

**Clarification of Select Ranking Criteria in 50 CFR 84.32 and  
General Program Questions**

**Sections of this attachment have been revised for FY 2012 – please read**

The purpose of this attachment is to provide clarification of certain criteria in Title 50 of the Code of Federal Regulations, Part 84. General questions are listed first, followed by questions specific to ranking criteria.

**General Questions:**

**Are lands used for match purposes used in calculating points for ranking criteria?**

Yes. Because lands that are used for match purposes are part of the project area, reviewers consider both lands being proposed for acquisition/restoration with grant funds and lands proposed for contribution as match when assigning points for ranking criteria. Therefore, information on both parcels proposed for acquisition/restoration and match parcels should be described in adequate detail for each ranking criteria so reviewers can make informed scoring decisions.

**Does land used for all of or part of the non-Federal cost share need to be necessary and reasonable?**

Yes. The land used for match purposes must be necessary and reasonable to achieving project objectives. Please explain how the match parcel(s) relate to the overall project and remember to detail information about the match parcel for all ranking criteria.

**If a project includes a conservation easement, what information about the conservation easement is helpful for reviewers?**

Applicants should describe the general terms of the conservation easement, including the length of the conservation easement, who will hold the conservation easement, allowable and prohibited uses, and plans for long-term monitoring and stewardship of the easement. This information helps reviewers understand the conservation benefit(s) of the conservation easement.

**Who holds title to land acquired under this program or contributed as match?**

Title to real property acquired under a grant or subgrant or contributed as match will vest upon acquisition in the grantee or subgrantee, respectively, as directed by 43 CFR 12.71 and 43 CFR 12.64.

**Should applicants include letters of support that are not financial commitment letters or those detailing scientific information specific to a project?**

Given the volume of material reviewers must read, letters of general support for a project should not be included in the application package. However, it is required to include letters of financial commitment from third-party sources.

**What are “total costs” in 50 CFR 84, including 84.21(f), 84.32(a)(11), and 84.46?**

“Total costs” are the costs to complete a project, including the total amount of funds requested from the NCWCGP and the non-Federal share. It does not include other Federal funds or non-matching funds.

For example, if total costs of a project are \$1,333,334, the maximum Federal share (National Coastal Wetlands Conservation Grant Program request) would be either \$1,000,000 (75%) or \$666,667 (50%), depending on whether or not the State has a designated fund (see definition of fund in 50 CFR 84.11).

**Does “maximum Federal share” under 50 CFR 84, including 84.32 (a)(11) and 84.46 (h), refer to the maximum percentage of Federal dollars of the project costs, i.e., 75% or 50%, or the maximum grant amount from the NCWCGP, i.e., \$1 million?**

“Maximum Federal share” refers to the percentage, i.e., 75% or 50%, of Federal dollars of the project costs, not the maximum grant amount from the NCWCGP, i.e., \$1 million. For example, if total project costs are \$1,333,334, the maximum Federal share would be either \$1,000,000 (75%) or \$666,667 (50%), depending on whether or not the State has a designated fund. If the applicant only provides the minimum non-Federal share (25% or 50% of total project costs), no points will be awarded for reducing the Federal share (50 CFR 84.32 (a)(11), Criterion 11).

**What changes are allowed to an application after its submission?**

Applications submitted to the Service for consideration in the national competition must be in final format by the due date specified in the Request for Applications. The only application changes that will be accepted after the due date are those that will not impact the project scoring, such as small corrective or clarifying statements. Regional Office and/or Washington Office representatives may also request that the applicant make modifications to an application after the due date to correct inconsistencies within an application or change any other error that would cause the National Review Panel difficulty in accurately assessing the application during review.

**50 CFR 84.32 (a)(1) (Criterion 1):**

**Must a score of 7 be given for all applications that result in over 50% of the project area conserving, restoring, or protecting decreasing coastal wetlands types?**

Yes. Applications that document that over 50% of the project area will be, upon project completion, decreasing coastal wetlands types will receive the full 7 points. You may find specific guidance on how reviewers score this criterion at 50 CFR 84.32 (a)(1).

**Should a graduated scale be used to further delineate applications?**

The program regulations in 50 CFR 84.32 (a)(1) provide guidance on the use of intermediate scores (i.e., less than 7 points) for projects that document that, upon project completion, a minimum of 50% of the project area will be a combination of decreasing and stable types of wetlands, and for projects that are less than 50% wetlands.

**50 CFR 84.32 (a)(2) (Criterion 2):**

**What qualifies as a maritime forest?**

A thorough description of what is considered to be a maritime forest for the purpose of the National Coastal Wetlands Conservation Grant program is found in the program regulations in the Definitions section, 50 CFR 84.11.

**How will this criterion be scored?**

In order to receive the maximum 7 points for this criterion, the project must significantly benefit maritime forests which meet the following descriptions: 1) are located on coastal barriers (see definition of "Coastal barrier" in 50 CFR 84.11) along the mainland coast from Delaware to Texas, and 2) are broad-leaved forests. Examples of maritime forests are primarily characterized by a closed canopy of various combinations of live oak, upland laurel oak, pignut hickory, southern magnolia, sugarberry, and cabbage palm.

Intermediate scores of less than 7 points are acceptable (1) for applications in which the significance of the benefit to maritime forests is unclear, or (2) for applications in which it is unclear if the forests meet the strict definition of maritime forest.

**50 CFR 84.32 (a)(5, 6, 7) (Criteria 5, 6, and 7):**

**What information should I include about threatened and endangered species, fish, and coastal-dependent or migratory birds in responses to ranking criteria 5, 6, and 7?**

You should include the information requested in the ranking criteria. It is important to also note if species have been observed within the project boundary or only in the general vicinity.

It is suggested that applicants supply this information in table format. The column headings can include: common name, scientific name, status (Federally listing, delisted within the last 5 years, State listing, etc.), observed within project boundary, habitat type provided, restored, or enhanced (nesting, breeding, feeding, nursery areas), etc. See ranking criteria language for additional information.

**50 CFR 84.32 (a)(10) (Criterion 10):**

**Can applications receive points for more than one State agency's participation in a proposed project?**

In general, applications will only receive credit for one State agency. The exception to this practice will occur when an application includes multiple States. In these instances, the application may receive points for each additional State that is participating in the proposed project.

**What documentation is required to receive points for this criterion for non-Federal partners?**

A signed letter of financial commitment of matching funds or in-kind match from an authorized representative of any third-party match provider or partner(s) must accompany the application to receive points. Partners that are providing financial support that is not match will not be counted for this ranking criterion. Applicants are ultimately accountable for third party commitments of financial support.

**What documentation is required to receive points for this criterion for Federal partners?**

A signed letter committing project involvement that is necessary and reasonable to completing the project objectives from an authorized representative of the Federal partner(s) must accompany the application to receive points. Project involvement that is not necessary or reasonable to complete the project objectives will not be counted as a partner for this criterion.

**50 CFR 84.32 (a)(11) (Criterion 11):**

**Can in-kind services or contributions be used as the required State match?**

Yes. In-kind services can be used for the entire portion of the State's required cost share (i.e., 25% or 50%). However, the applicant will not receive points for this ranking criterion.

**Can in-kind services or contributions, including bargain land sale, be used to score points for this criterion?**

No. We only consider cash contributions that exceed the required match when scoring points for Criterion 11. Cash is a liquid asset and can be tracked easily through audit procedures and also serves as a proxy for the State's commitment towards a project. Federal regulations and

guidance clearly identify a landowner's acceptance of a reduced price for his or her property as an in-kind service or contribution, not cash. As such, so-called "bargain sales" cannot be used to receive points for decreasing the Federal share.

**Can the in-kind contribution of a landowner accepting an offer below market value for his property be used for the required State match?**

Yes. The in-kind contribution of a landowner accepting a reduced price for his property can be used as part of or all of the State's required cost share of 25% or 50%.

**50 CFR 84.32(b)(4) (Additional considerations):**

**Please clarify the 'provides lands as part of the State matching share'.**

The purpose of this tie-breaking factor is to consider applications which include the donation of lands owned by a third party as part of the overall project. Such donations increase the overall acreage of land managed by the State agency, increasing the likelihood that the land will be managed to conserve the natural resources and increase the management options for the grant property.