U.S. Fish and Wildlife Service

FWS - Wildlife and Sport Fish Restoration

https://fws.gov/program/highlands-conservation-act

F23AS00462-Highlands Conservation Act Grant Program - Competitive Funding
Fiscal Year: 2023
F23AS00462

Due Date for Applications: **11/30/2023**

Signature

Date

Table of Contents

A. Program Description

Authority:

Highlands Conservation Act, Pub. L. 108-421, 118 STAT. 2375, §2(2); and Emergency Wetlands Resources Act - National Wetlands Inventory, 16 U.S.C. §3901 and §§3931-3932

Assistance Listing Number:

15.667

Background, Purpose and Program Requirements:

The Highlands Conservation Act (H.R. 1964, 2004; 16 U.S.C. 3901) (HCA) is designed to assist Connecticut, New Jersey, New York, and Pennsylvania in conserving land and natural resources in the Highlands Region through Federal grants to support land conservation projects in which a State, County, or Municipal entity acquires land or an interest in land from a willing seller to permanently protect resources of high conservation value. The USDA Forest Service (USFS) was directed by the HCA to identify lands that have high conservation value through the "New York-New Jersey Highlands Regional Study: 2002 Update" and the "Highlands Regional Study: Connecticut and Pennsylvania 2010 Update." Subject to availability of funds through Federal appropriation, each year, Governors of the four Highlands States may submit proposals for up to 50% of the total cost of land conservation projects in the Highlands Region. Proposed projects must be consistent with areas identified in the Study and Update as having high resource value. This program funds land conservation by State Conservation Agencies, Counties, and Municipalities in the Highlands Region. Funding appropriated under the HCA has been divided into two separate categories – Base and Competitive. Eligible applicants may submit requests for the Competitive Funding Round in response to this Notice of Funding Opportunity. A separate Notice of Funding Opportunity will be posted for Base Funds. A property may not be proposed for funding from both the Base and Competitive funding opportunities. The US Fish and Wildlife Service (Service) administers the HCA grant program.

The HCA program supports the goals set forth in the Biden-Harris Administration's America the Beautiful Initiative, including the conservation of 30% of America's lands and waters by the year 2030. Land conservation in the Highlands Region is increasing the climate change resiliency of the landscape and is protecting drinking water resources used by millions of people. The HCA grant program is connecting people with nature and the outdoors by creating new recreation areas in a region where one in nine Americans live or are within a two-hour drive. The HCA grant program is protecting strategically important natural areas that sustain a diversity of fish and wildlife species, including the Service's priority at-risk species.

B. Federal Award Information

B1. Total Funding

Estimated Total Funding

$5,468,500

B2. Expected Award Amount

Maximum Award
$5,468,500
Minimum Award
$25,000

B3. Expected Award Funding and Anticipated Dates

Expected Award Funding
$1,000,000
Expected Award Date
January 01, 2024
In FY 2023, $5,468,500 in Competitive funding is anticipated to be available for grants in the Highlands Region of Connecticut, New Jersey, New York, and Pennsylvania. There is no limit on the number of proposals each State may submit in response to this funding opportunity.

The earliest anticipated project start date is January 1, 2024. Project periods will be no longer than 3 years from the date the grantee is notified of an award. A one-year extension may be considered under extenuating circumstances. If the funds are unspent when a grant closes and the HCA grant program is still actively funded, unspent funds will be returned to the program to be redistributed through the next Competitive Grant Round Notice of Funding Opportunity.

B4. Number of Awards

Expected Number of Awards
4

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 the Lead State Agency (or Agencies), as determined by the Governor of each Highlands State, may be the applicant for funding under the Highlands Conservation Act Grant Program. If the Governor assigns multiple Lead Agencies, those Agencies must coordinate on funding

requests prior to submission and ensure no more than the maximum allowable amount is requested through this funding opportunity. The funds received by the Lead State Agency may be subawarded to a County or Municipality within the Highlands Region, or to another State Conservation Agency.

The current Lead State Agencies are:

- Connecticut Department of Energy and Environmental Protection
- New York State Office of Parks, Recreation, and Historic Preservation
- New Jersey Highlands Water Protection and Planning Council
- Pennsylvania Department of Conservation and Natural Resources

C2. Cost Sharing or Matching

Cost Sharing / Matching Requirement
Yes

Percentage of Cost Sharing / Matching Requirement
50
Highlands Conservation Act, Pub. L. 108-421 Sec. 4(d). Matching and cost-sharing requirements are provided in 2 CFR 200.29 and 2 CFR 200.306.

C3. Other

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

This Notice of Funding Opportunity contains all the information necessary to complete the application requirements. For questions contact the Program Technical Contact listed below.

Program Website Link
https://fws.gov/program/highlands-conservation-act

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 Statement

The Project Statement, which is a narrative description of your project proposal, should specifically address eligibility of each parcel proposed for acquisition. To be eligible for Highlands Conservation Act Grant funding, a parcel must be in a High or Highest Conservation Value area in the composite resource map, or in any of the individual (water, forest, wildlife, agricultural, cultural/recreational) resource maps, in the NY-NJ Highlands Regional Study: 2002 Update or the Highlands Regional Study: Connecticut and Pennsylvania 2010 Update. Applicants may request the GIS datalayer of the eligible area from the Service contact listed at the end of this document (Section G.1). The total Federal funding request cannot exceed 50% of the total project cost.

The HCA Grant Program funds only land acquisition projects. The Lead State Conservation Agency (see section C.1) is the only entity eligible to apply for this grant. A State Conservation Agency, **or a County or Municipality through a subaward agreement**, may hold the interest in the land acquired. For conservation easements (CE), a State Agency may co-hold the CE with a county, municipality, or land conservation organization.

Proposals that clearly address the specific eligibility criteria in an organized manner will facilitate efficient review. Use the following format for the Project Statement:

<u>Need</u>: Describe why the proposed land acquisition(s) is needed. Describe how the proposed land acquisition(s) fulfills the purposes of the Highlands Conservation Act and meets the Department of the Interior priorities (see information in Section I: Description of Funding Opportunity).

<u>Purpose</u>: Explain what is to be accomplished during the period of the project pursuant to the stated need. The purpose should state the desired outcome of the proposed project in general terms.

Objective: Specify the type of interest and acres to be acquired. Specify the target acquisition date.

Expected Results or Benefits: As applicable, describe how the project will provide benefits in the following areas: wildlife habitat conservation, at-risk species protection, public recreation opportunities, forest and agricultural resource conservation, waterways and drinking water sources protection, and the conservation of other natural and cultural resources. Provide quantifiable or verifiable resource benefits when possible.

Approach: Explain how the objective(s) will be attained. Include specific procedures, schedules, key cooperators, and respective roles. Describe any subaward relationships with Counties or Municipalities.

Location: Describe and show the parcel(s) proposed for acquisition. Proposals must include a map showing the location of proposed properties in relation to High Conservation Value Areas identified by the Studies. If data layers or assistance with mapping is needed, the Service contact listed at the end of this document can provide additional assistance (Section G.1). **Include the name of the town and county, and the name of the Congressional District in which the property is located. If the property will be open to the public, list the allowed activities and describe how the property can be accessed. (Note: public access is encouraged but not required).**

Stakeholder Coordination/Involvement: As applicable, describe how you/your organization has coordinated with and involved other relevant organizations or individuals in planning the project, and detail if/how they will be involved in conducting project activities.

Description of Entities Undertaking the Project: Provide a brief description of the applicant organization and all participating entities and/or individuals. Provide complete contact information for the individual within the organization that will oversee/manage the project activities.

In addition, please complete the Project Criteria section E.1. below.

SF-424C, Budget Information for Construction Program
Applicants must submit the appropriate SF-424C Budget Information form for Construction Programs or Projects. All required application forms are available with this announcement on Grants.gov and in GrantSolutions. Federal award recipients and subrecipients are subject to Federal award cost principles in 2 CFR 200. Applicants must show funds requested from this Federal program separately from any other Federal sources of funding. Identify any other Federal funding sources and amounts in the required Budget Narrative (see below).

SF-429 Request to Acquire, Improve, or Furnish Real Property
Applicants seeking approval to acquire real property under an award must complete and submit the SF-429, "Real Property Status Report (Cover Page)" and the SF-429-B, "Real Property Status Report Attachment B (Request to Acquire, Improve, or Furnish)". These forms are required if the real property is acquired with Federal funds, with recipient cost share or matching funds, or as an in-kind contribution under the award. The SF-429 forms are not available with this announcement on Grants.gov; they are available on the Grants.gov Post-Award Reporting Forms page. Please submit these completed forms as attachments to your application.

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.

Provide a breakdown of costs for acquiring targeted property(s). The breakdown must show the estimated costs of each acquisition, including itemized list of transaction costs and estimates, as well as the total Federal funding requested and the proposed match contribution.

Eligible costs include the acquisition cost of the fee or conservation easement, and certain typical land transaction costs, including: appraisal to Uniform Appraisal Standards for Federal Land Acquisition (UASFLA/Yellow Book), UASFLA review appraisal, survey, title report, baseline documentation report, staff time related to activities specific to the individual acquisition, environmental assessment, and closing costs. Appraisal and Appraisal Review must be completed to UASFLA standards, unless in the case of New Jersey the State has received written approval for the use of an alternative appraisal methodology from the Secretary of the Interior per section 6(f) of the Highlands Conservation Reauthorization Act.

A State may use up to five percent of a grant award to administer the specific land conservation partnership projects funded by this award.

Pre-award eligible land transaction costs are allowed but are incurred at the applicant's own risk as there is no guarantee those costs will be approved. Applicants must specify in the Budget Narrative if they are seeking approval for pre-award costs, which are costs incurred before the start date of a grant award.

Appraisals are not required to be submitted with grant proposals, but market value must be determined prior to the expenditure of funds if the project is funded. If a determination of market value that meets UASFLA Standards (or in the case of New Jersey an alternate appraisal methodology approved by the Secretary of the Interior) is not provided with the grant application and the market value is different than estimated, the Federal contribution may be modified in keeping with Federal regulations and requirements.

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
11/30/2023

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

APPLICATION CHECKLIST

- Project Abstract
- Project Narrative
- Project Criteria (section E.1)
- Separate Budget Narrative (including Request for Pre-Agreement Costs if applicable)
- Indirect Cost Statement and related documentation
- Conflict of Interest Disclosure (when applicable)
- Single Audit Reporting Statement
- SF-LLL, Disclosure of Lobbying Activities (when applicable)
- Overlap or Duplication of Effort Statement
- SF-424, Application for Federal Assistance
- SF-424C, Budget Information
- SF-429B

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

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.

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

The following criteria will be used by the merit review panel to determine eligibility of all proposed parcels.

Minimum Criteria for all parcels:

1) Parcel is in a High or Highest Conservation Value area. A parcel will be eligible for funding consideration if it is in a “high” or “highest” conservation value area in the composite resource map or in any of the individual (water, forest, wildlife, agricultural, cultural/recreational) resource maps - Source: NY-NJ Highlands Regional Study: 2002 Update and the Highlands Regional Study: Connecticut and Pennsylvania 2010 Update. If spatial data to determine parcel eligibility are needed, the Service contact provided at the end of this document can provide those data (Section G.1).

2) 1:1 cost share.

<u>Ranking Criteria for Competitive Grant Funds (165 total points)</u>

Water Quality – 30 points

a. Does the parcel contain rivers or streams? Provide documentation to show location. Describe if the likely future management of the land will include a buffer zone around the waterway(s) or other edge-of-field/in-field best practices as part of certain agricultural or forestry activities designed to protect water, wildlife, or other natural resources. *More points for perennial streams/rivers, higher number of streams/rivers, and best practices that protect water resources.* (Up to 15 points)
b. Does the parcel contain wetlands or ponds? Provide documentation to show location of wetlands/ponds and, if possible, provide documentation to show that wetlands are on the National or State Wetlands Inventory. Describe if the likely future management of the land will include a buffer zone around the waterway(s) or other edge-of-field/in-field best practices as part of certain agricultural or forestry activities designed to protect water, wildlife, or other natural resources. *More points for vegetated wetlands, more wetland area, higher number of wetlands, wetlands or wetland types that have special recognition by Federal, State, or local conservation groups, and best practices that protect wetland resources.* (Up to 15 points)

Biological Resources (Wildlife, Plants, and Biodiversity) – 45 points

a. Does the parcel contain or benefit Federal and/or State threatened or endangered species or candidate species? If so, indicate and document which species and/or species habitats. Describe how the future management of the land will affect the habitat of the species**.** *More points for multiple species.* (Up to 20 points)
b. Does the parcel improve connectivity among natural or undeveloped lands? Show connectivity to protected lands. *More points if connected to State, Federal, local, or private lands that are already under permanent protection.* (Up to 20 points)

c. Is the parcel, or a species/ecological community within the parcel, considered a priority within the State's Wildlife Action Plan (SWAP)? Provide documentation from SWAP or similarly named plan. Describe how the future management of the land will affect the species/ ecological community. *More points for how comprehensively the parcel acquisition fulfills SWAP objectives.* (Up to 15 points)

Forest Resources – 15 points

a. Is the parcel considered a priority within the State's Forest Action Plan (SFAP)? Provide documentation from SFAP. *More points for how comprehensively the parcel acquisition addresses the "Issues, Threats, and Opportunities" and aligns with the strategies identified in the SFAP.* (Up to 15 points)

Agricultural Resources – 15 points

a. Will the parcel be used for agricultural purposes? Does the parcel contain prime or other important agricultural soils? Is the parcel identified in a regional, statewide, or national farming or agriculture conservation plan as a priority for conservation? Provide documentation. *More points for higher amount of important soils, alignment with farm conservation plan priorities.* (Up to 15 points)

Recreational Resources – 20 points

a. Does the parcel conserve or add recreational or aesthetic/scenic/cultural value to a park, wild and scenic river, trail, wildlife refuge, nationally significant resource, or another national investment (other than the Highlands Conservation Act)? Provide documentation showing adjacency to nationally significant resources. *More points for greater impact on national investment or focus area.* (Up to 10 points)
b. Does the project meet recreational objectives at regional or State level, or does parcel contain recreational resources of State significance? *More points given for the level of contribution to recreational objectives.* (Up to 10 points)

Planning Resources – 40 points

a. Does the project contribute more than the minimum 1:1 match? (Up to 10 points)
b. Is the threat of parcel development or conversion to other uses likely or imminent? If possible, provide documentation from landowner, planning board, etc. demonstrating conversion threat. *More points for greater conversion threat.* (Up to 20 points)
c. Is the acquisition ready for implementation and/or does applicant have a strong track record of similar projects and is expected to carry project out in a timely fashion? *More points if the applicant can demonstrate due diligence work has begun or all parties have*

committed to begin work, less points if applicant cannot demonstrate that the project is poised for successful implementation. (Up to 10 points).

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.

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

F. Federal Award Administration Information

F1. Federal Award Notices

Following review, applicants may be requested to revise the project scope and/or budget before an award is made. Successful applicants will receive written notice in the form of a Notice of Award document. Notices of Award are typically sent to recipients by e-mail from GrantSolutions. Award recipients are not required to sign/return the Notice of Award document. Awards are based on the application submitted to and approved by the Service and are subject to the terms and conditions incorporated into the Notice of Award either by direct citation or by reference to the following: Federal regulations; program legislation or regulation; and special award terms and conditions. Recipient acceptance of a Federal award from the Service carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. Recipients indicate their acceptance of the Federal award by starting work, drawing down funds, or accepting the award via electronic means.

See the Service's "General Award Terms and Conditions" **https://www.fws.gov/library/collections/financial-assistance-general-award-terms-and-conditions** for the administrative and national policy requirements applicable to Service awards. These terms and conditions apply to all Federal award recipients and subrecipients.

An initial determination of eligibility of proposed acquisitions will be made based on the information provided in the proposal package. However, all required details and due diligence are generally not available at the time of proposal. Prior to acquiring any interest in land, Federal award recipients must provide the Wildlife and Sport Fish Restoration Program with all of the items listed on the "Land Acquisition Grant Document Checklist". The documents on the list are required and must be completed in sufficient detail to enable Service staff to determine if acquisitions are consistent with the purpose of the Highlands Conservation Act and are compliant with the National Environmental Policy Act, Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and other Federal regulations. Grants will be conditionally approved and additional documentation requirements included in the grant obligation letter. **Federal award recipients should not acquire an interest in land until they have received final approval from the US Fish and Wildlife Service.** A project begins and ends on the specified date noted on the grant award document between the Federal award recipient and an authorized representative of the U.S. Government. The Highlands Conservation Act-funded acquisition must occur within this time period.

Lands purchased under the Highlands Conservation Act must be managed using Best Management Practices (i.e., consistent with the goals of Highlands Conservation Act "to protect nationally significant natural resources in the Highlands region").

Highlands Conservation Act Competitive Funds must be used within 3 years from the date of a signed award document from the Service. A one-year extension may be requested under extenuating circumstances. However, an additional level of approval will be required, and clear justification of the need for the extension, including explanation of how the extension will affect the use of other obligated Highlands funds. The Federal award recipient must be able to provide strong evidence that the project will be completed during the one-year extension. If sufficient evidence that completion of the project during the one-year extension is not provided, the extension will not be approved. Extension requests must be made at least one month in advance of the grant end date.

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:
Jay Rasku

Telephone:
413 253 8216

Email:

jason_rasku@fws.gov

G2. Program Administration

For **program administration assistance**, contact:

First and Last Name:
Jay Rasku

Telephone:
413 253 8216

Email:
jason_rasku@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.

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.