

USFWS Action Plan Guidance and Other Documents
Related to the Texas Conservation Action Plan 2011
Eight Required Elements of Wildlife Action Plans
Approval of the Texas Plan 2006
State Wildlife Grant Guidelines 2007
Plan Revision Guidelines 2007
Major Revision Correspondence with TPWD to Date
(last documents to be updated after USFWS approval)



State Wildlife Action Plans: Eight Required Elements

Congress identified eight required elements to be addressed in each state's wildlife action plan (technically called a "comprehensive wildlife conservation strategy"). Congress also directed that the plans must identify and be focused on the species in greatest need of conservation yet address the full array of wildlife and wildlife-related issues.

- (1) **Information on the distribution and abundance of species of wildlife**, including low and declining populations as the state fish and wildlife agency deems appropriate, that are indicative of the diversity and health of the state's wildlife; and,
- (2) **Descriptions of extent and condition of habitats and community types** essential to conservation of species identified in (1); and,
- (3) **Descriptions of problems** which may adversely affect species identified in (1) or their habitats, **and priority research and survey efforts** needed to identify factors which may assist in restoration and improved conservation of these species and habitats; and,
- (4) **Descriptions of conservation actions** proposed to conserve the identified species and habitats and priorities for implementing such actions; and,
- (5) **Proposed plans for monitoring** species identified in (1) and their habitats, for monitoring the effectiveness of the conservation actions proposed in (4), and for adapting these conservation actions to respond appropriately to new information or changing conditions; and,
- (6) **Descriptions of procedures to review the plan** at intervals not to exceed ten years; and,
- (7) Plans for **coordinating the development, implementation, review, and revision of the plan with federal, state, and local agencies and Indian tribes** that manage significant land and water areas within the state or administer programs that significantly affect the conservation of identified species and habitats.
- (8) **Broad public participation** is an essential element of developing and implementing these plans, the projects that are carried out while these plans are developed, and the species in greatest need of conservation.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240



FEB 14 2006

In Reply Refer To:
FWS/AWSR/FA/023869

Mr. Robert L. Cook
Executive Director
Texas Parks and Wildlife Department
4200 Smith School Rd.
Austin, TX 78744

Dear Dr. Cook,

During their January 2006 meeting, the National Advisory Acceptance Team reviewed the Comprehensive Wildlife Conservation Strategy (CWCS) submitted by your agency. Based upon that review (enclosed), I am pleased to inform you that Texas' CWCS satisfactorily addresses each of the eight elements required under the Wildlife Conservation and Restoration Program and the State Wildlife Grants program and is hereby approved.

I appreciate your hard work and that of your partners, and congratulate you on this important achievement. I am confident that your efforts will yield great benefits in the conservation of Texas' wildlife.

Sincerely,

DIRECTOR

Enclosure

**National Advisory Acceptance Team (NAAT)
Comprehensive Wildlife Conservation Strategy Review Summary**

State Name: Texas

Date of NAAT Review Meeting: January 9, 2006

**Regional Review Team (RRT) members: Nancy Gloman-FWS
Bob Anderson—Staff
Noel Holcomb—SEAFWA
Mike Harris--Staff**

**RRT Recommendation: Approved
 Conditionally Approved
 Not Approved**

**Final NAAT Recommendation: Approved
 Conditionally Approved
 Not Approved**

Comments:

Texas Parks and Wildlife Department (TPWD) relied heavily on professional knowledge and expertise from both within and without the Department to develop their Comprehensive Wildlife Conservation Strategy (CWCS or Strategy). A Wildlife Diversity Conference in August, 2004, brought together a diversity of professional biologists and interested organizations to share information and create a structure on which to draft the CWCS. Taxa-based working groups of the top specialists within the state were formed to draft the Strategy.

A total of 880 wildlife species were identified as species of concern, including 190 birds, 67 mammals, 66 reptiles/amphibians, 253 aquatic species, and 304 terrestrial invertebrates. They also identified 7 species of aquatic plants.

The locations and relative conditions of key habitats are described in adequate detail for development of conservation actions and strategies. The Strategy uses an ecoregion (terrestrial) and a watershed (aquatic) approach to organize the information on species, habitats, threats, actions, research, survey, and monitoring. Ecoregions and habitats are prioritized and priority threats and actions are addressed. The document clearly identifies the priorities within each region.

Threats, problems and “reasons for concern” are well described in a number of locations in the Strategy, including individual eco-region and habitat discussions and in the Texas Priority Species List and its key, which describes 74 problems/threats in 14 categories.

Recommended conservation actions are clearly tied to threats and problems affecting priority species and their habitats. This is clear in the discussions of priority eco-regions, river basins, and habitats and in the Texas Priority Species List, which includes 99 conservation actions in 16

categories to address specific threats. The identification of conservation actions and priority research and survey needs should be sufficient to guide the TPWD and its partners in implementation of specific conservation projects and programs.

The importance of monitoring species, habitats, and the effectiveness of conservation actions is recognized. The basic monitoring strategy is based on using partners, including citizen-scientists, and building on existing efforts. There is clear understanding and commitment to adaptive management.

The Strategy describes an effective process of partner agency involvement in development of the Strategy, and recognizes that the development process renewed, strengthened, and kindled partnerships necessary for implementation of the CWCS. The CWCS also describes an effective process of public information and involvement in development of the Strategy, with several innovative, user friendly mechanisms for public input. One significant feature was the accommodation of the Spanish-speaking public on the CWCS website.

The Strategy recognizes the important role of partners, including the interested public, in CWCS implementation and revision and that an important means of maintaining partnerships and creating new opportunities for participation in conservation is to bring the community together to review and redraft the CWCS at regular and reasonable intervals. The Strategy describes the process planned for periodic review and revision of the CWCS at 5-year intervals.

The NAAT recommends approval of the Texas CWCS.

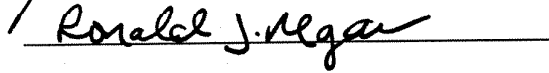
National Acceptance Advisory Team Signature Page
Comprehensive Wildlife Conservation Strategy

State/Commonwealth/Territory: Texas

Kris LaMontagne



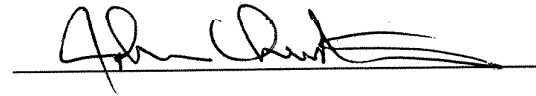
Ron Regan



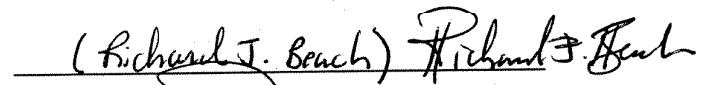
Sherry Morgan



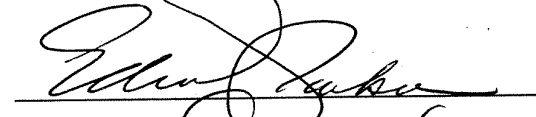
John Christian



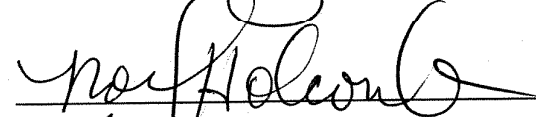
Jeff Koenings


(Richard J. Beach) Richard J. Beach

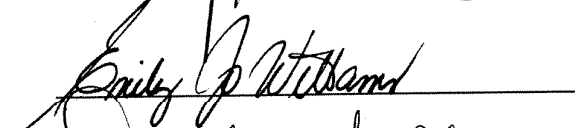
Ed Parker



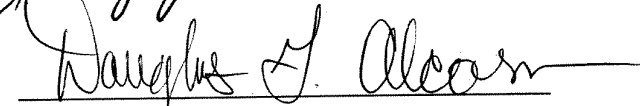
Noel Holcomb



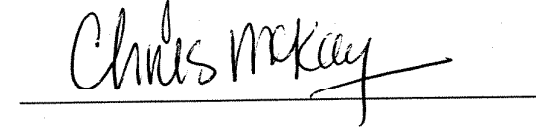
EJ Williams



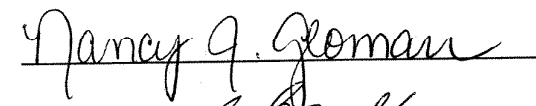
Doug Alcorn



Chris McKay



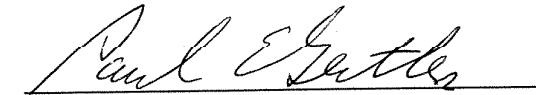
Nancy Gloman



Mike McKenna



Paul Gertler



1st Element. Information on the distribution and abundance of species of wildlife, including low and declining populations as the State fish and wildlife agency deems appropriate, that are indicative of the diversity and health of the State's wildlife.

Comments:

Texas Parks and Wildlife Department relied heavily on professional knowledge and expertise from both within and without the Department. A Wildlife Diversity Conference in August, 2004, brought together a diversity of professional biologists and interested organizations to share current biological information and create a structure on which to draft the CWCS. All Texas state and federal agencies as well as ecological non-governmental organizations (NGO's), including some from out-of-state, with a demonstrated interest in Texas wildlife, were invited.

Taxa-based working groups of the top specialists within the state were formed to draft the strategy. Working groups were formed for mammals, birds, herptiles (reptiles and amphibians), terrestrial invertebrates and aquatic organisms. The aquatic group included freshwater and marine specialists. The working groups were assigned to address the first four CWCS required elements.

Working groups often relied on the opinions of scientists who have current and historical knowledge of species and are regarded as authorities. In many cases, these individuals were the only source of information on a particular species or genus.

External participation included a number of universities, Nongovernmental Organizations (NGOs) (including from out-of-state) and agencies participating in the working groups or having input through the established TPWD Wildlife Diversity Policy Advisory Committee. All of these organizations added a great deal of important and needed information.

All major groups, including terrestrial and aquatic invertebrates were considered. Marine species including fish, marine mammals, sea turtles, crustaceans, and corals were also included. Species belonging to any of the following categories were strong candidates for listing as species of concern:

1. Imperiled Species
2. Declining Species
3. Vulnerable Species
4. Species with localized "at-risk", or fragmented populations
5. Species with fragmented or isolated populations
6. Species needs not being met by current funding sources
7. Species of economic importance to the State of Texas

Additional criteria were determined during early sessions of the working groups. Working groups used available data and expert opinion to determine species meeting the listing criteria. A total of 880 wildlife species were identified as species of concern, including 190 birds, 67 mammals, 66 reptiles/amphibians, 253 aquatic species, and 304 terrestrial invertebrates. They also identified 7 species of aquatic plants.

Species were ranked on a three-tier (high, medium, low) system by each working group. High priority species are those in greatest need of conservation, including threatened or endangered populations, species in significant decline, or populations at high risk for decline.

Medium priority species included those considered to be declining or at-risk but not in critical need of immediate support. Although they may be declining at a significant rate, their population size is still estimated to be substantial.

Lowest priority species are typically more stable, but have populations that may be vulnerable to decline. This tier includes species for which additional information is required for a full assessment to be made to determine their vulnerability. This tier also includes species having less vulnerable populations in other states or in Mexico.

Information on distribution and abundance of species is best obtained from Section IV, *Guideline for the Texas Priority Species List*. The table, *Texas Priority Species List*, pp. 733-777, and its associated key, pp. 778-790, is a species-specific description, in tabular form, of the priority level, the federal and state listing status, the abundance in terms of Heritage ranking status (G and S), the distribution by ecoregion and habitat, the problems affecting each species, recommended conservation actions, and recommended monitoring actions. Each priority species is addressed in this table, and the associated key defines all the terms and symbology used in the table. Maps 1-11, describing the ecoregions and key habitats across Texas, when used in conjunction with the table, provide a good view of the distribution of the priority species across the state.

The Strategy includes a 35-page Literature Cited section (pp. 585-720). In addition, there are separate citations sections for species (pp. 791-849) and problems (pp. 850-874). Further, supplemental species information for mammals and herptiles is presented in pp. 897-1106.

Yes No **Element 1 is adequately addressed.**

2nd Element. Descriptions of locations and relative condition of key habitats and community types essential to conservation of species identified in the 1st element.

Comments:

The locations and relative conditions of key habitats are described in adequate detail for development of conservation actions and strategies.

Section II of the Strategy addresses terrestrial, inland aquatic resources, coastal and coastal aquatic (marine) conservation priorities, including identification of the eco-regions, river basins, and key habitats across the state, based upon the Land and Water Resources Conservation and Recreation Plan, originally completed in 2002 and revised in 2005. The Texas Wetlands Conservation Plan was also incorporated in the discussion and analysis of aquatic resources.

The ecoregion scale was chosen as most appropriate for analysis of key terrestrial habitats. Habitats were evaluated upon their conserved status, primary level of threat, and biological value. The conserved status in each eco-region was determined by using the percent of publicly owned land, land owned by non-governmental conservation organizations and large local parkland designated for conservation, as well as the percentage of the region operated under TPWD wildlife management plans. The percentage of land converted to urban or agricultural use, fragmentation, and population growth projections were used to determine the primary level of threat of each ecoregion. The biological value was determined by the total vertebrate species richness, or actual number of species, as well as the vascular plant species richness occurring within the eco-region. The evaluation also considered a number of secondary factors including the percentage of vertebrate species of concern (e.g. threatened, endangered, candidate and other species) as well as the number of rare plants in each ecoregion.

The conserved status, primary level of threat, and biological value were weighted equally and used to rank the ecoregions. The ecoregions of the state were categorized into three tiers of priority: high; secondary; and tertiary ecoregions. In addition, the TPWD identified priority habitats that occurred in all ecoregions. High priority habitat types that occur across all ecoregions were identified and described in detail.

The chapter, *Species and Habitat assessments and Conservation Strategies*, found within Section II of the Strategy, includes detailed descriptions of each of the eco-regions and river basins, including their condition, their key habitats (main habitat classes), priority species, problems, priority research and monitoring needs, and high priority conservation actions.

Yes No **Element 2 is adequately addressed.**

3rd Element. Descriptions of problems which may adversely affect species identified in the 1st element or their habitats, and priority research and survey efforts needed to identify factors which may assist in restoration and improved conservation of these species and habitats.

Comments:

Threats, problems, and “reasons for concern” are well described in a number of locations within the Strategy. This information can be found within the individual eco-region and habitat discussions, the specific discussion of high priority conservation strategies in Section II, and within the discussion of the Texas Priority Species List presented in Section IV. The TPWD describes 74 problems/threats in 14 categories. Problems/threats are also included in the discussion of medium priority conservation actions, and the in species-specific descriptions under Supplemental Species Information (for mammals and herptiles). The priority research and survey needs are identified and very well described in the various sections of the Strategy and should present no difficulty in implementation after it is approved.

The Strategy clearly considers threats and problems regardless of their origins. Although this is clear in all of the discussions of priority eco-regions and habitats, perhaps one of the best

examples is in the discussion of the threats and problems affecting coastal ecosystems. This discussion doesn't shy away from identifying development, energy extraction, shipping, industrial pollution, etc. as serious issues affecting conservation of wildlife and their habitat.

The TPWD looked at cross-regional issues when developing the CWCS. The Strategy emphasizes the importance of cultivating conservation partnerships with Mexico, which is a clear recognition of the importance of conservation threats/problems at the international level.

Yes No **Element 3 is adequately addressed.**

4th Element. Descriptions of conservation actions determined to be necessary to conserve the identified species and habitats and priorities for implementing such actions.

Comments:

Recommended conservation actions are clearly tied to threats and problems affecting priority species and their habitats. This is clear in the discussions of priority eco-regions, river basins, and habitats, in the species-specific treatments under Supplemental Species Information, and well integrated in the Texas Priority Species List, which includes 99 conservation actions in 16 categories to address specific threats. The identification of conservation actions should be sufficient to guide the TPWD and its partners in the implementation of specific conservation projects and programs.

Each eco-region and habitat discussion specifies high priority conservation actions, research, and monitoring needs. Section IV, *Guideline for the Texas Priority Species List* and its table, *Texas Priority Species List*, effectively integrate all the distribution, abundance, threat, and conservation action information for each of Texas' priority species. This table and its associated key, is a species-specific description, in tabular form, of the priority level, the federal and state listing status, the abundance in terms of Heritage ranking status (G and S), the distribution by eco-region and habitat, the problems affecting each species, recommended conservation actions, and recommended monitoring actions. Each priority species is addressed in this table, and the associated key defines all the terms and symbology used in the table.

High priority conservation actions are listed at the state and regional levels in each ecoregion. Under *High Priority Conservation Strategies*, the Strategy defines two priority levels of Conservation Action: primary and secondary. Priority conservation actions apply statewide and should be addressed before regionally specific and smaller scope investigations and conservation actions (secondary priorities) can effectively be implemented.

Statewide actions of primary concern include: statewide habitat mapping; a statewide biological inventory for herptiles, invertebrates, and mammals; developing a Natural Diversity Database; increasing support for conservation easements and land acquisition; supporting All-Bird Joint Ventures; monitoring of bays and estuaries; ensuring water availability for wildlife; monitoring of rivers; maintaining an urban wildlife biology program; updating the Texas Wetlands Conservation Plan; developing a program to study and monitor karst, cave and spring habitats;

cultivating conservation partnerships; and, in particular, continuing and expanding partnerships with Mexico.

In addition, Section IV includes a section on *Medium Priority Conservation Actions*, regionally specific projects to address specific needs. Species specific problems/threats (reasons for concern), status needs, monitoring needs, research needs, and management needs/conservation recommendations for high, medium, and low priority mammal and herptile species are included as Supplemental Species Information.

Yes No **Element 4 is adequately addressed.**

5th Element. Descriptions of the proposed plans for monitoring species identified in the 1st element and their habitats, for monitoring the effectiveness of the conservation actions proposed in the 4th element, and for adapting these conservation actions to respond appropriately to new information or changing conditions

Comments:

The basic monitoring strategy is outlined on pp. 560-561. This is based on using partners, including citizen-scientist monitoring (p. 516), and building on existing efforts. More details on their monitoring strategy are found on p. 561, *Critical Elements Of Successful Monitoring*. There is a clear commitment to adaptive management on p. 577.

The manual, *Baseline Inventory and Monitoring Procedures on Texas Parks and Wildlife Lands*, is described as the main monitoring document used by the TPWD. This procedures manual, developed to coordinate efforts on TPWD lands in 1996, outlines the methods used to monitor or evaluate vegetation, herptiles, birds, and mammals.

The Strategy proposes utilizing partnerships in surveying and monitoring species of plants and animals to ensure quality data, cover additional areas of the landscape, and spread already limited resources over a greater part of the state.

The Strategy emphasizes the need to utilize available technology, in the form of databases, spatial analyses, and mapping software, to generate vegetative cover maps of the state. The Strategy also identifies a priority need for ground-truthing of those data and maps. Following ground-truthing of map data, a new biological inventory can begin. The inventory will be an essential element in setting for priorities Texas' future species conservation efforts.

Although there is no specific mention of performance measures or standards, appropriate performance measures may be inferred from the descriptions of conservation actions and monitoring activities, as well as from the *Baseline Inventory and Monitoring Procedures* manual. There is also clear recognition of the need to monitor all conservation actions for effectiveness, and the inherent link between that and monitoring of species and/or habitat. Implicit is the need for appropriate performance measures. The Strategy suggests that performance measures, or "outcomes and deliverables" be defined as projects are developed for implementation.

The monitoring called for in the CWCS clearly builds upon existing programs conducted by the TPWD, other agencies, and NGOs. Current monitoring programs are described in tabular form.

The Strategy identifies a number of *Critical Elements for Monitoring in Texas* that demonstrate recognition of the need to conduct monitoring at the appropriate scale and to implement strategies that integrate habitat and population monitoring. The response of species and/or habitats will be monitored to determine the effectiveness of conservation actions. Over time, this process will enable managers to utilize the principles of adaptive management to refine conservation actions. The Strategy makes it clear that TPWD understands the principles of adaptive management and the importance of monitoring in facilitating effective adaptive management of conservation actions.

Yes No **Element 5 is adequately addressed.**

6th Element. Descriptions of procedures to review the Strategy/Plan at intervals not to exceed ten years.

Comments:

The Strategy describes the process planned to review and revise the CWCS at 5-year intervals.

The TPWD received input from multiple conservation organizations during the drafting of the CWCS. They realize the value of these partnerships, and that an important means of maintaining them and creating new opportunities for participation in conservation is to bring the conservation community together to review and redraft the CWCS at regular and reasonable intervals.

The TPWD plans to reevaluate nongame conservation progress under the CWCS at intervals not to exceed five years utilizing input from conservation partners and the public. A website will be maintained to collect, summarize, and post public comments regarding the strategy. Additionally, forums such as the 2004 Wildlife Diversity Conference, will be held at a minimum of every four years. After the conference, changes or adjustments to the goals and objectives of the strategy will be made and a draft of the new document presented to the public for final review. TPWD personnel plan to submit the updated CWCS to the U.S. Fish and Wildlife Service in the fifth year. This review and revision procedure will allow for formalized and scheduled interaction with conservation partners and ample opportunity for the general public to review and comment.

The TPWD will continually take public comment on the current strategy and make amendments as appropriate. Maintaining and updating the website and the electronic and paper comment forms, in addition to releasing press information after each substantial modification of the strategy, will allow the TPWD to maintain consistent interaction with the public and partners, as well as ensure a shorter turnaround on major modifications and revision of the CWCS.

Yes No **Element 6 is adequately addressed.**

7th Element. Descriptions of the plans for coordinating, to the extent feasible, the development, implementation, review, and revision of the Plan-Strategy with Federal, State, and local agencies and Indian tribes that manage significant land and water areas within the State or administer programs that significantly affect the conservation of identified species and habitats

Comments:

The CWCS describes an effective process of partner agency involvement in development of the Strategy, and recognizes that the process of developing the Strategy renewed, strengthened, and kindled partnerships necessary for implementation of the CWCS. The Strategy describes the process of continued involvement of these partners in CWCS implementation and revision.

The TPWD received input from multiple conservation organizations and state and federal agencies during the drafting of the CWCS. Many of these partnerships were developed at the August 2004 Wildlife Diversity Conference. The Executive Summary recognizes the integral role partnerships played in the development of the Strategy and states that these partnerships will be a necessity in Strategy implementation. Cultivation of partnerships is identified as a high priority conservation strategy. The Strategy states that possibly the most critical role the TPWD can play in the future of Texas conservation is the role of facilitator and partner. The strategy also indicates the success of the CWCS will depend upon the agency's ability to cultivate a strong list of willing partners interested in directing their money and other resources toward focused conservation.

The TPWD currently uses a grant proposal system to do research or on-the-ground conservation using partner organizations. To ensure that all conservation organizations can be involved in this process, TPWD staff members are encouraged to find partners to assist with and/or help finance certain projects. The CWCS will provide an opportunity for potential partners to identify opportunities for cooperative conservation actions.

In addition to involving partners in implementation, TPWD personnel plan to keep these partnerships active and create new opportunities for partnership by involving partners in the review and revision of the CWCS at regular and reasonable intervals. The TPWD proposes to review the CWCS at intervals not to exceed five years with the input of conservation partners and the public.

Throughout the 5-year life of each CWCS, a website will be maintained to collect, summarize, and post public comments regarding the strategy. Additionally, forums such as the 2004 Wildlife Diversity Conference will be held at a minimum of every four years to review the Strategy and evaluate progress in conservation of wildlife and wildlife habitat. They propose to revise the Strategy and then submit it to the public for review. The final revised document will then be submitted to the U.S. Fish and Wildlife Service, although this is not a requirement. This process will establish a formalized and scheduled interaction with conservation partners and provide ample opportunity for the general public to provide input.

Yes No **Element 7 is adequately addressed.**

8th Element. Descriptions of the necessary public participation in the development, revision, and implementation of the Plan.

Comments:

The CWCS describes an effective process of public information and involvement in development of the Strategy, with several innovative, user friendly mechanisms for the public to provide input. One significant feature was the accommodation of the Spanish-speaking public on the CWCS website. The Strategy also recognizes the important role of partners, including the interested public, in CWCS implementation and revision.

The TPWD utilized a “traveling road show” process developed by the Texas Department of Transportation for obtaining public comments. Public meetings were held in 11 cities during July, 2005, to present the draft CWCS to the public. Of the 11 locations that TPWD held public comment sessions, eight were sponsored by American Zoo and Aquarium Association (AZA) accredited zoos and aquariums. Many of these facilities were also involved with the CWCS Working Groups that drafted the comprehensive strategy elements essential to the development of the CWCS.

A PowerPoint presentation was developed for the “road show” that could be transferred to poster boards as well as looped on DVD. The PowerPoint presentation described the need for the CWCS, the required elements of the strategy, and the need for comments from the public and from partners on the draft CWCS and how it adequately addressed the required elements. Maps associated with the region of interest, based on the location of the meeting, were available to represent the project scope and the ramifications to the area. The Wildlife Division Planner, the Program Leader for Nongame and Rare and Endangered Species, a cadre of TPWD biologists and partners traveled with the exhibit to the different venues. Regional TPWD employees and partners were available at each meeting to assist in answering questions. These assistants were responsible for discussing biological components of the strategy while the planner answered questions concerning the strategy effort, scope and ramifications of the document.

Copies of the PowerPoint presentation and the complete CWCS were made available to the public so that individuals could comment directly on the text. Prior to the event, sections of the draft strategy could be downloaded from the TPWD-hosted website to allow the public to be more informed about the project. The website and instructions for downloading the project were issued in the press release prior to the public comment sessions.

The strategy website, originally developed for the partners and the CWCS Working Group members, was adapted to fit the needs of the public comment session by posting the public comment dates, times and venues as well as the PowerPoint presentation developed for the meetings.

The CWCS for Texas was placed on the website in outline form so that each section or chapter could be opened or downloaded individually as Microsoft Word documents. Thus, comments and suggestions could be made and the edited electronic or printed document could be returned to TPWD for consideration. Maps associated with each section were also included. In addition

to the strategy and maps, questionnaires were placed on the website so the citizens, TPWD staff and partnering organizations could comment on the strategy and send their critiques or suggestions directly to the TPWD staff. The website also included a link that allowed citizens to contact the planner and comment directly either in English or in Spanish.

All comments from the individual sessions or from the website were compiled into one document for scrutiny by TPWD staff. As appropriate, comments were taken and changes were made to the final draft of the strategy up until the strategy was finalized. Further public involvement was encouraged after the final submission of the CWCS by the TPWD continuing acceptance of comments; primarily from the website. Finally, the first strategy draft was publicized at the TPWD's annual Wildlife Expo held in October.

Yes No **Element 8 is adequately addressed.**



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240



In Reply Refer To:
FWS/AWSR-FA: 027804

OCT 18 2006

To: State Fish and Wildlife Agencies
Secretary, Department of Natural Resources of the Commonwealth of Puerto Rico
Governor of Guam
Governor of the U.S. Virgin Islands
Governor of American Samoa
Governor of the Commonwealth of the Northern Mariana Islands
Mayor of the District of Columbia

Enclosed are new Guidelines for the State Wildlife Grant (SWG) program. These guidelines, effective January 1, 2007, replace the 2002 administrative guidelines that were developed after the program's creation 4 years ago. New guidelines were needed as many of the original guidelines became outdated and emerging issues required additional review.

The new draft guidelines were developed by a team of State and Federal personnel who have extensive experience with SWG. Stakeholders, including the Federal/State Joint Policy Task Force (JTF), congressional appropriations staff from both houses, State wildlife agencies, and the Service's Regional Federal Assistance offices were all contacted and asked to provide input on the draft guidelines. In total, Federal Assistance received 43 separate comments. The team reviewed these comments and incorporated them where appropriate in the final version submitted for approval. One of the most significant differences in the guidelines is the definition of planning grants. Planning grants, which require a 3 to 1 match ratio, are now more narrowly defined as grants that may only be used to update, modify or revise a State's Strategy. This change is in accordance with FY 2007 Congressional House and Senate report language which states that the majority of SWG funds must be spent on implementation, rather than planning, grants. We were very pleased with the dedication, hard work, and strong concurrence the team utilized in developing their recommendations.

The Service will continue to work closely with you to implement the new guidelines and answer any questions you may have.

Sincerely,

DIRECTOR

Enclosure



2007 Administrative Guidelines for State Wildlife Grants

On November 5, 2001, President Bush signed the Department of the Interior and Related Agencies Appropriations Act, 2002, which created the State Wildlife Grants (SWG) program. As indicated within this legislation, these grants were established, "...for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished..." Since its creation, the SWG program has received annual Congressional appropriations that are administered by the U.S. Fish and Wildlife Service (Service). The Service apportions these funds, using a legislated formula based on human population and geographic area, to fish and wildlife agencies within the States, Territories, and the District of Columbia (States).

In addition to complying with 43 CFR Part 12, 2 CFR 225, OMB Circulars (A-87, A-102, and A-133), the National Environmental Policy Act, Section 7 of the Endangered Species Act, and other applicable federal laws and regulations, Congress stipulated that each State fish and wildlife agency that wished to participate in the SWG program must develop a Comprehensive Wildlife Conservation Strategy (Strategy) by October 1, 2005. Each Strategy was required to address eight elements listed in Section VII.

Once completed, the Strategies were submitted to the National Advisory Acceptance Team (NAAT) through the Service's Regional offices. The NAAT was composed of 13 wildlife professionals representing the Service and the regional associations of State fish and wildlife agencies. The NAAT reviewed each Strategy to determine if it satisfactorily addressed each of the eight required elements. Its findings and recommendations were presented to the Service's Director who decided whether a Strategy was approved, conditionally approved, or disapproved.

Following the Strategy review and approval process, State fish and wildlife agencies and Service grant administrators were faced with new challenges related to Strategy implementation. Some of these included the variable funding appropriated to SWG, Congressional expectation that more SWG funding be spent on implementation grants, emerging conservation issues, the participation of new partners, and changes to Federal Assistance procedures. To ease this transition and promote consistency, the SWG Guidance Working Group, composed of wildlife professionals from the Service and several State fish and wildlife agencies, was formed to update the guidelines used to administer the SWG program.

I. Purpose of this Guidance Document

This document provides guidance on how to implement and consistently administer the SWG program and accomplish the purposes intended by Congress. This guidance replaces the original guidelines issued in 2002.

II. Definitions

Education

For the purposes of this guidance, education is defined as actions or efforts meant to achieve learning objectives or increase the public's knowledge or understanding of wildlife or wildlife conservation through instruction or distribution of materials. It also includes efforts to provide general information in response to inquiries from the public or partners about conservation programs, actions, or activities.

Law Enforcement

For the purposes of this guidance document, law enforcement is defined as any effort meant to compel the observance of laws or regulations.

Mitigation

To carry out actions required by a federal or state agency through law, regulation or statute to compensate for adverse impacts to natural resources caused by a Federal, State, or private entity.

Partners

Any agency, organization, or entity desiring to participate in the planning or implementation of a State's Strategy. Partners can include, but are not limited to, Federal agencies, State agencies, local agencies, Indian Tribes, nonprofit organizations, academic institutions, industry groups, and private individuals.

State

For the purpose of this guidance, the word State is used as defined in 43 CFR 12.43 which includes the 50 United States, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa.

Species of Greatest Conservation Need

Each State determined these species in the context of developing its Strategy. These species must be fauna, not flora, and may include terrestrial, aquatic, marine, and invertebrate species. A State's list of species of greatest conservation need may include currently listed Federal and State endangered or threatened species and other species of concern. The composition of this list is expected to change over time as the status and conservation needs of species change within a State.

Synonyms for Comprehensive Wildlife Conservation Strategy

States have adopted a variety of terms to refer to a Strategy. The most common of these are: State Wildlife Action Plan; Comprehensive Wildlife Conservation Plan; Wildlife Conservation Plan, and Wildlife Conservation Strategy.

Unobligated Funds

SWG money that has been apportioned to a State but not obligated to a specific project through an approved grant. SWG monies are available for obligation for two years ending September 30 of the second Federal fiscal year after they were apportioned.

Wildlife

Any species of wild, free-ranging fauna, including terrestrial, aquatic, marine, and invertebrate species. This term also includes fauna in captive-breeding programs intended for reintroduction or augmentation of extirpated or depleted populations of indigenous species within suitable habitat.

Wildlife-Associated Recreation

Outdoor leisure activities associated with wildlife including, but not limited to, hunting, fishing, wildlife observation and photography.

III. Effective Date

This guidance is effective on January 1, 2007 and replaces the SWG guidance issued in 2002.

On January 1, 2007, any existing unobligated funds will be administered under this new guidance. Money obligated to a grant before January 1, 2007, will be administered under the 2002 guidance until the grant is closed.

Grants awarded in the Federal Assistance Information Management System (FAIMS) before January 1, 2007 may be extended and increased in value if the grant conforms to the new guidelines. If there is no change to the scope of work, a grant period may be extended under the 2002 guidance. However, if the grant does not conform to the new guidelines, then no additional money may be obligated on or after January 1, 2007. Similarly, changes may not be made to the scope of an existing grant (i.e., with an effective approval date prior to January 1, 2007) unless the grant conforms to the new guidelines. Starting January 1, 2007, new grants will be awarded and administered under the new guidelines.

Funds that are deobligated from an existing grant are “recoveries” and may be reobligated in another grant if their two-year period of availability has not passed (see Section XI, D and E). Otherwise, the funds will be reverted and added to the next year’s program for apportionments to all states. When funds are reobligated on or after January 1, 2007, the resulting grant will be administered under the new guidance.

Funds apportioned for Fiscal Year 2007 will be administered under the new guidance, even if those funds are apportioned before January 1, 2007.

IV. Authorizing Legislation for State Wildlife Grants

The Department of the Interior and Related Agencies Appropriations Act, 2002 (PL 107-63), first authorized the SWG program.

V. Administration of the State Wildlife Grants program

The SWG program is funded by annual Congressional appropriations that are administered by the Service.

VI. Entities Eligible to Participate in the State Wildlife Grants program

Grants may only be awarded to the fish and wildlife agency in each of the 50 States, District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S.

Virgin Islands (States) once the State's Strategy has been approved by the Service's Director. Once its Strategy has been approved, each State fish and wildlife agency may receive SWG funds through approved grants for activities compatible with both the following guidelines and the State agency's authority under State law.

A. Tribal Involvement in State Wildlife Grants

The FY 2002 State Wildlife Grants legislation appropriated \$5 million for a competitive grant program specifically for Federally recognized Indian Tribes. Between FY 2003 and FY2006, this program received an annual average annual appropriation of \$5.7 million. For Tribal Wildlife Grant information contact:

Office of Native American Liaison
U.S. Fish and Wildlife Service
1849 C Street NW, Mail Stop 3251,
Washington, DC 20240
202-208-4133

Indian tribes may participate in SWG as a State's sub-grantee.

B. Effects of State Wildlife Grants legislation on other Federal Assistance Programs

The legislative language that established SWG did not result in changes to any existing Federal Assistance program.

VII. Prerequisite to Participation

In addition to complying with 43 CFR Part 12, OMB Circulars (A-87, A-102, and A-133), the National Environmental Policy Act, Section 7 of the Endangered Species Act, and other applicable Federal laws and regulations, Congress stipulated that each State fish and wildlife agency that wished to participate in the SWG program have an approved (Strategy). These documents were required to include information on:

1. the distribution and abundance of species of wildlife, including low and declining populations as each State fish and wildlife agency deemed appropriate, that are indicative of the diversity and health of wildlife of the State; (In subsequent discussions, these species were referred to as Species of Greatest Conservation Need or SGCN.)
2. the location and relative condition of key habitats and community types essential to the conservation of each State's SGCN;
3. the problems which may adversely affect SGCN or their habitats, and priority research and surveys needed to identify factors which may assist in restoration and improved conservation of SGCN and their habitats;
4. the actions necessary to conserve SGCN and their habitats and establishes priorities for implementing such conservation actions;
5. the provisions for periodic monitoring of SGCN and their habitats, for monitoring the effectiveness of conservation actions, and for adapting conservation actions as appropriate to respond to new information or changing conditions;
6. each State's provisions to review its Strategy at intervals not to exceed ten years;
7. each State's provisions for coordination during the development, implementation, review, and revision of its Strategy with Federal, State, and local agencies and Indian

- Tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species or their habitats; and
8. each State's provisions to provide the necessary public participation in the development, revision, and implementation of its Strategy.

A. Conditional Approval of a Strategy

If a State's Strategy is conditionally approved, then the State will have six months, after receipt of the Service Director's letter of notification, to resubmit a revised Strategy for approval. During those six months and while the revised Strategy is being reviewed by the Service, the State is eligible to receive SWG funds, and may continue to obligate funds through new grant actions. If the State fails to submit a revised Strategy after six months, or if the revised Strategy fails to satisfy one or more of the required elements, that Strategy will be disapproved. The deadline for resubmission of a revised Strategy may be extended at the Service Director's discretion.

B. Disapproval of a Strategy

All strategies were submitted by October 2005 and were either approved or conditionally approved. If a State's Strategy is conditionally approved and the State fails to submit a revised Strategy after six months, or if the revised Strategy fails to satisfy one or more of the required elements, that Strategy will be disapproved. If a State's Strategy is disapproved, the State is no longer eligible to receive newly apportioned SWG funds and will not be allowed to obligate additional funds from available apportionments. Should the State elect to submit a revised Strategy in the future, it may do so but, until a Strategy is approved, the State will not be eligible to receive any new apportionments from the program or obligate funds from available apportionments.

Active grants that were approved before the Strategy was disapproved will continue to be funded through their current end date. However, States will not be allowed to extend a grant or change objectives within an active grant until the State's Strategy has been approved.

VIII. Compliance with Laws and Regulations

States wishing to participate in the SWG program must comply with 43 CFR Part 12, 2 CFR 225, OMB Circulars (A-87, A-102, and A-133), the National Environmental Policy Act, Section 7 of the Endangered Species Act, and other applicable Federal laws, regulations, and policies.

IX. Use of State Wildlife Grant Funds

As indicated within the FY2006 SWG apportionments cover letter from the Service's Director to the Directors of the State wildlife management agencies, "Congress intends that (State Wildlife Grants) should be used to address the species and their habitats identified in State Comprehensive Wildlife Conservation Plans/Strategies." Unless otherwise noted, SWG funds must be used to address conservation needs, such as research, surveys, species and habitat management, and monitoring, identified within a State's Strategy. SWG monies may also be used to update, revise, or modify a State's Strategy. Activities that meet these criteria and are consistent with current program guidance are eligible for funding. Consistent with the Department of the Interior and Related Agencies Appropriations Act, 2002, and subsequent related legislation, priority for use of these funds should be placed on those

species of greatest conservation need, taking into consideration the relative level of funding available for the conservation of those species.

When submitting a SWG grant application, a State must clearly indicate how the proposed grant objectives address one or more of the conservation needs identified within its Strategy. Work on species, habitats, or conservation issues not identified within a State's Strategy may be allowed as indicated within Section XH.

X. Restrictions on the Use of SWG money

Per House Report 109-080, written to accompany HR 2361 for FY06 appropriations, "Funds made available under this account should be added to revenues from existing State sources and not serve as a substitute for revenues from such sources."

A. Definitions of Planning and Implementation Grants

State Wildlife Grant money may be used to fund two distinct types of activities: planning and implementation.

For the purposes of this program, three types of activities qualify as planning actions and are eligible for the planning match (75% Federal/25% State). These include:

1. Efforts to update, modify, or revise a State's Strategy. This category of planning activity includes the writing, printing, production, and distribution of either the complete Strategy or portions of the Strategy such as online documents, excerpts, or summary publications.
2. Efforts to collect public opinion information or input, via surveys, polling, public meetings, focus groups, or other methodologies, that will be used to guide State efforts to update, modify, or revise its Strategy.
3. Processes, such as coordination meetings that build or strengthen collaboration between the State and partners (Federal, State, Tribal, industry, private, and others) as they work to update, modify, or revise their Strategy.

All other activities eligible for funding under the State Wildlife Grants program, such as species monitoring, habitat evaluations, evaluating the effectiveness of conservation actions, program administration, and developing and maintaining systems to record, store, or disseminate information will be considered to be implementation efforts and will receive a maximum reimbursement of 50 percent of total project costs when described in an approved grant document.

An individual grant proposal may contain both planning and implementation activities. In these cases, the State, within its grant proposal, must estimate the proportion of time and/or costs allocated to planning activities and implementation activities. In order to be eligible for the appropriate reimbursement percentage, the State must utilize a cost accounting system that is capable of accounting for costs incurred for each type of activity (i.e., planning versus implementation) separately.

B. Education and Law Enforcement

Under certain conditions, SWG money may be used to fund education and law enforcement activities. In order for an education or law enforcement objective to be eligible for SWG funding, these activities must constitute a minor portion of a grant's project, must be critical to the project's success, and must specifically address a threat or issue identified within the State's Strategy. "Minor" is considered to be no more than 10 percent of a project's cost. The following are examples of grant projects that include eligible education and law enforcement activities.

Example 1:

A State's Strategy indicates a population of timber rattlesnake, on a State conservation area, has declined dramatically due to habitat loss and degradation. The Strategy also indicates this population is impacted by members of the public who routinely kill the snakes they encounter. Biologists have determined that most snakes are killed during the spring and fall when the reptiles congregate in and around dens. The grant project is primarily designed to conserve this species by improving degraded habitat through use of controlled burns on bluff prairies. However, for this effort to be effective, a limited amount of project funds will be used to develop and post signs which notify the public that killing this species within the conservation area is illegal, develop educational materials to explain the purpose of the refuge, and patrol the area to enforce protections for this species, especially during spring and fall.

Example 2:

A State's Strategy has identified improper grazing, invasive vegetation, and disturbed fire regimes as the primary causes for loss and degradation of greater sage grouse habitat. In this State, most of the remaining habitat occurs on private land. As described within the Strategy, this grant project will establish local working groups to protect existing habitat and enhance fragmented and degraded habitat by purchasing conservation easements and fee title acquisition from willing landowners, and helping landowners develop management plans for farming and ranching operations that will be consistent with the Strategy. This grant will also fund a biologist to coordinate the working groups' efforts. To generate interest and participation in this program, an education component is needed up front to inform private landowners of the goals of the working groups, the value of healthy ecosystems, and the economic benefits of cooperative, proactive, efforts to conserve this species. To implement this educational program, the State fish and wildlife agency will use a small portion (approximately 5%) of the grant funds to contract the Farm Bureau to conduct workshops and demonstration tours to provide private landowners an overview of the working groups' potential efforts and the benefits those efforts would provide.

C. Wildlife-Associated Recreation

SWG money may not be used to fund projects that will specifically initiate, encourage, or enhance wildlife-associated recreation.

D. Publication and Distribution of State Regulations

SWG money may not be used to pay for the establishment, publication and dissemination of regulations that a State issues pertaining to the protection and utilization of fish and wildlife resources. This includes laws, orders, seasonal regulations, bag limits, creel limits, license fees, etc. This does not prohibit the scientific collection of information needed to support management recommendations

E. Nuisance Wildlife and Wildlife Damage

SWG money may be used to address nuisance wildlife or situations involving damage caused by wildlife only if their emphasis is the conservation of SGCN and/or their habitats as indicated within a State's Strategy.

F. Environmental Review, Habitat Evaluation, Permit Review (Section 404), and Similar Functions

SWG money may be used to conduct environmental reviews, habitat evaluations, permit reviews related to Section 404 of the Clean Water Act, and similar functions necessary to protect wildlife habitat if the emphasis is the conservation of SGCN and their habitats as indicated within a State's Strategy.

G. Pre-Award Cost Reimbursement for Activities that took place prior to Federal Assistance Approval of the Effective Start Date for a SWG Grant.

Only expenses incurred and budgeted during the grant period are reimbursable; the grant period begins with the effective date established at the time the grant is approved and defined in the Federal Assistance Manual (FAM 522 FW 25). However, a State may request reimbursement for pre-award costs for certain necessary expenses detailed in the grant. Pre-award costs are those incurred prior to the effective date of the award where such costs are necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only if the grant is awarded and 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 (OMB Circular A-87, 2 CFR 225).

H. Use of SWG Funds to Address Critical Priority Issues not Identified Within a Strategy.

Congress intends the Strategies to be adaptive to new information or circumstances. As such, SWG funds may be used to respond to emerging or crisis situations that are not represented within a Strategy. However, within the grant application or amendment, the State must fully describe the emerging or crisis situation and indicate if funds must be reallocated from efforts already underway, identify the species or habitats that will benefit from the proposed action, and commit to monitoring the effectiveness of the proposed conservation action so future management activities can be appropriately adapted. Finally, the state must commit to incorporating this new priority within the next version of its Strategy, if it remains an emerging or critical issue.

Grant applications or amendments that include issues not identified within a Strategy must be reviewed by the Assistant Regional Director (ARD) for Migratory Birds and State Programs

for approval. If the ARD finds that the project is not eligible, the decision may be appealed to the Regional Director.

Example:

A small illegally introduced population of bullfrogs is discovered in a desert watershed. This watershed is one of two known habitats used by a rare endemic frog which is identified as a SGCN within the State's Strategy. The bullfrogs have been observed eating both the native frog and the native frog's prey base. Unless immediate action is taken, biologists believe the native frog could be extirpated from this watershed within a few years. Some fear this situation, if left unaddressed, could cause the native frog to be protected under the Federal Endangered Species Act, which would have a dramatic impact on the human communities within the two habitat areas. Given the limited number of bullfrogs that have been observed, biologists believe an immediate eradication effort could be successful in eliminating this threat. However, success will depend on implementing the project before the bullfrogs breed and a handful of individuals increases to a population of thousands.

I. Use of SWG Money as a Mitigation Resource

SWG monies may not be used for the purpose of mitigating fish or wildlife habitat losses, where the obligation to mitigate is incurred by another Federal agency, State agency, or private entity. Nor may the value of property purchased with SWG monies be used for similar purposes.

XI. Fiscal:

A. Federal Share for State Wildlife Grants

The Federal share of planning grants (see IX above) shall not exceed 75 percent of the total cost, and the Federal share of implementation grants (see IX above) shall not exceed 50 percent of the total cost. The Insular Areas of the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are waived from matching requirements for this program (based on 48 U.S.C.A. 1469a. (d)).

B. Nonfederal Match for State Wildlife Grants

Nonfederal contributions may consist of cash and allowable in-kind contributions as defined in 43 CFR Part 12.64.

C. Source of Funding and Expected Longevity of SWG Program

The SWG program is funded with annual Congressional appropriations and is subject to annual fluctuations or cessation of program funding. Therefore, the SWG program should not be considered a permanent source of Federal funds.

D. Failure to Obligate Apportionment Within Two Years

SWG funds must be obligated within two years ending September 30 of the second Federal fiscal year after which they were apportioned or the remaining unobligated dollars revert to the Service. Reverted unobligated funds lose their original fiscal year identity and are added to the next year's SWG appropriation for apportionment to all the States.

E. Recovered Funds

If SWG funds are obligated through an approved grant but are not expended at the time the grant is closed, the unexpended balance is deobligated from the grant and is “recovered” by the State. If recovered funds are deobligated during the two-year period of availability, the State may request to reobligate them toward an existing or new grant, subject to conditions set in Section III above. If recovered funds are reobligated in this manner, they will be subject to all the terms and requirements of the SWG program. SWG funds recovered after their period of availability will revert to the Service, lose their original fiscal year identity, and will be added to the next year’s SWG appropriation for apportionment to all the States.

F. Accrual of Interest to SWG Funds

The Division of Federal Assistance does not have authority to invest SWG funds. Therefore the SWG program will not accrue interest.

H. Record Keeping and Audits

States must comply with the requirements in OMB Circular A-133 and 43 CFR Parts 12.66 and 12.82. The audit of the States’ SWG programs by the Service will be included in the 5-year Federal Assistance program audits beginning in FY2007.

I. Program Income

For guidance related to Program Income, please refer to 43 CFR 12.65 and Director Dale Hall’s memorandum to the Service Directorate (Dec. 12, 2005) which describes grant requirements and program income guidance for third party commitments under the State Wildlife Grants Program and the Landowner Incentive Program.

J. Enforcement of Third Party Commitments

For guidance related to Third Party Commitments, please refer 43 CFR 12.64 and Director Dale Hall’s memorandum to the Service Directorate (Dec. 12, 2005) which describes grant requirements and program income guidance for third party commitments under the State Wildlife Grants Program and the Landowner Incentive Program.

XII. Grant Administration

A. Submission of Grant Documents

States will submit grant documents to the appropriate U.S. Fish and Wildlife Service regional office, where regional office staff will review and administer them. Regional offices are located at:

Region 1: (serving Hawaii, Idaho, Oregon, Washington, and the Pacific Territories)
U.S. Fish and Wildlife Service
Attn: Federal Assistance
911 NE 11th Avenue
Portland, OR 97232-4181

California/Nevada Operations Office: (serving California and Nevada)
U.S. Fish and Wildlife Service
Attn: Federal Assistance
2800 Cottage Way
Sacramento, California 95825

Region 2: (serving Arizona, New Mexico, Oklahoma, and Texas)
U.S. Fish and Wildlife Service
Attn: Federal Assistance
P.O. Box 1306
Albuquerque, NM 87103-1306

Region 3: (serving Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin)
U.S. Fish and Wildlife Service
Attn: Federal Assistance
1 Federal Drive
Ft. Snelling, MN 55111-4056

Region 4: (serving Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the U.S. Virgin Islands.)
U.S. Fish and Wildlife Service
Attn: Federal Assistance
1875 Century Blvd, Suite 240
Atlanta, GA 30345

Region 5: (serving Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, Washington D.C., and West Virginia)
U.S. Fish and Wildlife Service
Attn: Federal Assistance
300 Westgate Center Drive
Hadley, MA 01035-9589

Region 6 (serving Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming):
US Fish and Wildlife Service
Attn: Federal Assistance
134 Union Blvd.
Lakewood, Colorado 80228

Region 7: (serving Alaska)
U.S. Fish and Wildlife Service
Attn: Federal Assistance
1011 East Tudor Road
Anchorage, AK 99503

B. Grant Documentation/Information to be Submitted with a Grant Proposal

SWG grant proposals must include the following:

1. Application for Federal Assistance (Form SF-424, Form SF-424 a-d as necessary);
2. a project narrative that describes:
 - the project objectives,
 - an estimate of the project cost,
 - the results and benefits expected,
 - the approach that will be used to meet the stated objectives,
 - the geographic location of the project and areas to be served by the proposed project,
 - how a proposed activity addresses a conservation need identified within the State's Strategy, and
 - any funding sources, other than SWG, that will be used.

As applicable, at the time of the grant application, applicants may also be asked to provide:

- a biographical sketch of the program director;
- the relationship between a project and other work planned, anticipated, or underway under Federal Assistance; and
- information that clarifies discrepancies, inconsistencies, or unclear terms

The format, level of detail, and other aspects of completed grant documents shall incorporate guidance found within the Federal Assistance Manual. Finally, applicants must provide certifications in compliance with 43 CFR 12(E) (Buy American Requirements for Assistance Programs), 43 CFR 18, 43 CFR 42 (Administration and Audit Requirements and Cost Principals for Assistance Programs), and 43 CFR 43 (Governmentwide Requirements for Drug-Free Workplace).

In accepting Federal funds, States and other grantees must comply with all applicable Federal laws, regulations, and policies. The Division of Federal Assistance will handle compliance with the same methods utilized for the Wildlife Restoration and Sport Fish Restoration programs. The regional office staff will work with each State to ensure projects meet the requirements in a consistent way.

C. Accounting and Administrative Compliance

As with other federal grant programs in the Department of the Interior, 43 CFR Part 12 provides general grant guidance and OMB Circular A-87 provides guidance on cost principles.

XIII. Legislative History

The following list of legislative documents represents actions from the program's authorization through the 109th Congress.

Public Law 107-063 FY02

House Report 107-103 FY02

Public Law 108-7 Omnibus FY03

Public Law 108-108 FY04

House Report 108-330 FY04
Senate Report 108-89 FY04
Public Law 108-447 FY05
House Report 108-542 FY05
House Report (conference) 108-792 FY05
Public Law 109-54 FY06
House Report 109-080 FY06
House Report (conference) 109-188 FY06
House Report 109-465 written to accompany HR 5386 for FY07 appropriations
Senate Report 109-275 for FY07 appropriations



ASSOCIATION of
FISH & WILDLIFE
AGENCIES

JUL 12 2007

To: State Fish and Wildlife Agencies
Secretary, Department of Natural Resources
of the Commonwealth of Puerto Rico
Governor of Guam
Governor of U.S. Virgin Islands
Governor of American Samoa
Governor of Commonwealth of the Northern Mariana Islands
Mayor of the District of Columbia

The purpose of this letter to is to provide guidance for future Wildlife Action Plan (Comprehensive Wildlife Conservation Strategy) review and revisions.

Congress required that all States commit to reviewing and, if necessary, revising their Wildlife Action Plans within 10 years. Every State made this commitment.

The attached document, drafted by a State and Federal team, identifies the process and requirements that all States must use for the future review and revision of their Wildlife Action Plans. This guidance provides a flexible framework for States to incorporate new information and changing circumstances into their Wildlife Action Plans as easily as possible while providing national consistency.

The Wildlife Action Plans are monumental achievements. We are very encouraged by the early successes and cooperation they have spawned. We hope that this guidance will help to ensure that these excellent plans are a guiding force for conservation for years and even decades to come.

Sincerely,

Dale Hall
Director of the U. S. Fish and Wildlife Service

Edward Parker
President of the Association of
Fish and Wildlife Agencies

Enclosure

**Guidance for Wildlife Action Plan
(Comprehensive Wildlife Conservation Strategy)
Review and Revisions**

Purpose-

The purpose of this document is to identify the process and requirements that all States/territories must utilize for the future review and revision of their Wildlife Action Plans (Action Plans).

Introduction-

The Action Plans were developed by the States to be dynamic, adaptive documents that would guide agency and partner conservation planning for years to come. Each State committed to reviewing or, if necessary, revising (review/revise) their Action Plan within 10 years as per Element 6 of the original legislation. Many States committed to do so at much shorter intervals.

The U.S. Fish and Wildlife Service (USFWS), encourages States to review and revise their plans as often as is useful to them and their partners. Recent Congressional report language indicates that Congress expects the USFWS to develop guidance/standards that will be utilized by all States/territories to revise their action plans. The Congress also expects that USFWS will apply the standards consistently in all Regions. (cf. Senate Report 109-275: Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2007. House Report 109-465: Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2007). This guidance document will ensure national consistency while allowing States and their partners flexibility to update their Action Plans without undue burden.

Review Process-

Original plan review, with approval recommendations to the Director of the USFWS was provided by a National Advisory Acceptance Team (NAAT) -- the Assistant Director of Wildlife and Sport Fish Restoration, each of the seven USFWS Assistant

Regional Directors for Migratory Birds and State Programs (ARD), Assistant Manager (AM) of the California/Nevada Office, a representative State Director from each regional Association of Fish and Wildlife Agencies (AFWA), and a representative of the national AFWA organization.

Although a NAAT may be reconvened in the future to consider general policy matters or particularly complex review/revision issues, it is not anticipated that a NAAT will evaluate Action Plan review/revisions. Instead, that task will be accomplished by Regional Review Teams (RRTs). The RRTs were an integral part of the original Action Plan evaluation process and we feel that future evaluations of Action Plan review/revisions will be carried out more effectively using this regional approach. There will be eight RRTs, one within each FWS region. The RRTs are comprised of one ARD, AM or equivalent; and one State Director appointed by each of the four regional associations (e.g. Southeastern, Midwest, Northeast, and Western). State Directors serving on RRTs will not evaluate the Action Plan from their own agency. In such cases, the Action Plan would be sent to another RRT for review. Federal Assistance Program and State staff may assist the RRTs as necessary. RRTs will assist States with guidance on Action Plan revisions and be available for any Action Plan related issues that may arise

General Requirements-

All States must review/revise their Action Plans by October 1, 2015, or the date specified in their original, approved Action Plan and send the updated version and summary documentation to the USFWS. This summary documentation must demonstrate that the entire Action Plan was examined and that all of the original Eight Required Elements (attached) were met, including an up-to-date public review process specified in Elements 7 and 8. If no changes were made, the State must document and explain why no changes were necessary and what process was used to make that determination. For more details, see **Section A**. Once Action Plan review/revisions are approved, States are not obligated to review/revise their Action Plans for another 10 years or until a date specified in the Action Plan.

A State may also revise only a part of its Action Plan without reviewing/revising its entire Action Plan. Some Action Plan revisions, including but not limited to the addition of a species, are defined as “major” (see definition on page 5). As such, States

must provide documentation that demonstrates all of the original Eight Required Elements are adequately addressed, including an up-to-date public review process as specified in Elements 7 and 8. “Major” revisions must follow the requirements outlined in **Section B**. All other revisions are considered “minor” and must follow the requirements outlined in **Section C**.

Specific Requirements-

Section A.

Requirements for Planned Review/Revision of Entire Plan

- (1) State agency director notifies its Regional USFWS Federal Assistance office by letter of intent to review or revise the Action Plan.
- (2) State and USFWS meet to discuss guidance to ensure all elements will be addressed prior to submission of documentation and reviewed/revise Action Plan.
- (3) State submits reviewed/revise Action Plan package by October 1, 2015, or the date specified in its original, approved Action Plan to the Regional Federal Assistance office.

This package will include:

- summary of any significant changes and documentation describing how the current version of Action Plan adequately addresses the Required Eight Elements, including an up-to-date public review process specified in Elements 7 and 8;
 - “Road map” (summary of location of elements in document) to locate revisions in Action Plan.
- (4) States are encouraged to post an electronic version of their most recent Action Plan on the web along with the summary of significant changes and “road map.”
 - (5) RRT reviews Action Plan with input from Federal Assistance staff and determines whether it is approvable or not approvable. The ARD or AM will send a letter to the State Director with documentation of the decision and description of any required action if the Action Plan is not approvable. State

Directors can appeal to the Regional Director.

- (6) ARDs and AM are responsible for communicating significant issues with members of all the RRTs to ensure consistency among RRTs.
- (7) States that specified a review/revision within 10 years (prior to the October 1, 2015, deadline) in their Action Plan and wish to change that date must submit a “minor” revision letter (see **Section C** below) to their Regional Federal Assistance office.
- (8) Federal Assistance must track revisions and due dates and maintain an administrative record of Action Plan revisions.

Section B.

Requirements for “Major” Revisions **Prior** to the Planned Review/Revision Date

- (1) State agency director notifies its Regional FWS Federal Assistance office by letter of intent to make “major” revisions to the Action Plan (See definition below).
- (2) State submits modified Action Plan and includes:
 - summary of all significant revisions;
 - documentation describing how the revision meets the Required Eight Elements, including an up-to-date public review process specified in Elements 7 and 8;
 - “road map” to locate revisions in Action Plan.
- (3) States are encouraged to post an electronic version of their most recent Action Plan on the Web with the summary of significant changes and “road map.”
- (4) RRT reviews Action Plan with input from Federal Assistance staff and determines whether it is approvable or not approvable. The ARD or AM will send a letter to the State Director with documentation of the decision and description of any required action if the Action Plan is not approvable. State Directors can appeal to the Regional Director.

- (5) ARDs and AM are responsible for communicating significant issues with members of all the RRTs to ensure consistency among RRTs.
- (6) Federal Assistance must track these revisions and maintain an administrative record of Action Plan revisions.

Section C.

Requirements for “Minor” Revisions Prior to the Planned Review/Revision Date

- (1) State Director notifies the Regional FWS Federal Assistance office by letter of intent to make minor revisions with a description of the change and why the change is considered a minor revision.
- (2) State submits letter that includes:
 - summary of all revisions;
 - “road map” to locate revisions in Action Plan.
- (3) States are encouraged to post an electronic version of their most recent Action Plan on the web along with the summary of significant changes and “road map” (summary of location of elements in document).
- (4) Federal Assistance must track these revisions and maintain an administrative record of Action Plan revisions.

Definitions

“Major”: A significant change or changes that requires revision of two or more elements in the Action Plan. Any addition of a species of greatest conservation need (SGCN) would be a major revision. This is considered a major revision because it would require the State to substantially address subsequent elements (i.e., habitats, threats, actions). Similarly, a revision of its threat assessments for SGCN species and/or habitats that are essential to conservation of SGCN would be a major change because it would likely result in changes to conservation actions and prioritization of those conservation actions.

“Minor”: All revisions not considered “major.” .

The RRT will determine if a change is minor or major when it is unclear. This decision may be requested by either the State or staff of Federal Assistance. State Directors can appeal decisions to the Regional Director.

Note that States and other eligible jurisdictions that wish to use State Wildlife Grant (SWG) funds to address critical priority issues not identified within an Action Plan should refer to the USFWS *2007 Administrative Guidelines for State Wildlife Grants* (SWG Guidelines), *Section X.H.*

Eight Required Elements
State Comprehensive Wildlife Conservation Strategies

1. the distribution and abundance of species of wildlife, including low and declining populations as each State fish and wildlife agency deemed appropriate, that are indicative of the diversity and health of wildlife of the State; (In subsequent discussions, these species were referred to as Species of Greatest Conservation Need or SGCN.)
2. the location and relative condition of key habitats and community types essential to the conservation of each State's SGCN;
3. the problems which may adversely affect SGCN or their habitats, and priority research and surveys needed to identify factors which may assist in restoration and improved conservation of SGCN and their habitats;
4. the actions necessary to conserve SGCN and their habitats and establishes priorities for implementing such conservation actions;
5. the provisions for periodic monitoring of SGCN and their habitats, for monitoring the effectiveness of conservation actions, and for adapting conservation actions as appropriate to respond to new information or changing conditions;
6. each State's provisions to review its Strategy at intervals not to exceed ten years;
7. each State's provisions for coordination during the development, implementation, review, and revision of its Strategy with Federal, State, and local agencies and Indian Tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species or their habitats; and
8. each State's provisions to provide the necessary public participation in the development, revision, and implementation of its Strategy.



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December 6, 2010

Mr. Steve Robertson, Regional Chief
USFWS Wildlife and Sport Fish Restoration Program
P.O. Box 1306
Albuquerque, NM 87103-1306

Dear Mr. Robertson:

Please consider this letter as Texas Parks and Wildlife Department's (TPWD) request for a major revision to our *2005 Comprehensive Wildlife Conservation Strategy* (formerly known as the *Texas Wildlife Action Plan*, now known as the *Texas Conservation Action Plan* or TCAP) and an extension of the deadline to deliver the draft revision to U.S. Fish and Wildlife Service (USFWS) for review.

In the last year, our Action Plan Coordinator has spent a considerable amount of time gathering input statewide from our field ecologists, data managers, and many conservation partners through ecoregional workshops, meetings and presentations to focus the framework for our update. Additionally, she has worked on and continues to serve two important national efforts that directly affect the implementation and reporting of conservation actions outlined by the Plan and are supported by State Wildlife Grants: the Association of Fish and Wildlife Agencies' Teaming With Wildlife Effectiveness Measures Working Group and the USFWS Wildlife and Sport Fish Restoration Program Project Advisory Group to develop Tracking and Reporting on Actions for Conservation of Species (TRACS) web-based program.

The TCAP revision provides an opportunity to update our ecoregional boundaries in line with other regional conservation efforts, integrate terrestrial and aquatic priorities where appropriate to landscape level actions, improve our species/habitats lists and strategies with new information, and include emerging conservation issues (e.g. climate change adaptation and resiliency). We also feel that we have a unique opportunity to incorporate the results of the above-mentioned national efforts into our Action Plan, preparing us for greater reporting capacity to all constituents and better alignment of our conservation projects with adaptive management concepts. These revisions, along with the new information, prompt us to respectfully request an extension of our deadline to early May 2011. Thank you for your consideration of our request. Should you have any questions, please contact Wendy Connally, Action Plan Coordinator, at (512) 389-4975 or wendy.connally@tpwd.state.tx.us.

Sincerely,

Carter Smith
Executive Director

CS:WAC:ne



United States Department of the Interior



FISH AND WILDLIFE SERVICE

P.O. Box 1306

Albuquerque, New Mexico 87103

DEC 17 2010

In Reply Refer To:
R2/WSFR
TX T-4-P-1

Carter Smith, Executive Director
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Attention: Wendy Connally, Action Plan Coordinator
Rosie Roegner, Federal Aid Coordinator

Dear Mr. Smith:

Thank you for your letter regarding revision of the *Texas 2005 Comprehensive Wildlife Conservation Strategy*, now known as the *Texas Conservation Action Plan*. We are pleased with the progress being made on this revision and are happy to grant the requested extension of the deadline for submittal of the draft revision for review. The new deadline is May 31, 2011.

Please contact Bob Anderson, Grant Manager, at 505-248-7459, Nicole Jimenez, Grant Manager, at 505-248-7466, or me at 505-248-7465, with any questions or concerns about the revision review and approval process.

Sincerely,

Stephen M. Robertson
Chief, Wildlife and Sport Fish Restoration Program

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May 23, 2011

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Houston

Dick Scott
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Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

Mr. Steve Robertson
Regional Chief
U.S. Fish & Wildlife Service
Wildlife and Sport Fish Restoration Program
P.O. Box 1306
Albuquerque, NM 87103-1306

Dear Mr. Robertson:

Please consider this letter as Texas Parks and Wildlife Department's (TPWD) file update on our delivery of the Texas Conservation Action Plan (TCAP). Per our correspondence in December 2010 and our Action Plan Coordinator's email correspondence with Ms. LeAnne Bonner in the last month, we are respectfully requesting a second, short extension of our deadline to August 1, 2011, for the revision delivery to your office for the following reasons:

Our Action Plan Coordinator participated extensively in the development of the Association of Fish and Wildlife Agencies' Teaming With Wildlife Effectiveness Measures Working Group. Their work products were to be approved in early March; however, the report and appendices were in progress into April and not finalized until mid-April. Because of this timeline, the incorporation of some of the effectiveness measures information into our last Core Teams' ecoregional and statewide survey documents was also delayed. Surveys could not be posted until April 4, 2011. That delay, plus key stakeholder requests for more time, extended the survey period to May 7, 2011.

Despite our Coordinator's stakeholder preparation to encourage survey participation and the survey extension, the ecoregional workshops, working groups, and Core Teams' surveys did not provide sufficient information in several ecoregions. This is requiring additional research and stakeholder development by the Coordinator (in progress).

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.389.4800

www.tpwd.state.tx.us

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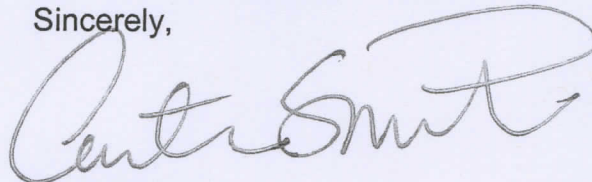
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Mr. Steve Robertson
Page Two
May 23, 2011

The 13 TCAP handbooks (Overview, Statewide/Multi-regional, and 11 Ecoregions) and supporting documents need adequate public review. We anticipate posting the draft documents, supporting information, and a public comment survey from June 6 through July 3, 2011. Following the public comment period, it will take our Coordinator a month to finalize all documents and post them to you for review.

Certainly, if you would like to preview the documents, they will be on our website during the public input period mentioned above. Thank you for your consideration. If you have any questions, please feel free to contact Ms. Wendy Connally, our Action Plan Coordinator, at wendy.connally@tpwd.state.tx.us or (512) 389-4975.

Sincerely,



Carter Smith
Executive Director

CS:WAC:lam

cc: Dr. Matt Wagner
Ms. Rosie Roegner
Ms. Wendy Connally ✓
Ms. LeAnne Bonner, U.S. Fish & Wildlife Service, Region 2