

the eligibility, substantiality, relative value, and budget information from applicants in order to make awards of grants under these programs. We are collecting financial and performance information to track costs and accomplishments of these grant programs. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

## VI. Summary of Comments and Recommendations

On December 27, 2002, the Service published the proposed guidelines for the TWG with an open comment period of 1 month (67 FR 79136). On January 27, 2003, we had received a total of 48 comment submissions. Thirty five tribes, 4 tribal organizations, 2 private enterprises, 1 organization, 5 Federal entities, and 1 unaffiliated individual provided suggestions for these proposed guidelines. These comments are addressed below.

In *part I., Background*, we asked several questions of particular concern to the Service regarding a limit on the amount of funding to be made available to any one tribe, our adherence to Congressional intent in the proposed guidelines, and what type of entities were eligible to participate in the TWG. The responses for comments are summarized in the corresponding sections below.

In *part II., Proposed Implementation Guidelines, section A., Eligibility (1-3)*, we proposed a competitive program in which only federally recognized tribes would be able to apply for funding but stipulated that tribal organizations and other non-Federal entities may enter into grant agreements as contractors or subgrantees to federally recognized tribes. It was also proposed that non-federally recognized tribes be excluded from submitting proposals.

Eleven comments specifically stated that only federally recognized tribes should be eligible to enter into grant agreements, with one asking that the term "federally recognized tribe" be fully explained by including federally recognized tribes; pueblos; rancherias; Alaska Native villages or traditional councils as defined by the Alaska Native Claims Settlement Act; and tribal governing bodies as recognized by the Bureau of Indian Affairs (BIA) such as Indian Reorganization Act councils or tribal entities that have received Self Governance status under the Self Governance Act. No comments advocated for the inclusion of tribes that are not recognized by the Federal Government, although ten noted their

agreement with their exclusion from participating in TWG. Two comments advocated for the inclusion of individual Indian trust land allotment owners as eligible direct participants.

Ten comments agreed that tribal organizations may participate as contractors or subgrantees but not as direct applicants to TWG. Four comments advocated for the inclusion of consortia of federally recognized tribes to be eligible participants in TWG as direct applicants. One final suggestion was to clarify the inclusion of Alaska Native Villages and to state that when there exists an agreement with Native corporation landowners to manage their properties, these lands should be eligible for TWG projects.

*Response:* Congress specified the TWG program is only for federally recognized Indian tribes, which includes Alaskan Native Villages, but Congress did not include tribal organizations or consortia. Tribal organizations, consortia, commissions, or other nontribal entities are not directly eligible to receive grants, but may participate as subgrantees or contractors to federally recognized Indian tribes. When an agreement to manage Native corporation lands has been approved by the corporation, these lands will be eligible for TWG projects. Individual Indian allottees are not eligible grantees through TWG but are encouraged to work with States and tribes as subgrantees or contractors.

In *part II., Proposed Implementation Guidelines, section A., Eligibility (4)*, it was proposed that the Service would request proposals through a **Federal Register** notice and other forms of outreach and that proposals be received by the respective Regional Directors. There were no comments suggesting an alternative process.

In *part II., Proposed Implementation Guidelines, section A., Eligibility (5-9)*, we proposed that the Native American Liaisons in each Regional Office coordinate the screening and ranking of project proposals on the basis of nationally uniform criteria. A national panel would then review the regionally ranked proposals for recommendation to the Director for selection. The proposed panels would be made up of Service and other Federal personnel. The Director will make the final proposal selections on the basis of these recommendations.

Six respondents noted their agreement with nationally uniform ranking criteria, and two favored regional ranking. Eleven advocated for a geographic, land, or population based component to the disbursement of funds or the selection of proposals.

*Response:* The Tribal Wildlife Grants Program is a competitive program for federally recognized Indian tribes regardless of geographic, land, or population based components. All tribes are equally eligible to submit proposals. Therefore, the use of nationally uniform criteria is appropriate for ranking proposals at both the Regional and National levels.

The Service will screen and score proposals in the Regional Offices. A national panel will then make recommendations to the Director based on these outcomes.

The Service examined various possible formulas for selecting proposals based on land area and other factors but was unable to identify any formula that adequately considered the wide variability among tribes, including their land base, population, and distribution across the United States.

Of the comments received on the proposed makeup of the panel, 18 agreed and provided further suggestions as to what other Service or other Federal personnel should be involved. One respondent stated that the Regional Native American Liaisons should act in an advisory capacity to the ranking team, and another stated that Regional Liaisons should be excused from ranking Regional proposals. Eleven comments advocated the inclusion of tribal representation in the ranking process; of these, two specifically identified the Native American Fish and Wildlife Society as an appropriate resource to serve this purpose.

*Response:* The Regional and National panels will consist of Service fish and wildlife professionals and other Federal agency personnel knowledgeable of Native American natural resource issues. The comments received will be considered in the selection of panel members. Regional Native American Liaisons will coordinate the screening and scoring of proposals and will act in an advisory capacity to the regional panels. They will not participate in the actual screening or scoring of proposals. The Regional Native American Liaisons will serve on the national review panel along with other Service personnel to make recommendations to the Director for selection.

The Service has not developed a process for identifying participation of tribal representatives in the ranking process and did not receive specific comments on ways to involve tribal representatives. However, the Service will use the knowledge and experience gained in this initial year and public comments to consider changing the guidelines in future years to include