

**FY 2023 Cooperative Endangered Species Conservation Fund
Conservation Planning Assistance Grants
Frequently Asked Questions**

Q. Which species are eligible for consideration under this funding opportunity (i.e., covered species)?

A. As defined in Section A2 of the Notice of Funding Opportunity (NOFO), eligible species are Federally listed, candidate, and at-risk species proposed to be included on the section 10(a)(1)(B) or 10(a)(1)(A) permit.

- **Federally listed species:** Species listed as threatened or endangered by the Federal Government through section 4 of the Endangered Species Act (ESA).
- **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>.
- **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. A full list of at-risk species can be found in the NOFO Attachments.

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

Q. Can Federally listed species under the jurisdiction of the National Marine Fisheries Service (NMFS) be considered under this funding opportunity?

A. Yes and No. Applications may be submitted to benefit listed species with which the Service shares joint jurisdiction with NMFS when the project would benefit the jointly listed species while it is within the jurisdiction of the Service (e.g., a proposal to benefit an HCP that would benefit a jointly listed sea turtle species would be acceptable). Applications for projects that support listed species solely under NMFS' jurisdiction or that benefit a shared-jurisdiction species only while it is within the jurisdiction of NMFS, will not be considered under this funding opportunity.

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

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

Non-Federal Cost Share/ Matching Requirements

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

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

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

Single-State project with an estimated total project cost of \$100,000, then:
Minimum required non-Federal cost share= \$25,000 ($100,000 \times .25 = 25,000$)
Maximum Federal share = \$75,000
Multi-State project with an estimated total project cost of \$100,000:
Minimum required non-Federal cost share = \$10,000 ($100,000 \times .10 = 10,000$)
Maximum Federal share = \$90,000

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

A. States may increase the maximum Federal participation rate from 75 percent to 90 percent of the total project cost when two or more States cooperate on a project to conserve an endangered or threatened species of common interest [50 CFR 81.8(a)].

Section 6 (d)(2)(ii), ESA, defines cooperation as "whenever two or more States having a common interest in one or more endangered or threatened species, . . . enter jointly into agreement with the Secretary." A cooperative action is one where two or more States work on a mutual problem. Cooperating States do not necessarily have to cooperate on all aspects of, or equally in, the proposed work. However, there must be meaningful cooperation among the

partners on some or all portions of the proposed work.

To qualify, the cooperating States **MUST** clearly explain the nature of the collaboration within the body of the project narrative, outlining the responsibilities and work to be carried out by each of the cooperating States. Documentation of the cooperative action entered into by the cooperating States, which may be in any form (e.g., memorandum, letter of agreement, recovery plan, implementation program) that meets the needs of the cooperating States, must be submitted with the application.

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

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

Each cooperating State is responsible for submitting performance and financial reports related to the joint project. Incomplete work by any one of the cooperating States may result in a recovery of Federal funds from all States, if it is determined that the joint cooperative objective will not be accomplished.

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

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

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

A. No. Neither the Federal funds awarded through this opportunity, nor the associated non-Federal cost share, may be used to satisfy a permittee's Federal mitigation requirements. For example, funds derived from fees charged to developers to provide incidental take coverage

under a Section 10(a)(1)(B) permit cannot be used as a source of non-federal match to an application seeking to amend the associated habitat conservation plan.

A proposal can include actions that complement mitigation, minimization, and/or monitoring actions. Proposals that include fees collected or used or lands acquired to satisfy the obligations of a State's conservation obligation can be submitted (e.g., fees collected or used or lands acquired that exceed the Federal permit requirements and are collected, used, or acquired to meet a State's conservation obligation of a joint HCP/NCCP). However, grant funds and associated non-Federal cost share may assist in conservation obligations pursuant to State law or local ordinance that are beyond (or additive to) the Federal mitigation requirements for that HCP.

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

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

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

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

HCP Evaluation Criteria

Evaluation Criterion 1. Magnitude of Species Benefit: HCP Plan Area Conservation

Q. Which species are eligible for consideration under this criterion?

A. Only Federally listed, Candidate, and at-risk species proposed to be included on the section 10(a)(1)(B) permit (covered species) will be considered when evaluating applications under this criterion.

Q. What conservation documents should be referenced for Federally listed species when responding to this criterion?

A. For Federally listed species, applicants should reference species' most recently approved recovery planning document such as a Service-approved final recovery plan, draft recovery plan, or a recovery outline. A recovery plan serves as a guide for activities to be undertaken by Federal, State, or private entities in helping to recover and conserve endangered or threatened species. For newly listed species, a recovery outline serves to direct recovery efforts pending the completion of the species' recovery plan.

Q. How can applicants locate a Federally listed species' most recently approved recovery planning document?

A. Service-approved recovery plans and outlines can be accessed through the Service's website at <https://www.fws.gov/endangered/species/recovery-plans.html>.

Q. What conservation documents should be referenced for Candidate species when responding to this criterion?

A. For Candidate species, applicants should reference species' annual candidate assessment or species status assessment, if available.

Q. How can applicants locate a Candidate species' annual candidate assessment or species status assessment?

A. To find these documents, locate the species on the ECOS report: <https://ecos.fws.gov/ecp/report/candidate-species>. Select the species name to navigate to the profile page.

Q. What conservation documents should be referenced for at-risk species when responding to this criterion?

A. Appropriate species conservation documents for at-risk species could include a state wildlife action plan (<https://www.fishwildlife.org/afwa-informs/state-wildlife-action-plans>) or state recovery plan. To find ECOS profile pages for proposed species, use the ECOS report located here: <https://ecos.fws.gov/ecp/report/species-listings-proposed-listing?statusCategory=Proposed%20for%20Listing>

Q. Where can applicants learn more about the development of conservation strategies to offset expected impacts as evaluated under this criterion?

A. Applicants may refer to the Service's *Habitat Conservation Planning and Incidental Take Permit Processing Handbook* with special attention to chapter 9. <https://www.fws.gov/media/habitat-conservation-planning-and-incidental-take-permit-processing-handbook>

Evaluation Criterion 2. Magnitude of HCP Impact: Regulatory Streamlining

Q. Where can applicants learn more about programmatic plans and integrated plans evaluated under this criterion? Where can applicants learn more about the regulatory streamlining opportunities provided by programmatic and integrate conservation plans evaluated under this criterion?

A. Applicants may refer to the Service's *Habitat Conservation Planning and Incidental Take Permit Processing Handbook* with special attention to Table 3.4 in Chapter 3. <https://www.fws.gov/media/habitat-conservation-planning-and-incidental-take-permit-processing-handbook>

Q. What are some examples of Federal, State, and local statutory or regulatory compliance that can be facilitated by HCP development and permit issuance?

A. HCPs can integrate compliance with other Federal Statutes (such as Section 7 of the ESA, the Clean Water Act, or Fish and Wildlife Coordination Act), State laws (such as the California Environmental Quality Act), or local ordinances. For more information, see Sections 3.4.6 and 3.5.3 of the HCP Handbook.

<https://www.fws.gov/media/habitat-conservation-planning-and-incidental-take-permit-processing-handbook>

Evaluation Criterion 3. Project (Grant) Timetable/ Milestones

Q. Where can applicants learn more about significant milestones in the HCP planning process evaluated under this criterion?

A. Significant milestones include the major steps involved within the HCP planning and development process, such as the determination of the plan area, covered species, impact of the taking, etc., which are outlined in the HCP Handbook and specifically listed on page 2-12. Progress on completing these milestones is essential for the HCP to meet issuance criteria, and therefore applicants should demonstrate how the funding would be used to target the specific steps in the planning process.

<https://www.fws.gov/media/habitat-conservation-planning-and-incidental-take-permit-processing-handbook>

Q. What is the maximum period of performance (PoP) for a grant awarded through this opportunity?

A. The maximum performance period for a grant is three years from the effective date of grant award obligation. The Service's goal is to obligate funds within 120 days of pre-award notification. Any project awarded funds that will not be completed, and from which funds are deobligated, may be eligible for funding in a future competitive award cycle.

Evaluation Criterion 4. Coordination/ Capacity of HCP Applicant

Q. How can applicants demonstrate coordination with the appropriate Service Field Office as evaluated under this criterion? What is an acceptable level of coordination for favorable consideration under this criterion?

A. The applicant should document any communication that they have had with the local Service Field Office to demonstrate that the Field Office is aware of the HCP applicant's intention to pursue an Incidental Take Permit under Section 10(a)(1)(B). This could be an email conversation or formal letter and response.

Evaluation Criterion 5. Alignment with Administration Priorities

Q. Where can applicants learn more about the Justice40 Initiative?

A. 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.

In [Executive Order 14008](#) on *Tackling the Climate Crisis at Home and Abroad*, President Biden directed the Council on Environmental Quality to create a Climate and Economic Justice Screening Tool. The purpose of the tool is to help Federal agencies identify disadvantaged communities that are marginalized, underserved, and overburdened by pollution. The current version of the tool provides socioeconomic, environmental, and climate information to inform decisions that may affect these communities. The tool identifies disadvantaged communities through publicly-available, nationally-consistent datasets. Applicants may access the Climate and Economic Justice Screening Tool linked below and use the map to see communities that are identified as disadvantaged.

<https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>

Candidate Conservation Agreements with Assurances & Safe Harbor Agreements **Evaluation Criteria**

Evaluation Criterion 1. Magnitude of Species Benefit: Plan Area Conservation

Q. Which species are eligible for consideration under this criterion?

A. Only Federally listed, Candidate, and at-risk species proposed to be included on the section 10(a)(1)(A) permit (covered species) will be considered when evaluating applications under this criterion.

Q. What conservation documents should be referenced for Federally listed species when responding to this criterion?

A. For Federally listed species, applicants should reference species' more recently approved recovery planning document such as a Service-approved final recovery plan, draft recovery plan, or a recovery outline. A recovery plan serves as a guide for activities to be undertaken by Federal, State, or private entities in helping to recover and conserve endangered or threatened species. For newly listed species, a recovery outline serves to direct recovery efforts pending the completion of the species' recovery plan.

Q. How can applicants locate a Federally listed species' most recently approved recovery planning document?

A. Service-approved recovery plans and outlines can be accessed through the Service's website at <https://www.fws.gov/endangered/species/recovery-plans.html>.

Q. What conservation documents should be referenced for Candidate species when responding to this criterion?

A. For Candidate species, applicants should reference species' annual candidate assessment or species status assessment, if available.

Q. How can applicants locate a Candidate species' annual candidate assessment or species status assessment?

A. To find these documents, locate the species on the ECOS report: <https://ecos.fws.gov/ecp/report/candidate-species>. Select the species name to navigate to the profile page.

Q. What conservation documents should be referenced for at-risk species when responding to this criterion?

A. Appropriate species conservation documents for at-risk species could include a state wildlife action plan (<https://www.fishwildlife.org/afwa-informs/state-wildlife-action-plans>) or state recovery plan. To find ECOS profile pages for proposed species, use the ECOS report located here: <https://ecos.fws.gov/ecp/report/species-listings-proposed-listing?statusCategory=Proposed%20for%20Listing>

Evaluation Criterion 2. Magnitude of Benefit: Streamlining

Q. Where can applicants learn more about programmatic agreements and general conservation agreements evaluated under this criterion?

A. Applicants can find more information on the FWS website at <https://www.fws.gov/service/candidate-conservation-agreements-assurances> and at the ePermits website: https://fwsepermits.servicenowservices.com/fws/fws?id=fws_kb_view&sys_id=eb1816751b5390101f45dbdbe54bcb50.

Evaluation Criterion 3. Project (Grant) Timetable/Milestones

Q. Where can applicants learn more about significant milestones in the CCAA/SHA planning process evaluated under this criterion?

A. Significant milestones include the major steps involved within the CCAA/SHA planning and development process, such as the determination of the agreement area, covered species, conservation measures, etc. More information is located at

<https://www.fws.gov/service/candidate-conservation-agreements-assurances> and at the ePermits website:
https://fwsepermits.servicenowservices.com/fws/fws?id=fws_kb_view&sys_id=eb1816751b5390101f45dbdbe54bcb50.

Q. What is the maximum period of performance (PoP) for a grant awarded through this opportunity?

A. The maximum performance period for a grant is three years from the effective date of grant award obligation. The Service's goal is to obligate funds within 120 days of pre-award notification. Any project awarded funds that will not be completed, and from which funds are deobligated, may be eligible for funding in a future competitive award cycle.

Evaluation Criterion 4. Coordination/ Capacity of Applicant

Q. How can applicants demonstrate coordination with the appropriate Service Field Office as evaluated under this criterion? What is an acceptable level of coordination for favorable considered under this criterion?

A. The applicant should document any communication that they have had with the local Service Field Office to demonstrate that the Field Office is aware of the SHA or CCAA applicant's intention to pursue an Enhancement of Survival Permit under Section 10(a)(1)(A). This could be an email conversation or formal letter and response.

Evaluation Criterion 5. Alignment with Administration Priorities

Q. Where can applicants learn more about the Justice40 Initiative?

A. 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.

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