

U.S. Fish and Wildlife Service

FWS - Ecological Services

<https://www.fws.gov/program/cooperative-endangered-species-conservation-fund>

F23AS00127 Cooperative Endangered Species Conservation Fund: Conservation Planning
Assistance

Fiscal Year: 2023

F23AS00127

Due Date for Applications: **03/02/2023**

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A. Program Description

Authority:

16 U.S.C. §1535

Assistance Listing Number:

15.615

Background, Purpose and Program Requirements:

As many species listed as endangered or threatened under the Federal Endangered Species Act (ESA) spend at least part of their life cycle on non-Federal lands, the U.S. Fish and Wildlife Service (Service) recognizes success in conserving and recovering these species depends largely on working cooperatively with States and Territories (hereafter, “States”).

Section 6 of the ESA authorizes the Service to provide Federal financial assistance to eligible State agencies to support the development and implementation of conservation programs for the benefit of resident listed species. This financial assistance, provided in the form of competitive grants, is made available through the Cooperative Endangered Species Conservation Fund (CESCF) Grant Programs. This Notice of Funding Opportunity (NOFO) applies specifically to CESCF Conservation Planning Assistance Grants.

This NOFO fully describes application eligibility, evaluation, and selection. It should be read in its entirety as much of the information has changed from previous years. Applicants are also highly encouraged to read the Frequently Asked Questions document attached to this opportunity. Given the significant investment of time and money associated with projects funded through this program, we also recommend you coordinate with the appropriate Service point of contact (Section G) before starting work on a project or application.

Conservation Planning Assistance Grants

The Conservation Planning Assistance Grant program provides funding to States to support the development of new Habitat Conservation Plans (HCPs), Safe Harbor Agreements (SHAs), and Candidate Conservation Agreements with Assurances (CCAAs). Funding may also be used to support the renewal or amendment of existing HCPs, SHAs, and CCAAs. The development of HCPs that include only candidate or at-risk species (*i.e.*, no Federally listed species covered by the HCP), such that the HCP would be in place if the species is listed, is also supported through this program. Funding may be used to support development and planning activities such as document preparation, public outreach, baseline species surveys, habitat assessments, and inventories. The preparation of environmental compliance review documents, such as National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA), is also an eligible use of grant funds.

Habitat Conservation Plans

Prior to 1982, non-Federal landowners undertaking otherwise lawful activities that were likely to

take listed species risked violating section 9 of the ESA, which prohibits the "taking" of a listed species. In the 1982 amendments to the ESA, Congress established a voluntary mechanism under section 10(a)(1)(B) that authorizes the Service to authorize take of endangered and threatened wildlife species to non-Federal entities that is incidental to their otherwise lawful activities. An applicant is required to develop an HCP as part of the application for an incidental take permit. The HCP demonstrates how the applicant intends to meet the permit issuance criteria under section 10(a)(2)(B) of the ESA. The commitments made by the applicant in the HCP become part of the permit.

In some States, HCPs have become a broad-based, landscape-level planning tool. In addition to conserving listed species, HCPs often include conservation measures for candidate or at-risk species, as well as other rare species in the plan area. By including these species in the HCP, developers and landowners can also help prevent their decline or need for future listing under the ESA. Should a non-listed species that is covered under the HCP become listed during the permit term, the HCP can provide a seamless process to authorize the take to the newly listed species and eliminate the need to amend the permit. Thus, landowners have an incentive to conserve both listed and unlisted species that may become listed in the future.

Candidate Conservation Agreements with Assurances

Section 10(a)(1)(A) authorizes the Service to issue enhancement of survival permits to landowners participating in Candidate Conservation Agreements with Assurances (CCAA). These voluntary agreements serve as an incentive to non-federal landowners to engage in conservation activities that provide a net conservation benefit to candidate and at-risk species. Landowners participating in a CCAA, who are implementing certain conservation actions for species included in the agreement, receive a permit containing assurances that they will not be required to implement additional conservation measures beyond those in the CCAA. If the species is ultimately listed, additional land, water, or resource use limitations will not be imposed on them, unless they consent to such changes.

Safe Harbor Agreements

Section 10(a)(1)(A) also authorizes the Service to issue enhancement of survival permits to landowners participating in Safe Harbor Agreements (SHA). An SHA is a voluntary agreement involving private or other non-federal property owners whose actions contribute to the recovery of species listed as endangered or threatened under the ESA. In exchange for actions that contribute to the recovery of listed species on non-federal lands, participating property owners receive formal assurances from the Service that if they fulfill the conditions of the SHA, the Service will not require any additional or different management activities by the participants without their consent. In addition, at the end of the agreement period, participants may return the enrolled property to the baseline conditions that existed at the beginning of the SHA.

Species Eligibility

To be considered for funding under this opportunity, the planning effort must propose to include at least one of the following eligible species on the permit. Further, applicants must demonstrate

how the proposed planning effort will benefit the species in accordance with the species' appropriate conservation document:

- **Federally listed species:** Species listed as threatened or endangered through section 4 of the Federal Endangered Species Act (ESA). A Federally listed species' appropriate conservation document may include a draft or final recovery plan, or a recovery outline if the species has been listed for less than 2.5 years (see FAQs for more information on locating these documents).
- **Candidate species:** Species for which the Service has sufficient information on biological status and threats to propose them as endangered or threatened under the ESA, but for which development of a proposed listing regulation is precluded by other higher priority listing activities. The current list of candidate species is available at: <http://ecos.fws.gov/ecp/report/table/candidate-species.html>. A Candidate species' appropriate conservation document may include a candidate assessment or species status assessment.
- **At-risk species:** For the purposes of this funding opportunity, at-risk species are those that are the subject of a positive 90-day finding, species that are the subject of a positive 12-month finding but not yet the subject of a proposed rule, species that are the subject of a proposed listing rule but not a final rule, and species included on the National Listing Workplan as of this opportunity's postdate. A full list of at-risk species can be found in the NOFO Attachments. An at-risk species' appropriate conservation document may include State Wildlife Action Plan, State recovery plan, proposed listing rule (if proposed for listing under the ESA), or similar conservation document.

Planning Document	Species Eligible to be Included on Permit
Habitat Conservation Plan	Federally listed, Candidate, at-risk
Candidate Conservation Agreement with Assurances	Candidate, at-risk
Safe Harbor Agreement	Federally listed

In order to ensure that funding is available to fund all plan and agreement types, the Service will roughly split the total appropriated amount by program type, based on the number of eligible applications that are submitted:

- Up to 40% dedicated to CCAAs/SHAs provided that the Service receives qualified applications for at least 40% of the funds
- 40% to HCPs
- Remaining funds as needed to either program type dependent on the number and quality of applications received

Conservation planning efforts, especially when covering large areas or multiple species, can require a significant investment of time and money. Providing Federal financial assistance, in the form of competitive grants, is an added incentive for entering into the conservation planning process beyond the regulatory assurances these plans and agreements provide. These plans and agreements can significantly reduce the burden of the ESA on small landowners by providing

efficient mechanisms for compliance, distributing the economic and logistical impacts of species conservation among the community, and bringing a broad range of landowner activities under the legal protections of the plans and agreements. Planning efforts with the greatest potential contribution to species conservation will be prioritized.

The Service recognizes that, in the exercise of their general governmental powers, States possess broad trustee and police powers over fish, wildlife, and plants and their habitats within their borders. Unless preempted by Federal authority, States possess primary authority and responsibility for protection and management of fish, wildlife, and plants and their habitats. The Section 6 cooperative agreements entered into by the States and Service reflect a common commitment to actively advance the purpose and policies of the ESA, including providing a means to foster relationships with partners, reduce conflicts between listed species and economic development, and promote the long-term conservation of listed species and the ecosystems on which they depend. These grants encourage the cooperative implementation of the ESA by leveraging Federal investment in species recovery and demonstrate the Service's commitment to cooperative conservation at the local level.

This opportunity will help to support the Administration's priorities of the Build Back Better framework, Justice40 Initiative, as well as the America the Beautiful initiative.

B. Federal Award Information

B1. Total Funding

Estimated Total Funding

\$8,362,000

The Service may award an estimated \$8,362,000 through this opportunity, pending final FY 2023 appropriations.

B2. Expected Award Amount

Maximum Award

\$1,000,000

Minimum Award

\$10,000

B3. Expected Award Funding and Anticipated Dates

Expected Award Funding

\$8,362,000

Expected Award Date

June 30, 2023

The Service may award an estimated \$8,362,000 through this opportunity pending final FY 2023 appropriations. The maximum award is \$1 million. In FY 2022, the Service awarded

approximately \$9.1 million through 15 grants ranging from \$186,428 to \$1 million.

Applications may address new or ongoing work. If a project supports the continuation of previous or ongoing work funded through a CESCO grant, a brief discussion of accomplishments to date and a justification for the continuation of work must be provided. While applications for ongoing work may be approved, funding will be awarded as a new grant with discrete objectives and deliverables. If a project is selected for funding, the Service is under no obligation to provide additional funding in connection with the project in a future competitive award cycle.

The Service intends to make award recommendations within 90 days of the closing date of this opportunity. Following review and approval, the Service's Regional Offices will make pre-award notifications and outline the process for finalizing awards. The Service intends to make pre-award notifications by June 30, 2023, and obligate funds within 120 days. The maximum period of performance (PoP) for a grant awarded through this opportunity is three years, beginning on the effective date established at the time of grant approval or the date of award obligation, whichever is earlier.

Awarded grant funds must be expended in a timely manner to return title Service for reallocation through the next competitive award cycle. If an approved project cannot be complete within the award's POP, the State may request a one-time extension of up to 12 months with appropriate justification. However, the Service will not consider requests to extend the PoP for projects that received additional consideration under the Project (Grant) Timetable/ Milestones evaluation criterion (see Section E1) during merit review. Any project awarded funding that will not be used, and from which funds are deobligated, may be eligible for funding in a future competitive award cycle.

B4. Number of Awards

Expected Number of Awards

14

In FY 2022, the average grant award was \$608,000. The Service estimates 14 grants may be awarded through this opportunity should the average grant amount remain consistent with the previous fiscal year and pending final FY 2023 appropriations.

B5. Type of Award

Funding Instrument Type

G - Grant

C. Eligibility Information

C1. Eligible Applicants

Eligible Applicants

00 – State governments

Additional Information on Eligibility

Only State agencies that have entered into a Cooperative Agreement pursuant to Section 6(c) of the ESA and have provided the information necessary for the annual renewal (reconfirmation) of their Cooperative Agreement are eligible to apply for funding. Applicants that have not fulfilled both criteria will not be considered. While funding may only be awarded to States, individuals or groups such as counties or conservation organizations may work with a State agency that has a cooperative agreement on conservation efforts that are mutually beneficial, as a subgrantee.

C2. Cost Sharing or Matching

Cost Sharing / Matching Requirement

Yes

Percentage of Cost Sharing / Matching Requirement

25

In accordance with section 6(d) of the ESA, the minimum non-Federal cost share is 25 percent of the total project cost, *i.e.*, the amount requested from the program plus the amount of non-Federal cost share. Other funds related to the project, but not designated as cost share, should not be included in the total project costs when calculating minimum non-Federal cost share.

If a proposal involves the collaboration of two or more States, the minimum non-Federal cost share decreases to 10 percent of the total project cost. The project proposal and budget must reflect the work and responsibilities to be carried out by each of the cooperating States. The source(s) of the non-Federal cost share is up to the applicants and may come from more than one source. 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 recovery of Federal funds from all States, if it is determined that the joint cooperative objective will not be accomplished.

In accordance with 48 United States Code (U.S.C.) 1469(a), Amendment of Subsection (d), the required match is waived for each grant awarded to the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

Non-Federal cost share requirements are detailed in 50 Code of Federal Regulations (CFR) 81.8(b) and allow the cost share to be in the form of cash or in-kind contributions, in accordance with the regulations at 2 CFR 200.306. The amount of non-Federal cost share will be considered in the evaluation and ranking of applications (Section E).

C3. Other

Applications must include a list of discrete activities proposed for funding and each must have an identified start and end point. Examples of discrete activities include developing public outreach brochures, gathering baseline data, preparing a draft habitat conservation plan or agreement, or other documents such as those necessary for NEPA or NHPA compliance. For proposals involving an ongoing project, funding cannot be sought to support activities to meet deliverables that were identified for completion through prior year funding. For example, if a prior planning assistance grant was awarded to a State to complete a draft NEPA document, funding from this

notice cannot be sought to complete a draft NEPA document.

Projects must be consistent with approved or draft species recovery plans, as applicable. In no case will proposed work be in conflict with approved recovery plans [50 CFR 81.2].

Projects must involve voluntary conservation efforts within the United States.

An application cannot include Service Full-Time Equivalent (FTE) costs.

State administrative costs must either be assumed by the State or included in the application in accordance with Federal requirements.

Applications may not be submitted to cover administrative costs alone

Foreign Entities or Projects:

State Sponsors of Terrorism: This program will not fund projects in [countries determined by the U.S. Department of State to have repeatedly provided support for acts of international terrorism](#) and therefore are subject to sanctions restricting receipt of U.S. foreign assistance and other financial transactions.

Office of Foreign Assets Control Sanctions: This program will not fund projects in countries subject to [comprehensive sanction programs administered by the U.S. Department of Treasury, Office of Foreign Asset Control](#) without proper licenses.

In-Country Licenses, Permits, or Approvals: Entities conducting activities outside the U.S. are responsible for coordinating with appropriate U.S. and foreign government authorities as necessary to obtain all required licenses, permits, or approvals before undertaking project activities. The Service does not assume responsibility for recipient compliance with the laws, regulations, policies, or procedures of the foreign country in which they are conducting work.

Excluded Parties:

The DOI conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award. The DOI cannot award funds to entities or their key project personnel identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, as their ineligibility condition applies to this Federal program.

D. Application and Submission Information

D1. Address to Request Application Package

Applicants can request paper application packages through the appropriate contact listed below in Section H. Information on CESCO grants is also available from the Division of Budget & Technical Support, Ecological Services, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS:ES Falls Church, VA 22041-3803, or electronically at <https://www.fws.gov/program/cooperative-endangered-species-conservation-fund>

Program Website Link

D2. Content and Form of Application Submission

SF-424, Application for Federal Assistance

All applicants must submit the Standard Form (SF)-424, Application for Federal Assistance. This form is available with the announcement on Grants.gov and in GrantSolutions. The form must be complete and signed by an Authorized Representative. For all applicants except individuals and commercial entities, the Authorized Representative's signature on a standard application form submitted to the Service represents their certification that the entity's financial management system meets [2 CFR §200.302](#) financial management requirements. The non-Federal entity's financial management system must be sufficient to:

1. Permit the preparation of required reports;
2. Trace funds to a level of expenditures adequate to establish that the entity has used such funds per Federal statutes, regulations, and terms and conditions of the Federal award;
3. Provide for the requirements in [2 CFR §200.302\(b\)](#); and
4. Comply with [§200.334](#) Retention requirements for records, [§200.335](#) Requests for transfer of records, [§200.336](#) Methods for collection, transmission, and storage of information, and [§200.337](#) Access to records.

If this application requests more than \$100,000 in Federal funds, the Authorized Representative's signature on or submission of the SF-424 form in GrantSolutions also represents their certification of the statements in 43 CFR Part 18, Appendix A-Certification Regarding Lobbying.

When completing the SF-424 Application form, enter only the amount requested from this Federal program in Box 18a, Estimated Federal Funding. Include any other Federal sources of funding in Box 18e. Estimated Other Funding and identify any such sources and amounts in the required Budget Narrative (see below). For individuals applying as a private citizen (i.e., unrelated to any business or nonprofit organization you may own or operate in your name), do NOT include your Social Security Number on this or any other document to be submitted with your application! When completing the SF-424 Application form, individuals must enter in Box 8b. Employee/Taxpayer Identification Number (EIN/TIN) the substitute number "444-44-4444." Individuals may register in SAM.gov but are not required to have a SAM.gov registration. For individuals without a SAM.gov registration enter in Box 8c. the substitute Unique Entity Identifier (UEI) "KA5HQCLKUVW1".

Project Abstract Summary (OMB Number 4040-0019)

Applicants must complete and submit the Project Abstract Summary form. The Project Abstract Summary form must provide a brief award description. The description must be in plain language that the public can understand without viewing the full application proposal. It should include a brief, simple description of the project purpose, activities to be performed, deliverables and expected outcomes, intended beneficiaries, and subrecipient activities, if known at the time of submission.

Do not include personally identifiable, sensitive, or proprietary information in the award description as this is available to the public. Use only English characters, numbers, punctuation, and standard symbols. Use of non-English, non-standard characters (also referred to as special or

extended ASCII characters) will result in the award description failing to be reported correctly to USASpending.gov. Award descriptions are limited to 4,000 characters or less. Applicants should check the length of the award description and proofread for proper grammar and spelling.

For applicants applying through Grants.gov: Applicants must download and complete the Grants.gov “Project Abstract Summary” form from the full text announcement. To submit the Grants.gov “Project Abstract Summary” form with the application, applicants must add the form as an attachment to the Grants.gov “Attachments” form that is included in the application package.

For applicants applying through GrantSolutions-Grants Management Module (GS-GMM): Applicants must enter the information in the Project Abstract Summary screen. Do not upload a document in place of entering the information directly into GS-GMM Project Abstract Screen.

Project Narrative

Project narratives should be complete but concise, addressing all stated eligibility and evaluation criteria. Applicants should only include information on species eligible for consideration under this funding opportunity, as defined in Section A. Although not required, applicants may consider including response tables to summarize information as it relates to a specific criterion within the project narrative. Applicants may also consider alternate methods of identifying responses to evaluation criteria within the project narrative such as inserting “(Criterion 2)” or “(C2)” at the end of the sentence or paragraph containing the information necessary to evaluate the project under criterion 2. Narratives that clearly address all criteria in an organized manner will facilitate application review and scoring.

- ***Project Title***
- ***Statement of Need***

The need for the proposed project in relation to the purposes of the Conservation Planning Assistance Grants Program. Identify the conservation issue, problem, or opportunity to be addressed by the planning effort as well as the species to benefit. Provide evidence to demonstrate that the need is real and not perceived, such as results from surveys, research, or other data. Identify the negative result of taking no action.

- ***Purpose***

The purpose describes the desired future state to addresses the need. For example, providing regulatory streamlining opportunities while promoting species conservation.

- ***Objectives***

Objectives are specific outcomes to be accomplished during the project’s period of performance pursuant to the stated need. Objectives should be specific, measurable, attainable, realistic, and time bound. For example, drafting the final five chapters of the HCP and holding three stakeholder meetings by September 21, 2024.

- ***Methods/Approach***

This section of the narrative should describe the specific conservation actions necessary to accomplish the project objectives.

- ***Description of entity(ies) undertaking the project***

List all subrecipients or partners and briefly describe their role(s) in the project. (Criterion 4)

- ***Anticipated Outcomes/ Expected Benefits***

This section of the narrative should describe the plan's expected contributions to species conservation, potential to streamline regulatory burdens, and alignment with the Administration's Justice40 Initiative (Criteria 1 & 2 & 5).

- ***Timetable***

The project timetable describes significant milestones in successfully completing the project. Timetables will be used to assess project readiness and should clearly demonstrate how the project is likely to be accomplished within the requested period of performance. Include a brief description of any due diligence completed to date. (Criterion 3)

- ***Project Location/ Maps***

This section of the narrative should describe the proposed plan area, habitat type(s), and relevant ecosystem/watershed characterization. Although not required, maps or photographs that characterize the existing state of the plan area may be included in the application.

- ***Information to support environmental compliance review requirements***

The Service has the responsibility for making the final determination regarding compliance with Federal laws.

- National Environmental Policy Act (NEPA) – provide any information that may be relevant to compliance with NEPA.
- Endangered Species Act (ESA) – provide any information that may be relevant to compliance with the ESA.
- National Historic Preservation Act (NHPA) – provide any information that may be relevant to compliance with NHPA, such as locations of historic or cultural properties.
- Other Permits – list and provide the current status of any other required Federal permits

SF-424A, Budget Information for Non-Construction Programs

Applicants must complete and submit the SF-424A Budget Information form for Non-Construction Programs or Projects. All required application forms are available with this announcement on Grants.gov or in GrantSolutions. Federal award recipients and subrecipients are subject to Federal award cost principles in Title 2 of the Code of Federal Regulations (CFR) part 200. Applicants must show funds requested from this Federal program separately from any other Federal sources of funding. In "Section A – Budget Summary" on the SF-424A form enter the funding requested from this Federal program in the first row. Identify any other Federal funding sources and amounts in the required Budget Narrative (see below). In the SF-424A "Contractual" category total, do not combine estimated subawards and contractual costs. Use the "Contractual" category to reflect estimated contractual costs only. Enter estimated subaward

costs in the SF-424A “Other” category. Provide a separate description and total estimated costs for both contractual and subaward costs in the required Budget Narrative (see below).

Budget Narrative

Applicants must include a budget narrative that describes and justifies requested budget items and costs. In your budget narrative, describe how the SF-424 Budget Information, “Object Class Category” totals were determined. For personnel salary costs, generally describe how estimates were determined by identifying what type of staff will support the project and how much time they will contribute to the project (in hours or workdays). Describe any proposed [items of cost that require prior approval](#) under the [Federal award cost principles](#), including any anticipated subawarding, transferring, or contracting out of any work under the award. Provide a separate description and total estimated costs for both contractual and subaward costs. If equipment previously purchased with Federal funds is available for the project, provide a list of that equipment and identify the Federal funding source. Identify any third-party cash or in-kind contributions that a partner or other entity will contribute to the project and describe how the contributions directly and substantively benefit completion of the project. For in-kind contributions, identify the source, the amount, and the valuation methodology used to determine the total value. See [2 CFR §200.306](#) for more information. Please note the prohibitions on certain telecommunications and video surveillance services or equipment in [2 CFR 200.216](#). The Department of the Interior’s [Unmanned Aircraft web page](#) provides a list of approved unmanned aircraft and related equipment and software.

Budget narratives must be sufficiently detailed to show that the project is cost effective and that costs are both necessary and reasonable for accomplishing the purposes of the proposed project. Indicate whether partial funding of the project is practicable and, if so, what specific portion(s) of the project could be implemented with what level of funding. The budget narrative should provide sufficient detail for reviewers to understand how costs were estimated. Reviewers must be able to clearly see that costs are realistic and are commensurate with the project needs and timeframe. Applications will be disqualified if reviewers cannot determine that applications meet this threshold.

Conflict of Interest Disclosure

Per the Financial Assistance Interior Regulation (FAIR), [2 CFR §1402.112](#), applicants must state in their application if any actual or potential conflict of interest exists at the time of submission.

a. Applicability.

1. This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.
2. In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict of interest provisions in [2 CFR §200.318](#) apply.

b. Notification.

1. Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass- through entity in accordance with [2 CFR §200.112](#).

2. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub recipients.
- c. *Restrictions on lobbying.* Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to [43 CFR §18](#) and [31 USC §1352](#).
- d. *Review procedures.* The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in [2 CFR §200.339](#), Remedies for noncompliance, including suspension or debarment (see also [2 CFR §180](#)).

Uniform Audit Reporting Statement

All U.S. states, local governments, Indian tribes, institutions of higher education, and non-profit organizations expending \$750,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the [Federal Audit Clearinghouse's Internet Data Entry System](#), in accordance with 2 CFR 200 subpart F. U.S. state, local government, Indian tribes, institutions of higher education, and non-profit applicants must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the EIN associated with that report and state if it is available through the [Federal Audit Clearinghouse](#) website.

Certification Regarding Lobbying

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in [43CFR Part 18, Appendix A-Certification Regarding Lobbying](#). If this application requests more than \$100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in [43 CFR Part 18, Appendix A](#).

Disclosure of Lobbying Activities

Applicants and recipients must not use any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a Federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress connection with the award. Applicants and recipients must complete and submit the [SF-LLL, "Disclosure of Lobbying Activities"](#) form if the Federal share of the proposal or award is more than \$100,000 and the applicant or recipient has made or has agreed to make any payment using non-

appropriated funds for lobbying in connection with the application or award. The SF-LLL form is available with this Funding Opportunity on Grants.gov. See 43 CFR, Subpart 18.100 for more information on when additional submission of this form is required.

Overlap or Duplication of Effort Statement

Applicants must provide a statement indicating if there is any overlap between this Federal application and any other Federal application, or funded project, in regard to activities, costs, or time commitment of key personnel. If no such overlap or duplication exists, state, “There are no overlaps or duplication between this application and any of our other Federal applications or funded projects, including in regard to activities, costs, or time commitment of key personnel”. If any such overlap exists, provide a complete description of overlaps or duplications between this proposal and any other federally funded project or application in regard to activities, costs, and time commitment of key personnel, as applicable. Provide a copy of any overlapping or duplicative proposal submitted to any other potential funding entity and identify when that proposal was submitted, to whom (entity name and program), and when you anticipate being notified of their funding decision. When overlap exists, your statement must end with “We understand that if at any time we receive funding from another source that is duplicative of the funding we are requesting from the U.S. Fish and Wildlife Service in this application, we will immediately notify the U.S. Fish and Wildlife Service point of contact identified in this Funding Opportunity in writing.”

D3. Unique Entity Identifier and System for Award Management (SAM)

Identifier and System for Award Management (SAM.gov) Registration:

This requirement does not apply to individuals applying for funds as an individual (i.e., unrelated to any business or nonprofit organization you may own, operate, or work within), or any entity with an exception to bypass SAM.gov registration with prior approval from the funding bureau or office in accordance with bureau or office policy. All other applicants are required to register as a financial assistance recipient in SAM.gov prior to submitting a Federal award application and obtain a [Unique Entity Identifier \(UEI\)](#). A Federal award may not be made to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by the time the program is ready to make an award, the program may determine the applicant is not qualified to receive an award. Federal award recipients must also continue to maintain an active SAM.gov registration with current information through the life of their Federal award(s). Entities already registered in SAM.gov should review their registration to confirm that they are registered as a financial assistance recipient, which requires completion of the SAM.gov “Financial Assistance General Certifications and Representations”. See the “Submission Requirements” section of this document below for more information on SAM.gov registration.

Applicants can register on the [SAM.gov](#) website. The “Help” tab on the website contains User Guides and other information to assist you with registration. The Grants.gov “[Register with SAM](#)” page also provides detailed instructions. Applicants can contact the supporting Federal Service Desk for help registering in SAM. Once registered in SAM, entities must renew and revalidate their SAM registration at least once every 12 months from the date previously registered. Entities are strongly encouraged to revalidate their registration as often as needed to ensure their information is up to date and reflects changes that may have been made to the

entity's IRS information. If applicable, foreign entities who want to receive payment directly to a U.S. bank account must enter and maintain valid, current banking information in SAM.

D4. Submission Dates and Times

Due Date for Applications

03/02/2023

Application Due Date Explanation

Electronically submitted applications must be submitted no later than 11:59 PM., ET, on the listed application due date.

This program requires the submission of applications online through GrantSolutions.gov as applicants will receive an acknowledgment of application receipt. GrantSolutions automatically generates an electronic date and time stamp in the system upon application receipt. Applicants are encouraged to verify the completeness of their application package before submission using the checklist provided below.

APPLICATION CHECKLIST

- SF-424, Application for Federal Assistance
- Project Abstract Summary Form
- Project Narrative
- SF-424A, Budget Information
- Budget Narrative
- Indirect Cost Statement and related documentation (when applicable)
- Conflict of Interest Disclosure (when applicable)
- Single Audit Reporting Statement (when applicable)
- SF-LLL, Disclosure of Lobbying Activities (when applicable)
- Overlap or Duplication of Effort Statement

D5. Intergovernmental Review

An intergovernmental review may be required for applications submissions from a U.S. state or local government prior to submission. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the state's process under [Executive Order 12372](#). The State Single Point of Contact list is available on the [OMB Office of Federal Financial Management website](#).

D6. Funding Restrictions

Indirect Costs: Individuals

Individuals applying for and receiving funds separate from a business or non-profit organization they may operate are not eligible to charge indirect costs to their award. If you are an individual applying for funding, you must not include any indirect costs in your proposed budget.

Indirect Costs: Organizations

The Federal awarding agency that provides the largest amount of direct funding to your organization is your cognizant agency for indirect costs, unless otherwise assigned by the White House Office of Management and Budget (OMB). If the Department of the Interior (DOI) is your organization's cognizant agency, the Interior Business Center (IBC) will negotiate your indirect cost rate. Contact the IBC by phone 916-930-3803 or using the [IBC Email Submission Form](#). See the [IBC Website](#) for more information.

Organizations must have an active Federal award before they can submit an indirect cost rate proposal to their cognizant agency. Failure to establish an approved rate during the award period renders all costs otherwise allocable as indirect costs unallowable under the award. Recipients may not shift unallowable indirect costs to another Federal award unless specifically authorized to do so by legislation.

Required Indirect Cost Statement to be submitted by Organization:

U.S. state or local government entities receiving more than \$35 million in direct Federal funding must include the following statement in their application and attach a copy of their most recently negotiated rate agreement:

- We are a U.S. state or local government entity receiving more than \$35 million in direct Federal funding. We submit our indirect cost rate proposals to our cognizant agency. Our current indirect cost rate is [insert rate]. Attached is a copy of our most recently negotiated rate agreement/certification.

U.S. state or local government entities receiving \$35 million or less in direct Federal funding must include the applicable statement from this list:

- We are a U.S. state or local government entity receiving \$35 million or less in direct Federal funding. We prepare and retain for audit an indirect cost rate proposal and documentation per 2 CFR 200, Appendix VII. Our current indirect cost rate is [insert rate], which is charged against [insert a complete description of the direct cost base used to distribute indirect costs to the award].
- We are a U.S. state or local government entity receiving \$35 million or less in direct Federal funding. We have not prepared an indirect cost rate proposal and documentation per 2 CFR §200, Appendix VII and elect to charge the de minimis rate of 10% of Modified Total Direct Costs as defined in 2 CFR §200.1. We understand we must use this methodology consistently for all Federal awards until we choose to establish a rate per 2 CFR §200. We understand we must notify the Service in writing if we establish a rate that changes the methodology used to charge indirect costs during the award period. We understand that additional Federal funds may not be available to support an unexpected increase in indirect costs during the project period and that such changes are subject to review, negotiation, and prior approval by the Service.

All other organizations must include the applicable statement from this list and any related documentation in their application. Please note, an organization with a current negotiated (including provisional) rate may not elect to charge the 10% de minimis rate of Modified Total Direct Costs during the period covered by their current negotiated rate.

- We are an organization with a current negotiated indirect cost rate. In the event we receive an award, we will charge indirect costs per our current negotiated rate agreement. Attached is a copy of our current rate agreement.
- We are an organization with a negotiated indirect cost rate that has expired. Attached is copy of our most recently negotiated rate agreement. If we receive an award, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award date. We understand we must provide the Service a copy of our approved rate agreement before charging indirect costs to the Federal award.
- We are an organization that has never negotiated an indirect cost rate with our cognizant agency. Our indirect cost rate is [insert rate], which is charged against [insert a complete description of the direct cost base used to distribute indirect costs to the award]. If we receive an award, we will submit an indirect cost rate proposal to our cognizant agency within 90 calendar days after the award date. We understand we must provide the Service a copy of our approved rate agreement before charging indirect costs to the Federal award.
- We are an organization that does not have a current negotiated (including provisional) rate. In the event an award is made, we elect to charge the de minimis rate of 10% of Modified Total Direct Costs as defined in 2 CFR §200.1. We understand we must use this methodology consistently for all Federal awards until such time as we negotiate a different rate with our cognizant agency. We understand that we must notify the Service in writing if during the award period we establish a rate that changes the methodology used to charge indirect costs to the award. We understand that additional Federal funds may not be available to support an unexpected increase in indirect costs and that such changes are subject to review, negotiation, and prior approval by the Service.
- We are an organization submitting a [insert either “Cooperative Fish and Wildlife Research Unit Program” or “Cooperative Ecosystem Studies Unit Network”] project proposal, which has an indirect cost rate cap of [insert rate; CRU is currently 15%; CESU is currently 17.5%]. In the event we receive an award, we understand that if we have a current negotiated (including provisional) indirect cost rate agreement we must charge the capped indirect cost rate to the same base identified in our approved indirect cost rate agreement. We understand we must request prior approval from the awarding program to use the [2 CFR 200.1 Modified Total Direct Costs](#) (MTDC) base instead of our approved base and that we must submit such requests with our application, including a calculation showing how use of the MTDC base results in an overall reduction in the total indirect costs recovered. If we do not have current negotiated (including provisional) rate, we understand we must charge the capped indirect cost rate against Modified Total Direct Costs (MTDC) as defined in 2 CFR §200.1. If we have never negotiated a rate, we understand we must use the de minimis rate of 10% of MTDC.
- We are an organization that will charge all costs directly.

Neither the Federal funds awarded through this opportunity, nor the associated non-Federal cost share, may be used to satisfy regulatory requirements of the Endangered Species Act, including complying with a biological opinion under Section 7, fulfilling Federal mitigation, minimization, and/or monitoring requirements of an HCP permitted under Section 10, or any other Federal regulatory mitigation requirement (e.g., mitigation for Clean Water Act permits).

For applications involving a previously funded planning effort, funding cannot be sought to support activities to meet deliverables that were identified for completion under prior year awards. For example, if a prior planning assistance grant was awarded to a State to complete a draft NEPA document, funding from this notice cannot be sought to complete a draft NEPA document.

The Service will not fund work in conflict with species approved recovery plans [50 CFR 81.2]. An application cannot include U.S. Fish and Wildlife Service Full-Time Equivalent (FTE) costs.

State administrative costs must either be assumed by the State or included in the proposal in accordance with Federal requirements. Grants may not be submitted to cover administrative costs alone.

Generally, only expenses incurred and budgeted during the period of performance are reimbursable; the period of performance begins with the effective date established at the time the grant is approved. However, a State may request reimbursement of pre-award costs for certain necessary expenses detailed in the grant application. Pre-award costs are those incurred prior to the approval of the grant where such costs are necessary to comply with the proposed period of performance. Such costs are allowable only if the grant is awarded, only to the extent that they would have been allowable if incurred after the date of the award, and only with the written approval of the awarding agency ([2 CFR 200.458](#)).

Land acquisition is not eligible for consideration under this funding opportunity.

D7. Other Submission Requirements

The Service uses the GrantSolutions system to manage financial assistance applications and awards. Applicants must register in and conduct any subsequent award business with the Service in GrantSolutions. To apply, your organization and organization officials must be established in GrantSolutions. To register your organization in GrantSolutions, send an email to help@grantsolutions.gov with the following information:

Subject: New Organization Request

- Organization/Individual Name
- Point of Contact first and last name, email, and phone number
- Organization Type
- SAM.gov Unique Entity Identifier (not required for individuals or Service-waived entities)
- Organization Employer Identification Number (Applicants that are INDIVIDUALS DO NOT include your social security number)
- Address

Organizational details should match those in the organization's SAM.gov registration. To establish organization official accounts and user role(s), complete a Recipient User Account Request Form for each official and email it to help@grantsolutions.gov. The GrantSolutions entity user roles are: Authorizing Official (ADO); Principal Investigator/Program Director

(PI/PD); Support Specialist (GSS); Financial Officer (FO); and Financial Support Staff (FSS). All roles can do the following: enter applications, amendments, and reports, view awards, and view and create notes. The ADO and the PI/PD roles can also submit applications, amendments, and reports. The FO role can also submit reports. At a minimum, registered organizations must assign someone to the ADO and PI/PD roles. For more information, see the GrantSolutions Recipient Training and FAQs web page. For GrantSolutions registration, submission, and other assistance contact their Customer Support by telephone at 1-866-577-0771 or by email at help@grantsolutions.gov.

E. Application Review Information

E1. Criteria

Habitat Conservation Plans

1. Magnitude of Species Benefit: HCP Plan Area Conservation (30 points maximum)

The purpose of this criterion is to evaluate the potential magnitude of conservation benefit the HCP will provide to covered species in the proposed plan area. Only eligible species as defined in Section A to be included on a section 10(a)(1)(B) permit will be considered when evaluating applications for funding through this opportunity.

Score: To score the maximum points under this criterion, the applicant must demonstrate the HCP will potentially result in a high conservation benefit for at least one covered species.

- High benefit to conservation for at least one covered species (30 pts)
- Medium benefit to conservation for at least one covered species (15 pts)
- Low benefit to conservation for at least one covered species (5 pts)

A potential high benefit to species conservation may include any of the following:

- HCP plan area includes an important migration corridor or wintering habitat as identified in a covered species' appropriate conservation document.
- HCP plan area includes the location for all critical life cycle functions (breeding, feeding, AND sheltering) as identified in a covered species' appropriate conservation document.
- HCP directly addresses more than one specific management action and/or threat identified in a covered species' appropriate conservation document.
- If the proposed HCP has already developed its conservation strategy, the applicant commits to implementing that conservation strategy which more than fully offsets expected impacts and contributes to a covered species recovery by addressing a priority recovery action as specified in a species' draft or final recovery plan or recovery outline, and/or the decision to preclude listing by addressing threats to a covered species as specified in its candidate species assessment, state wildlife action plan, or state recovery plan.

A potential medium benefit to species conservation may include any of the following:

- HCP plan area includes the location for **two** critical life cycle functions (breeding, feeding, or sheltering) as identified in a covered species' appropriate conservation document.
- HCP directly addresses one specific management action and/or threat identified in a covered species' appropriate conservation document.
- If the proposed HCP has already developed its conservation strategy, the applicant commits to a conservation strategy that fully offsets expected impacts but does not contribute to additional conservation of covered species.

A potential low benefit to species conservation may include any of the following:

- HCP plan area includes the location for one critical life cycle function (breeding, feeding, or sheltering) as identified in a covered species' appropriate conservation document.
- HCP does not address a specific management action and/or threat identified in a covered species' appropriate conservation document.
- If the proposed HCP has already developed its conservation strategy, the HCP applicant commits to a conservation strategy that offsets expected impacts to the maximum extent practicable but may not fully offset expected impacts to covered species.

2. Magnitude of HCP Impact: Regulatory Streamlining (additive, up to 20 points)

HCPs that streamline regulatory burdens on landowners and project proponents by providing efficient mechanisms for compliance, distributing the economic and logistical impacts of species conservation among the community, and bringing a broad range of landowner activities under the HCP's legal protections will be prioritized.

Score: Potential impact of HCP to provide regulatory streamlining opportunities. Additive, up to 20 points.

- Permit structure: programmatic plans and integrated plans (5 pts)
- HCP plan area crosses multiple jurisdictions, e.g., across multiple cities, counties, or States. (5 pts)
- HCP development and permit issuance will facilitate permittee in complying with other Federal statutes or regulations. (5 pts)
- HCP development and permit issuance will facilitate permittee in complying with other local or State statutes or regulations. (5 pts)

3. Project (Grant) Timetable/ Milestones (25 points maximum)

Reviewers will evaluate the timetable for the proposed scope of work to determine the reasonableness of the applicant's approach, including significant milestones, to successfully completing the work within the grant's proposed period of performance. Additional points will be awarded if the applicant demonstrates readiness to submit a complete section 10(a)(1)(B) permit application by the end of the period of performance.

Score: Projects poised for successful implementation will be prioritized.

- Timetable includes the applicant's intent to submit a complete section 10(a)(1)(B) permit application by the end of the period of performance. Project is poised for successful implementation and successful application for the 10(a)(1)(B) permit. (+10 extra pts)
- Project timetable includes significant milestones and clearly demonstrates how all of the proposed activities are highly likely to be accomplished within the requested period of performance (three-year maximum) with the understanding that no extensions will be considered. (15 pts)
- Project timetable includes significant milestones and clearly demonstrates how all of the proposed activities are highly likely to be accomplished within the requested period of performance (three-year maximum). Project is poised for successful implementation. (10 pts)
- Project timetable includes basic information to demonstrate how all of the proposed activities will be accomplished but lacks significant milestones necessary to evaluate the likelihood of success. (5 pts)
- Project timetable lacks basic information necessary to demonstrate how all of the proposed activities will be accomplished within the requested period of performance. (0 pts)

4. Coordination/ Capacity of HCP Applicant (20 points maximum)

This criterion addresses whether HCP applicants (including project partners) have committed the necessary resources to accomplish the proposed scope of work and HCP planning effort in accordance with the above timetables. For the purposes of this criterion, project partners include contractors, consultants, and other cooperators. To evaluate necessary resources, reviewers will consider whether an HCP applicant has identified and/or contracted an environmental consultant and/or assigned dedicated staff to manage the planning effort. Reviewers will also consider if the HCP applicant has met past planning milestones, if applicable.

Score: Applications that demonstrate coordination with the appropriate Service Field Office will be prioritized.

- HCP applicant possesses all necessary resources and capacity (i.e., contracted an environmental consultant and/or assigned dedicated staff) to accomplish the project and HCP and has demonstrated coordination with appropriate Service Field Office. (20 pts)
- HCP applicant possesses all necessary resources and capacity (i.e., contracted an environmental consultant and/or assigned dedicated staff) to accomplish the project and HCP but has not demonstrated coordination with appropriate Service Field Office. (10 pts)
- HCP applicant lacks the necessary resources and capacity to accomplish the project and HCP. (0 pts)

5. Alignment with Administration Priorities (5 points maximum)

Score: Projects will be evaluated in relation to the Administration's Justice40 Initiative.

The goal of the Justice40 Initiative is to provide 40 percent of the overall benefits of certain Federal investments in seven key areas to disadvantaged communities. These seven key areas are: climate change, clean energy and energy efficiency, clean transit, affordable and

sustainable housing, training and workforce development, the remediation and reduction of legacy pollution, and the development of critical clean water infrastructure.

- Application demonstrates alignment with the Justice40 Initiative. (5 pts)
- Application does not demonstrate alignment with the Justice40 Initiative. (0 pts)

6. Regional Director's Discretion (25 points maximum)

Each Service Regional Director will have 25 points to distribute among all applications submitted by the States in their respective Legacy Region based on considerations outlined in Section E2 to reflect Service and State priorities.

Candidate Conservation Agreements with Assurances & Safe Harbor Agreements

1. Magnitude of Species Benefit: Plan Area Conservation (30 points maximum)

The purpose of this criterion is to evaluate the potential magnitude of conservation benefit the agreement will provide to eligible covered species in the conservation area. Only eligible species as defined in Section A to be included on a section 10(a)(1)(A) permit will be considered when evaluating applications for funding through this opportunity.

Score: To score the maximum points under this criterion, the applicant must demonstrate the agreement will potentially result in a high conservation benefit for at least one covered species.

- High benefit to conservation for at least one covered species (30 pts)
- Medium benefit to conservation for at least one covered species (15 pts)
- Low benefit to conservation for at least one covered species (5 pts)

A potential high benefit to species conservation may include any of the following:

- Conservation area includes an important species migration corridor or wintering habitat as identified in a species' appropriate conservation document.
- Conservation measures improve the ability of at least one covered species to use the conservation area for all critical life cycle functions (breeding, feeding, AND sheltering) as identified in a species' appropriate conservation document.
- Conservation area includes 75% or greater of a covered species' range-wide habitat.

A potential medium benefit to species conservation may include any of the following:

- Conservation measures improve the ability of at least one covered species to use the conservation area for two critical life cycle functions (breeding, feeding, or sheltering) as identified in a species' appropriate conservation document.
- Conservation area includes 26-74% of a species' range-wide habitat.

A potential low benefit to species conservation may include any of the following:

- Conservation measures improve the ability of at least one covered species to use the conservation area for one critical life cycle function (breeding, feeding, or sheltering).
- Conservation area includes a small percentage (25% or less) of the species' range-wide habitat.

2. Magnitude of Benefit: Streamlining (additive, up to maximum 20 points)

This criterion will prioritize proposals that provide efficient mechanisms for compliance, distribute the economic and logistical impacts of species conservation among the community, and bring a broad range of landowner activities under the agreement's legal protections or assurances, resulting in a greater conservation benefit to species and provide more opportunities for landowners, especially in underserved communities, to more easily enroll in conservation agreements. Agreements that will streamline the issuance of permits to small landowners will be prioritized.

Score: Potential impact of plan/agreement to provide streamlining opportunities for landowners. Additive, up to maximum 20 points.

- Applicant is establishing a programmatic agreement or general conservation agreement. (15 pts)
- Applicant is joining an existing programmatic agreement or general conservation agreement. (10 pts)
- Agreement area crosses multiple jurisdictions e.g., across multiple cities, counties, or States. (10 pts)

3. Project (Grant) Timetable/Milestones (25 points maximum)

Reviewers will evaluate the timetable for the proposed scope of work to determine the reasonableness of the applicant's approach, including significant milestones, to successfully completing the work within the grant's proposed period of performance. Additional points will be awarded if the applicant demonstrates readiness to submit a complete section 10(a)(1)(A) permit application by the end of the period of performance.

Score: Projects poised for successful implementation will be prioritized.

- Timetable includes the applicant's intent to submit a complete section 10(a)(1)(A) permit application by the end of the period of performance. Project is poised for successful implementation and successful application for the 10(a)(1)(A) permit. (+10 extra points)
- Project timetable includes significant milestones and clearly demonstrates how all of the proposed activities are highly likely to be accomplished within the requested period of performance (three-year maximum) with the understanding that no extensions will be considered. (15pts)
- Project timetable includes significant milestones and clearly demonstrates how all of the proposed activities are highly likely to be accomplished within the requested period of

performance (three-year maximum). Project is poised for successful implementation. (10 pts)

- Project timetable includes basic information to demonstrate how all of the proposed activities will be accomplished but lacks significant milestones necessary to evaluate the likelihood of success. (5 pts)
- Project timetable lacks basic information necessary to demonstrate how all of the proposed activities will be accomplished within the requested period of performance. (0 pts)

4. Coordination/ Capacity of Applicant (20 points maximum)

This criterion addresses whether applicants (including project partners) have committed the necessary resources to accomplish the proposed scope work and plan or agreement planning effort in accordance with the above timetables. For the purposes of this criterion, project partners include contractors, consultants, and other cooperators, and, to evaluate necessary resources, reviewers will consider whether an applicant has identified and contracted an environmental consultant and/or assigned dedicated staff to manage the planning effort. Reviewers will also consider if the applicant has met past planning milestones, if applicable.

Score: Applications that demonstrate coordination with the appropriate Service Field Office will be prioritized.

- Applicant possesses all necessary resources and capacity (i.e., has identified and contracted an environmental consultant and/or assigned dedicated staff) to accomplish the project and plan and has demonstrated coordination with appropriate Service Field Office. (20 pts)
- Applicant possesses adequate resources and capacity to accomplish the project and plan but has not demonstrated coordination with appropriate Service Field Office. (10 pts)
- Applicant lacks the resources or capacity to accomplish the agreement. (0 pts)

5. Alignment with Administration Priorities (5 points maximum)

Score: Projects will be evaluated in relation to the Administration's Justice40 Initiative. The goal of the Justice40 Initiative is to provide 40 percent of the overall benefits of certain Federal investments in seven key areas to disadvantaged communities. These seven key areas are: climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, the remediation and reduction of legacy pollution, and the development of critical clean water infrastructure.

- Application demonstrates alignment with the Justice40 Initiative. (5 pts)
- Application does not demonstrate alignment with the Justice40 Initiative. (0 pts)

6. Regional Director's Discretion (25 points maximum)

Each Service Regional Director will have 25 points to distribute among all applications

submitted by the States in their respective Legacy Region based on considerations outlined in Section E2 to reflect Service and State priorities.

E2. Review and Selection Process

Prior to award, the program will review any applicant statement regarding potential overlap or duplication between the project to be funded and any other funded or proposed project in terms of activities, funding, or time commitment of key personnel. Depending on the circumstances, the program may request modification to the application, other pending applications, or an active award, as needed to eliminate any duplication of effort, or the FWS may choose not to fund the selected project.

Prior to award, the program will conduct and document a review of the proposed budget to ensure figures are calculated correctly, proposed costs are clearly linked to the project narrative and seem necessary and reasonable, no obviously unallowable costs are included, costs requiring prior approval are identified and described, indirect cost are applied correctly, and any program match or cost share requirements are addressed.

The program may not make a Federal award to an applicant that has not completed the SAM.gov registration. If an applicant selected for funding has not completed their SAM.gov registration by the time the Bureau is ready to make an award, the program may determine that the applicant is not qualified to receive an award. The program can use that determination as a basis for making an award to another applicant.

Prior to award, the program will evaluate the risk posed by applicants as required in [2 CFR §200.206](#). Prior to approving awards for Federal funding in excess of the simplified acquisition threshold (currently \$250,000), the Bureau is required to review and consider any information about or from the applicant found in the Federal Awardee Performance and Integrity Information System. The Bureau will consider this information when completing the risk review. The Bureau uses the results of the risk evaluation to establish monitoring plans, recipient reporting frequency requirements, and to determine if one or more of the specific award conditions in [2 CFR §200.208](#) should be applied to the award.

Initial Screening for Completeness and Eligibility: Application packages will be screened to ensure all required forms and application elements have been provided and both applicants and projects meet all basic eligibility criteria described above. The Service will review the SAM.gov Exclusion database, status of applicant's administration of other grants, including Single Audit submissions, past performance, financial strength and management capabilities, and procedures and methods for monitoring subrecipients or vendors. Applicants in poor standing may not be considered for funding. If there are any questions about the ability of the project to be completed in compliance with Federal laws and regulations, additional information may be requested from the applicant. A project may be disqualified if Service staff determine the project cannot meet Federal requirements. Incomplete applications will be returned for corrections. Corrections must be submitted within two weeks of the returned application. Applicants that do not respond within two weeks with corrected materials will be disqualified. The Service, in its sole discretion, may continue the review process for applications with non-substantive issues that may be easily rectified or cured.

Merit Review: After initial screening, applications meeting the basic eligibility requirements will undergo merit review by the National Merit Review Team based on the criteria outlined in Section E1. Applicants must provide the information necessary for reviewers to score the proposed project against all evaluation criteria as no outside information will be considered. Missing or unclear information will result in lower scores.

Prior to participating in any review or evaluation process, all merit review members must sign and return to the program office point of contact the “Department of the Interior” Conflict of Interest Certification” form. Each application will be reviewed, evaluated, and scored independently by the merit review team members with appropriate subject-matter expertise (e.g., HCPs, SHAs, CCAAs, ESA policy and programs, Federal financial assistance). Reviewers may discuss individual applications, but all scoring will be non-consensus. Following ranking, due to limited funding or for other reasons, the Service may ask applicants to revise the project scope, timeline, and/or budget. In this event, applicants will have to submit revised SF-424 forms and project narratives prior to award.

Application Selection: The review panel will develop and recommend a ranked project list to the Assistant Director of Ecological Services, who will recommend a final list of projects to the Service Director. Projects will be recommended for funding by rank order unless an application is justified by the Assistant Director to be selected out of rank order based upon the following considerations:

- Regional/ National priority
- Applicant’s ability to use partial funding
- Availability of funding
- Balance/distribution of funds geographically within a Service Region
- Balance/distribution of funds geographically across Service Regions
- Balance/distribution of funds by type of planning effort
- Whether this project duplicates other projects funded by Service or other Department of the Interior agencies
- The applicant’s prior award performance
- Partnerships with and/or participation of targeted groups

The Service Director will make the final award selections.

E3. CFR – Regulatory Information

See the [Service’s General Award Terms and Conditions](#) for the general administrative and national policy requirements applicable to Service awards. The Service will communicate any other program- or project-specific special terms and conditions to recipients in their notices of award.

E4. Anticipated Announcement and Federal Award Dates

The Service intends to make pre-award notifications by June 30 2023, and obligate funds within 120 days. Applicants will assist the Service in meeting the 120-day target by providing the documents necessary for grant issuance as soon as possible following pre-award notification. Awarded funds must be expended in a timely manner or returned to the Service for reallocation through the next competitive grant cycle.

F. Federal Award Administration Information

F1. Federal Award Notices

If an application is selected for an award, the appropriate Service Regional Office will notify the applicant of the selection and outline the process for finalizing the award, including any additional information that may be required from the applicant for the satisfactory completion of compliance review. Applicants may be required to revise the project scope and/or budget before a final Notice of Award can be issued. The Notice of Award is the authorizing document for a grant and will be received through GrantSolutions upon completion of all review requirements. Acceptance of an award is defined as starting work, drawing down funds, or accepting the award via electronic means. The Notice of Award will include specific instructions on how to request payment. If applicable, the instructions will detail any additional information/forms required and where to submit payment requests.

The Service may publish one or more media releases and post information about projects selected for funding on Service websites. These releases may be made in coordination with the Department of the Interior and may be made nationally and/or regionally.

F2. Administrative and National Policy Requirements

See the [DOI Standard Terms and Conditions](#) for the administrative and national policy requirements applicable to DOI awards.

See the [Service's General Award Terms and Conditions](#) for the general administrative and national policy requirements applicable to Service awards.

Buy America Provision for Infrastructure: Required Use of American Iron, Steel, Manufactured Products, and Construction Materials.

As required by Section 70914 of the Infrastructure Investment and Jobs Act (Pub. L. 117-58), on or after May 14, 2022, none of the funds under a federal award that are part of a Federal financial assistance program for infrastructure may be obligated for a project unless all the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. Recipients conducting infrastructure projects under the award must include related requirements all subawards, including all contracts and purchase orders for infrastructure work or products under this program. For the full text term applicable to infrastructure and related waiver request standards and procedures, see the Service's General Award Terms and Conditions.

F3. Reporting

Financial Reports

All recipients must use the [SF-425, Federal Financial Report](#) form for financial reporting. At a minimum, all recipients must submit a **final** financial report. Final reports are due no later than 120 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim** financial reports on the frequency established in the Notice of Award. The only exception to the interim financial reporting requirement is if the recipient is required to use the SF 270/271 to request payment and requests payment at least once annually through the entire award period of performance. We will describe all financial reporting requirements in the Notice of Award.

Non-Construction Performance Reports

Performance reports must contain a comparison of actual accomplishments with the established goals and objectives of the award; a description of reasons why established goals was not met, if appropriate; and any other pertinent information relevant to the project results. **Final** reports are due no later than 120 calendar days after the award period of performance end date or termination date. For awards with periods of performance longer than 12 months, recipients are required to submit **interim performance** reports on the frequency established in the Notice of Award.

Construction Performance Reports

For construction awards, onsite technical inspections and certified percentage of completion data may be relied on to monitor progress for construction. Additional performance reports for construction activities may be required only when considered necessary. However, awards that include both construction and non-construction activities require performance reporting for the non-construction activities. See [2 CFR§200.329](#) for more information. The USFWS will describe all performance reporting requirements in the Notice of Award.

Significant Development Reports

Events may occur between the scheduled performance reporting dates which have significant impact upon the supported activity. In such cases, recipients are required to notify the Bureau in writing as soon as the recipient becomes aware of any problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation. The recipient should also notify the Service in writing of any favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Real Property Reports

Recipients and subrecipients are required to submit status reports on the status of real property acquired under the award in which the Federal government retains an interest. The required frequency of these reports will depend on the anticipated length of the Federal interest period. The Bureau will include recipient-specific real property reporting requirements, including the required standard form or data elements, reporting frequency, and report due dates, in the Notice of Award when applicable.

Conflict of Interest Disclosures

Per 2 CFR §1402.112, non-Federal entities and their employees must take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements. In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the provisions in [2 CFR §200.318](#) apply. Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with [2 CFR §200.112](#). Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Service Project Officer identified in their notice of award in writing of any conflicts of interest that may arise during the life of the award, including those that reported by subrecipients. The Service will examine each disclosure to determine whether a significant potential conflict exists and, if it does, work with the applicant or recipient to develop an appropriate resolution. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award.

Other Mandatory Disclosures

The Non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a Federal award including the terms and conditions outlined in 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies for noncompliance described in 2 CFR §200.339, including suspension or debarment.

Reporting Matters Related to Recipient Integrity and Performance

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the [System for Award Management](#) that is made available in the designated integrity and performance system (currently the [Federal Awardee Performance and Integrity Information System](#)) about civil, criminal, or administrative proceedings in accordance with [Appendix XII to 2 CFR 200](#).

G. Federal Awarding Agency Contact(s)

G1. Program Technical Contact

For **programmatic technical assistance**, contact:

First and Last Name:

Kelly Niland

Telephone:

703-358-2492

Email:

Kelly_Niland@fws.gov

G2. Program Administration

For **program administration assistance**, contact:

First and Last Name:

Kelly Niland

Telephone:

703-358-2492

Email:

Kelly_Niland@fws.gov

G3. Application System Technical Support

For **Grants.gov technical registration and submission, downloading forms and application packages**, contact:

Grants.gov Customer Support

Numeric Input Field: 1-800-518-4726

Support@grants.gov

For **GrantSolutions technical registration, submission, and other assistance contact:**

GrantSolutions Customer Support

1-866-577-0771

Help@grantsolutions.gov

H. Other Information

Payments

Domestic recipients are required to register in and receive payment through the U.S. Treasury's Automated Standard Application for Payments (ASAP), unless approved for a waiver by the Service program. Foreign recipients receiving funds to a final destination bank outside the U.S. are required to receive payment through the U.S. Treasury's International Treasury Services (ITS) System. Foreign recipients receiving funds to a final destination bank in the U.S. are required to enter and maintain current banking details in their SAM.gov entity profile and receive payment through the Automated Clearing House network by electronic funds transfer (EFT). The Bureau will include recipient-specific instructions on how to request payment, including identification of any additional information required and where to submit payment requests, as applicable, in all Notices of Award.

Cooperative Endangered Species Conservation Fund Regional Contacts:

Region 1	Hawaii, Idaho, Oregon, Washington, Guam, Commonwealth of the Northern Mariana Islands	USFWS Eastside Federal Complex 911 N.E. 11th Avenue Portland, Oregon 97232-418	Naomi Bentivoglio (503) 231-2228 Naomi_Bentivoglio@fws.gov
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Region 2	Arizona, New Mexico, Oklahoma, Texas	USFWS 500 Gold Avenue SW, Room 6018 Albuquerque, New Mexico 87102	Vanessa Burge (505) 248-6420 Vanessa_Burge@fws.gov
Region 3	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin	USFWS Ecological Services 5600 American Blvd. West Suite 990 Bloomington, Minnesota 55437-1458	Erik Olson (612) 713-5488 & Laura Ragan (612) 713-5194 R3FedAid@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, U.S. Virgin Islands	USFWS 1875 Century Boulevard, Suite 200 Atlanta, Georgia 30345	Victoria Davis (404) 679-4176 Victoria_Davis@fws.gov
Region 5	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	USFWS 300 Westgate Center Drive Hadley, Massachusetts 01035-9589	Kyle Welsh (413) 253-8709 Kyle_Welsh@fws.gov
Region 6	Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming	USFWS Ecological Services 134 Union Blvd., Suite 645 Lakewood, Colorado 80228	Angela Burgess (303) 236-4263 Angela_Burgess@fws.gov
Region 7	Alaska	USFWS 1011 East Tudor Road Anchorage, Alaska 99503-6199	Erin Knoll (907) 887-9367 Erin_Knoll@fws.gov
Region 8	California and Nevada	USFWS 2800 Cottage Way Room W-2606 Sacramento, California 95825-1846	John Robles (916) 335-5109 John_Robles@fws.gov

PAPERWORK REDUCTION ACT STATEMENT:

OMB Control Number: 1018-0100

Per the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 et seq.), the U.S. Fish and Wildlife Service (Service) collects information in accordance with program authorizing legislation to conduct a review and select projects for funding and, if awarded, to evaluate performance. Your response is required to obtain or retain a benefit. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Privacy Act Statement: This information collection is authorized by 5 U.S.C. 5701 et seq. The information provided will be used to administer all Service financial assistance programs and activities including to: (1) determine eligibility under the authorizing legislation and applicable program regulations; (2) determine allowability of major cost items under the Cost Principles at 2 CFR 200; (3) select those projects that will provide the highest return on the Federal investment; and (4) assist in compliance with laws, as applicable, such as the National Environmental Policy Act, the National Historic Preservation Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. This information may be shared in accordance with the Privacy Act of 1974 and the routine uses listed in INTERIOR/DOI-89, Grants and Cooperative Agreements: FBMS - 73 FR 43775 (July 28, 2008). Furnishing this information is voluntary; however, failure to provide all requested information may prevent the Service from awarding funds.

Estimated Burden Statement: We estimate that it will take you on average about 40 hours to complete an initial application, about 3 hours to revise the terms of an award, and about 8 hours per report to prepare and submit financial and performance reports, including time to maintain records and gather information. Actual times for these activities will vary depending on program-specific requirements. Direct comments regarding the burden estimates or any other aspect of the specific forms to the Service Information Clearance Officer, USFWS, U.S. Department of the Interior, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041-3803, or by email to Info_Coll@fws.gov.