

**Between December 1, 2008 and March 2, 2009 the U.S. Fish and Wildlife Service (Service) accepted comments on the implementation of TWG and on proposed changes to the program. These are the responses to those comments.**

## **Section 1. Current Administrative Guidance**

### **1.1. Who Can Apply for TWG Funding?**

**Federally recognized tribal governments listed in “Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs,” which the Bureau of Indian Affairs published in the *Federal Register* Vol. 74, No. 153/August 11, 2009, are eligible to apply for TWG funding. Tribal organizations and other entities may participate as sub-grantees or contractors to federally recognized Tribes.**

Comment 1.1 (1): One Federal employee asked if it would be possible to revise Tribal Wildlife Grants (TWG) guidance to include Native Hawaiians as eligible recipients if such organizations are granted comparable status as Federal recognition.

*Response: It is not possible to respond to this question at this time because there is no federally recognized Native Hawaiian government with privileges that are comparable to the government-to-government relationship enjoyed by federally recognized Native American governments.*

Comment 1.1 (2): One Tribe and one tribal organization recommend that intertribal organizations should be able to compete directly for a wholly separate pot of funding for “off-reservation work”.

*Response: Given the highly competitive nature of TWG, the Service feels that the current policy of allowing inter-tribal organizations to subcontract TWG project work under the authority of tribal governments is correct. In this capacity, it is possible for a number of Tribes to submit proposals to support an intertribal organization and therefore give it access to more funding than would be otherwise possible while still respecting the primacy of recognized tribal governments. Tribal organizations are also eligible to participate in other Service grant programs other than the TWG, although these programs are not dedicated to only tribal organizations. The Service is not currently pursuing additional budget initiatives that would provide support solely to tribal organizations.*

#### **1.2.1 What Types of Projects May Receive Funding?**

Comment 1.2.1 (1): One Tribe encourages the Service to support projects and efforts to restore invasive-dominated habitat back to native condition.

*Response: TWG program applicants identify their respective priorities and needs in their submitted proposals. The Service agrees that combating invasive species is important work; however, we do not agree that there is a need to provide special consideration for projects that restore invasive-dominated habitat back to native condition. TWG projects of this nature have been awarded in the past and will continue to be considered for award under the current scoring criteria.*

Comment 1.2.1 (2): One Tribe recommends that the Service work towards accomplishing the trust responsibility for off-reservation lands by setting up an analogous program targeted towards intertribal organizations.

*Response: The current policy of allowing inter-tribal organizations to subcontract TWG project work under the authority of tribal governments is correct given the limited resources available to the Service for TWG.*

**1.2.2. We are interested in tribal priorities, concerns, and approaches to the emerging science and potential impacts of climate change and implementing landscape-level conservation planning. Should climate change impacts be considered in the ranking criteria for proposals? If so, we welcome suggestions on how to consider climate change in the context of tribal priorities.**

Comment 1.2.2 (1): Nine Tribes and three tribal organizations state that Climate Change should not be considered in TWG ranking criteria. These comments express concern that the broad applications of TWG might be unintentionally narrowed, to the detriment of existing program benefits, if Climate Change criteria were applied to TWG proposals. One of these respondents stated that Climate Change was within the existing parameters of TWG but that “Climate Change proposals” should not be provided special consideration in the selection process.

*Response: Proposals that address the potential impacts of a changing climate in Indian Country will continue to be eligible under TWG but no specific emphasis will be afforded to them in the competitive ranking process.*

Comment 1.2.2 (2): Several of these respondents noted the importance of Climate Change in Indian Country but that additional and separate fiscal resources from TWG should be dedicated to this concern.

*Response: There are currently no appropriated dollars provided to the Service for TWG specifically for climate change.*

Comment 1.2.2 (3): One Tribe supported including a selection criterion for TWG proposals that address Climate Change.

*Response: Climate Change is an emerging science that may have impacts on a diversity of fish, wildlife and habitat disciplines. Projects already awarded through TWG have demonstrated a suite of activities that address the effects of climate change. The Service believes that a specific scoring criterion is not necessary to insure that Climate Change proposals are fairly represented in the selection process.*

Comment 1.2.2 (4): One tribal comment recommends that projects that support the Endangered Species Act (ESA) should be a TWG priority for Tribes that are not already receiving federal funds for endangered species management.

*Response: The Service does not see a need to change ranking criteria to provide an additional competitive advantage to ESA-related proposals. Tribes have consistently submitted outstanding proposals that support the ESA and many of these proposals have been awarded funds.*

Comment 1.2.2 (5): One comment from a Tribe supports TWG funds being awarded to assist in landscape-level conservation projects because Tribes may own only a small fraction of the land on which they have special rights. The Bureau of Indian Affairs (BIA) supports the planning and writing of a tribal Integrated Resource Management Plan (IRMP) but without subsequent funding to implement the IRMP, the energy and commitment to partner and work across disciplines often lags. The TWG program could provide key funding for the first year of implementation of a tribally authorized IRMP.

*Response: The Service agrees with this comment and stresses that TWG not only allows for off-reservation projects but also provides competitive value to proposals that build “partnership alliances with other Tribes, organizations, or agencies,” as an IRMP does. No change is necessary.*

Comment 1.2.2 (6): Two comments address urban sprawl. Both comments recognized the limited ability of the Service to affect zoning and complicated jurisdictional matters in this regard.

*Response: Comments noted and require no change to the TWG program.*

**1.2.3. TWG funds can be used for environmental review, habitat evaluation, permit review (e.g., Section 404 under the Clean Water Act), and other environmental compliance activities, provided they are directly related to the TWG project and are discussed in the budget narrative/table. Although TWG funds cannot be used to conduct activities to comply with a federal Biological Opinion or with a permit (e.g., mitigation responsibilities) for another program or project, they can be used to implement conservation recommendations.**

Comment 1.2.3 (1): One Tribe submits that TWG should allow for conducting activities associated with a Biological Opinion or with permit mitigation in situations where such activities will implement conservation goals and objectives of a tribal wildlife management plan, habitat management plan or similar tribally-approved conservation plan and provide conservation for federally listed species.

*Response: It is against Federal policy for TWG grant funds to be utilized in activities associated with a Biological Opinion or with a permit (e.g., mitigation responsibilities) for another program or project. Please note that the commenter wrote, “associated with” rather than “comply with,” as the TWG Application Kit states. As long as the proposed activities are not mandated compliance activities, and are within the broad sideboards of TWG’s allowable activities, this parameter does not apply. Because each proposal is unique, the Service recommends that applicants collaborate with their Regional TWG representatives early in the proposal writing process if there are any questions regarding the nuances of this item.*

Comment 1.2.3 (2): One Tribe recommends that, in the TWG ranking process, federally listed species be weighted according to their priority under the ESA. Further, this respondent noted the deference in proposal ranking afforded to species that are not listed under the ESA but are species of tribal concern and that are not in peril due to declining population numbers or loss of habitat.

*Response: The TWG program does not award more points in its proposal ranking process specifically for addressing endangered species. Because our tribal partners so often share the same fish and wildlife resource concerns as the Service, we believe that prioritizing federal conservation mandates is unnecessary.*

Comment 1.2.3 (3): One Tribe stated that Tribes that already have staff, and especially tribal staff hired to implement TWG funded projects, should receive more points than Tribes that use TWG funding to hire non-Indian staff or funnel TWG dollars to Universities and non-Indian contractors. After all, one of the purposes of the TWG is to develop tribal capacity.

*Response: The Service recognizes that some Tribes have dedicated resources and staff for conservation purposes and are therefore better able to use TWG funds for on-the-ground work. However, a great many Tribes do not have the fiscal resources or a large enough land base to allow for permanent staff. Still others are in the early developmental stages of establishing fish and wildlife programs and require the assistance of non-tribal support in quantifying their resource concerns and priorities. A competitive advantage for staffed tribal fish and wildlife programs’ proposals would pose an impediment to some of the Tribes that don’t have these resources. For this reason, no competitive edge will be applied in the TWG proposal ranking process for Tribes that have established fish and wildlife management staff.*

Comment 1.2.3 (4): One Tribe supports TWG funding of environmental review of projects that may negatively impact tribally important natural resources and suggests that the program support tribal staff part-time to conduct surveys and other environmental review of projects proposed for reservation land.

*Response: The activities described in this comment are currently permissible as part of a TWG proposal and will remain so. As long as the proposal demonstrates a resource benefit it would be competitive under the current administration of the TWG program.*

**1.2.4. Projects may be proposed on lands other than those lands that are held in tribal trust status only if an enforceable contract with the landowner is submitted with the proposal. The contract must authorize permission to the grantee to conduct the proposed activities.**

Comment 1.2.4 (1): A Tribe asks for clarification whether this is current practice or a proposed new practice for the program.

*Response: The requirement for land owner permissions is a preexisting condition in the TWG application procedures.*

Comment 1.2.4 (2): Several Tribes ask if a contract with a state, county or federal landowner would be required to conduct fish and wildlife research and monitoring projects on public land where a Tribe retains treaty hunting, fishing and gathering rights. These treaty rights are upheld by the federal court to allow access for fishing and hunting. Other court cases have affirmed tribes' rights to comprehensively manage the resource.

*Response: A contract with a state, county or federal landowner would not be required where a Tribe retains treaty hunting, fishing and gathering rights – as long as the proposed activities are pursuant to those treaty rights. For reasons of transparency and cooperation it is recommended (not required) that an agreement or understanding with the third party be presented in the project proposal.*

Comment 1.2.4 (3): One tribal organization asks whether this section only applies to proposals that involve earth disturbing activities, stream alteration, physical presence on the ground, etc., or if Tribes need a contract with all potential landowners/jurisdictions for activities like aerial monitoring of radio-collared wildlife.

*Response: What the Service is asking in this section is for assurance that if the proposal is awarded, the recipient has permission to conduct the activities proposed on properties that are not under its jurisdiction. Ceded territories, treaty rights, or otherwise reserved access privileges do not require additional permissions in the form of a contract, nor do non intrusive activities like remote monitoring. As noted above, for reasons of transparency and cooperation it is recommended (not required) that an agreement or understanding with the third party be presented in the project proposal. Each TWG proposal is unique and the Service recommends that applicants collaborate with their Regional Service TWG representatives early in the proposal writing process if there are any questions regarding the nuances of this item. Earth moving activities should always include documentation that access and work will be allowed.*

**1.3. When Are Proposals Due? The Regional NAL will screen proposals for eligibility and will coordinate the regional ranking process according to nationally uniform ranking criteria. Top regionally ranked proposals will be recommended to the Service Director for funding. A national panel will review and rank those proposals and provide its recommendations to the Service Director. The Director will make the final determination for grant approval.**

Comment 1.3 (1): Six Tribes and one tribal organization note that the proposal due-date is not as important as the project start date. Processing time, following notification of the award varies leading to inconsistent project start dates. Seasonal aspects of projects that start late in the year often cannot be accomplished until the following year. The proposal/award process should strive to allow all projects to start in early spring, especially for northern Tribes.

*Response: The Service understands these concerns and announces award recipients as expeditiously as possible after TWG funds are made available to the Service. An alternative to our established process was discussed early in the development of the initial TWG guidance that would have incorporated the compliance matters associated with the National Environmental Protection Act (NEPA) into the TWG application rather than after award selection. Although doing so would enable grantees to begin projects sooner, it would also require an inordinate amount of compliance work to be completed by Tribes that may not be selected for awards. In that approximately two thirds of the more than 125 proposals received each year are not funded, the best solution was to address NEPA compliance post award.*

*At this time, there are no alternatives being considered that would enable TWG partners to gain access to TWG funds at an earlier date although the Service is interested in, and open to, discussing new possibilities. To discuss this issue further, please contact your regional Service TWG representatives.*

**1.4. How Can the Fish and Wildlife Service Help Tribes Plan and Implement a Project? Addressing the requirements of the National Environmental Policy Act, the National Historic Preservation Act, Clean Water Act, the Endangered Species Act, and other applicable authorities can be quite involved, and is therefore not part of the TWG application. The Regional NAL will coordinate the**

**applicable process after proposals have been selected. Although these compliance requirements may delay the availability of funds to awardees, proposals that are not selected are not subjected to such additional administrative processes.**

Comment 1.4 (1): One Service employee recommends the Service personnel should not write TWG proposals as doing so presents a conflict of interests. The Service should only provide technical assistance when requested to do so by a Tribe by reviewing and commenting on TWG application materials that the Tribe submits.

*Response: Service employees are encouraged to provide technical support to Tribes in developing project proposals but are not authorized to present funding initiatives or to write TWG proposals in whole or in part.*

**1.5. How Will Proposals Be Selected? The Regional NAL will screen proposals for eligibility and will coordinate the regional ranking process according to nationally uniform ranking criteria. Top regionally ranked proposals will be recommended to the Service Director for funding. A national panel will review and rank those proposals and provide its recommendations to the Service Director. The Director will make the final determination for grant approval.**

Comment 1.5 (1): One tribal organization commented that the ranking process needs to be more transparent and recommends that applicable field research experts be consulted or included in the ranking process.

*Response: The TWG ranking process is open and predictably consistent in that TWG selection criteria and values are available to the public. A detailed description of how selection panels are composed and coordinated is posted each year as well or is available upon request. Service staff have also presented at numerous tribal venues to involve and inform our tribal partners in this process. For a description of the TWG scoring process used in the FY 2010 grant cycle, visit <http://www.fws.gov/nativeamerican/graphics/ScoringProcessforTWG.pdf>.*

Comment 1.5 (2): One tribal organization recommends that the ranking criteria, when decided upon, need to be provided in the TWG application package each cycle to ensure all Tribes have equal ability to develop their proposals.

*Response: Regional and National TWG ranking criteria are identical and are included in the TWG Application Kit.*

**1.6. When Do Grantees Address Federal Environmental Compliance Issues? Addressing the requirements of the National Environmental Policy Act, the National Historic Preservation Act, Clean Water Act, the Endangered Species Act, and other applicable authorities can be quite involved, and is therefore not part of the TWG application. The Regional NAL will coordinate the applicable process after proposals have been selected. Although these compliance requirements may delay the availability of funds to awardees, proposals that are not selected are not subjected to such additional administrative processes.**

*No comments were received pertaining to this item.*

## **Section 2. Proposed Changes to Current Administrative Guidance**

**2.1. Limitations on Project Proposals. Projects funded under TWG have historically not been held to a specific operational time period. The practice of allowing unrestricted carryover is helpful to some of our partner Tribes in completing multi-year projects because once projects have been selected, they are not subject to competing for funds after the initial year of that project for its agreed-upon duration.**

**An unintended result of this practice is that TWG funds may remain unused for several years. Also, there is currently no restriction on how many open grants a partner Tribe may have. Some partner Tribes have continued to submit new proposals even though these Tribes already have TWG project(s) that have been selected for funding but not yet initiated. In the interest of fiscal accountability and efficient use of federally appropriated funds, we are proposing the changes described in the following Sections below: 2.1.1. Limit the Number of Concurrently Open Grants; 2.1.2. Limit the Duration of Grant Projects; and 2.1.3. Lower the Funding Cap.**

Comment 2.1 (1): One Tribe recommends that we allow “no cost extensions” of TWG projects unless unavoidable circumstances warrant such and further, that carryover should be restricted to one year only.

*Response: Although potentially helpful with regard to fiscal expediency, this recommendation could place undue burdens on Tribes that experience untimely or unusual circumstances that compromise their ability to execute TWG actions. It also places a subjective measure on what constitutes a justification for authorizing an extension and therefore rendering “no extension” decisions vulnerable to contest.*

Comment 2.1 (2): One Tribal organization disagreed with the statement that projects funded under TWG have historically not been held to a specific operational time period - citing that in their experience, projects have been held to timelines and agreed to budgets. When necessary, extensions can be applied for with justification for the request.

*Response: Comment noted. Perhaps this statement (in 2.1) was not clearly worded. The intent was to convey that TWG projects have not been limited to predetermined project durations, e.g. one year.*

Comment 2.1 (3): One Tribal organization commented that Tribes should not be penalized by withholding opportunity to apply for additional funding when they have successfully identified a previous funding need, developed a project timeline and budget in cooperation with the Service during the grant agreement process and begun implementing that grant. The Service can show that there is fiscal responsibility by holding the Tribes to the terms in the grant agreement without restricting their access to additional funding.

*Response: The Service agrees with this comment but adds that it does not address our concern that some Tribes have successfully applied for TWG funds and have not begun to implement the projects after a reasonable amount of time - yet these same Tribes continue to submit proposals.*

**2.1.1. Limit the Number of Concurrently Open Grants. Restrict proposal applications in any given grant cycle to Tribes that have no more than one open TWG. If a Tribe has more than one open TWG during the request for proposals for a given fiscal year, that Tribe would be ineligible to submit a new proposal for that same grant cycle. This change would prevent the practice of holding project funds for future use while continuing to apply for additional funds.**

Comment 2.1.1 (1): Nearly twenty Tribes, one tribal organization, and numerous Service staff commented on this section. There is a general consensus that allowing no more than one existing TWG project for applicants (then two if the new proposal were awarded) is too limiting. This argument presents that many tribal natural resources departments have several independent programs that could apply for TWG funding. Respondents understand the need to promote efficient use of TWG funds, but that past performance and reporting compliance are better ways to evaluate a Tribe's ability to effectively utilize grant dollars.

*Response: Although one tribe did agree with the presented scenario, the Service believes that a valid argument against uniformly denying access to a Tribe simply because it has more than one TWG project open is presented here.*

Comment 2.1.1 (2): A number of respondents recommend that if a limit must be used, no more than three open TWG projects at the time of application is more reasonable but still feel that there are legitimate reasons that a Tribe might be engaged in three or even more proposals. Some of the most often cited

reasons are: lengthy NEPA compliance issues, a project may be complete but not officially closed out, timing of seasonal activities, a Tribe may have been awarded several grants in a single year since it is possible to submit any number of proposals as long as they do not exceed a maximum per Tribe amount, and other events beyond the Tribe's control.

*Response: The Service believes that a compelling case is herein presented which justifies that a Tribe may be party to multiple TWG projects for a variety of reasons that should not bar them from participation in a TWG cycle. However, the Service still has a concern that occasionally a Tribe has, upon being awarded a grant, failed to take any action on that project yet continued to submit competitive projects which the TWG program has no established procedure to deny. The issue is that significant funds can thus be controlled by a Tribe that will likely not need them for several years. This rare but problematic scenario is harmful to other Tribes and is not in the spirit of the intents and purposes of the TWG program.*

Comment 2.1.1 (3): One Tribe noted that it would make more sense to institute a rule regarding a maximum amount of time that could go by, perhaps six months, before work would have to start on an open grant.

*Response: The Service believes that although this suggestion addresses the problem in some capacity, it does not allow for legitimate delays, such as completing a complicated NEPA clearance or poor weather, in starting grant activities.*

Comment 2.1.1 (4): One Tribe stated, "The argument that grant spending is inefficient when done slowly and carefully is simply incorrect".

*Response: The Service agrees and clarifies this implication. What is being addressed in the present dialogue is the failure of a TWG recipient to execute a project in any capacity or in a timely manner for which funds have been made available. There is no intent to compromise effective and conscientious project management practices.*

Comment 2.1.1 (5): A tribal respondent recommended that the Service institute a policy to review the causes of non compliance (or inaction) with grant timelines. Tribes that are found negligent would be denied future funding until they are in compliance. This Tribe reemphasized that there must be an understanding from the Service for circumstances that are out of the Tribes' control or are otherwise justified. Another Tribe adds that it understands the need to promote efficient use of these (TWG) funds, and that regional offices should determine whether they are eligible to apply for another project. This Tribe also suggests that if a limit on open TWG projects must be used, a Tribe should be limited to no more than three open proposals at the time of application.

*Response: These comments taken in tandem establish the basis for the Service's position in how best to address the problem set forth. Succinctly, there is a concern that on occasion a Tribe may not utilize obligated funds yet continue to apply for and receive additional funds. The concern here is two fold. First, it is an inefficient use of federal funds derived from the federal tax base and second, the opportunity for other Tribes to effectively participate in the TWG program is compromised.*

*During the request for proposals, the Service regional offices will take note of applicants that are carrying two or more active TWG projects and review the reasons why those grants are still open. As previously noted, there are numerous scenarios that justify both delays and extensions for TWG projects and we will not attempt to list them all here. Tribes that can demonstrate their effective utilization of funds provided through TWG would not be affected. Most comments recommend that three open projects should be allowed upon applying for a new TWG, however the Service feels that if two projects are open while a Tribe is applying for a third, it has the administrative obligation to verify that there are no correctable problems in implementing existing awards. The review will not limit any Tribe's ability to submit TWG proposals that is actively engaged in executing their existing TWG grants.*

However, Tribes that have taken no action on any one of their two or more preexisting awards will not be considered eligible to apply for new TWG funds until the problem is resolved. Possible resolutions might be for the Tribe to initiate and demonstrate progress in the agreed to activities of the inactive grant, successfully demonstrate that the assertion of “no action” is incorrect, or the Tribe may cancel the grant so that the obligated funds may be recovered and made available to other Tribes in the next grant cycle. Our respondents to this section were passionate about the possible implications of limiting the number of open grants unilaterally. Comments were carefully considered and the Service’s concerns were addressed so as to cause no unintended limitations on these important tribal partners. This review is intended only to correct a very narrowly defined inefficiency and our management of the TWG and not to compromise our tribal partnerships.

The new process applies when a Tribe has at least two open TWG projects and submits a new TWG proposal. 1. If the preexisting projects are being executed, no further review is necessary. 2. If one or more of the existing projects is not active, the Service will work with the Tribe to determine the reason(s). 3. If the problem is resolved, the new proposal will be included in the competitive process. 4. Otherwise, until the issues are resolved (e.g. through demonstration of progress, reasonable justification, or forfeiture of funds) no new TWG awards will be provided to the Tribe.

**2.1.2. Limit the Duration of Grant Projects. Institute a 1-year restriction on all grant projects from the date that all Federal compliance measures have been satisfied and the formal letter of agreement has been signed for each grant. Extensions may be granted by the Service when necessary to accommodate unforeseen or unaccounted for delays in the execution of a grant. This change would help to focus projects on specific accomplishments and establish a pattern that more closely coincides with the Federal appropriations process.**

Comment 2.1.2 (1) Eighteen Tribes, three organizations, one individual and one federal employee responded with a unanimous sentiment that limiting projects to one year would be unacceptable. Reasons expressed included increased administrative costs for both the Service and Tribes, less time to perform research, miss-timing of field seasons with approval of award, etc. In addition, restricting projects to a 365 day period does not take account the often lengthy NEPA compliance requirements associated with complex projects after it is funded.

*Response: The Service has a public responsibility for expending these funds expeditiously and must manage the grants to do so. For the concerns noted above, the Service will not disallow project proposals that extend past one year. However, applicants are reminded that proposals for discrete projects that can be accomplished in a timely manner are recommended.*

Comment 2.1.2 (2): One Tribe stated that if a proposal is awarded for one year based on the need for the protection or habitat conservation of an ESA listed species, then logically awards should be considered for multiple years until the species or habitat perils are substantially alleviated.

*Response: The Service respectfully disagrees with this statement in that each TWG proposal is scored on its inherent merits. Because TWG is a competitive program, the Service cannot guarantee funding for long-term projects. Applicants should remain cognizant of this fact and ensure that other funds are available for long-term projects and programs that will require support beyond the scope of any TWG award.*

Comment 2.1.2 (3): One Tribe noted that a one-year duration may be useful in implementing a small grants program, but it is unethical and impossible to complete most research projects in a single year. Tribes need to have the flexibility to carry out the work in the amount of time that is appropriate for that individual project.

*Response: Comment noted.*

**2.1.3. Lower the Funding Cap. Reduce the current \$200,000 maximum allowable proposal request. Currently, we receive about 120 proposals each TWG cycle, of which we are able to select between 30 and 35 percent for funding at current appropriation levels. A lower maximum grant proposal of \$150,000 would increase both the number of selected proposals and the number of Tribes receiving TWG, and would discourage less-efficient multi-year proposals.**

Comment 2.1.3 (1): Sixteen Tribes and two tribal organizations responded that they did not support a reduced funding cap for the TWG program from \$200,000 to \$150,000. These respondents cite that the decrease in dollar value with regard to administrative investment for Tribes would severely compromise the type and effectiveness of projects undertaken through TWG. One of these Tribes succinctly states that, "The TWG Program is a successful program and gets money to on-the-ground programs and should not be tinkered with. Would the USFWS be ready for the increased administrative burden or administrative cost?"

*Response: The intent of this proposed change, to reduce the funding cap for the TWG program from \$200,000 to \$150,000 was to increase the percentage of successful applicants. Based on the evaluation of the comments received, the Service feels that more harm than good would be forthcoming if this new limit were adopted. Further, the Service does not have the administrative flexibility to service additional grant agreements.*

Comment 2.1.3 (2): One Tribe agreed with a reduced funding cap for the TWG program from \$200,000 to \$150,000 citing the potential benefit to less solvent and smaller Tribes.

*Response: The intent of this proposed change, to reduce the funding cap for the TWG program from \$200,000 to \$150,000 was to increase the percentage of successful applicants. Based on the evaluation of the comments received, the Service feels that more harm than good would be forthcoming if this new limit were adopted. Further, the Service does not have the administrative flexibility to service additional grant agreements.*

Comment 2.1.3 (3): One tribal organization recognized that reducing the cap on TWG grant funds would likely allow more Tribes to obtain funding for projects, particularly small Tribes with small staffs and limited resources. However, this organization did not advocate for or against the proposed lower award maximum.

*Response: Comment noted.*

Comment 2.1.3 (4): One Tribe asks if such funding caps are present for state agencies applying for similar programs.

*Response: The State Wildlife Grant (SWG) competitive program is somewhat comparable to TWG in that it is derived from the same funding source and it is a competitive program. The set aside for the competitive SWG program was \$5,000,000 in the last fiscal cycle. Proposals have a \$1,000,000 cap, require a 25% contribution and must be part of the applicant's approved management plan. The TWG is a program with unique purposes, processes, and limits. Comparison of certain aspects of TWG (as in the maximum award allowed) to other programs does not account for broader context and purposes of the programs.*

Comment 2.1.3 (5): Several Tribes asked that rather than restricting the current opportunity available through TWG that they would like to see an effort by the Service to identify additional opportunities and resources they can provide.

*Response: All Service opportunities for assistance are published on the website <http://www.grants.gov/> each year. Tribal program's staffs are encouraged to work with the Service's regional Native American Liaisons to explain the specifics of their particular and unique needs to determine how the Service can provide assistance.*

Comment 2.1.3 (6): One Tribe notes that the Service would reach more Tribes by reducing the amount of funds available for each grant but that the projects would be smaller and the administrative oversight would also be more burdensome. This respondent recommended that a better alternative for reaching a greater number of Tribes would be to seek an increase in appropriations.

*Response: For each fiscal year, the President submits a budget proposal to Congress. The Department of the Interior, as an executive agency, makes recommendations for consideration by the President in the budget proposal. Tribal grants are among the priorities of the Department, and each year we recommend a funding level that is in balance with other Departmental priorities. Independently, but informed by the President's budget, Congress drafts and passes annual appropriations legislation. Once signed by the President, this budget sets forth spending levels for federal programs.*

## **2.2. Small Grants.**

**2.2.1. Small Grants. Grant proposals for less than \$25,000 could be limited to projects that require little pre-agreement work, minimize application requirements, and address a set of targeted activities. We are seeking comment on the pros and cons of utilizing a portion of TWG funds as a small grant program.**

Comment 2.2.1 (1): Two Tribes and one tribal organization support the idea of a small grants segment of TWG but caution that the size of a small grants segment should not greatly conflict with the program's ability to fund large projects. Ten Tribes and two tribal organizations did not believe that the benefits of a small grants program would outweigh the increased administrative requirements on the Service or merit taking funds from the existing TWG program.

*Response: The Service will not be instituting a TWG small grants program at this time as it would be unable to properly administer the greater number of projects that might have been forthcoming. Further, the existing TWG program annually receives approximately three times the appropriated funds in requests so there is no need to seek new or innovative approaches to delivering these limited financial resources at this time.*

Comment 2.2.1 (2): Many respondents recognized the value in providing small grants (less than \$25,000) to Tribes that are developing new conservation programs - but were concerned that it would take away from the already limited TWG funds. In this regard, two comments are presented. First, that the Service should initiate a new program that utilizes separate funds for small grants under TWG. The other comment points out that the Service already has a funding source for smaller grant awards through its Partners for Fish and Wildlife program although it is not exclusive to Tribes.

*Response: The Partners for Fish and Wildlife program provides assistance in the capacity sought through the proposed TWG small grants. Tribes have participated in the Partners for Fish and Wildlife program and the existing TWG program would be less effective if it attempted to replicate this existing program.*

**2.2.2. Matching Requirements for Small Grants. When grant applicants contribute their resources to a project, commitment to that project is demonstrated and its cost/benefit ratio is enhanced. If a small grants component of TWG were instituted, should a non-Federal cost-share commitment be a required part of the application? If so, what minimum percentage of the total requested federal funds through TWG is appropriate: 25 percent; 50 percent; 100 percent; or other?**

*Please Note: The Service is appreciative of the many insightful and helpful comments on this section. Because the prospect of establishing a separate small grants program within the TWG program has been rejected, the Service will not be responding to these comments at this time.*

## **2.3 TWG Proposals**

**2.3.1. Matching Requirements for TWG. Matching (in-kind) funds are currently not required in a TWG proposal, although projects that choose to include them may score higher in the ranking**

**process. When grant applicants contribute their resources to a project, commitment to that project is demonstrated and its cost/benefit ratio is enhanced. Should a non-Federal cost-share commitment be a required part of the TWG application? If so, what minimum percentage of the total requested federal funds through TWG is appropriate: 25 percent; 50 percent; 100 percent; or other?**

Comment 2.3.1: Two tribal organizations and thirteen Tribes all agree that the current cost-share process applied in TWG is beneficial and should not be changed; proposals with matching funds should generally score higher than those without, but matching funds should not be a requirement. Herein, it is noted that newly established programs and smaller Tribes would be disproportionately disadvantaged in competing if the match were a requirement.

*Response: Comments noted. The current cost-share process applied in TWG will remain as it has in previous years.*

**2.3.2. Capacity Building. TWG defines Capacity Building as those activities and actions that support the long-term ability of tribal agencies to manage fish and wildlife resources and their habitats, including but not limited to the enhancement of in-house expertise; development of baseline information such as species lists, population dynamics, habitat mapping, etc.; development of long-term partnerships; development and implementation of conservation and restoration management plans; establishment of permanent facilities for fish and wildlife such as hatcheries, laboratories, enclosures, etc.; acquisition of necessary equipment; enhancement of regulatory authority; and gaining recognition as a participant in local, regional, or national natural resources management and conservation issues.**

**Designed to encourage and support the development of new tribal fish and wildlife management initiatives and partnerships, capacity building is a significant component of the TWG proposal scoring criteria. From a national perspective, capacity building has been successful, but we want to gain the insights of individual Tribes regarding the importance of capacity building in the proposal scoring criteria.**

Comment 2.3.2 (1): Several Tribes recommend that Service employees develop and pursue long term stable funding. In summary, it is stated that; capacity building is a need for the Tribes and should continue to be one of the goals of the TWG program, however; the proposal in section 2.1.2 and 2.1.3 to limit grant durations to 1 year and lower the funding cap is at odds with the goal of building tribal natural resource capacity. It is difficult to build and maintain a program and set and achieve long term goals when tribal natural resource agencies must exist on grants of limited funds and short duration. The Tribe urged the Service to address this conflict by not restricting TWG projects to a single year's duration or by lowering the funding cap and to work with the Tribes to develop and secure dedicated long term funding sources for natural resources.

*Response: For each fiscal year, the President submits a budget proposal to Congress. The Department of the Interior, as an executive agency, makes recommendations for consideration by the President in the budget proposal. Tribal grants are among the priorities of the Department, and each year we recommend a funding level that is in balance with other Departmental priorities. Independently, but informed by the President's budget, Congress drafts and passes annual appropriations legislation. Once signed by the President, this budget sets forth spending levels for federal programs. The Service will continue to work with the Department of the Interior to maximize the President's budget request for the TWG program.*

*In addition, the Service will not lower the funding cap or restrict projects to a single year.*

Comment 2.3.2 (2): Several Tribes point out that "capacity building" is highly subjective depending on their needs and stage of development of different Tribes and recommend that the Service use caution in defining this term and give latitude to the Tribes.

*Response: A definition of Capacity Building (See response to Comment 2.3.2-7) is needed and used as sideboards, especially for the Capacity Building scoring criterion. Tribes have the opportunity to state how they are achieving Capacity Building in their proposals. This is the key paragraph reviewers' use in determining the score for Capacity Building.*

Comment 2.3.2 (3): Several Tribes expressed concern about the limits of the definition for capacity building. Capacity building is a worthy goal however; Tribes whose reservations include federally endangered species must often rely on consulting biologists with the expertise and requisite permits from the Service to conduct protocol surveys and other field activities that could constitute direct or indirect take. Because it can take many years or be virtually impossible for tribes to develop the desired in-house expertise, an emphasis on capacity building works against Tribes with reservations in areas with many sensitive and endangered species.

*Response: The definition of capacity building includes more activities than hiring permanent staff, so a Tribe with endangered species issues has ample opportunity to fulfill this criterion in another way, e.g., habitat development/preservation, ordinances, development of baseline information such as species lists, population dynamics, and habitat mapping.*

Comment 2.3.2 (4): It is inappropriate to use capacity building in a scoring process for competitive money. It is extremely hard to sustain key staff members when funding is not continuous from year to year. Perhaps the scoring criteria should be revised with Tribal input.

*Response: The Service will consider suggestions to revise the definition of capacity building and how it is used in the scoring process; however, we believe the definition is broad and inclusive enough that it doesn't only refer to hiring staff.*

Comment 2.3.2 (5): One Tribe commented that Tribes with fledgling wildlife management programs stand to benefit the most from the TWG program. Tribes in this situation often lack the capacity to develop high-scoring proposals. At the same time others are able to develop high-scoring proposals and are more apt to be funded. I suggest that somehow this disparity be addressed in the scoring and ranking process. Perhaps Tribes that have never received TWG funding should be given extra points or maybe a portion of the overall TWG budget should be reserved for Tribes with limited capacity.

*Response: Comment noted and steps may be taken in future TWG cycles to insure Tribes that have never received TWG funding are provided due deference in proposal selections.*

Comment 2.3.2 (6): One Tribe stated that if grants require capacity building, then they will not be able to be completed in 1 year and should not require match.

*Response: There is neither a requirement for matching funds for TWG proposals nor will proposals be limited to one-year projects.*

Comment 2.3.2 (7): Capacity building is an important part of the ranking criteria that allows Tribes to develop employee capacity, but the ranking criteria should include maintenance of current staff positions as equal to the development of new ones. Projects that maintain key staff positions allow for the institutional capacity to implement projects that are compatible with the goals of the TWG Program. Maintenance of Permanent staff is important for continuity of knowledge, greater understanding of long-term goals, and the ability to recognize changes in environmental conditions. Having a cohesive team and long-term partnership with the Service has provided new opportunities. The TLIP and TWG programs have increased and enhanced this Tribe's natural resource management and have built a foundation upon which to pursue new partnerships and funding resources.

*Response: The Service understands the need for continued support of staff positions but because the TWG program is competitive in nature, we cannot guarantee that subsequent proposals will be awarded. Each project proposal must stand on its own merit.*

Comment 2.3.2 (7): The current scoring process awards up to 25 (out of 100) points for capacity building. Because this scoring criterion encompasses such a high proportion of the total points, care must be taken to ensure that Tribes who already have well-developed wildlife programs are not placed at a competitive disadvantage. Application of the scoring criteria should recognize improvements in self-sufficiency and infrastructure, and award points accordingly. The criteria should not penalize a Tribe for its past achievements, for example, markedly improving existing infrastructure should be recognized as having equal value as establishing new infrastructure.

*Response: For the purposes of TWG, Capacity Building is defined as those activities and actions that support the long-term ability to manage fish and wildlife resources and their habitats: including but not limited to the enhancement of in-house expertise; development of baseline information such as species lists, population dynamics, habitat mapping, etc.; development of long-term partnerships; development and implementation of conservation and restoration management plans; establishment of permanent facilities for fish and wildlife such as hatcheries, laboratories, enclosures, etc.; acquisition of necessary equipment; enhancement of regulatory authority; and gaining recognition as a participant in local, regional, or national natural resources management and conservation issues.*

3.2 (8): Several responding Tribes highlight the importance of defining capacity building in TWG application materials. It is stated that under the current guidelines, Tribes are able to indicate how the proposed projects address their needs to enhance capacity. This is highly subjective, and varies in both need and scope, from Tribe to Tribe. *Capacity building should not be part of the ranking criteria without further thought and a clear indication of what exactly it means.*

*Response: The Service agrees with this point and will include its definition for capacity building in subsequent official TWG application materials.*

3.2 (9): One respondent commented that capacity building is very important, but that some other Tribes' already have sufficient capacities. As wildlife management and conservation should not be emphasized only in areas "ready" to handle the tasks at hand, we think that capacity building should be considered as a priority in the proposal scoring criteria. Progress does not have to be defined only as projects ready to begin, but should also be defined as taking the next necessary steps to move toward better wildlife stewardship. In order to ensure that wildlife in all areas benefit, we think it is crucial to support capacity building as a priority in the proposal scoring criteria. We do think, however, that it will be important to establish clear objectives of how to define "capacity building" and scoring criteria that can be reviewed for comment by all Tribes.

*Response: The Service agrees with this comment and notes that capacity building will continue to be an important component of TWG proposals.*

**Section 3. New Challenges and Opportunities. Despite the success of TWG, tribal wildlife resources will continue to confront new challenges. Tribal agencies must address issues such as limited financial resources, global climate change, implementing landscape-level conservation planning, urban sprawl and encroachment, and a society that is increasingly disconnected from the natural environment**

**The processes and partnerships that have been established through the successful implementation of TWG provide the Service and our tribal partners an effective mechanism for helping to address these challenges. We are seeking innovative ways to use TWG to address these important issues in Indian Country. Below is a list of FWS challenges and opportunities. Please comment on these challenges and opportunities or provide alternative ones.**

Comment 3 (1): Four Tribes and one tribal organization responded to Section 3 in general terms, citing that it is correct for the Service to acknowledge that tribal natural resource programs will continually confront new challenges and find new opportunities. These respondents also speak favorably of the opportunity that TWG provides in partnering with the Service to address these needs with great flexibility. However, there is concern that the Service should not focus on the latest natural resource trends and

apply these as TWG criteria. The Tribes have various needs, and one of the strongest benefits of the TWG program has been its flexibility to fund a variety of projects based on the needs of the individual applicants. The Service should seek to maintain flexibility in the TWG program, and should not punish solid applications for traditional fish and wildlife research and management needs in order to fund “new” challenges and opportunities. In many cases the Tribes are still struggling to meet more traditional natural resource opportunities and challenges. Therefore, while Tribes likely share many of the goals and challenges of the Service, these respondents see no need for those to play a role in setting guidelines for the TWG program.

*Response: At this time, the Service has set aside any new ranking criteria for the TWG program that would narrow the scope of potential proposals. However, if additional new funds become available to the TWG program with targeted purposes, for example Climate Change, we will be required to ensure that such funds are expended accordingly.*

Comment 3 (2): One Tribe stated that hunting expeditions promote a positive connection to the natural world with guidance from Tribal entities. We would not support sport hunting which would endanger the wildlife in their habitat.

*Response: The Service agrees that responsibly managed hunting programs are beneficial on a variety of levels and further, would not support any project proposal that would endanger the overall health of a wildlife population in its natural habitat.*

**3.1. Connecting People with Nature. The TWG Program should take positive steps to encourage and nurture interest in the natural world. Reconnecting people with nature through hunting and fishing activities and educational opportunities is gaining in importance, considering the downward trends of participation in hunting, fishing, and boating, and the fact that those persons who participate in these activities are the primary financial contributors to wildlife and habitat conservation in the United States.**

Comment 3.1(1): Three Tribes and two tribal organizations agreed that hunting, fishing and educational activities are important ways to connect with nature but are concerned that traditional and culturally specific approaches may be pushed aside. They point out that it is also important to Tribes to pass on cultural traditions to future generations through mentoring, service, work, and education programs. One Tribe noted that nature connections are not limited to the number of users or commercial activities - which is a FWS bias. Another Tribe elaborated that the Service should let the Tribes decide what their new challenges and opportunities are, and not try to dictate them.

*Response: The Service agrees that any new ranking criteria for the TWG program that would narrow the scope of potential proposals in this regard would not improve the program. The diverse traditional and cultural values with nature that Tribes have are of great importance and the Service does not wish to imply otherwise.*

**3.2. Address Climate Change. Climate change has the potential to alter native and managed habitats significantly, to increase the likelihood of species extinctions, to stress native and non-native wildlife populations, and to affect how people are able to use fish and wildlife resources. Anticipating and responding to the limitations and opportunities resulting from projected climate change in particular areas will be a unique challenge for all fish and wildlife agencies.**

Comment 3.2 (1) Climate Change is affecting Tribes across the country but because TWG funds are competitive on an annual basis, the long-term monitoring associated with the needs of supporting a climate change agenda is not possible. To fully participate in a larger climate change monitoring program in a meaningful way there must be continuity in data measurement. TWG is best suited as a funding resource for independent projects and to use “Climate Change” as a ranking criterion will, in the end, push Tribes into long term programs for which no funding stream exists.

*Response: The Service agrees with the comments noted above. The TWG program is competitive and there is no guarantee that funds will be made available to any single initiative beyond the terms of that particular agreement. Feeding data into a national or global data base requires long-term staffing that exceeds the ability of TWG to provide. At this time, no new criteria will be added to the TWG program regarding climate change. However, Climate Change is an emerging science that may have impacts on a diversity of wildlife and habitat disciplines. Projects awarded through TWG have demonstrated a suite of activities that restore, monitor, or otherwise address the impacts of a changing climate". In this regard, the Service will continue to ask TWG applicants how their proposed projects address the impacts of a changing climate so that if future targeted "Climate Change" funds are appropriated for TWG, we will be better able to align criteria with our tribal partners' prioritized initiatives and goals. As stated earlier climate change-focused projects will not have a competitive advantage in current our scoring criteria.*

Comment 3.2 (2): One Tribe stated that pre-emptive work, such as collecting baseline population data, and monitoring of critical wildlife species are even more important because of climate change issues.

*Response: In the broad context of climate change science and research the Service generally agrees but emphasizes that, at this time, we are not seeking to incorporate any competitive edge to proposals that address climate change. Or purposes in asking how proposals address these issues are to understand what information, techniques, and perspectives our tribal partners may be contributing and also what climate-related concerns are of greatest importance to these partners.*

**3.3. Strengthening and Expanding Partnerships. The success of the TWG Program has been due, in large part, to the effective partnerships between tribal agencies and the Service. Continuing this success and achieving the intended outcomes will require that these partnerships are maintained and strengthened. In addition, trends in climate change and the public's connection to nature pose challenges but also present opportunities to build more and better support for conservation through existing and new partners.**

Comment 3.3 (1): Two Tribes commented that strengthening and expanding partnerships is an extremely important aspect of the TWG program. Tribal partnerships with different state, federal and non-profit organizations are often critical to completing research projects.

*Response: Comment noted.*

**Section 4. Proposed Performance Measures. We have a responsibility to the American public and congress to be accountable for the program's activities and actions, including our expenditure of public funds through TWG. In order to report TWG accomplishments in a meaningful way, we must identify what goals are intended (see 4.1, TWG goals) and what measures contribute to those goals (see 4.2, Proposed Measures). Reporting is a critical component in maintaining and strengthening the established partnerships between the Tribes and the Service. Section 4.2 contains a comprehensive list of possible measures: We would like to identify four or five of these measures to use to begin quantifying the benefits of TWG. Please let us know which measures you think are most important and would be most effective and efficient for tribal governments and the Service to use to determine the program's success.**

Comment 4.1.2 (1): One Tribe addressed this section in general, stating that they concur with the goals

*Response: Comment noted.*

#### **4.1. TWG Goals**

Comment 4.1 (1) One Tribe stated that it understands the desire for a simple, efficient means of evaluating the impact and success of the TWG program. However, it cautions, that it is unrealistic to expect that a simple template will cover the breadth of projects. That approach would require a drastic alteration of program goals and would severely limit the intent of the TWG program to help Tribes meet their priorities. The Service should recognize the diversity of tribal goals and resources around the nation

and not implement an approach that stifles opportunity to meet those diverse needs. The Service should let the evaluation process be flexible enough to judge the success of any project on its own merits and how well project objectives were met. Any template as outlined in this notice will ultimately discriminate against some Tribal need somewhere due to the fact that their project, while well deserved and designed, will not accomplish "successful" objective mandated by the Service.

*Response: As stated in the preamble to Section 4, The Service is seeking to identify four or five measures to use in quantifying the benefits of TWG and asks which measures are most important and would be most effective and efficient to use to determine the program's success. The premise that quantifying accomplishments is in some way a technique for evaluating proposals is incorrect. The Service wishes to report observations about the accomplishments realized through TWG projects and there is no intent to narrow the broad sideboards afforded by Congress for the program. The evaluation of project success can only occur at the project's conclusion since a variety of factors might cause any given proposal to fall short of its stated goals.*

Comment 4.1 (2) One tribal organization stated that an efficient and accountable administration of the TWG program will evaluate its success based on tribal priorities and points out that the proposed measures all mention Service goals and priorities first.

*Response: The Service is not proposing to limit or subordinate tribal priorities in this exercise. For the purposes of transparency and accountability, the Service has an obligation to report on the activities of the TWG program. The proposed measures are quantifiable measures that are easily taken account of through observation and in no way are intended to give any project proposal a competitive edge in the selection process.*

**4.1.1. Efficient and Consistent Administration. This goal supports the Service's priority to maintain fiscal and administrative integrity and accountability to the public, and as required by law, OMB circular A-87 and the President's Management Agenda.**

**The TWG program will ensure sound administration and oversight of program funds and activities in accordance with core values and applicable laws, regulations, and policies.**

One Tribe and one tribal organization stated that this measure was laudable but cautioned against compromising the already limited supply of TWG funds to this end.

*Response: The Service agrees with this statement and also points out that the funding provided for the administration of TWG is not drawn from the TWG appropriation. All funds appropriated for the TWG program are allocated to grant awards and the Service's TWG administrative funds are drawn from the larger State Wildlife Grant program, as directed by Congress.*

**4.1.2. Acknowledge the Special Political Status of Indian Tribes. This goal supports the Service's priority of working with others towards conservation at the landscape level.**

**The Service will ensure that Service employees recognize and understand the government-to-government relationship due federally recognized Indian tribal governments and will implement TWG accordingly.**

Comment 4.1.2 (1): One Tribe stated that while there is discussion of government-to-government relationships, their experience is mixed. Many Service employees appear unaware of their tribal trust responsibilities or that the agency has a Native American Policy. These factors must be rectified in order to improve the existing situation and foster greater trust and better working relationships between Tribes and the Service.

*Response: The Service strives for excellence in its workforce and is appreciative of this comment. In 2009, the Service instituted a new Tribal Trust Training program for its Project Leaders and management.*

Comment 4.1.2 (2): One Tribe and one tribal organization comment that the Tribal Liaison role needs to be taken more seriously in some regions. There are problems with communication, not showing up for meetings, and little to no follow-up.

*Response: Comment noted. Without specific cases it is not possible to respond to this general observation. The Service's Native American Liaisons welcome any helpful recommendations and discussions that will enhance their overall effectiveness.*

Comment 4.1.2 (3): Two Tribes point out that the special political status of Indian Tribes should absolutely be recognized as should a basic comprehension of treaty law for all Service employees that work with Tribes. One tribal organization states that all Service employees should have a minimum understanding of the federal trust responsibilities and special relationship with Tribes but could not support diversion of funds from TWG to provide the Service with training funds.

*Response: The Service agrees with these sentiments and adds that in implementation of its new Tribal Trust Training, no TWG funds are diverted from the program for that purpose nor was such action ever considered.*

**4.1.3. Management of Fish, Wildlife, and their Habitats. This goal supports migratory bird conservation and management, achieving recovery and preventing extinction of threatened and endangered species, and management of aquatic species identified in the National Fish Habitat Action Plan and other trust species.**

**The TWG program will help tribal agencies to maintain and enhance sustainable, healthy populations of fish, wildlife, and the habitats to support them with a special emphasis on the priorities that our tribal partners share with the Service.**

Comment 4.1.3 (1): One respondent stated that once an animal is removed from a wild population the Service's interest is minimal. The Service, however, is involved in permitting activities outside of wild populations and needs to be consistent by extending TWG grants to all activities regulated by the Service.

*Response: The Service does not exclude TWG proposals based on whether or not the focus of the proposed project is on wild or captive animals and has provided awards for tribal eagle aviaries, fish stock rearing facilities, and captive bred listed species for reintroduction.*

Comment 4.1.3 (1): One commenter stated that the Service should exempt Tribes from permitting as they do other government entities, or include captive wildlife or those temporarily removed from the wild in the TWG process.

*Response: Permitting exemptions or waivers are addressed by the Service on a case-by-case basis upon request.*

**4.1.4. Utilization of Fish, Wildlife, and their Habitats. This goal supports the Service's priority of working with others towards conservation at the landscape level, conservation and management of migratory birds, management of aquatic species identified in the National Fish Habitat Action Plan and other trust species, and ensuring the future of conservation by connecting people with nature.**

**The TWG program will help tribal agencies to support the rich cultural and spiritual heritage of Native Americans associated with fish and wildlife, as well as traditional uses of fish and wildlife and their habitats such as hunting, fishing, trapping, wildlife observation, conservation, and conservation education.**

Comment 4.1.4 (1): One Tribe believes that traditional uses of fish and wildlife and their habitats should include gathering plants, fungi, and other non-animal species important to many Tribes.

*Response: The Service appreciates this comment and will amend this measure to include the recommended activities*

**4.1.5. Address the Future Conservation Challenges of Indian Tribes. This goal supports the Service's priority of working with Indian tribal governments.**

**The TWG program will support the efforts of tribal governments to address the challenges of limited financial resources, global climate change, urban sprawl and encroachment, and a society that is increasingly disconnected from the natural environment.**

Comment 4.1.5 (1): One Tribe stated that while this section discusses future conservation challenges of Indian Tribes, it provides scant ideas on how those challenges might be met. As with so many issues, the core problem involves the lack of adequate funds for Tribes to deal with the wildlife management issues that they face.

*Response: The Service sees value in quantifying what the future needs of Tribes might be so that we can work together in determining how we might fill the gap in this unmet need. It is understood that a lack of available funds is often a barrier for Tribes seeking self-sufficiency in natural resource management. The Native American Liaisons can assist in identifying alternative existing resources that address these concerns.*

Comment 4.1.5 (2): One Tribe and one tribal organization note that many Tribes are concerned about climate change and will make that part of their proposals, but it is inappropriate for the Service to make climate change a part of the program's evaluation criteria. There are certainly going to be proposals from Tribes that are not related to climate change and these should not be penalized.

*Response: The Service agrees. There is no intent presented in this section to change the competitive criteria for TWG proposals.*

4.1.5. (3): Many comments indicated that the Service, in seeking measures for reporting purposes, was seeking to change the competitive criteria for TWG proposals.

*Response: For clarification purposes, please note that the proposed reporting measures are intended to convey to the public quantifiable observations about the TWG program and do not in any way, either directly or through inference, imply a preference or competitive advantage for a proposal. Reporting a set of observable measures is a useful tool in conveying the general benefits and challenges of the program.*

**4.2. Proposed Measures. In establishing measures to report the effectiveness of TWG, it is important to consider the ease by which the information is, and can be gathered and compiled for reporting purposes. A best-case scenario will enable the Service to capture data that are generated automatically in the established activities and actions inherent to the administration and implementation of TWG projects.**

Comment 4.2 (1): One Tribe stated that the ability of Tribes to meet their stated goals and objectives in a timely manner should be the main focus of performance measures. If numbers must be used, the Service should give consideration to using the number of peer-reviewed publications or outside organization awards as a measure of the importance and success of a project.

*Response: The Service agrees that the ability of Tribes to meet their stated goals and objectives is of critical importance. We also understand that natural resource projects need to be flexible to allow for addressing unforeseen circumstances. The number of peer-reviewed publications or awards a project generates is beyond the Service's ability to acquire and because of its subjectivity; the information would be of limited value.*

Comment 4.2 (2): One Tribe requested further discussion with the Service about proposed measures. We would like to see proposed measures developed that can capture survey, inventory, database development, management, protection, restoration, etc. We would like to see ways of recognizing the importance of some of the basic work we still need to do in addition to that which has already been accomplished.

*Response: These items are all worthy of being included in programmatic reports for TWG projects and the Service will strive to engage in all requests to discuss and continue to improve the program. Many of the wildlife and habitat management needs of Tribes are indicated in the text of what projects are proposed. When taken in a national view, these priorities help to define how other resources may be included in Service activities to support tribal concerns.*

Comment 4.2 (3): One Tribe indicated that the proposed measures seem reasonable, and actually encompass many of the current reporting requirements. However, they caution, some of the reporting recommendations may become a concern depending upon the level of detail that is requested. We often see simple, common-sense requirements grow out of proportion into mountains of paperwork, so we recommend serious consideration of the actual needs in reporting.

*Response: The Service agrees and would no more wish to create an unwarranted burden on its partners than it would upon its own work force.*

Comment 4.2 (4): One tribal organization and one Tribe proposed that reporting the percent of grants for which all fiscal documentation is submitted by required dates annually would be a reasonable measure. And, reporting the number of Service employees who receive training on the Tribal trust relationship will also be helpful.

*Response: The Service agrees that both measurable observations noted above would be helpful.*

#### **4.2.1. Efficient and Consistent Administration. Annually report the percentage of open grants in which all fiscal reporting documents are submitted by required due dates.**

Comment 4.2.1 (1): One Tribe and a tribal organization agreed that this was a reasonable reporting measure although not the highest indicator of program success.

*Response: Comment noted.*

#### **4.2.2. Acknowledge the Special Status of Indian Tribes. Annually report the number of Service employees who have received training on the special status of federally recognized Indian tribal governments.**

Comment 4.2.2 (1): One Tribe and a tribal organization agreed that this was a reasonable reporting measure although not the highest indicator of program success.

*Response: Comment noted.*

Comment 4.2.2(2): Several respondents were appreciative that the Service acknowledged the Special Status of Indian Tribes.

*Response: The Service, herein, also submits that in 2008, the Service began training its Project Leaders and Managers on the federal trust responsibility to Tribes. Since initiating this program, regional offices have been holding the two-day class throughout the nation to improve employees awareness of the government-to-government relationship enjoyed by Tribes and of the federal tribal trust responsibility.*

#### **4.2.3. Management of Fish, Wildlife, and their Habitats.**

Comment 4.2.3 (1): One Tribe and a tribal organization agreed that this was a reasonable reporting measure.

*Response: Comment noted.*

Comment 4.2.3 (2): One Tribe noted that these measures quantify areas that are restored, enhanced, managed, or protected. While these measures may be indicators of success, they exclude other important types of projects such as population inventory or monitoring.

*Response: Comment noted. Whereas the Service does not disagree with this statement, it is not feasible to include every accomplishment of the TWG in a report. It is the intent of the Service to summarize the general accomplishments of TWG in a way that conveys an overview of the program.*

Comment 4.2.3 (3): One commenter noted that under this section, Management of Fish, Wildlife and Habitat Goal, measurements A-F were very similar and suggests combining them to read: Report annually number of riparian miles, or number of wetland, upland, marine and/or coastal acres, or other project identified habitat, restored, enhanced, managed or protected. Further, measurements G-I should be combined to read; Report annually list of threatened or endangered species established or improved, list of invasive animal species managed, or number of acres contaminated with invasive plant species managed.

*Response: Comment noted.*

Comment 4.2.3 (4): Measures G, H, and I are not as problematic if they fit tribal priorities (recognizing that there may well be overlap with federally designated species). More importantly, inclusion of species of cultural significance would be a better performance measure of the TWG program.

*Response: Comment noted. The Service does include species of cultural significance under these measures.*

**A. Annually report the number of riparian (stream/shoreline) miles managed or protected to maintain desired conditions, including miles managed or protected through partnerships, as specified in management plans or agreements through the TWG.**

Comment 4.2.3.A (1): One individual noted that the Service seems to enforce traditional western biological and scientific values in the TWG scoring criteria, representative of a long-standing disconnect between cultures. This commenter asks how the Service assigns a definitive value to a tribe on restoring their culture by allowing them to again have cultural icons (bison and eagles).

*Response: The TWG proposal scoring criteria do not make judgments on which species are addressed. The criteria are; 1. Resource Benefit, 2. Performance Measures, 3. Work Plan, 4. Budget, 5. Capacity Building, and 6. Contributions and Partnerships. What is being asked in this section is how the Service can best quantify the benefits of the actions and activities Tribes undertake in implementing the TWG projects. The Service ultimately wishes to report observations about what is being accomplished through TWG projects and there is no intent to narrow the broad sideboards afforded by Congress for the program.*

Comment 4.2.3.A (2): One Tribe and a tribal organization commented that the Service should not use the number of new ordinances or management plans adopted by Tribes as a measure of success. Tribes are sovereign and Tribal governing culture is different from the Federal governing culture. While tribes may choose to adopt new ordinances, codes, or write management plans based on work funded by the TWG program, the inclusion of these as a measure of success to be monitored by the Service is inappropriate because again the emphasis is placed on FWS priorities rather than tribal priorities. Doing so implies that projects that may result in these actions are held in higher regard during the ranking process and applies Service standards of success to Tribal programs.

*Response: The Service disagrees with this statement. The Service believes that new ordinances or management plans adopted by Tribes are the product of those Tribes' inherent priorities and demonstrates long term vision and commitment to benefit, restore, and protect their fish and wildlife resources.*

Comment 4.2.3.A (3): One Tribe cautioned that although quantifiable deliverables are important; timescales at which a landscape can be "restored" for wildlife are much longer than 1-2 years. Grants that focus too much on the quantifiable results of a restoration or other wildlife project can put counterproductive stress on restoration practitioners' activities.

*Response: The Service is sensitive to this condition and understands that continued monitoring and management is not a luxury afforded most restoration activities. The TWG program, because it is competitive in nature, cannot guarantee a continued funding stream. It is therefore not the best fit for long-term management programs and tends to favor stand alone projects that have long term benefits, e.g. dam removal, establishment of long-term management plans, stream restoration, legal protections, and evaluating base line habitat and species dynamics.*

Comment 4.2.3.A (4): One Tribe notes that being evaluated preferentially by quantitative data as a measure of accomplishments may encourage short-term actions that are not necessarily best for the land. We propose that in addition to quantitative data, efforts to improve long-term restoration success (e.g. soil quality) should be of importance and emphasized by the Service.

*Response: The premise that quantifying accomplishments is a technique for evaluating proposals is incorrect. As stated above in the response to comment 4.2.3 (1), The Service ultimately wishes to report observations about what is being accomplished through TWG projects and there is no intent to narrow the broad sideboards afforded by Congress for the program.*

**B. Annually report the number of wetland, upland, and marine and coastal acres restored, including acres restored through partnerships, as specified in management plans or agreements through the TWG.**

*No comments were received pertaining to this item.*

**C. Annually report the number of upland acres restored, including acres restored through partnerships, as specified in management plans or agreements through the TWG.**

*No comments were received pertaining to this item.*

**D. Annually report the number of upland acres enhanced/restored through the TWG.**

*No comments were received pertaining to this item.*

**E. Annually report the number of coastal and marine acres restored, including acres restored through partnerships, as specified in management plans or agreements through the TWG.**

*No comments were received pertaining to this item.*

**F. Annually report the number of upland acres managed or protected to maintain desired condition, including acres managed or protected through partnerships, as specified in management plans or agreements through the TWG.**

*No comments were received pertaining to this item.*

**G. Report an annual list of threatened or endangered species stabilized or improved through the TWG.**

*No comments were received pertaining to this item.*

**H. Annually report the number of acres contaminated with invasive plant species that are managed through the TWG.**

*No comments were received pertaining to this item.*

**I. Annually report the number of invasive animal species that are managed through the TWG.**

*No comments were received pertaining to this item.*

**J. Annually report the percent of planned tasks implemented for tribal fish and wildlife conservation as prescribed by management plans or agreements through the TWG.**

Comment 4.2.3.J (1): One Tribe and one tribal organization noted that Measure J is probably the best approach to take in that it recognizes that recipients will outline performance goals in the proposal and grant agreement process. An annual report on how well those agreed upon goals are being met is appropriate and sufficient to measure the success of the program.

*Response: Comment noted.*

**4.2.4. Utilization of Fish, Wildlife, and their Habitats. To measure how the TWG program helps tribal agencies support the rich cultural and spiritual heritage of Native Americans associated with fish and wildlife, as well as traditional uses of fish and wildlife and their habitats, such as hunting, fishing, trapping, wildlife observation, conservation, and conservation education.**

Comment 4.2.4 (1): One person stated that the current ranking criteria provides for a system where it is practically impossible to compete successfully in the TWG without long-term habitat improvement.

*Response: The Service has an obligation to utilize Federal funds to the best outcomes for which those funds have been appropriated. That being said, the Service will continue to prioritize proposals for award that provide the greatest benefit to the resource including not only how long the effects will last but also the sensitivity/risk of species or habitat being addressed, area, educational opportunity, capacity building, and cultural significance.*

**A. Report an annual list of fish and wildlife species and their habitats that are protected under new tribal ordinance or management plans as a result of TWG projects and are of special Native American cultural or religious concern.**

Comment 4.2.4.A (1): One Tribe indicated that this measure was most appropriate to reporting TWG accomplishments but asked that it include numbers of acres (or in some cases miles) of tribally important plant communities or wildlife habitat protected, restored, or enhanced with TWG funding in addition to lists of species.

*Response: Comment noted.*

Comment 4.2.4.A (2): One Tribe noted that, as sovereign governments, Tribes may choose to adopt new ordinances and management plans as a result of TWG projects, but the Service's inclusion of these as performance measures is inappropriate. Are projects that determine that no new ordinances or management plans are necessary to be deemed less successful by the Service? The measure to report annual lists of fish and wildlife populations enhanced or stabilized by TWG projects as a performance measure is foolish. Many populations require long term work and monitoring to successfully protect and enhance. The Service's own experience managing migratory waterfowl and endangered species should make that clear.

*Response: The Service is not seeking to create new criteria here in selecting TWG proposals. By reporting an annual list of fish and wildlife species and their habitats that are protected under new tribal ordinance or management plans the Service would be offering one measure of success of a very broad program. Additionally, the Service views long term management plans and goals of species and their habitat as beneficial (e.g. the North American Waterfowl Management Plan)*

**B. Report an annual list of fish and wildlife species populations that are enhanced or stabilized as a result of TWG projects and are of special Native American cultural or religious concern.**

Comment 4.2.4.A (2): One Tribe and one tribal organization point out that it is hard to evaluate the status of fish and wildlife populations with anything short of long-term monitoring. This list would be better identified as those species of special Native American concern that are being addressed under projects funded by TWG.

*Response: This is a good suggestion and the Service could manage such a list over a long period of time and note significant changes in population or habitat dynamics that occur in the future as a result of TWG-associated activities. Reporting is meant to demonstrate benefits of the TWG program and merely reporting that species “were being addressed” does not indicate any positive benefit. Based on past results the Service believes that most, if not all TWG’s that accomplish their stated objectives, will enhance a resource of importance to the applicant.*

**4.2.5. Address the Future Conservation Challenges of Indian Tribes.**

Comment 4.2.5 (1): One Tribe recommended that the Service annually report the number of proposals received for the TWG program. Annually report the number of dollars required to adequately fund all proposals.

*Response: This would not be difficult to report but the suggestion should be amended to state; “Annually report the cost of funding all proposals that meet the minimum criteria for TWG award”. For example, in FY 2010, 137 proposals were received, of which, six were ineligible due to administrative shortcomings. Therefore, for the FY 2010 TWG grant cycle 131 proposals, valued at almost \$22,000,000, were considered for funding – of which 42 were selected for award.*

Comment 4.2.5 (2): One Tribe commented that it had concerns about the possible implications of this section in that only three future challenges are mentioned. Why does the Service feel the future conservation challenges of the Tribes will be related to climate change, personnel development and outdoor education? Some Tribes may well feel these are priorities, but others may not. Many Tribes may face future and current challenges in more traditional areas of wildlife and fish research and management. The Service should not feel it needs to state what the future challenges for the tribes will be. The Tribes are in the best position to determine their current needs and future challenges, and the Service should not try to create their own list of what they view as important for the purposes of evaluating performance or ranking a tribal project.

*Response: The Service is not attempting to create new criteria here or dictate to tribal governments what their priorities are. The three measures suggested here are of importance to many Tribes, federal and state governments and the public. We wish to report the benefits, in a broad sense, of how tribes are helping in these areas and if there are additional quantifiable measures that our tribal partners would like to contribute, the Service welcomes them.*

**A. Annually report the number of TWG project activities or products implemented to address the long-term effects of global climate change affecting Indian Tribes.**

*No comments were received pertaining to this item.*

**B. Annually report the number of TWG project activities or products implemented to address the long-term needs for fish and wildlife–related tribal staffing and expertise, including, but not limited to, personnel development, partnerships, and institutional consistency.**

*No comments were received pertaining to this item.*

**C. Annually report the number of individuals participating in TWG project activities that engage them in outdoor education and related activities.**

*No comments were received pertaining to this item.*

**Section 5. Additional Comments.** In addition to the specific items above, the Service encourages any additional comments, criticisms, and recommendations regarding TWG that will improve its effectiveness and efficiency.

Comment 5 (1): One Tribe commented that the Service should have consulted on a government to government basis with the Tribes before developing and publishing this proposal.

*Response: The Federal Register notice and targeted outreach was the appropriate approach to gaining the perspectives and comments of our tribal and other partners in this case. The Tribal Grants Program implementation guidance and criteria are non-regulatory in nature, and because it is a competitive program, Tribes participate on a voluntary basis. After publishing these proposed changes in the Federal Register, the Service’s Native American Liaisons contacted Tribes and encouraged participation in the formal comment process. No Tribe requested government-to-government consultation in this matter.*

Comment 5 (2): Five Tribes commented that the proposal herein contained inconsistencies, for example, suggesting processes that in some cases call for longer term proposals and others that would effect shorter term proposals.

*Response: The Service was seeking perspectives on a broad variety of options and some of the proposed options were indeed incompatible had they both been accepted.*

Comment 5 (3): Several Tribes commented that some information may be considered confidential by Tribes and should not be part of required work products under the terms of a grant agreement.

*Response: TWG proposals should clearly state the measures that it will report and what work products it will provide to the Service.*

Comment 5 (4): One commenter suggested that the Service should determine whether cultural importance of species to a Tribe qualifies a proposal for funding, e.g., eagle aviaries, tribal repositories, etc.

*Response: Any species can potentially be funded under TWG. The TWG proposal scoring process allows that species of tribal cultural concern are eligible for award. There is no priority set on any particular species or its status, e.g. federally protected, threatened, or species of cultural significance, etc.*

Comment 5 (5): One commenter noted that not all Tribes have the same level of need for financial assistance.

*Response: Means testing is not a requirement of the TWG program. The Service is not in a position to know the various challenges and needs that a Tribe faces and should not put one Tribe at a competitive disadvantage because of a perception of fiscal stability.*

Comment 5 (6): One Service employee suggested that TWG proposals and attachments should be limited to a maximum number of pages.

*Response: In the TWG Application Kit, the Service provides an attachment, "Format Recommendations for TWG Proposals". So that all proposals may be properly and fairly evaluated, the Service "recommends" that the length of proposals be kept to no more than 24 pages. Excessive materials may be removed from a proposal prior to scoring so TWG applicants should work with their regional Service office to format their proposals as efficiently as possible.*

Comment 5 (7): One comment noted that wildlife ordinances and enforcement are not always applicable to each proposal and asked if proposals should be scored in this criterion.

*Response: The Service views this criterion as a way, among others, to assess long-term benefits and protections that a project will establish. It is rare for any proposal to address all TWG criteria and the Service feels that new protective measures for wildlife - and their enforcement are an important measure.*

Comment 5 (8): One Tribe expressed concern about a change in focus to suburban or urban areas, the cost and amount of technical assistance provided by the Service to Tribes, and expressed a desire for increases in fiscal resources for TWG.

*Response: The TWG program does not intend to prioritize proposals with regard to any general land status such as suburban or urban. Subject to budgetary and staffing limitations, providing technical assistance to Indian Tribes is a priority expressed in the Service's Native American Policy. Each request for assistance is individually responded to according to the specific needs requested and the Service's capabilities. Although the Service appreciates the comment expressing that more financial resources be provided to Tribes through the TWG program, we support the President's Budget.*

Comment 5 (9): One Tribe asked the Service to look for ways to reduce the administrative burdens for Tribes in implementing TWG projects.

*Response: Tribes are able to include administrative costs as a component of their TWG project proposals and often do so. However, because TWG is a competitive program and the overall projected benefit to wildlife and their habitat is a significant ranking criterion, the inclusion of administrative costs as an expense can affect a proposal's score. On the other hand, a Tribe may include its administrative overhead in a proposal as an in-kind contribution from the applicant which actually helps the proposals score under the criterion, Contributions and Partnerships. The Service is always interested in improving and welcomes recommendations on how to better address the administrative burdens of its tribal partners.*

Comment 5 (10): Several Tribes recommended that the Tribal Landowner Incentive Program (TLIP) be reinstated and asked how to insert this sentiment into the federal appropriations process.

*Response: While TLIP authorization remains in place, Congress has not funded this program since FY2007. The appropriate avenue of approach for expressing these concerns is through your senators and representatives in the U.S. Congress.*

Comment 5 (11): A tribal organization commented that more informative guidance on staff and administrative costs should be set for TWG proposals. Originally staff and administrative costs were limited to 12%. Later, applicants were encouraged to keep their administrative costs to a minimum of those expenses essential to the proposed project.

*Response: The TWG application guidance will set no limit on administrative costs except that they be justified in the proposal narrative and kept to a minimum. The diversity of circumstances that our tribal partners are subject to gives merit to this approach. Although a relatively high administrative cost may*

*diminish the ranking of some proposals, other proposals that present extremely beneficial activities may still score high enough to be selected for award. The Service seeks to make participation in TWG available to all federally recognized Tribes while also being able to competitively discern the best benefit to cost values when selecting proposals for award.*

Comment 5 (12): A tribal organization commented that some TWG reviewers regard administrative costs above 35% as a "deal breaker." To allow grant writers to develop projects that will have a reasonable chance of being funded, the new Implementation Guidelines should specify the maximum acceptable percentage of administrative or indirect costs that may be covered by grant funding.

*Response: There is no limit placed on administrative costs in TWG proposals. Reviewers are instructed to identify that associated costs are clearly defined and that indirect costs appear to be within negotiated limits. Due to the relative value of this scoring category, a proposal that received few points there could still easily score high enough in other categories to be selected for award.*

Comment 5 (13): One tribal organization commented that the Service should utilize the Indian Self Determination Act funding mechanism to make grant awards to the Tribes because it has a long and proven history of success and is well understood by the Tribes.

*Response: The Indian Self Determination Act funding mechanism as used under the Bureau of Indian Affairs provides additional funds for a negotiated tribal share to offset the cost of conducting business through a designated appropriation. There are no additional funds available through the TWG program for this purpose. The system that the Service uses to administer TWG is consistent with other Service grant programs and we have not observed that tribal partners have had any uncommon difficulty in administering the existing funding mechanisms used in the TWG program.*

Comment 5 (14): One tribal organization commented that TWG funds ought to be administered through the Bureau of Indian Affairs (BIA) as part of their Fish and Wildlife Programs. By administering through the BIA, tribal administrative costs (Contract Support Funds) would be made available through their budget process and effectively increase funding to the Tribes by a significant amount.

*Response: Comment noted. Congress authorizes appropriations and guidance for the TWG program as a program of the Service.*

Comment 5 (15): One Tribe noted that in an attempt to ensure that as many Tribes as possible have the opportunity to receive some financial assistance, under-funded programs may not complete certain aspects of a program that could result in the overall demise of a program. Some of these aspects include evaluating species population declines, habitat loss, prey species declines and the existence of a disease. Therefore it is recommended that funding levels be increased for the overall TWG budget to levels that insure that an efficient and effective program is possible.

*Response: The Service, through the TWG program, is not only seeking to ensure that as many Tribes as possible have the opportunity to receive some financial assistance, but also to provide sufficient flexibility to participating Tribes to accomplish projects that provide a high benefit to the resource. It is important to point out that a competitive grant program by its very nature will favor stand-alone projects rather than long-term programs because there is no guarantee that a long-term program will be awarded each year. Because TWG is currently a competitive program, long-term project support is not possible at this time. The level of appropriated funds for TWG is best addressed through congressional representatives.*

Comment 5 (15): One Tribe pointed out that invasive species are increasingly threatening natural communities and suggested that emphasis be placed on efforts to reclaim highly infested sites and restore native communities. A goal of trying to "discourage less efficient multi-year proposals" with a reduced funding cap will tend to limit the scope of proposed projects to ones that are overly simplistic and, perhaps in some cases, insignificant in the big picture.

*Response: While the Service agrees that invasive species are increasingly threatening to natural communities, we refrain from prioritizing any single initiative under TWG guidance because of the broad sideboards afforded the program by Congress. We feel that doing so would compromise the ability of Tribes to determine their own priorities and hamper the diversity and creativity espoused in the existing criteria. With regard to the second part of the statement indicating the potential harm of reducing the maximum award, the Service agrees and will not reduce the current allowable cap at this time.*

Comment 5 (16): One Tribe commended the recent changes in making TWG reporting requirements less cumbersome by going to an annual reporting format and encouraged the Service to continue to look for ways to reduce the administrative burdens for Tribes.

*Response: The Service appreciates the comment and understands the administrative burden borne by many of its tribal partners in executing the requirements of a Federal award. In an environment that demands increasing levels of transparency and accountability it is a struggle to balance the administrative burden with on-the-ground resource benefits. The Service welcomes additional ideas and recommendations that might address the inherent administrative burdens associated with the TWG program.*

Comment 5 (17): One Tribe suggested criteria that they have observed to operate with success in the salmon habitat programs of Washington State including; 1. How projects tie into others in the region, 2. Economic soundness, 3. Technical feasibility, 4. Engagement of partners, 5. Overall benefits to fish and wildlife, 6. Urgency, 7. Record of success of the applicant. This Tribe recognized that in scoring proposals, having factors to “tick off” is convenient but if the goal is to benefit wildlife we must be careful to design scoring to create relevant benefits.

*Response: The Service agrees with this sentiment and notes that its current TWG criteria are very consistent with the presented alternatives. TWG criteria are; 1. Resource Benefit, 2. Performance Measures, 3. Work Plan, 4. Budget, 5. Capacity Building, and 6. Contributions and Partnerships.*

Comment 5 (18): One tribal organization and several Tribes summarized their key concerns stating that most of the proposed changes are patronizing, stifling, and inefficient. The TWG program was developed to assist Tribes in accomplishing priority issues and proposal ranking criteria should reflect tribal priorities rather than national and political ones.

*Response: The TWG program was authorized by Congress “for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished”. Congress did not indicate any priorities and the Service interprets this to include a tremendously broad range of activities and initiatives. Proposals are selected on criteria that challenge Tribes to present compelling TWG proposals that address their own conservation concerns and priorities. The Service’s attempt to capture and report how Tribes are helping to meet its goals is not intended to influence the type of proposals that are submitted but rather to highlight the creativity and success of the program. The TWG scoring criteria does emphasize the importance of Tribal or Service priorities.*

Comment 5 (19): One tribal organization and several Tribes submit that, regarding evaluation of program success, the grant agreements provide the Service with the means necessary to accomplish this goal. Goals, objectives, and products/results can be clearly laid out and will provide the Service the ability to annually quantify objectives that have been met.

*Response: The TWG program does present a means to identify the proposed accomplishments but not a means to effectively report whether or not the proposed accomplishments came to fruition. The Service has published a summary of all TWG projects in the past but is seeking a way to uniformly summarize the diverse conservation benefits of the program in a way that can be inserted into existing reporting formats without creating new work requirements.*

Comment 5 (20): One tribal organization and several Tribes commented that if the proposed changes are not also proposed for the State Wildlife Grant program, then they find the double standard to be discriminatory and disrespectful.

*Response: The State Wildlife Grants (SWG) program is a separate program from TWG and requires a non federal match, it is a formula-driven program, and it requires a peer reviewed comprehensive wildlife management plan from its participants. These requirements are not applied to TWG because, among other reasons, they are not compatible with insuring access for all Tribes. Similarly, the tribal program has no bearing on how SWG is managed. The proposed changes herein addressed are the Service's approach to gaining the important perspectives of its partners in potential improvements to the program, including reporting its effectiveness. Program accomplishments are important for Congressional review in developing the federal budget and the Service wants to ensure the continued success of the TWG program.*

Comment 5 (21): One tribal organization and several Tribes support implementation of a small grants program only as a use for remaining funds. We suggest streamlining the post-award process to improve efficiency of the program. We also support an initiative to develop an additional funding pathway for intertribal organizations to compete for TWG funds without competing against individual tribes.

*Response: The administrative burden for smaller grants is comparable to that of larger awards and at this time, resources do not allow for managing a small TWG program. Doing so could double the current level of administrative burden. Given that approximately two thirds of all proposals are not awarded at the current appropriated level, the Service must continue to restrict the TWG to only federally recognized Tribes. Tribal organizations may participate in TWG as subcontractors to tribal governments.*

Comment 5 (22): One Tribe recommended that any leftover funds or unused funds should be eligible to be applied toward the following year's funds.

*Response: All available unused and recovered TWG grant funds are carried over into the next award cycle.*

Comment 5 (23): One Tribe recommended that Service staff should be designated to assist Tribes with planning and implementing projects and should have the ability to expedite compliance with NEPA and other applicable authorities to ensure projects that benefit species do not get delayed.

*Response: The Service does not have the human resources available at this time to dedicate staff solely to these purposes stated above. However, the Service does, within its existing resources, address all of the compliance necessary to initiate TWG projects. The regional Native American Liaisons will assist in coordinating with the appropriate Service staff and field offices to address compliance requirements.*

Comment 5 (24): One Tribe agrees with the Service having in their TWG that they publicly state their acknowledgment of the government-to-government relationship with Tribes.

*Response: comment noted.*

Comment 5 (25): Several Tribes commented that the TWG program is working well now and asked why attempt to fix something that is not broken?

*Response: The Service is proud of the TWG program and the partnerships in conservation that it has helped to support. We agree that the program works well but always seek to improve when possible. It is through due diligence and a desire to remain current and relevant that the Service set forth the proposed changes and is grateful for the thoughtful comments and recommendations that we have received in this public dialogue.*