eligible or ineligible for a US Small and Standard North American Wetlands Conservation Act (NAWCA) grant, including format and various schedules and processes involved in the submission, review, and approval of a proposal. For Proposal Instructions, Proposal Outline Template, and other information visit:
https://www.fws.gov/birds/grants/north-american-wetland-conservation-act/how-to-apply-for-a-nawca-grant.php

NAWCA U.S. PROPOSAL ELIGIBILITY CRITERIA

All costs must be directly linked to eligible acquired, restored, enhanced, or established acres that are completed DURING the project period.

Before writing a proposal, we recommend you read the Proposal Instructions:
https://www.fws.gov/birds/grants/north-american-wetland-conservation-act/how-to-apply-for-a-nawca-grant.php

What is an eligible proposal?

1. A 2-year plan of action (not including the 2-year old match window) supported by a NAWCA grant and partner funds to conserve wetlands and wetlands-dependent fish and wildlife through acquisition (including easements and land title donations), restoration, enhancement, and/or wetland establishment, and contains a grant request between $1 and $1,000,000. Proposals requesting $100,000 or less will be considered as a NAWCA Small Grant. Proposals requesting between $100,001 and $1,000,000 will be considered a NAWCA Standard Grant .The grant request may exceed $1,000,000, but must be accompanied by a justification of need. The North American Wetlands Conservation Council (Council) will evaluate the request and approve/disapprove based on factors such as opportunity, resource values involved, threat level, loss of match and/or the amount of available funding. If a request in excess of $1,000,000 is submitted, structure the proposal so that the proposal will remain viable if the grant request amount is reduced.
2. Contains match that is no more than 2 years old, is non-Federal in origin and equals or exceeds the grant request (referred to as a 1:1 match).
3. Includes monies and partners involved in wetlands conservation.
4. May include non-match partner contributions in each section of the proposal except Technical Assessment Questions. The non-match contributions must be clearly identified whenever they are included and must be combined with Grant and/or match contributions.
5. Contains adequate wetlands-associated uplands to buffer, protects wetlands, and meets the needs of wetland-associated wildlife.
6. Contains consistent dollar and acre figures among all parts of the proposal, Technical Assessment Questions, partner letters and the Standard Form 424s. Ensure the address on the SF-424 matches the address associated with the required DUNs number. All figures should be rounded off and consistent throughout the proposal.
7. Has a specifically defined boundary that includes tracts in a geographic area (such as a watershed) affected by grant and partner funds, sites that are part of a wetlands conservation plan, sites in the same wetlands system, sites that are managed to meet the same wetlands objectives, sites that are in close proximity, and/or sites that provide direct benefits to each other.
8. Contains all required sections as described in the Proposal Instructions and outline template: https://www.fws.gov/birds/grants/north-american-wetland-conservation-act/how-to-apply-for-a-nawca-grant.php
9. Contains work that:
    - shows a clear connection between money spent and long-term, on-the-ground wetland benefits,
    - demonstrates that Federal grant funds will be spent in the most cost-effective manner possible,
    - is complementary among match- and grant-funded actions,
    - has been completed within the past 2 years or can be completed in a future 2 years, and
    - includes minimal administrative costs and low or **no costs associated with personnel** who are not directly involved with acquisition, restoration, enhancement, or establishment of wetlands.
10. Does not contain extra or unsolicited material, such as photographs, pamphlets, engineering plans, business cards, appraisals, general lists of fauna and flora, or letters from supporters who are not partners in the proposal. All extra material will not be sent to reviewers.

11. If the proposal involves multiple sites that are not specifically identified, an explanation of the method that will be used for selecting these sites must be provided.
12. For US Standard proposals, if an Optional Matching Contributions Plan (MCP) (see page 3) is submitted or a proposal includes funding from a previously approved MCP, only the partner's match applied to the current proposal is shown throughout the Summary, and acreage is shown with or without parentheses, per instructions.
13. Includes Partner Contribution Statements signed and dated by each partner. The statements should document the same amount of funding as listed in the proposal for that partner. Partner Contribution Statements received separate from the proposal or after the deadline are not eligible. The type of partnership is defined by the source of the funds. For example, if state grant funds for a specific project activity are channeled through various partner organizations, the partner is the state only, not the various organizations.
14. Includes a description of (calculations for) how match amounts were calculated.
15. Technical Assessment Questions are answered for the proposal's grant or match sites and NOT the general project area or prior projects or phases.
16. Includes public access on acquired lands to the extent that it is compatible with long-term conservation of fish and wildlife dependent on the area. It may be appropriate to limit the number of people permitted access or the season of access.
17. Any agreements with landowners will be considered part of the proposal; the agreements must include clauses to allow the Federal government to recoup the costs of property and habitat development if the agreements are broken.
18. A proposal becomes ineligible if it is substantially changed after it is submitted. A substantial change includes anything that changes answers to the Technical Assessment Questions. However, at any time and for any reason, a proposal may be withdrawn by the applicant and resubmitted for a future proposal cycle.
19. Complies with policies described in Grant Standards: https://www.fws.gov/migratorybirds/pdf/grants/USGrantStandards.pdf
20. Even though a proposal may be part of a multi-year effort and several NAWCA proposals have been/will be submitted, each proposal must be submitted separately and compete with other proposals in its cycle.

Who is an eligible Project Officer and what are the Project Officer responsibilities?

1. The Project Officer must be affiliated with the grant recipient's organization and must be knowledgeable about the biological, partnership, and administrative aspects of the proposal.
2. The Project Officer is responsible for obtaining prior approval for any grant administration activities, if required.
3. The Project Officer may be, but does not necessarily have to be, the grant recipient organization's Authorized Representative who signs the required SF-424 forms, which makes the recipient ultimately responsible for complying with the Federal regulations and policies described in the US Grant Standards.
4. The Project Officer receives all correspondence about a proposal and grant, if awarded. There can only be one Project Officer.
5. The Project Officer serves as the immediate contact point for the grant, and must be actively involved in the proposal/grant process and available to provide information:
    - immediately after the proposal is submitted if there are questions about eligibility,
    - within a few weeks after the proposal is submitted the Project Officer will be asked to respond to comments and questions about the proposal and provide possible site visit dates, and
    - if the proposal is funded, during implementation of the Assistance Award (Grant Agreement).

What is an eligible Optional Matching Contributions Plan (MCP)? U.S. Standard Grants only

An MCP is a match extension plan that may be submitted with a proposal when eligible old match was obtained within the past two years and is in excess of what will be used for the current proposal. The purpose of the MCP is to maintain the eligibility of this match beyond two years for future proposal phases. Council will consider waiving the normal two-year match eligibility rule based on the circumstances by which the additional match was obtained, need, and how the match will be utilized. The following criteria apply to MCPs:

1. Match for a newly submitted MCP can only come from land acquisition.
2. May only be submitted with a proposal.
3. May only contain match that meets eligibility requirements (except for the two-year eligibility factor for the MCP portion) for the initial phase and all follow-on phases.

4. Will only be considered if the accompanying proposal is funded, but may not be approved even if that proposal is funded.
5. Must be applied to future conservation activity in the same project area described in the original proposal.
6. Identification by tract name and location must be consistent through all phases.
7. Must show use of the match over a period no greater than five years. The beginning date for the five-year period is the date that Council approves the plan.
8. Must use a portion of the MCP total match in the proposal with which it is submitted.
9. Future proposals in the designated project area may utilize the MCP account until the account is depleted or the five-year deadline is reached.
10. Funds from only one MCP are allowed in any given proposal, including in the first proposal associated with an MCP. Match associated with an existing MCP must be completely expended before another MCP for the same project area can be approved.
11. Reduction in MCPs requires DBHC approval. Other modifications will require Council approval. Substitution of an MCP tract is not allowed.
12. Should not exceed one page in length.
13. Should contain the following sections: Match Plan Amount and Purpose; Match Intent; Match Need; Identified Property Interest and Tract Title Holder; and a Chart identifying the proposed expenditure of MCP funds by phase. See the MCP section of the US Standard Instructions for more information.
14. Acres are listed in the initial phase of the MCP only.
15. Match may only be derived from a single old match tract with an appraised value in excess of what will be used in the initial proposal. A tract is defined as a discrete piece of land as described in a recorded deed.
16. The applicant must ensure that the match associated with the MCP tract has not been used to satisfy the match or cost-share requirements of any other federal grant program.
17. Tract acquisition documentation must be included as part of the proposal. Documentation includes a USPAP or UASFLA appraisal, a closing statement, a bargain sale letter (if applicable) and a recorded deed or conservation easement. If funded, NAWCA requires that the interest holder record a Notice of Grant Requirements (NOGR) on the MCP tract and submission of an appraisal review supporting the MCP value.
18. The grantee that submitted the original proposal and accompanying MCP is responsible for maintaining the MCP use records throughout the life of the MCP. That organization/agency must provide a partner letter with each MCP phase (regardless of the phase applicant) stating the amount of MCP funds used and the remaining MCP balance.
19. MCP must be referenced in the proposal Summary Page, Financial Plan, and Work Plan.

What is an eligible proposal financial plan section?
The financial plan section must include a financial plan table and financial plan justification section including the required information as explained in the Proposal Instructions. Justifications must be calculated correctly and consistent with other sections of the proposal, such as the Proposal Summary.

What are non-match funds?
Except as noted, when funds that do not qualify as NAWCA match, including money from other Federal agencies, are used to accomplish mutual and/or complementary objectives, these funds may be included in the final proposal but must be noted throughout the proposal as non-match funds. Funds associated with mitigation activities required under the Water Resources Development Act, Fish and Wildlife Coordination Act, or other related statutes (see "Ineligible Grant and Match Costs") are mitigation funds and may NOT be included in the proposal or otherwise combined with grant or match funds and activities. Such funds include, but are not limited to, direct mitigation payments, payments to an "in-lieu-fee" fund, off-site mitigation, and mitigation banks.

Can grant and match dollars be used in combination with non-match funds?
Grant and match dollars can also be combined, or "pooled," with other non-match funds, provided that the actual uses of the funds are otherwise eligible (see sections below concerning eligible costs). Mitigation funds, as noted above, cannot be pooled with grant or match funds. A pooled project is an initiative or undertaking where partners (private and/or public) coordinate their efforts to accomplish mutual and/or complementary objectives by combining the use of NAWCA funds (grant and match) with non-match funds to acquire, restore, enhance, or establish an undivided portion of acres. When NAWCA funds are pooled with non-match funds, the NAWCA portion must still be identified as a discrete

achievement. Consequently, the discrete NAWCA conservation achievement is a certain undivided interest in the restoration, enhancement, establishment, or acquisition of the total number of acres included in the total initiative. The NAWCA portion is the percentage of NAWCA funds invested relative to the total cost of the initiative. The remaining portion of the project (the remaining undivided interest) is the part of the project that is funded and accomplished by the non-match funds.

For example:
The total initiative of a proposal is the restoration of 1,000 acres, to be funded as follows:
NAWCA grant funds - $100,000
NAWCA match funds - $200,000
Partners for Fish and Wildlife (federal) - $100,000
Conservation Reserve Program (federal) - $200,000

The proposal would state that the grantee, with NAWCA and match funds, will pay for and accomplish a 50% undivided interest in the restoration of 1,000 acres (which is not the same as a 100% interest in 500 acres). The grantee is responsible for assuring that all 1,000 acres are restored, even though the balance of the restoration costs and accomplishments (the remaining 50% undivided interest) will be paid for with non-match funds from other Federal agencies. The reported NAWCA accomplishments will be 1,000 acres, described as a 50% undivided interest in all 1,000 acres. For reporting purposes only, this may be thought of as similar to purchasing a 1,000 acre easement worth 50% of the total fee simple value, in which the NAWCA portion is an interest in all 1,000 acres, even though another entity owns 50% of the value of those 1,000 acres.

What is a Programmatic Project Proposal? U.S. Standard Grants only
If a new proposal requests funds for the same, ongoing work that was accomplished by a previously phased project, the applicant may request that the subsequent grant award be a continuation and expansion of the same grant agreement if the original agreement is no more than 24 months old by the current proposal deadline. This would be in contrast to the practice of issuing two separate and distinct grant agreements, which requires the grantee to receive, document, and report on each award separately. Approval of programmatic status is a decision at the discretion of DBHC.

Factors for Consideration of a Programmatic Proposal Request:

- It is sufficiently related to or a continuation of an ongoing grant.
- The project boundary for the new proposal is the same (with no more than extremely slight differences) as the existing project
- The original (first) grant agreement is no more than 24 months old at the proposal deadline for the grant cycle under which the current proposal is being considered for funding (for projects submitted in Standard Grant Cycle 1 and carried over to Cycle 2, the Cycle 2 deadline would apply in determining eligibility of the proposal as part of a programmatic project)
- Activities in the current proposal occur within the boundary of the existing project.
- The new proposal is part of a long-term strategic planning and programmatic effort.
- There is demonstrable evidence that sufficient progress has been made on the original grant agreement (e.g., performance reports, acquisition documentation, etc.).
- The proposal under consideration and its supporting documentation are accurate, consistent, and complete.
- Through past performance on ongoing and prior NAWCA Standard grants, the grantee organization and Project Officer have demonstrated the ability to administer a programmatic grant.

Required Steps for Approval of a Programmatic Project:

- The grantee is the same as in the existing grant agreement. The subsequent proposal must be from the same grantee as the previously awarded grant, and the previous grant must still be active.
- The request for consideration as a programmatic project must be identified in the grant proposal. A section on the Summary Page is included in the Proposal Outline Template for programmatic request.
- The Migratory Bird Conservation Commission (MBCC) approves funding for the new proposal. Programmatic proposal requests will be effective when the grant is approved for funding by MBCC. Requesting to be

considered programmatic does not benefit or hurt the chances of being funded, and all proposals must compete and be selected for funding by the MBCC.

- Modification of the existing grant agreement. Once approved by the MBCC, the Division of Bird Habitat Conservation (DBHC) Grant Administrator will provide the funding by amending the existing grant agreement, rather than creating a new agreement. Additional NEPA and/or other compliance documentation are required with regard to the new work involved.
- Modification of the scope and grant period. The modification to the existing grant agreement will immediately extend the grant period to the equivalent of two years after the effective date of the modification. It will also amend the grant agreement to reflect the additional grant and match funds, and the additional accomplishments specified in the new proposal.

Programmatic projects *cannot* extend for more than 6 years and no more than three separate grant proposals may be incorporated into a single grant agreement (that is, no more than two new proposals would be added to an existing grant agreement). Factoring in the length of time between proposal deadlines and issuance awards, a newly awarded phase may not be added to an existing agreement more than 36 months after the issuance of the original agreement. If a new proposal is not approved as a programmatic proposal, the proposal may still be awarded funding with a new, distinct grant agreement. This is true regardless of whether the new proposal is identified as a phase of a prior award or is a stand-alone proposal.

ELIGIBLE GRANT COSTS

All eligible costs must be directly linked to eligible acquired, restored, enhanced, or established acres that are completed during the project period.

What are direct and indirect costs?
Direct costs can be identified with a specific service or activity. Indirect costs are all other costs that have been incurred for common or joint objectives, cannot be readily identified with a particular service or activity, and are calculated using a negotiated indirect cost rate or using the 10% *de minimis* method described below. Indirect costs are eligible only if an organization:

- has a current Negotiated Indirect Cost Rate Agreement (NICRA) with an agency of the Federal government, or
- will obtain a rate after the grant agreement is awarded by the U.S. Fish and Wildlife Service (Service), or
- if the organization does not have a NICRA, follow the 10% *de minimis* rule. In this circumstance, any non-Federal entity, except for those non-Federal entities described in Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals, paragraph D.1.b, may elect to charge a *de minimis* rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. As described in §200.403 Factors affecting allowability of costs, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

  The use of *de minimis* rates does not require the review and approval of the cognizant agency for indirect costs. Therefore, Indirect Cost Services does not provide approval of *de minimis* rates. For more information, visit: https://www.doi.gov/ibc/services/finance/indirect-cost-services.

Indirect costs may only be charged at the rate specified and during the period specified in the NICRA submitted to DBHC. Grantees must submit renegotiated rates during the project period if the NICRA submitted with the proposal expires during the project period.

Refer to the Office of Management and Budget (OMB) Guidance cited below for more specific information.

Refer to 2 CFR 200 for the following 'Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards':
https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200.pdf

Direct and indirect costs necessary and reasonable goods, services, salaries and labor associated with long-term migratory bird and wetlands conservation work are eligible grant costs when conducted in the periods

- between when the Service receives the proposal and the Assistance Award is issued (if the proposal is not approved for funding, the Federal government is under no obligation to pay for any costs you have incurred);
- after the Assistance Award is signed by the Service (during the project period); In all cases, you may not obligate more grant funds than you are awarded.

What are eligible costs?
All expenses must meet the following criteria:

A. Verifiable from the grant recipient's and sub-grant recipient's records;
B. Fair market value (in the case of acquisitions, the appraised value);
C. Must be an expense necessary for the accomplishment of the proposal.

Specific examples of costs that are eligible to be paid with NAWCA grants funds follow:

I. Acquisition. This category includes fee-title acquisition and donation (transfer of title), conservation easement and lease acquisition and donation; appraisal fees; acquisition negotiations; acquisition legal costs; boundary surveys; travel and transportation, and annual payments for 10 year conservation agreements (or the maximum duration allowed by State law).

A. "An easement cannot include the right to pursue mitigation credits required by Federal, State or local wetland regulations, Fish and Wildlife Coordination Act of 1934, as amended, the Water Resources Development Act of 1986, as amended, the U.S. Army Corps of Engineers related to development or management of water resources (such as, but not limited to, Section 404 of the Federal Water Pollution Control Act or Section 10 of the Rivers and Harbors Act), actions to benefit fish and wildlife resources that are required as part of a settlement or relicensing of an energy project under the Federal Power Act, compensation required under the Federal Water Projects Recreation Act, etc.'' Easement and lease conditions should address the following points. Organizations and agencies are encouraged to adopt and implement the practices and procedures described in the Land Trust Alliance's Land Trust Standards and Practices (available at www.lta.org).
    1. Specifically ensure long-term wetlands and associated upland protection;
    2. List all restrictions, allowed activities, and reserved rights and clearly demonstrate how those rights will complement long-term wetlands and associated uplands protection;
    3. Be legally enforceable by organizations that can demonstrate ability or experience in enforcing easement terms;
    4. Be recorded pursuant to state law;
    5. Be held by or transferred to a conservation organization (e.g., State or Federal conservation agency, or non-governmental conservation organization); and
    6. Be described in, and models attached to, the NAWCA proposal.
B. The acquisition must be completed before the end of the project period.
C. A Notice of Grant Requirements will be recorded for tracts unless the tracts are in an established Federal land management system with a habitat protection focus.
D. Property acquisition costs are incurred at the time of transfer of title, not when signing a purchase agreement. Therefore, a contractual obligation to purchase real property (purchase agreement, etc) may be made at any time and, as long as the title is transferred after the proposal is received, the costs associated with the purchase can be reimbursed with grant funds.
E. All real property acquisitions must be from willing sellers. Prior to making an offer for the property, the buyer must inform the seller via a Willing Seller Letter that the buyer will be unable to acquire the property in the event negotiations fail to result in an amicable agreement and must inform the seller what the buyer believes to be the market value of the property. If the buyer is an agency that has eminent domain authority, then additional assurances will be required to be in the notice (see appropriate standards and regulations).

II. Wetland restoration. The manipulation of the physical, chemical and/or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded wetland. Restoration can further be defined as either re-establishment (returning natural/historic functions to a former wetland resulting in a gain in wetland acres) or rehabilitation (repairing natural/historic functions of a highly degraded wetland resulting in no gain in wetland acres). Rehabilitation is considered a one-time action. This category includes engineering and design costs that lead to restoration

activities occurring during the project period or allowed as old match, travel and transportation, material and supply costs, and equipment (including all-terrain vehicles) with a current value of $5,000 or more secured by the most cost-effective and feasible method. See the applicable CFR information cited above and the following decision tree for equipment valuation. This category does not include periodic repair/maintenance activity. This category does include restoration work on upland associated habitat.

- **A.** If equipment is rented or leased, use the cost of renting or leasing.
- **B.** If equipment is purchased more than 2 years before the year that the proposal is submitted (i.e., equipment on hand), use either the depreciation or use-allowance method, but not a combination of the 2 methods.
- **C.** If equipment to be used solely for the NAWCA project is purchased within the project period, use the full purchase price.
- **D.** If equipment will be used outside of the NAWCA project, calculate and use the cost relative to NAWCA only.

III. Wetland enhancement. The manipulation of the physical, chemical and/or biological characteristics of a wetland site to improve specific functions of the wetland. The result produces no gain in wetland acres.
This category includes the same eligible costs as restoration above, plus nest boxes; habitat islands; plantings and initial land management costs caused by the proposal (e.g., fencing and signing). This category does not include periodic repair/maintenance activity such as replacement of same type of water control structures, reinforcement of existing berms, and re-treatment of invasive/exotic species. This category does include enhancement work on upland associated habitat.
IV. Wetland establishment. The manipulation of the physical, chemical and/or biological characteristics present to develop a wetland that did not previously exist. The result produces a gain in wetland acres. This category includes the same eligible costs as restoration above. This category only pertains to wetlands and does not include upland work.
V. Other direct long-term wetlands conservation work. Administering the NAWCA grant agreement; conducting required State and Federal compliance activities (e.g., permits, National Environmental Policy Act and National Historic Preservation Act compliance, and contaminants surveys); and conducting work that cannot easily be assigned to other activity categories.
VI. Indirect costs. These costs are different from directly attributable administrative costs and must be supported by a NICRA approved by the Federal government for the applicable period, or by using the 10% *de minimis* rate.
VII. Accomplishment of work. Work to be accomplished must be done in the project area(s) defined in the proposal. The project area may be defined as:

- **A.** area that is part of a wetlands conservation plan;
- **B.** areas in the same wetlands system (e.g., watershed or river basin);
- **C.** areas that are managed to meet the same wetlands objectives;
- **D.** areas that are in close proximity;
- **E.** areas that provide direct benefits to each other; or
- **F.** areas that are part of a pooled project with non-match funds, as long as the NAWCA portion is distinctly identified as an undivided interest of the total acres involved.

VIII. Work Prior to Submission Date. For all activities, grant funds cannot be used for work completed prior to submission of the proposal or for costs incurred before the Service receives the grant proposal. The date that costs are incurred is when the following actions occur, irrespective of whether payment is made immediately or in the future:

- **A.** take title to an interest in real property;
- **B.** place an order or sign a contract; or
- **C.** receive a service.

IX. Salary costs associated with Service Term/Temporary/Seasonal/Intermittent Employees actively working on NAWCA projects are allowable.
X. Prescribed Burn activities will be considered eligible depending on the qualifications of the grantee, following the USFWS fire policy: (https://www.fws.gov/fire/handbook/2017_FMH_AllChapters.pdf)

- **A.** Certified Agency: Grantee must be in compliance with NWCG (National Wildfire Coordinating Group) policies and qualifications regarding prescribed burning.
- **B.** Non-Certified Agency: Grant Agreements with a non-certified state agency are for the purpose of general habitat restoration activities only.

INELIGIBLE GRANT COSTS

The following grant costs/activities are ineligible to be paid with NAWCA grant funds (these activities may be eligible as match under certain circumstances; see Eligible Match Costs):

- **A.** stewardship costs;

B. monitoring or evaluation costs;
C. proposal planning and development costs, including experiments, studies, or other investigations to document resource values;
D. interest on a loan;
E. administrative salary costs incurred prior to grant execution (including for proposal development) and after the project period are not eligible for grant funding;
F. costs related to enrollment of participants in other Federal conservation programs; and
G. salaries and travel expenses for permanent, full-time Federal employees.

INELIGIBLE GRANT AND MATCH COSTS

The following costs/activities are ineligible to be paid with NAWCA grant funds or to be used as match:

A. actions that will put credits into wetlands mitigation banks;
B. mitigation activity required by Federal, State or local wetland regulations. Federal mitigation activity includes compliance under the Fish and Wildlife Coordination Act of 1934, as amended, or the Water Resources Development Act of 1986, as amended. This includes mitigation required by the U.S. Army Corps of Engineers related to development or management of water resources (such as, but not limited to, Section 404 of the Federal Water Pollution Control Act or Section 10 of the Rivers and Harbors Act), actions to benefit fish and wildlife resources that are required as part of a settlement or relicensing of an energy project under the Federal Power Act, compensation required under the Federal Water Projects Recreation Act, etc.;
C. unless your approved NICRA specifically allows it, indirect costs calculated on a base that include the following are ineligible:
    1. subgrants (subawards), the portion of contracts and subcontracts above $25,000,any in-kind match provided by a party other than the applicant;
    2. non-match, in-kind match from partners other than the partner with the NICRA, and contributions from Federal agencies and other items that "distort" the cost base;
    3. the purchase price of interests in real property and the cost to put it into place, including legal and administrative fees associated directly with the transfer of the property;
    4. the purchase price of equipment with an acquisition cost of $5,000 or more per unit and a useful life of more than one year (consistent with recipient policy, lower limits may be established);
D. law enforcement;
E. research;
F. the value of existing residences, structures, and buildings unnecessary for wetlands conservation purposes and the cost to construct, remove or repair same; in the case of allowable development envelopes, the acres and costs associated with the envelopes should not be included as part of the proposal;
G. boat ramps, parking lots, roads, and other public access work;
H. observation towers and blinds;
I. routine operations and maintenance salaries and costs;
J. acquisition of tractors and other equipment if it would be more cost effective to rent, lease or use equipment on hand;
K. acquisition of vehicles (note that all terrain vehicles are considered equipment if the acquisition cost is more than $5,000 per unit);
L. loss of income (e.g., lost grazing revenue);
M. contingencies;
N. non-proposal specific communications products;
O. salaries and travel expenses for permanent, full-time Federal employees;
P. an easement that is subordinate to a mortgage or lien;
Q. costs over the appraised value for lease, fee-title and easement acquisitions;
R. short-term annual conservation activities, such as annual predator management;
S. materials or salaries related to conservation education;
T. land-owner incentive payments; or
U. maintenance or habitat management costs other than qualified restoration/enhancement/establishment actions.

NOTE: unless a grant or match cost is explicitly allowed, the cost should be assumed to be ineligible unless

otherwise informed in writing by the Service/DBHC.

ELIGIBLE MATCH COSTS

Generally, all items listed above as Eligible Grant Costs are also eligible as match costs. The following list describes certain additional conditions for costs to be eligible as NAWCA match. In some cases, these conditions allow certain costs to be eligible as match when the costs would not be eligible to be paid with grant funds. In all cases, the costs must be associated with an eligible activity. The match costs:

I. Must at least equal the grant request.
II. Must be non-Federal. Even if funds pass through a non-Federal entity, they retain their Federal nature. For possible exceptions, see XI and XII, below.
III. Must be documented by the following
- **A.** signed and dated Partner Contribution Statements sent with the proposal and
- **B.** a copy of easements and/or leases if the easements or leases are offered as match and are signed at the time the proposal is submitted.

IV. Must be or have been contributed
- **A.** no earlier than 2 years prior to the year the proposal is submitted unless match is covered by a Council-approved Matching Contributions Plan. Anticipated funds must be guaranteed by the contributing organization (For example, future fundraising efforts or grant applications are only eligible if the partner organization agrees to provide the full funding amount even if the fundraising effort or grant application is unsuccessful).
- **B.** between the time when the Service receives the proposal and the Assistance Award is signed; or
- **C.** during the project period after the Assistance Award is signed. If the contribution extends past the 2-year grant period (e.g., payments for a 10-year lease), the amount of match must be committed via a dedicated account, bank letter of credit, or other instrument for the full amount of time (e.g., 10 years).

V. May have as its source the Indian Self-Determination and Educational Assistance Act, P.L. 93-638, of 1975.
VI. Must not be reimbursed by NAWCA or by another organization claiming the expense as a match for the project, but instead must be permanently dedicated to a project proposal and committed by the proposal due date. For example, if an organization funds an acquisition but is later reimbursed by a different organization, the value of the acquisition can be counted as match only once (that is, only one of the two organizations counts as contributing the match).
VII. May include monitoring and evaluation costs, only if results will be used to improve wetlands conservation activities at project sites during the project period. If monitoring and evaluation covers areas outside of project sites, only the portion of those costs related to work on project sites is eligible unless the work outside of the sites comprises a *de minimis* portion of the costs.
VIII. May be donated title to real property where the donation increases resource values of the proposal or protection or management of wetlands and migratory bird values.
IX. May be the fair rental value of loaned equipment.
X. May be easement stewardship or endowment costs, if the funds are in an account dedicated solely to easement stewardship and are for activities such as easement defense as opposed to management of fee title properties.
XI. May be Department of the Interior (DOI) Natural Resource Damage Assessment and Restoration (NRDAR) Fund (Fund) monies
- **A.** if wetlands mitigation required under Water Resources Development Act (including Clean Water Act, Rivers and Harbors Act, etc.) or Fish and Wildlife Coordination Act is not part of the NRDAR-funded work,
- **B.** if the work significantly contributes to the wetlands protection objectives of the proposal,
- **C.** if the monies have been or will be deposited pursuant to a joint and indivisible recovery by the DOI and non-Federal trustees under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Oil Pollution Act (OPA),
- **D.** if the monies were or will be transferred to a non-Federal trustee who has joint and binding control over the funds (the non-Federal trustee may transfer it to another entity, but that could affect whether it's an eligible match based on such considerations as: Did the trustee's transfer of the money comply with the trustee's own laws and regulations regarding any State or tribal grant, cooperative agreement, or contracting statute or regulations?),
- **E.** if the co-trustees agree that monies from the Fund should be made available to the non-Federal trustee and allowed to be proffered as a non-Federal match to accomplish an appropriate project consistent with the settlement agreement and the provisions of CERCLA and OPA, and

F. if the factors above are addressed in a letter submitted with the proposal from the non-Federal trustee; if a letter is not included, the match will be ineligible.

XII. May be congressionally appropriated funds if legislative language specifically characterizes the appropriated funds as "non-Federal" for certain designated purposes that would include NAWCA objectives. The grant applicant should provide ample evidence in the proposal regarding the non-Federal nature of the match. For example, P.L. 103-434, the Pacific Northwest Electric Power Planning and Conservation Act, provides an exception that allows Bonneville Power Administration rate payer funds to be used as non-Federal funds for purposes of matching Federal dollars to fund projects that promote conservation of wildlife and fisheries resources, including wetlands, while improving water quality and availability in the Yakima River Basin.

XIII. Readiness and Environmental Protection Integration (REPI) and RESTORE Act funds may be considered as eligible Federal match funds as long as the associated acquisition documents clearly identify subordination to U.S. Fish and Wildlife Service.

U.S. Standard Grants only:

XIV. May be match contributions from a previous grant in excess of the amount required by the previous Grant Agreement, subject to the following conditions:

- **A.** The subsequent proposal is a Programmatic continuation of the previous Grant Agreement.
- **B.** The excess match accomplished more acquisition, restoration, enhancement, or establishment than required by the previous Grant Agreement. (Spending more, but accomplishing essentially the same habitat accomplishments as required by the previous Grant Agreement does not qualify as "excess" match.)
- **C.** The excess match cannot be due to cost overruns or under-valuations of activities/properties in the original grant; excess accomplishments cannot be due to survey errors or rounding differences in acreage from the original proposal.
- **D.** The subsequent proposal must be substantively the same area and type of Project as the original grant, so that it is eligible as a Programmatic proposal.
- **E.** All acres must have been protected as part of the previous NAWCA grant.
- **F.** The source and nature of the excess match must be clearly identified in the subsequent proposal, and the proposal must be selected for funding.

INELIGIBLE MATCH COSTS

In addition to those costs listed under Ineligible Grant and Match Costs, the following costs/activities are ineligible as match:

- **A.** Funds that have been successfully committed or reported as match or cost-share for another Federal grant, even if the cost-share was in excess of what was statutorily required by that program. This restriction includes Federal Aid to States grants (i.e. State Wildlife Grants); Coastal Wetlands Planning, Protection, and Restoration Act grants; Endangered Species Act grants; Partners for Fish and Wildlife (private lands) grants; USDA (WRP, WRE, FRPP, etc.) grants, and others.
- **B.** Funds that are designated for wetland mitigation.
- **C.** Exxon Valdez Oil Spill (EVOS) funds.
- **D.** Monitoring and inventory activities not specifically related to wetland conservation actions during the project period.
- **E.** Proposal planning and development costs, including experiments, studies, or other investigations to document resource values.

HOW TO MAKE A SUCCESSFUL PROPOSAL

Contact a North American Migratory Bird Joint Venture Coordinator: Contact a Joint Venture Coordinator https://www.fws.gov/birds/management/bird-conservation-partnership-and-initiatives/migratory-bird-joint-ventures/joint-venture-directory.php very early in the proposal development process. They can answer many questions about the NAWCA grants program, provide advice to you regarding what should and should not go into proposals, and let you know what (and when) additional information will be required for proposal compliance reviews (National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, contaminants) by the Service. Also, since the Joint Ventures rank all proposals and provide those rankings to the Council, the Coordinators need to know the proposal

areas and their resource values.

Read laws and regulations that comply with a NAWCA grant:

A. **The Grant Standards** contains stipulations applicable to NAWCA grant and match funds and activities in a proposal and the file also contains the one-page Assistance Award: https://www.fws.gov/migratorybirds/pdf/grants/USGrantStandards.pdf

B. **Scientific Integrity Policy.** The DOI established a policy to ensure and maintain the integrity of scientific and scholarly activities used to inform management and public policy decisions: DOI Policy, 305 DM 3, "Integrity of Scientific and Scholarly Activities": http://elips.doi.gov/elips/DocView.aspx?id=4058&searchid=4943a0df-2461-47a8-8b3c-a2ec342d49eb&dbid=0

The scientific-integrity policy applies to the DOI's employees as well as its contractors, grant recipients and volunteers when they analyze or share scientific information with the public or use the DOI's information to make policy or regulatory decisions. This policy applies to all funding applications received by the NAWCA grant program. Essentially, the use of false data to leverage grant funds is a direct violation of DOI's scientific integrity policy and requires the refund of any associated federal assistance.

How do I download files and fill in the blanks to complete a proposal?
To aid you in completing a proposal, blank proposal outline template and tables can be downloaded from https://www.fws.gov/birds/grants/north-american-wetland-conservation-act/how-to-apply-for-a-nawca-grant.php

Where and how do I send the proposal and other required documents/attachments?

1. Email one electronic copy of the proposal package (which includes all tables, maps, partner letters, SF-424s, and other applicable required attachments detailed in the proposal instructions) and GIS shapefile:
   - US Standard proposals are emailed to dbhc@fws.gov
   - US Small proposals are emailed to nawca_smallgrants@fws.gov

   Files should not be larger than 25 MB.
2. Do not send the proposal by facsimile (fax) machine or physical postal/courier service.
3. All proposals must be submitted through Grants.Gov. **When submitting through Grants.Gov, the SF-424 and the SF-424D (SF-424 D Assurances for Construction Projects are required for all NAWCA projects) are the only documents that need to be uploaded**.
4. Email a copy of the proposal to your Joint Venture Coordinator in your region: https://www.fws.gov/birds/management/bird-conservation-partnership-and-initiatives/migratory-bird-joint-ventures/joint-venture-directory.php

If there is a change in the proposal, should I modify it and resend?
No. Unsolicited modified proposals will be considered a new proposal for the next proposal round. Before you submit the proposal, make sure you can positively respond to the criteria at the beginning of this file. Also make sure you can achieve acres and match as described in the proposal. Unless there are substantial and prudent reasons to modify performance expectations, failure to achieve acres and match as described in the proposal may result in a reduced grant amount.

What are rollover proposals? <u>US Standard Proposals Only</u>
If the applicant chooses, proposals that are submitted in February and are not selected at the June Council meeting will automatically roll over to the December meeting and will be considered along with new proposals submitted in July. However, if there are significant changes in partnerships or scope of work to non-selected proposals, you must withdraw the proposal and <u>submit a new electronic proposal package for the next submission deadline.</u>

NAWCA GRANT PROPOSAL PROCESSES

What are the submission deadlines?

- **US Standard Proposal Deadline**: No later than 11:59 p.m. Eastern time on submission deadline date.

- **US Small Proposal Deadline**: No later than 4:00 pm Eastern time on submission deadline date.

Can I submit a proposal early or what if I submit a proposal after a submission deadline?
Any group or individual may submit proposals at any time before submission dates.

Late proposal submission information:

- **US Standard**: Proposals received after the February deadline will be processed, but will be considered for funding as a July deadline proposal. Proposals received after the July deadline will be ineligible unless the proposal is clearly labeled as an early submission for the next Fiscal Year (these will be subject to modifications depending on any changes in the submission guidelines that occur for current Fiscal Year).
- **US Small**: Proposals received after the October deadline will be processed, but will be considered for funding as an early submission for the next Fiscal Year.

Will I get comments on the proposal? When will I know if a site visit is needed US Standard Proposals only?
We communicate with the Project Officer after:

1. DBHC has completed its initial review of the proposal. Approximately three weeks after the submission deadline, we will send the Project Officer comments requesting clarification and/or more information in regard to the application and request possible site visit dates. We will typically request that you respond to this e-mail within 72 hours of receiving it to ensure that the scoring of your proposal will not be impacted due to insufficient information or that the proposal is determined to be ineligible for further review.
2. The proposal has been scored and site visits are scheduled, if needed.
3. Each Council and Migratory Bird Conservation Commission (MBCC) meeting. The Project Officer must be available to respond to questions about the proposal.

When will I know if the Council has selected the proposal?
Council typically meets in June and December to select proposals for recommendation to the MBCC who approves proposals for funding. Proposals submitted in February are eligible for consideration at the June and December Council meetings and proposals submitted in July are eligible for consideration at the December Council meeting. The Council selects a slate of proposals based on Technical Assessment Question scores, Migratory Bird Joint Venture ranks, Council goals and objectives, available funding, site visits, and other factors. Council meetings are open to the public, but are not interactive sessions. After each Council meeting, you will be given the results regarding your proposal (and Optional Matching Contributions Plan if applicable). Council meets in February to approve US Small proposals and are reported to MBCC in September.

What do I need to do after the Council selects the proposal?
Hopefully, you have already contacted your Migratory Bird Joint Venture Coordinator so you know if there is any additional information that the Service needs from you to conduct compliance reviews. There are only a few months between the Council and MBCC meetings, so you should be prepared to provide additional information quickly, if needed. **The proposal will not be presented to the MBCC for final funding approval unless the Service can ensure that environmental compliance reviews are complete (National Environmental Policy Act, Section 7 of the Endangered Species Act, the National Historic Preservation Act, and with Service contaminants survey requirements (if applicable)).** Before funds can be electronically distributed to your organization via the ASAP payment system, your organization must

1. Have a Data Universal Numbering System (DUNS). Dun and Bradstreet issues the DUNS number to federal grant applicants free of charge online at http://fedgov.dnb.com/webform .
2. Have an active registration in the Central Contractor Registry (CCR), which is housed within the System for Award Management (SAM). If you are receiving funds as an individual not operating as a business, you are not required to register in CCR. You can register in CCR or obtain additional CCR information online at https://www.sam.gov/portal/SAM/##11

When will I know if the proposal has been approved for funding?

- **US Standard**: The MBCC meets typically in April and September to give final funding approval to NAWCA proposals. February proposals will be presented to the MBCC the following September and July proposals will

be presented to the MBCC the following April. After each MBCC meeting, you will be given the results and a request to establish an ASAP account. Additionally, Project Officer and proposal summary information will be posted on the NAWCA website. Please share the approval news with elected officials and the general public via a news release and send us a copy. For information on MBCC visit: https://www.fws.gov/refuges/realty/mbcc.html

- **US Small**: The Council meets in February to make project selections. After the Council meeting, you will be given the results and a request to establish an ASAP Account. Additionally, Project Officer and proposal summary information will be posted on the NAWCA website. Please share the approval news with elected officials and the general public via a news release and send us a copy. Selected US Small projects will be presented to the September MBCC meeting as a report of funded projects.

When will I receive the grant funds?
The Assistance Award (also referred to as the grant agreement) incorporates the proposal by reference, and is developed by the Service when funding is available to issue grant award. A DBHC Grant Administrator will review the proposal and assemble the pertinent documents. If the Grant Administrator finds any problem related to compliance with law, policy, or administrative procedures, s/he will contact the project officer to seek a resolution. If there are no problems, or the problems have been resolved, the Grant Administrator will send the recipient a signed Agreement. The grant funding period begins on the date of the Service signature on the Agreement. Recipient signature is not required.

The recipient may decline the award or request a delay of the execution date by written notice to the Grant Administrator within 30 days of receipt of the award. The Grant Administrator may terminate the award in whole or part if the recipient materially fails to comply with the terms and conditions of the award. The Grant Administrator may also terminate the award with the consent of the recipient, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The recipient may terminate the award upon sending to the Grant Administrator written notification setting forth the reasons for termination, the effective date and, in the case of partial termination, the portion to be terminated. However, in the case of partial termination, if the Grant Administrator determines that the reduced or modified portion of the grant agreement will not accomplish the purposes for which the award was made, the Grant Administrator may terminate the award in its entirety. In any partial termination situations, the Grants Officer must consider the recipient's responsibilities for property management (if any) and the submission of financial, performance and other reports required by the grant agreement.

Remember that you will be expected to conduct work and meet acreage objectives as described in the proposal. Annually appropriated funds are not available until the beginning of the Federal fiscal year, October 1. Grant funds are "no-year dollars" and, therefore, do not have to be spent within a Federal fiscal year, but do need to be spent within the awards period of performance.

US Standard table and diagram below show the processes described above:

PROPOSAL IS SUBMITTED IN	MAY BE CONSIDERED BY COUNCIL IN	AND MAY BE APPROVED FOR FUNDING BY MBCC IN
February 2018	June 2018	September 2018
July 2018	December 2018	April 2019

US Small table and diagram below show the processes described above:

PROPOSAL IS SUBMITTED IN	MAY BE CONSIDERED AND APPROVED BY COUNCIL IN	REPORT FUNDING TO MBCC IN
October 2017	February 2018	September 2018

How will I receive grant funds?
The Service is using a new payment management system, the U.S. Treasury's Automated Standard Application for Payments (ASAP).Once funded if awarded you will be prompted to set up an ASAP account.

If you have questions about whether you can comply with any stipulations in any of these documents, please contact the program coordinator associated with the program you are applying for before you submit a proposal:

US Standard Program: Stacy Sanchez (703)358-2017, Stacy_Sanchez@fws.gov

US Small Grants Program: Rodecia McKnight, (703)358-2266, Rodecia_McKnight@fws.gov