

discussion of the effects of the action on listed species or designated critical habitat under the provisions of the Endangered Species Act.

3. *Habitat*—The area that provides direct support for a given species, population, or community. It includes all environmental features that comprise an area such as air quality, water quality, vegetation and soil characteristics, and water supply.

4. *Mitigation*—Activities carried out under National Environmental Policy Act regulations, for the purpose of moderating, reducing, or alleviating the impacts of a proposed activity, including (a) avoiding the impact by not taking a certain action; (b) minimizing impacts by limiting the degree or magnitude of the action; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impact over time by undertaking preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments.

### III. Background

The Department of the Interior and Related Agencies Appropriations Act for Fiscal Year (FY) 2002 (Pub. L. 107–63) authorized an appropriation of \$84,800,000 for wildlife conservation grants to States and to the District of Columbia, U.S. Territories, and tribes under provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished. The Act further specified that the Service use \$5 million of the funds to establish a competitive grant program available to federally recognized tribes. This language allows the Secretary, through the Director of the Service, to establish a separate tribal grant program that would not be subject to the provisions of the formula-based State Wildlife Grant program, or other requirements of the State Wildlife Grants portion of Pub. L. 107–63. In FY 2003, Congress appropriated \$59,800,000 for wildlife conservation grants and specified that the Service use \$4,967,500 for the TWG program. We will combine this latter amount with FY 2002 funds in a single grant cycle. The Service is providing guidance in the administration of this combined \$9,967,500 Tribal Wildlife Grant program. The Service proposed guidance in a previous **Federal Register** notice (67 FR 79136; December 27, 2002), with the intent of gathering input from the affected communities. The

public comments have been carefully considered and incorporated into the following guidelines where appropriate. A series of questions and answers follows and describes the guidelines.

### IV. Implementation Guidelines

#### A. Eligibility

##### 1. Who May Participate in the TWG Program?

Federally recognized tribes in all parts of the United States, including federally recognized tribes, pueblos, rancherias, and Alaska native villages or traditional councils as defined by the Alaska Native Claims Settlement Act.

##### 2. Are State-Recognized Tribes or Petitioning Tribes Eligible To Receive Grants Under This Program?

No, only federally recognized tribes are eligible to receive grants under this program. Federally recognized tribes are listed in the **Federal Register** (67 FR 46328; July 12, 2002).

##### 3. Can Tribal Organizations or Other Entities (Including Individual Indian Allottees) Receive Grants Under This Program?

No. However, organizations or entities may participate as subgrantees or contractors to federally recognized tribes.

##### 4. What Process Will the Service Use To Solicit and Receive Proposals for Funding?

The Service will request proposals through a **Federal Register** notice, direct contact, and other forms of outreach to eligible applicants. The Service's Regional Directors will receive all proposals.

##### 5. Who Will Coordinate the Scoring of Grant Application Submissions?

The Regional Native American Liaisons of the Service will coordinate the process to screen proposals to ensure that they are complete and to score them according to nationally uniform criteria. Tribes are encouraged to contact the Native American Liaison in the appropriate Regional Office identified in Table 1 under **ADDRESSES** for additional assistance in submitting proposals.

##### 6. How Will Grant Application Submissions Be Reviewed for Funding?

A national panel will review regionally scored proposals for recommendations to the Director of the Service (Director).

##### 7. Who Will Serve as the National Review Panel?

The Regional Native American Liaisons will serve on the panel in addition to other Service and other Federal agency personnel, as appropriate and as may be identified by the Director.

##### 8. Will Tribal Representatives Be Involved in Reviewing or Ranking Proposals?

No, only Federal employees will review and rank proposals in this initial year.

##### 9. Who Will Make the Final Determination for Grant Approval?

The Director will make the final determination for grant award.

##### 10. How Will the Tribes Be Notified Whether or Not They Have Been Awarded Grants.

Applicants will be notified by the Director through the Regional Native American Liaison as to whether or not they have been awarded grants.

#### B. Application Requirements

##### 1. Is the TWG Program Exempt From Federal Grant Program Compliance?

No, the TWG program must comply with all Federal grant program compliance requirements as specified in 43 CFR part 12: OMB Circulars A–133, A–102, and A–87; and Service Manual Chapters 522 FW1 and 523 FW1, except where specifically exempted. Tribal grantees are responsible for ensuring that subgrantees and contractors adhere to these requirements.

##### 2. What Must Proposals for Participation in the TWG Program Include?

Proposals must include a cover letter, program summary, program narrative, budget narrative, a completed Standard Form 424 Application for Federal Assistance (SF–424), and tribal resolution of support as described herein.

—A *cover letter* briefly states the main features of the proposed project.

—A *program summary* describes, in one-half page, the type of activity that would take place if the Service funds the proposal.

—A *program narrative* clearly identifies the problems that the proposal will correct or help solve as they relate to the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, and the expected results or benefits. It must contain a needs assessment, objectives, timeline, methodology,