

**U.S. Fish and Wildlife Service
National Wildlife Refuge System**

Cooperative Agriculture
Catalog of Federal Domestic Assistance (CFDA) Number: 15.681

Notice of Funding Opportunity F18AS00003

I. Description of Funding Opportunity

The objectives for the use of cooperative agriculture in the National Wildlife Refuge System (NWRS) are: production or modification of specific cover types or growing methods that meet the life history requirements of species for which we have established objectives (e.g., waterfowl production); production of foods for wildlife species for which we have established objectives; and/or maintenance, rehabilitation, or reestablishment of natural habitat.

Cooperative agriculture is when a person or entity conducts agricultural practices on NWRS lands in support of the Service's conservation and resource management objectives and there is substantial involvement between the Service and that person or entity. The NWRS uses cooperative agreements, known as Cooperative Agriculture Agreements (CAAs), as the legal instruments to formalize the agreement between the Service and the program participant. The cost-sharing of a person or entity in cooperative agricultural on NWRS lands can vary depending on the needs and objectives of the particular NWRS land. For example, the Service may provide the cooperator with the right to perform agricultural practices on NWRS land and a percentage of any resulting crop yield, as well as the ability to use Service water, equipment, and/or refuge staff. In exchange, the cooperator may provide the Service with labor, equipment, and materials; a percentage of any resulting crop yield; and/or maintenance, rehabilitation, or reestablishment of specific habitat conditions on NWRS lands. In addition to or instead of cost-sharing, the Service may accept bids for payment for the person or entity's agriculture use (e.g. haying or grazing) on NWRS lands in compliance with the Refuge Revenue Sharing Act. This is a nonfinancial assistance program. No Federal funds are obligated or awarded to program participants.

Because a CAA is not a financial assistance award, it is not subject to the regulations at 2 CFR 200 or policy in parts 515 and 516 of the Fish and Wildlife Service Manual. CAA's issued under this Notice of Opportunity are entered into under the U.S. Fish and Wildlife Service's (Service)'s CFDA (15.681) under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e); Migratory Bird Conservation Act (16 U.S.C. 715); National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd); Refuge Revenue Sharing Act (16 U.S.C. 715s); National Wildlife Refuge System Regulations, Economic Uses and Cooperative Land Management (50 CFR 29.1-2); and Department of Interior Policy, 505 Departmental Manual (DM) 2, Procurement Contracts, Grant and Cooperative Agreements.

II. Award Information

This is a nonfinancial assistance program. The Service may enter into a CAA on NWRS lands when:

- A. It is found to be an appropriate and compatible use of the NWRS lands, in accordance with Service procedures described in 603 FW 1 and 603 FW 2, respectively;
- B. It is described as a management action in an approved plan, complies with the National Environmental Policy Act (NEPA) and other applicable laws and regulations, and sets explicit objectives for target species or their associated habitats that represent the biological outcomes the Service desires and to meet wildlife or habitat management objectives; and
- C. Only when we cannot meet our resource management objectives through maintenance, management, or mimicking of natural ecosystem processes or functions of the particular NWRS land area in compliance with 601 FW 3.

A CAA, by its nature, requires substantial Service involvement. The Service and the cooperator will collaborate on developing a plan of operations with continued direction and monitoring by the Service; communicate on a regular basis (e.g., daily communications, monthly status updates, annual reviews) to ensure that the cooperative agricultural program is successful in assisting the NWRS lands to meet objectives for target species or their associated habitats and ensuring that the cooperator is attaining the agreed-upon incentives for engaging in cooperative agriculture on the NWRS lands; and coordinate to ensure the agricultural practices on NWRS lands are conducted in compliance with other Federal laws and policies.

A CAA may last up to 5 years.

III. Basic Eligibility Requirements

Eligible Applicants:

Applicants must be private individuals or small business entities. Pre-application coordination is required. Environmental impact information is not required for this program. This program is eligible for coverage under E.O. 12372, "Intergovernmental Review of Federal Programs." An applicant should consult the office or official designated as the single point of contact in his or her State for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review.

A. Cost Sharing or Matching:

Statutory formulas are not applicable to this program.

Matching requirements are not applicable to this program.

MOE requirements are not applicable to this program

IV. Application Requirements

- A. This program is excluded from coverage under 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The program will post an annual Notice of Participation Opportunity on Grants.gov. The annual notice will

provide a link to the NWRS website where individual cooperative agricultural opportunities will be posted as they become available at:

<https://www.fws.gov/refuges/whm/cooperativeAgriculture.html>

Individual cooperative agriculture opportunities will also be advertised through other national, regional, and local outreach channels as determined by the Service to be appropriate. The notice for each new opportunity will include a general description of the opportunity, the objective criteria the Service will use to evaluate applicants, the application due date, and application instructions.

Individual cooperative agriculture agreements can be approved for a period of a few months or up to a period of 5 years. Once that period ends, the Service will determine if those same cooperative agriculture activities should continue. If the Service will continue those same cooperative agriculture activities, a new individual cooperative agriculture opportunity will be posted on the NWRS website and made available for eligible entities to apply.

B. FWS Form 3-1383-C

In general and at a minimum, applicants must complete applicable parts of FWS Form 3-1383-C

(<https://www.fws.gov/forms/3-1383-C.pdf>) to apply for a cooperative agricultural opportunity. The Service will accept applications at the local refuge or complex office listed in the Notice in compliance with the terms and conditions in the Notice.

C. Conflict of Interest Disclosures: Applicants must notify the Service in writing of any actual or potential conflicts of interest that are known at the time of application or that may arise during the life of this award, in the event an award is made. Conflicts of interest include any relationship or matter which might place the recipient, the recipient's employees, or the recipient's subrecipients in a position of conflict, real or apparent, between their responsibilities under the award and any other outside interests. Conflicts of interest may also include, but are not limited to, direct or indirect financial interests, close personal relationships, positions of trust in outside organizations, consideration of future employment arrangements with a different organization, or decision-making affecting the award that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the applicant, the applicant's employees, or the applicant's future subrecipients in the matter. Upon receipt of such a notice, the Service Project Officer in consultation with their Ethics Counselor will determine if a conflict of interest exists and, if so, if there are any possible actions to be taken by the applicant to reduce or resolve the conflict. Failure to resolve conflicts of interest in a manner that satisfies the Service may result in the project not being select for funding.

Application Checklist

- ☐ **FWS Form 3-1383-C:** Commercial Activities Special Use Permit Application

Failure to provide complete information may cause delays, postponement, or rejection of the application.

V. Submission Instructions

SUBMISSION DEADLINE: 9/30/2017 - 9/30/2023

To submit an application

Follow the application procedures specified in the individual cooperative agriculture opportunity posted at <https://www.fws.gov/refuges/whm/cooperativeAgriculture.html>. Individual cooperative opportunities will also be advertised through other national, regional, and local outreach channels as determined by the Service to be appropriate.

VI. Application Review Information

Criteria: To be considered for funding, applications must provide a completed FWS Form 3-1383-C.

Review and Selection Process:

The Service will score each application based on the objective criteria outlined in the notice of the individual cooperative agriculture opportunity, and factors that make a potential recipient uniquely qualified. The Service will select the applicant best suited to conduct cooperative agriculture on NWRS lands. The Service will notify all applicants individually within 90 days after the closing of the opportunity notice. Unsuccessful applicants will be notified in writing describing why they were unsuccessful and of their right to appeal any adverse decision in accordance with 50 CFR 25.45.

Prior to participating in any review or evaluation process, all staff and peer reviewers, evaluators, panel members, and advisors must sign and return to the program office point of contact the "Department of the Interior Conflict of Interest Certification" form. For a copy of this form, contact the Service point of contact identified in the Agency Contacts section below.

Criteria for Selecting Proposals:

Objective criteria may vary depending on the needs and objectives of a refuge (or other NWRS lands). Objective criteria may include:

- (1) Experience in the type of agricultural opportunity posted, especially personal experience on NWRS lands or comparable land;
- (2) Experience and ability to successfully cultivate crops or produce specific cover types and/or growing methods that meet the life history requirements of species for which we have established objectives under Service or similar restrictions;
- (3) Having the proper equipment, materials, labor, and/or other resources to participate in the cost-sharing nature of a CAA; and
- (4) Other objective criteria necessary to ensure the cooperative agriculture meets the resource management objectives of the NWRS lands.

VII. Award Administration

Award Notices: Successful applicants will receive written notice that they have been selected as the cooperator and instructions about next steps. Successful applicants will typically be notified by e-mail, or mail if e-mail is unavailable. CAA's are based on the application submitted to, and as approved by, the Service. Applicants who are not selected as cooperators will receive written notice, most often by e-mail, or mail if e-mail is unavailable, within 90 days of the final review decision.

Renewals

None. After the term of the CAA has ended, the Service will review the cooperative agricultural opportunity. If we plan to continue it, we will publish a notice and award the CAA again following a competitive review and selection process. Previous cooperators are eligible to participate but must apply to be considered.

Transmittal of Sensitive Data: Recipients are responsible for ensuring any sensitive data being sent to the Service is protected during its transmission/delivery. The Service strongly recommends that recipients use the most secure transmission/delivery method available. The Service recommends the following digital transmission methods: secure digital faxing; encrypted emails; emailing a password protected zipped/compressed file attachment in one email followed by the password in a second email; or emailing a zipped/compressed file attachment. The Service strongly encourages recipients sending sensitive data in paper copy to use a courier mail service. Recipients may also contact their Service Project Officer and provide any sensitive data over the telephone.

Award Terms and Conditions:

See the following for information on how assistance is awarded/released: Once a cooperative agriculture opportunity has been awarded, the Service and the cooperator will work together to finalize the agreement terms and conditions. The program will include any special award terms and conditions in the notice of award. The program sends a notice of award to successful applicants.

Acceptance of a CAA from the Service carries with it the responsibility to be aware of and comply with the terms and conditions applicable to the award. Acceptance is defined as when the cooperator has signed the completed CAA in concurrence with the Service and begins work on NWRS lands. .

Recipient Reporting Requirements:

No program reports are required. No cash reports are required. No progress reports are required. No expenditure reports are required. The Service monitors cooperator performance and compliance with agreement terms and conditions as part of our substantial involvement responsibilities under this program.

Conflict of Interest Disclosures: Recipients are responsible for notifying the Service Project Officer in writing of any actual or potential conflicts of interest that may arise during the life of this award. Conflicts of interest include any relationship or matter which might place the

recipient, the recipient's employees, or the recipient's subrecipients in a position of conflict, real or apparent, between their responsibilities under this award and any other outside interests. Conflicts of interest may also include, but are not limited to, direct or indirect financial interests, close personal relationships, positions of trust in outside organizations, consideration of future employment arrangements with a different organization, or decision-making affecting the award that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the Recipient, the Recipient's employees, or the Recipient's subrecipients in the matter. Upon receipt of such a notice, the Service Project Officer in consultation with their Ethics Counselor will determine if a conflict of interest exists and, if so, if there are any possible actions to be taken by the Recipient, the Recipient's employee(s), or the Recipient's Subrecipient(s) that could reduce or resolve the conflict. Failure to resolve conflicts of interest in a manner that satisfies the Service may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including termination of this award.

VIII. Agency Contacts

Aaron Mize U.S. Fish and Wildlife Service, National Wildlife Refuge System Headquarters,
Falls Church, Virginia 22041-3803 Email: Aaron_mize@fws.gov Phone: (703)358-2678