

Endangered Species Mitigation Fund

Overview

The Endangered Species Mitigation Fund (ESMF) is a state program created during the general session of the 1997 State Legislature (Utah Code 63-34-14) that is administered by the Utah Department of Natural Resources (DNR). The purpose of the ESMF is to provide funding to facilitate conservation of fish and wildlife species and their habitats in greatest need of protection (sensitive species). The priority of this program is to fund projects that benefit species identified as sensitive on the state sensitive species list, including those listed as threatened or endangered under the federal Endangered Species Act. The primary objective is to direct funds towards the protection of federally listed and state sensitive species, to promote their conservation and recovery and to preclude the need for listing additional species under the Endangered Species Act.

ESMF is funded through a portion of a 1/16th percent sales tax on water and by a tax provided for in the Brine Shrimp Royalty Act (Title 59, Chapter 23). A total of up to \$3 million (\$2.45 million plus \$550,000 from water tax and brine shrimp tax, respectively) is available on an annual basis. Through multi-partner cooperative agreements, the state is committed to participating in three recovery implementation programs for federally listed fish species (Upper Colorado River, Virgin River and June sucker recovery programs), and the state's fiscal contribution to these programs is provided through ESMF. Additionally, DNR has entered into a cooperative agreement with the Utah Division of Wildlife Resources that matches ESMF funds with federal dollars provided through the State Wildlife Grant program for the purpose of implementing the Utah Wildlife Action Plan. Although not required by the legislation, DNR has opted to distribute the remainder of ESMF funds through a competitive grants program.

Organizations are encouraged to apply for funding on an annual basis. There is no guarantee that funding will be available in future years. To receive funding, grant applications must meet the intent of the legislation and be consistent with the mission and objectives of the DNR.

ESMF Legislation

Utah Code 63-34-14 created the Species Protection Account. The legislation including the purpose of the funds allocated to the account (section 4) is as follows:

Utah Code Section 63-34-14. Species Protection Account.

(1) As used in this section, "species protection" means an action to protect any plant or animal species identified as sensitive by the state or as threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

(2) There is created within the General Fund a restricted account known as the Species Protection Account.

- (3) The account shall consist of:
- (a) revenue generated by the brine shrimp tax provided for in Title 59, Chapter 23, Brine Shrimp Royalty Act; and
 - (b) interest earned on monies in the account.
- (4) Monies in the account may be appropriated by the Legislature for the following purposes:
- (a) to develop and implement species status assessments and species protection measures;
 - (b) to obtain biological opinions of proposed species protection measures;
 - (c) to conduct studies, investigations, and research into the effects of proposed species protection measures;
 - (d) to verify species protection proposals that are not based on valid biological data;
 - (e) for Great Salt Lake wetlands mitigation projects in connection with the western transportation corridor;
 - (f) to pay for the state's voluntary contributions to the Utah Reclamation Mitigation and Conservation Account under the Central Utah Project Completion Act, Pub. L. No. 102-575, Titles II-VI, 106 Stat. 4605-4655; and
 - (g) to pay for expenses of the State Tax Commission under Title 59, Chapter 23, Brine Shrimp Royalty Act.

(5) The purposes specified in Subsections (4)(a) through (4)(d) may be accomplished by the state or, in an appropriation act, the Legislature may authorize the Department of Natural Resources to award grants to political subdivisions of the state to accomplish those purposes.

(6) Monies in the account may not be used to develop or implement a habitat conservation plan required under federal law unless the federal government pays for at least 1/3 of the habitat conservation plan costs.

Mission of the Department of Natural Resources

The mission of the DNR is “to sustain and enhance the quality of life today and tomorrow through the coordinated and balanced stewardship of our natural resources”. DNR is the parent agency of seven separate divisions. ESMF funding will be applied to projects, which are consistent with the DNR mission.

Application Process

An electronic copy of the grant application in proper format (see below) should be submitted to the address below no later than 5:00 p.m. on the first business day in March. Emergency grant applications may be received and reviewed at other times of the year at the discretion of the Executive Director of DNR. One paper-version grant application, including the signed cover sheet must be delivered to the address below. Documents must also be submitted in MS Word (or similar) electronic format and can either be sent via e-mail as an attachment to christopherkeleher@utah.gov or put on a compact disk and mailed to the address below. Contact the Recovery Programs Office (801) 538-5216 if questions or needs arise during proposal development. A DNR staff member is available to assist applicants with the proposal development process.

Send Grant Applications To:

Christopher Keleher, Recovery Programs Assistant Director
Utah Department of Natural Resources
1594 West North Temple, Suite 3310
PO Box 145610
Salt Lake City, Utah 84114-5610

Grant Selection Process

The ESMF program office has adopted the three-tiered ranking system of the Utah Sensitive Species List and the Utah Wildlife Action Plan (UWAP; UDWR 2005) as the biological foundations for projects that warrant funding under ESMF; however, the program office recognizes that unforeseen circumstances, threats and/or opportunities can arise that may elevate the urgency of specific projects or species perhaps not considered immediate priorities in the UWAP. Therefore, inasmuch as species and project assessments are to a certain degree subjective, and individual species or projects may not be comparable under all considerations, the ESMF program office considers sensitive species rankings and/or actions identified in the UWAP as guidance and not as inflexible frameworks for determining funding allocations.

Grant applications will be reviewed and ranked by objective technical experts according to the eligibility and scoring factors detailed below. Grant applications and technical rankings will be provided to the ESMF Advisory Committee made up of representatives from the U.S. Fish and Wildlife Service, the Utah Farm Bureau Federation, the Utah Association of Counties, the Central Utah Water Conservancy District (representing water users), the Utah Petroleum Association, and the DNR. The ESMF Advisory Committee will review grant applications and rankings, particularly looking for conflicts or collaborative opportunities under their respective disciplines, and provide their recommendations to the Executive Director of the DNR. The DNR Executive Director will consider technical rankings and Advisory Committee recommendations and, after consultation with the DNR Leadership Team, will make the final funding decision on grant applications. Successful applicants will be formally notified in May and funding will be available July 1, the start of the state fiscal year. A grant contract will be formalized between the applicant and the DNR Executive Director prior to the commencement of work.

Conclusion

The cover sheet and grant application format for ESMF funds follows. Funds are very limited. Projects which accomplish the program objectives while minimizing conflicts between sensitive species conservation efforts and local communities, and/or providing assistance to local communities in complying with the Endangered Species Act are encouraged. Effective partnerships with resource agencies, local communities, non-government organizations, universities and others will maximize the long-term benefit to federally listed and state sensitive species, and the impact of limited funds provided through the ESMF. ESMF grant eligibility criteria and scoring factors are provided below, following the application materials. DNR personnel are available to answer questions and provide assistance with the grant application process. If questions or needs arise during the grant application process, they should be directed to:

Christopher Keleher, Recovery Programs Assistant Director
Utah Department of Natural Resources
1594 West North Temple, Suite 3310
PO Box 145610
Salt Lake City, Utah 84114-5610
(801) 538-5216 (office)
christopherkeleher@utah.gov

**Endangered Species Mitigation Fund
Grant Application Cover Sheet**

For Office Use Only

Date Received:	
Grant Number:	
Ranking Score:	
Funding Recommendation:	

Grant Title:		
Contact Information:		Funding:
Name:		ESMF request \$
Organization:		Applicant \$
		Federal \$
Mailing Address:		State (other) \$
		Local \$
		Other \$
E-mail Address:		
		TOTAL \$
Telephone:		
Brief Project Summary:		
<p>Authorization: To the best of my knowledge, all information in this grant application is true and correct and duly authorized by the governing body of the applicant.</p>		
Name of Authorized Representative (typed):		
Title:		
Telephone:		
Signature of Authorized Representative:		Date Signed:

Endangered Species Mitigation Fund Grant Application Format

BACKGROUND INFORMATION

1. Title of Proposed Project

2. Project Proponent(s)

- Organization(s) proposing the project (name, address)
- Project Leader:
 - Name:
 - Title:
 - Telephone:
 - e-mail:

PROJECT DESCRIPTION

3. Project Location

4. Project Responsibilities

- What organization(s) will be responsible for administering the project?
- What additional organization(s) or participants, if any, will be involved or have responsibilities in the project?

5. Project Summary

- Summarize the entire project proposal in 200 words or less

6. Project Proposal

Background

- What are the threats to the target species addressed by the proposal?
- How imminent/urgent are the risks to the target species posed by the threats addressed by the proposal?
- Is compliance under Federal (i.e. National Environmental Policy Act, Clean Water Act, Endangered Species Act), State, or Tribal law required; and, if so, has it been completed or is completion anticipated prior to initiation of the proposed project?

Goals and Objectives

- The goals and objectives should clearly address the threats identified in the background information.

Tasks

- What task(s) will be undertaken and how will they achieve the objectives?
- How will the threats to the target species be addressed?

- What follow up studies will be conducted to insure the objectives have been met?

Anticipated Results

- What benefits are anticipated as a result of implementing the proposed project?
- Will implementation of the proposed project result in long-term benefits to the target species?

Other Considerations

- Does the project complement sensitive species conservation efforts on adjacent/surrounding lands/water bodies? Explain.
- Is the project consistent with other land use plans, resources management plans, etc.?
- Is the project related to an approved Habitat Conservation Plan, Recovery Plan or Conservation Strategy?
- What management, evaluation, and monitoring activities are planned following project completion to ensure project goals and objectives are achieved?
- Is the project part of a multi-year effort?
- Are there additional factors that the project proponent feels warrant consideration?

7. Project Budget

- Identify the budget for the entire project and the amount requested from ESMF. Include a budget break down for each task.

8. Project Coordination

- Are other funds or in-kind services committed or anticipated? Identify cost share amount or percentage and sources of in-kind services.
- Have affected agencies, organizations, municipalities and other interested parties been contacted and do they support the proposed project?
- Is the proposed project coupled with ongoing or other proposed activities that have compatible objectives?

9. Project Schedule

- What is the proposed time line and duration for the project?
- What is the preferred time for the project to begin? Are there circumstances that dictate that the project be initiated at a particular time?

10. Project Deliverables

- What deliverables or tangible products will be provided upon completion of the project?

11. Literature Cited

- Supporting documentation should demonstrate that the proposed project is supported by the best and most current scientific information available.

**Endangered Species Mitigation Fund
Eligibility and Scoring Factors**

Grant Number: _____ Reviewer: _____ Total Score: _____

Grant Title: _____

Eligibility Factors

	<u>YES</u>	<u>NO</u>
Is the proposed project consistent with the mission of the Department of Natural Resources? If NO, do not rank or fund.	<input type="checkbox"/>	<input type="checkbox"/>
Is the proposed project consistent with the legislative intent of Utah Code 63-34-14 and the purpose of the Endangered Species Mitigation Fund? If NO, do not rank or fund.	<input type="checkbox"/>	<input type="checkbox"/>
Are there reasons, such as a formal commitment, immediate need, or other, to fund this grant proposal without going through the ranking process? (justification required) If YES, approve proposal without ranking.	<input type="checkbox"/>	<input type="checkbox"/>
If compliance under federal (i.e. National Environmental Policy Act, Clean Water Act, Endangered Species Act), State or Tribal law is necessary, has it been completed, or is it anticipated to be completed prior to project initiation? If NO, do not rank or fund.	<input type="checkbox"/>	<input type="checkbox"/>
Will the project result in net environmental benefits, or provide a clearer understanding of sensitive species issues? If NO, do not rank or fund.	<input type="checkbox"/>	<input type="checkbox"/>
Are the goals and objectives clearly stated in the grant proposal and is there a high probability of success? If NO, do not rank or fund.	<input type="checkbox"/>	<input type="checkbox"/>
Is there reason to believe that the applicant lacks the capacity to successfully implement the project based on past performance or other reasons? If YES, do not rank or fund.	<input type="checkbox"/>	<input type="checkbox"/>

Scoring Factors

SENSITIVE SPECIES BENEFIT

Addressing Threats

To what extent does the project address threats and implement actions needed to conserve, protect, manage, and or improve the knowledge of Tier 1 and Tier 2 sensitive species (as identified in the Utah Wildlife Action Plan)? Higher consideration will be given to species that are more imperiled (Tier 1) and to projects that benefit multiple species.
(Point Range 0-40)

Points _____

Urgency and Risks

To what extent are risks to the species targeted by the project imminent and would delaying the project result in unacceptable risk to the species and/or an elevation of listing status (i.e. Tier 2 elevated to Tier 1).
(Point Range 0-40)

Points _____

Sustainability

Is the project sustainable and does it have long enduring benefits to Tier 1 or Tier 2 species (Point range 0-10)?

Points _____

Project Coordination

Is the project supported by multiple partners? (Point range 0-5)	_____
Are funds provided to match the requested ESMF funding? (Point range 0-5)	_____
Does the project involve significant in-kind contributions by the applicant and/or participating agencies or organizations? (Point range 0-5)	_____
Is the project coupled with other ongoing or proposed projects that have compatible objectives? (Point range 0-5)	_____
Does the project demonstrate inter-organizational cooperation? (Point range 0-5)	_____
Is there community and public support for the project? (Point range 0-5)	_____
Will the project assist a local community in Endangered Species Act compliance, or in dealing with sensitive species issues? (Point range 0-5)	_____
Total Points _____	

ADDITIONAL CRITERIA

Is follow-up monitoring and evaluation planned for the project? (Point range 0-5)	_____
Does the project have one or several unique qualities? (Point range 0-5 for each)	
• Benefit to federally listed or sensitive plant species	_____
• Benefits extend beyond target sensitive species	_____
• Links or is adjacent to existing protected areas	_____
• Public outreach or education component	_____
• Offsite benefits (i.e. prevention of invasive species)	_____
Total Points _____	