



New York State

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish, Wildlife and Marine Resources

Landowner Incentive Program Management and Protection of Bog Turtle Habitat

Request for Applications
Round 1

State Fiscal Year 2010 - 2011

Pre-application must be
submitted by:

June 1, 2010

**New York State
Department of Environmental Conservation**

David A. Paterson, Governor

Alexander B. Grannis, Commissioner

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**Landowner Incentive Program
Management & Protection of Bog Turtle Habitat**

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Section I: Purpose of the Program

The Landowner Incentive Program For Management and Protection of bog turtle habitat is a new grant program administered by the New York State Department of Environmental Conservation (DEC). The program encourages private landowner participation in habitat management and protection by providing technical advice and funding for the protection of at-risk species and their habitats, specifically bog turtles and their habitat. Protection of the turtle's habitat will also benefit other at-risk species with similar habitat needs (see Table 1. on p. 20 for a full list). Applications must involve the management and restoration of bog turtle habitat within the focus area.

Bog Turtle: A Species in Need of Conservation Action

The bog turtle (*Glyptemys muhlenbergii*) is New York's smallest turtle, reaching a maximum length of 4.5 inches at maturity. It has a distinctive bright orange or yellow blotch on both sides of its neck, a dark body color, a domed and somewhat rectangular upper shell (carapace) with pronounced rings around the shell plates and a hingeless blotched lower shell (plastron). For a more thorough description of the turtle, its habitat, and conservation issues, please see the Natural Heritage Online Conservation Guide at: <http://acris.nynhp.org/guide.php?id=7507>



Photo by Dave MacDougall

This endangered species lives in shallow, spring-fed, open-canopy wetlands such as mineral fens and wet meadows. Other rare species such as the spotted turtle (*Clemmys gutatta*) and wood turtle (*Glyptemys insculpta*) share the same or similar habitat. These wetlands were once more abundant throughout the Hudson Valley and Great Lakes Plains regions of the State and were maintained in an early, open stage of succession by the combined effects of beaver damming activity, grazing by native herbivores, burning by native Americans, and low-intensity agricultural grazing.

The decline of agriculture in the Northeast and the shift towards row crops over the last 100 years have precipitated the loss of open-canopy wetlands. Over the last 30 years, bog turtles have disappeared from more than half of the wetlands they once occupied. Without the disturbance provided by fire and grazing animals, these wetlands become quickly colonized and overgrown with pioneer forest species such as red maple and poplar. Habitat degradation is accelerated and exacerbated by development; infestation by exotic-invasive species such as phragmites, purple loosestrife, multiflora rose, and Japanese knotweed; agricultural runoff; and building of roads which function as barriers to animal movement and water flow in wetlands.

Geographical Focus: Hudson-Housatonic Recovery Unit

Since ninety-five percent of bog turtle habitat is on private land, survival of the species in the wild is impossible without the collaboration of private landowners. Through this program, private landowners will be able to apply to receive technical assistance and funding to protect and improve the species' habitat.

Overall recovery efforts for the federally-threatened bog turtle are guided by the United States Fish and Wildlife Service's (USFWS) "Bog Turtle (*Clemmys muhlenbergii*) Northern Population Recovery Plan" (see citations on p. 29). This plan divides the northern population of the bog turtle into five distinct recovery units. Two of these, the Prairie Peninsula/Lake Plain unit and the Hudson/Housatonic unit are partially located within New York. The latter of these is the most important, comprising 33 of 37 known metapopulation sites in New York.

To maximize the effects of limited available funding, DEC will limit eligibility to a focus area within the Hudson-Housatonic Recovery Unit. The focus area includes portions of Columbia, Greene, Ulster, Dutchess, Putnam, Sullivan and Orange counties (see Figure 1 on p. 5). This area was selected by bog turtle experts based on the history of recent occurrences, the need for protection and management of habitat, and natural features such as mountain ridges that limit population movements.

Bog Turtle Focus Area

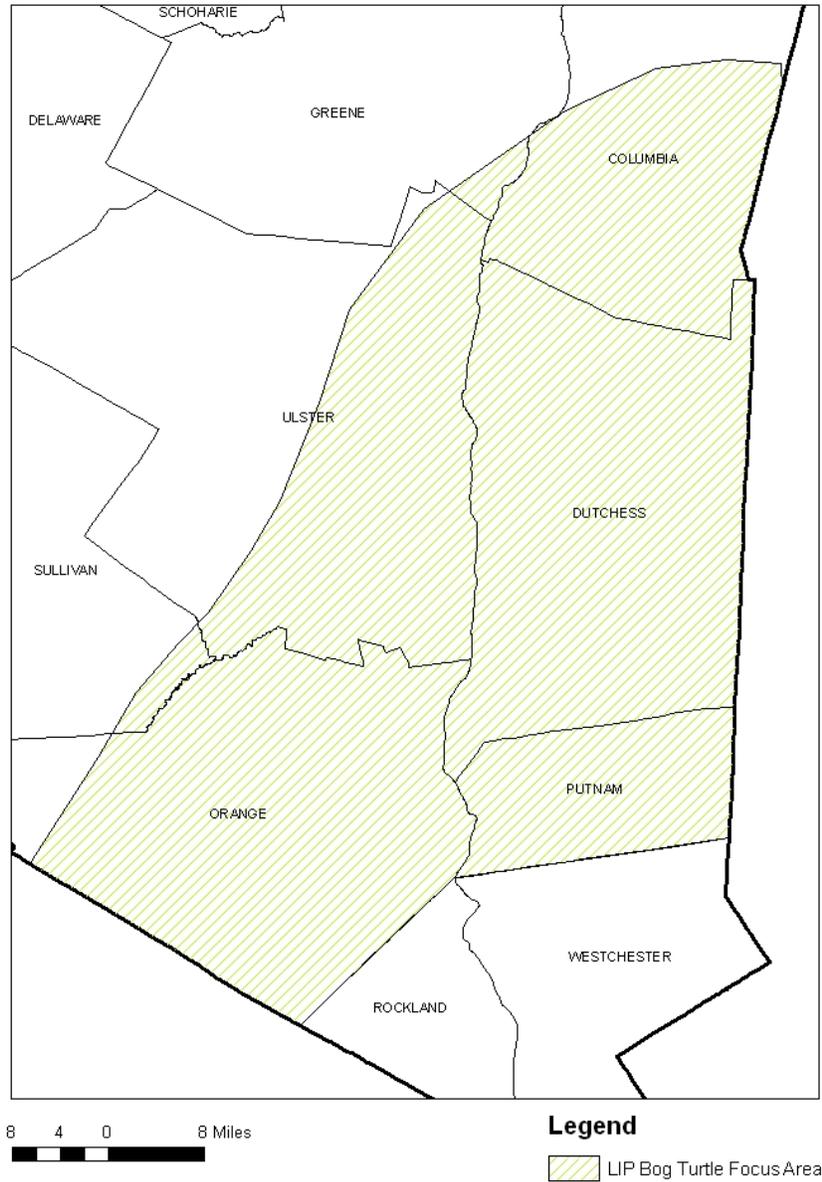


Figure 1. The bog turtle focus area was determined by analyzing currently and recently occupied locations within the Hudson-Housatonic Recovery Unit, as defined in the USFWS’ “Bog Turtle *Clemmys muhlenbergii* Northern Population Recovery Plan” and barriers such as mountain ridges and overly-developed areas.

Section II: What Applicants Need to Know

The DEC has received approximately \$150,000 from the USFWS for the protection of bog turtles and the management of their habitats on private lands *within the bog turtle focus area* (see Figure 1). Should additional funding be made available to DEC for the management and protection of bog turtle habitat, such funding may be used to fund additional grant applications solicited under this Request for Applications.

There are **three** stages to the application process:

Stage 1 - Pre-application: Interested applicants must fill out and submit a pre-application by the advertised deadline. Applications received by the deadline will be reviewed and scored using quantitative scoring criteria. Applicants whose pre-application ranks 25 points or higher will be invited to submit a full project application. All applications scoring below 25 points in the pre-application stage will be returned to the applicant.

Stage 2 - Full application: Applicants that received a qualitative score of 25 points or higher will be contacted by DEC staff via US mail and invited to submit a full project application. The deadline for submitting a full application will be provided in the notification. Full applications will be reviewed and scored using qualitative scoring criteria.

Stage 3 - Combining quantitative and qualitative project evaluation scores. Both the quantitative scoring (Stage 1) and qualitative evaluation (Stage 2) scores for all eligible applications will be combined and classified into priority levels, in accordance with this request for applications.

Technical assistance for developing a project (**after the pre-application stage**) is available through the DEC by calling 518-402-8898 or sending an e-mail to F&WLIP@gw.dec.state.ny.us. All applicants should carefully read the USFWS Biological Opinion (see below) before applying for a grant.

HOW DO I KNOW IF I HAVE BOG TURTLES ON MY LAND?

The DEC and its conservation partners have intensively searched for and recorded the occurrence, condition, and habitat requirements of bog turtles in the focus area over the past four decades. Records of the turtle range from the 1800's to the present and are maintained in a geographical information system (GIS) database. To determine if bog turtles have been found in or near your property, our staff will query this GIS database. In addition, the Natural Heritage Program has developed a predictive model for occurrences. Staff will check this model to determine site suitability for the species.

The DEC is aware of the majority of bog turtle occurrences; however, it is possible that there may be bog turtle sites we are not aware of. Bog turtles are small, rare, and hard to find. This Request for Application provides you with pictures and a description of bog turtles. Have you seen turtles that fit this description on or near your property? If you think so, submit a pre-application and indicate on the required map where and when you believe you may have seen them. The DEC will then contact you to verify the sighting and determine if the habitat is suitable. If it appears to be a probable occurrence, the DEC may request to conduct a site visit to verify the occurrence.

WHO IS ELIGIBLE TO APPLY?

To be eligible to apply for project funding, applicants must be private landowners or a non-governmental group proposing to do work on privately-owned land. If the applicant is not the landowner, he or she must submit original signed letters of permission from all private property owners involved at the time of application.

“Private Landowner” is defined as and includes individuals, non-governmental organizations, and privately-owned businesses.

“Private Land” is defined as any non-government-owned land.

“Not-for-profit corporation” means an organization formed pursuant to the not-for-profit corporation law with tax-exempt status under Section 501(c)(3) of the Federal Internal Revenue Code. All Not-For-Profit (NFP) organizations must submit proof of their tax status under the Internal Revenue Code, Section 501 (c)(3). Not-for-profit organizations must be up-to-date on their charities filing, and must provide their charities registration number.

WHO IS NOT ELIGIBLE TO APPLY?

Municipal agencies at all levels of government (federal, state, county, town, city, etc.) and any type of government-owned land are **excluded** from filing an application under this Program.

DEC employees and their immediate families are not eligible to apply for funding. Former DEC employees are not eligible to apply for funding within two years of leaving DEC employment.

IS THERE A MINIMUM AND MAXIMUM GRANT AWARD AMOUNT AND ARE MATCHING FUNDS REQUIRED?

Grant award amounts will be limited to a **minimum** amount of \$5,000 and a **maximum** of \$50,000. The cost effectiveness of a project will directly impact an applications rank and score.

All grants require ***a minimum of 25% in matching funds from non-federal and/or non-state funding sources***. All applicants are required to certify matching funds from non-federal and/or non-state sources in their full application submission. A pending grant application from a non-federal funding source cannot be considered as certified match until such grant application is officially awarded by the Grantor to the applicant.

State Assistance payments are taxable unless you are a tax-exempt organization. The State Department of Taxation and Finance will send you a 1099 form for moneys you receive from this grant Program. Applicants should consult their tax advisor or accountant to determine their individual tax liability.

WHAT KIND OF WORK IS ELIGIBLE FOR FUNDING?

The goal of this program is to manage, restore, and conserve habitat for bog turtles and other species that occupy the same habitat. Specific management activities and techniques related to this goal include:

- Management of vegetation, which may include:
Releasing *Galerucella spp.* beetles to control invasive purple loosestrife plants; girdling trees; removal of vegetation manually or with herbicides; and conservation grazing.
- Restoration of hydrology: Typically, this can include placement or replacement of culverts, removal of fill, and addition or replacement of impoundments.
- Re-connection of habitats: This may include the mechanical removal of vegetation or contouring of land to facilitate turtle movement.
- Conservation grazing: Defined as the use of sheep, goats, horses, or cows to eradicate or control invasive species, typically includes installation of fencing to control movement of grazing animals.
- Monitoring: Monitoring the effect of management, both to prevent injuring resident turtles and to determine what effect actions are having, must be a component of the proposed work.

These management activities are described in detail in the USFWS Biological Opinion on Bog Turtle Restoration Practices (see page 11 for more information). Applications focusing solely on research, planning, inventory, education, or captive breeding will generally not be considered eligible.

WHAT PROJECT COSTS ARE ELIGIBLE FOR REIMBURSEMENT?

The following are examples of eligible project-related costs for LIP bog turtle grants:

- ▶ Costs for staff time directly devoted to the project, including fringe benefits at a rate not to exceed 15% of salary. (See “Salary”, below, under “Personnel Services” for restrictions.)
- ▶ Costs for supply and material purchases directly linked to and necessary to execute the project
- ▶ Costs for rental of equipment (purchase not eligible).
- ▶ Costs for subcontract of services (services must be reasonable and necessary and must include a cost analysis).

Grant reimbursement payments will be based on actual expenditures incurred by the grantee. Grantees will be required to provide documentation of project-related costs, including submission of copies of invoices and cancelled checks, with each payment request. Grantees will be required to show proof of and certify appropriate matching expenses from non-federal and non-state funding sources. Project budget proposals should include allowable expenses, including matching costs related to the implementation of this project. The project budget

proposal must be itemized using the format provided in the Sample Budget chart included in this RFA, and should include eligible funding categories, as follows:

Personnel Services

Salary: Salary and title of project staff employed or hired by the applicant organization. No more than 25% of the total project budget may go to pay the salary (and fringe if applicable) of a single individual in the Paid Staff budget category.

Fringe Benefits: Salary x Fringe Rate. The fringe benefits such as health care and retirement provided to permanent employees of the applicant organization. Fringe benefits are normally calculated as a percentage of an employee's salary. The maximum allowable fringe rate under this program is 15%.

Non-Personnel Services

Travel and Equipment Usage: Vehicle mileage at the federal rate, fuel costs, and other similar expenses. Equipment usage is valued at the cost equivalent per day for renting equipment such as tractors, brush clearing equipment, etc.

Equipment Rental: Rental of equipment is eligible for reimbursement. Purchase of equipment is NOT eligible.

Equipment: is defined by federal grant rules as "...tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit."

Supplies and Materials: Office supplies, consumable field gear or materials such as flagging tape and stakes, herbicides, etc.

Contractual Services: If you subcontract out for services such as invasive species control, you must be able to provide proof as to the reasonableness of such costs. No more than 25% of the total project budget may go to the Contractual Services budget category.

Use of In-kind services as match: If in-kind (volunteer time, equipment usage) or other non-State and non-Federal contributions will be used as match you must include:

- ▶ A description of what the in-kind services are going to be.
- ▶ In-kind services must be "necessary and reasonable" for the accomplishment of project objectives. The Project narrative needs to identify how and why the in-kind services are "necessary and reasonable" for the accomplishment of project objectives.
- ▶ Provide an estimate of in-kind services and explain how the estimated in-kind costs are calculated (e.g., "the rate used to calculate the time spent by landowners on habitat management activities is equal to the state rate for similar work", etc.).
- ▶ Prior to the implementation of the project, and for reporting purposes after the project is complete, applicants need to explain how in-kind services

will be accounted for (e.g., volunteer time cards, database). In-kind *is not* state or federal staff time or resources. Applicants are urged to review the Federal guidance on in-kind services and the documentation requirements therein. See 43CFR12.64(7), reprinted for your convenience as Attachment E of this RFA.

WHAT COSTS ARE NOT ELIGIBLE FOR REIMBURSEMENT?

Ineligible costs include:

- ▶ Costs of preparing a grant application
- ▶ Costs incurred prior to the award of a grant
- ▶ Overhead or indirect personal service related costs
- ▶ Grant Administrative costs
- ▶ Any other costs not directly necessary to implement the project
- ▶ Costs related to land acquisition, purchase of development rights or easements are NOT eligible for reimbursement.

Any cost or type of cost that is ineligible for reimbursement cannot be claimed as match under this program.

PROJECT ELIGIBILITY CRITERIA:

The following eligibility criteria apply to all applicants:

- (1) Land must be privately owned. Applicants must submit original letters of permission from involved landowners at the time of pre-application. If the applicant is invited to submit a full application, the landowner will need to provide proof of ownership in the form of a deed as part of the Stage 2 - Full application.
- (2) Property must be located within the bog turtle focus area identified in this Request for Applications. Properties that have appropriate habitat and are contiguous but just outside of the focus area will generally be considered eligible. The focus area includes all or portions of the following counties: Columbia, Dutchess, Greene, Orange, Putnam, Sullivan and Ulster.
- (3) Acres of land already enrolled in similar incentives (e.g. USDA Farm Bill programs such as the Wetland Reserve Program) are not eligible for reimbursement under this Program. However, landowners may be enrolled in more than one program as long as different parcels are committed to each.
- (4) Upon submission of a pre-application, landowners must allow DEC staff or their representatives to enter the eligible property at reasonable hours and with prior notification for the purposes of obtaining information pursuant to scoring criteria (Stage 1).
- (5) Businesses and NFPs must include in their application their Federal Employer ID number. Businesses and NFPs must also submit a Resolution (see Attachment C for sample resolution) identifying the person authorized on behalf of the organization to submit an application and sign legal documents. This person will receive official notification from DEC about decisions regarding their application.

- (6) Applicants that receive grant funding will be required to sign a State Assistance Contract with DEC that will carry a **three-year** term. Projects must be started within ONE year of receiving notification of a grant award from DEC. Projects not started within this one-year time period will risk having their grant funding withdrawn.

The applicant must perform all DEC approved project related activities as identified in the State Assistance Contract project work plan. The Contract will include a DEC approved management plan, job narrative, budget and payment schedule; and Appendix A - standard State Clauses and Appendix B - DEC Clauses.

- (7) The applicant will also be required to sign a Memorandum of Agreement with DEC that will be filed at a corresponding county clerk's office to indicate the property is enrolled in the New York State Landowner Incentive Program.

HOW WILL STATE ASSISTANCE FUNDING BE PROVIDED?

The Landowner Incentive Program for Bog Turtle Protection and Management is a reimbursement grant program. Applicants must be prepared to fully fund their projects in the first instance and then submit payment requests along with copies of supporting documentation of costs in a manner acceptable to DEC.

Grantees will also be required to submit project performance reports on a bi-annually basis. Advance contract payments will NOT be provided. DEC will retain 10% from each payment request until all contract deliverables have been met and approved by DEC. Upon DEC's approval of such contract deliverables, the final 10% retainage will be released to the grantee.

Payments for expenditures incurred under this contract will be rendered electronically to the Recipient. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The Recipient shall comply with the Comptroller's procedures to authorize electronic payments. Authorization forms are available at the Comptroller's website at www.osc.state.ny.us/epay/index.htm, by e-mail at epunit@osc.state.ny.us or by telephone at (518) 474-4032. The Recipient acknowledges that it will not receive payment under this Contract if it does not comply with the Comptroller's electronic payment procedures.

APPLICATIONS MUST BE CONSISTENT WITH THE USFWS BIOLOGICAL OPINION:

All applications must be consistent with and closely follow the recommendations of the USFWS Biological Opinion on Bog Turtle Restoration Practices, Amendment 1, and all future amendments released by the USFWS to be considered eligible.

In 2006, the USFWS released the "Appendable Biological Opinion on Bog Turtle Restoration Practices" and shortly thereafter, the First Amendment to this Biological Opinion. The Biological Opinion addresses in detail the techniques commonly used to manage bog turtle habitat, which include application of herbicides, cutting and removal of woody vegetation, prescribed fire, release of beetles to control purple loosestrife, and installation of fencing to facilitate grazing. The First Amendment to the Biological Opinion specifically addresses the use of goats and sheep for restoration grazing of degraded habitat. Some of the management techniques covered by both documents can result in the accidental injury or death of turtles (a

“take”). The Biological Opinion and its Amendment describe in detail how these techniques must be implemented in order to minimize the chance of a take.

The Biological Opinion can be found at <http://www.nrcs.usda.gov/technical/envicomp.html> or by request from DEC. The DEC will notify applicants by mail if new amendments are released. The DEC will disqualify any applications not deemed consistent with the Biological Opinion and amendments.

ENVIRONMENTAL PERMITTING REQUIREMENTS:

Since this is a federally-funded program, all expenditures, match, and activities that may affect listed species are subject to federal and state rules. All funds awarded through this Request For Applications are contingent upon the applicant meeting all federal and state permitting requirements.

Federal Considerations

The USFWS Biological Opinion on bog turtle management will serve as the key guidance for applicants on habitat restoration and management techniques. It is available for download at <http://www.nrcs.usda.gov/technical/envicomp.html> or by request from DEC. The DEC reserves the right to reallocate or withdraw grant funding in the event that the project applicant cannot meet the federal or state grant and/or permitting requirements. Applicants are encouraged to contact the U.S. Fish and Wildlife Service Endangered Species office in Cortland, NY for technical assistance on projects that may affect state or federally listed species, including bog turtles.

The U.S. Fish and Wildlife Service Field Office in Cortland:
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, NY 13045
607-753-9334

The DEC reserves the right to make minor revisions to an applicants scope of work or budget to comply with the U.S. Fish and Wildlife Service review of eligible costs and matching funds. Such revisions will not result in any increase in the State award amount. However, State award amounts may be decreased as a result of disqualification of matching costs through the federal review process.

State Considerations

Applicants should be aware of the following potential federal or state permitting issues:

1. The scope and size of land disturbance of a management or restoration project is greater than 10 acres
2. The capture, handling, or take of protected fish and wildlife, especially state or federally-listed threatened or endangered species
3. Lethal control of invasive or predatory animal species
4. Application of pesticides, herbicides, or chemical tracers
5. Discharge of waste or water

6. Use and release of non-native species in the control of vegetation or pests (biocontrols, for example, *Galerucella spp.* beetles to control purple loosestrife)
7. Stocking or transfer of animals
8. Alterations to regulated State or federal wetlands and identified significant habitats
9. Contaminated sites or sites that involve dredging or dredged material
10. Sites that are listed or eligible for listing on the State and National Registers of Historic Places

This list is NOT meant to be comprehensive, and it is the applicant's responsibility to investigate any permits that may be required to carry out their project proposal.

For Dutchess, Ulster, Orange, Putnam, or Sullivan county, contact:

Margaret Duke
NYSDEC - Region 3 Division of Environmental Permits
21 South Putt Corners Rd.
New Paltz, NY 12561-1620
845-256-3054

For Columbia or Greene County, contact:

William Clarke
NYSDEC - Region 4 Division of Environmental Permits
1130 North Westcott Rd.
Schenectady, NY 12306-2014
518-357-2069

Handling, scientific collection, exhibition, or marking of wildlife require a valid special license from the NYSDEC Special Licenses Unit. Relevant regulated species and activities include:

- ▶ Endangered or threatened species listed by New York (6 NYCRR Part 182) or by the Federal government (50 CFR Section 17);
- ▶ Most indigenous or native animals (call the Special Licenses Unit for species)
- ▶ Migratory birds listed by the Federal government (50 CFR Section 10.13)
- ▶ Release of insects to control invasive plants
- ▶ Liberation of wildlife, including bio-controls, to the wild

If you are planning to conduct any of these activities, contact the Special Licenses Unit:

Special Licenses Unit
NYSDEC
625 Broadway
Albany, NY 12233-4752
518-402-8985
jetherri@gw.dec.state.ny.us

AFFIRMATIVE ACTION REQUIREMENTS

Should you receive a grant, the State Assistance Contract will require you to make good faith efforts to comply with State Women and Minority Owned Business Enterprise (WMBE) and Equal Employment Opportunity (EEO) requirements (See Attachment D).

Section III: Overview of the Application, Review and Selection Process

STAGE 1A - SUBMISSION OF PRE- APPLICATIONS

As noted above, interested applicants must fill out and submit a pre-application (Attachment A) by the advertised deadline. In addition to the applicant's contact information and a project location map, the pre-application should clearly but briefly explain what the applicant is intending to do on their land to enhance habitat for bog turtles. Pre-applications will be reviewed and scored by the DEC using criteria specific to bog turtle ecology and natural history (See Stage 1-Pre-application Quantitative Scoring). All applicants will be notified of their application score no longer than sixty (60) days from the pre-application deadline. Applicants having a pre-application score of 25 points or higher will be invited to submit a Full project application.

To obtain a Landowner Incentive Program Pre-application:

- ▶ See Attachment A, of this packet; *or*
- ▶ Download on the DEC website at <http://www.dec.ny.gov/pubs/48707.html>; *or*
- ▶ E-mail: F&WLIP@gw.dec.state.ny.us requesting an application for the bog turtle program; *or*
- ▶ Call 518-402-8898 to request one.

Documents to be included with pre-application are:

- (1) Map(s) of project area. Please include a locator map(s) of the project area(s) within NY State, and map(s) or aerial photographs of actual project area.
- (2) Original, signed letters of permission from all involved landowners. ***Do not send deeds at this time.*** Proof of property ownership will be required at Stage 2 of the Full application process. All deeds will be verified by DEC through the contracting process.
- (3) Copy of 501(c)(3) tax-exempt status, federal ID number and NYS charities registration number, if applicable.
- (4) Copy of a resolution of support (only not-for-profit organizations). A sample resolution is attached to this RFA as Attachment C. All resolution documents must be submitted to DEC within 30 days after the pre-application deadline or the pre-application will be disqualified.

Please send your completed and signed pre-application form and additional required documents to:

Wildlife Services
Attn: LIP Bog Turtle Program.
NYSDEC
625 Broadway
Albany, NY 12214-0334

STAGE 1B - PRE-APPLICATION QUANTITATIVE SCORING (80 POINTS MAX)

All eligible pre-applications received by the deadline (June 1, 2010) will be scored by the DEC program coordinator (the Coordinator) using quantitative criteria specific to bog turtle ecology. In addition to the information provided in the application, data relating to the quantitative criteria will be verified and gathered through the DEC’s Natural Heritage Program and through current high-definition aerial photography of New York State. These data will be used to calculate a point score for each of the following criteria:

Site History and Condition:

- Site currently occupied by bog turtles: +15 Points
(most recent record within the last 10 years.)
- Recently-occupied site with suitable habitat: +10 Points
(Minimum of one historical record between the last 11 and 35 years)
- Site with suitable habitat, hydrologically-connected or adjacent to an existing or historic population: +5 Points
- Site not currently or recently occupied with potential habitat +0 Points
- Site not currently or recently occupied, without potential habitat -10 Points

Bog Turtle Population Viability Ranking:

The DEC ranks bog turtle populations at particular locations according to their risk of local extinction. Populations ranked as “A or B, viable” or “C, likely viable” are sufficiently abundant and have enough variability to be able to sustain themselves. Populations ranked as “E, extant” have been found but have not been assessed for viability. Populations ranked as “D, likely unviable” have been found to likely become extinct due to low numbers, variability, and lack of connection with other populations. Populations identified as “F, not present” have not been found despite systematic, intensive, and repeated surveys.

Viable:

- A or B-Ranked Occurrence with habitat NOT being managed +15 Points
- A or B-Ranked Occurrence with habitat under management: +5 Points

C, Likely viable or E, Extant:

- C or E-Ranked Occurrence with habitat NOT being managed: +10 Points
- C or E-Ranked Occurrence with habitat under management: +3 Points
- NA-Site not assessed for viability 0 Points

D, Likely unviable or F, Not Present:

- D or F-Ranked Occurrences: -10 Points

Size:

- Acres to be restored or managed:
- 1-5 acres: +5 Points
- 6-10 acres: +10 Points
- 11-20 acres: +15 Points
- Greater than 20 acres: +20 points

Additional Benefits:

- Benefits to other at-risk species on site: +5 Points
- Eradication or significant control of exotic-invasive species: +5 Points
- Restoration of site hydrology: +5 Points

Surrounding Landscape Context and Habitat Viability:

Upland Wetland Buffer: % of natural cover within 150 meters of border of wetland complex.

- Good: more than 50 % +10 Points
- Neutral: 25 to 50 % 0 Points
- Bad: less than 25 % -10 Points

Input Stream Buffer: % of natural cover within 25 meters of banks of input streams up to 1 km upstream from site.

- Good: more than 50 % +5 Points
- Neutral: 25 to 50 % 0 Points
- Bad: less than 25 % -5 Points

Based on the above criteria, a total number of points will be tallied. Applications that score below the sum of 25 will be categorized as “Low”, scores 25 or more but less than 50 will be categorized as “Medium”, and scores equal to or greater than 50 will be categorized as “High”. Applications categorized as “Low” will be returned to the applicant with an accompanying letter and will not be considered further. The DEC will contact applicants by mail whose pre-applications are categorized as “Medium” and “High” to invite the applicants to submit Full applications. Full applications received by a predetermined deadline will move on to “Stage 2 - Qualitative Evaluation”.

STAGE 1 QUANTITATIVE SCORING SUMMARY

Point Range	Evaluation Rating
50 or more	High
25 - 49	Medium
Less than 25	Low

STAGE 2A - SUBMISSION OF FULL APPLICATIONS

Pre-applications that received a score of 25 points or higher will be notified by DEC via US mail and invited to submit a Full application. Full applications must be submitted to DEC within the time frame identified in their invitation to submit a Full application.

A Full Project Application must include the following:

- (1) Project Narrative - Outline for Full Applications (See Attachment B);
- (2) Statement of consistency with the Biological Opinion - The applicant must adequately address how they will meet each requirement of the Biological Opinion.
- (3) A regulatory review describing what permits will be necessary to accomplish the project. This will factor significantly into the Project Readiness Score during the Qualitative Evaluation Phase (see, page 18).
- (4) Budget detail and project schedule. Both an itemized budget and project schedule are required. See Sample Budget in Attachment B, and refer to eligible and ineligible costs noted on pages 8-10).

STAGE 2B - QUALITATIVE EVALUATION OF PROPOSED PROJECTS

Full applications will be reviewed and evaluated by a panel of expert State staff having knowledge of bog turtle ecology and associated habitat conservation needs. Review panel members will individually rate each proposal in five qualitative categories as “High”, “Medium”, or “Low”. A ranking of **High** will be equivalent to “5 points”, **Medium** - “3 points”, and **Low** - “1 point”. Review staff will assess each project in each of the following five categories:

1) Species Conservation Benefit:

Project will significantly improve local conditions for bog turtles. This site is in high need of additional protection or management and if this project is not implemented, the site is highly likely to become unsuitable in one-three years High

Project will moderately improve local conditions for bog turtles. This site is in moderate need of additional protection or management and if this project is not implemented, the site is likely to become unsuitable in three-five years Medium

Project will minimally improve conditions for bog turtles. This site is in minimal need of additional protection or management and if this project is not implemented, the site may become unsuitable after five years Low

2) Monitoring and Reporting:

The project has a strong and likely effective monitoring component to prevent damage to bog turtles and to follow up on habitat restoration High

The project has a moderate and likely effective monitoring component to prevent damage to bog turtles and to follow up on habitat restoration Medium

The project has a weak or likely ineffective monitoring component to prevent damage to bog turtles and to follow up on habitat restoration Low

3) Cost-Effectiveness:

Cost effectiveness for this grant program is assessed as the average of the cost per acre and budget evaluations.

Cost per acre is calculated as the total cost identified in the Full application divided by the acreage to be restored or improved. The cost per acre of one application will be compared against the cost per acre distribution of all other applications, in the following manner:

Cost per acre within lowest 1/3 of applications: High
 Cost per acre within middle 1/3 of applications. Medium
 Cost per acre within highest 1/3 of applications. Low
 If the cost per acre cannot be determined from the information given, a Low value will be assigned.

4) Budget:

Budget is clear and complete, costs claimed are eligible, necessary and competitive when compared to other proposals or market rate. High
 Budget is mostly clear and complete, costs claimed are eligible and necessary and about average as compared to other proposals or market rate. Medium
 Budget is not clear, some costs appear ineligible or necessary or costs are significantly higher than for other proposals or the market rate Low

5) Readiness:

How prepared is the applicant to accomplish the project, including, but not limited to:

Project will not require a state or federal permit or permits have already been obtained. High
 Project will require a permit(s), but permits will likely be issued: Medium
 Project will require permits or proposal is unclear and permits will not be readily issued : Low

Based on the above criteria, a total number of points will be tallied. Scores that total below the sum of 10 will be categorized as “Low”, scores of 11 to 20 will be categorized as “Medium” and scores of 21 to 25 will be categorized as “High”.

STAGE 2 QUALITATIVE SCORING SUMMARY

Point Range	Evaluation Rating
21 - 25	High
11 - 20	Medium
0 - 10	Low

STAGE 3 - ASSIGNMENT OF FUNDING PRIORITIES & METHOD OF AWARD

Combining the Quantitative and Qualitative Scores

Once the DEC completes both the quantitative scoring and qualitative evaluation for all eligible applications, projects will be classified into priority levels, according to the following matrix:

STAGE 1: QUANTITATIVE SCORE (Pre-application score)	STAGE 2: QUALITATIVE SCORE (Full Application score)		
	High	Medium	Low
High (50 or more)	Priority 1	Priority 3	Priority 5
Medium (25 - 49)	Priority 2	Priority 4	Priority 6
Low (Less than 25)	N/A ¹	N/A	N/A

¹ N/A= Pre-applications that were ranked as “low” during Quantitative Scoring will not be considered for selection.

- ▶ Projects will be selected for funding in descending score order within each priority level, beginning with Priority Level 1, then 2, then 3, until available funding is exhausted.
- ▶ In an unlikely event that two applications receive the same score and there is only sufficient remaining funds for one project, the DEC will decide which application to fund based on the cost efficiency of the application.
- ▶ Applications classified as Priority Level 4 will be considered individually by highest to lowest score, and will only be funded if the total amount awarded for Priority 1 through 3 projects for the year is 10% or less of the total available funds remaining for the Program.
- ▶ Applications that are not funded in Priority Level 4 and those in Priority Levels 5 and 6, will be returned to the applicant with an explanation of why their application did not score well. Applicants may revise their unfunded applications and resubmit them during the next available open application period.

Table 1. Species expected to benefit from the management and protection of bog turtle habitat.

Common Name	State	Federal	Natural Heritage Rank
VERTEBRATES			
Blanding's turtle	T		S2S3
bog turtle	E	T	S2
eastern spadefoot	SC		S2S3
longtail salamander	SC		S2S3
northern cricket frog	E		S1
southern leopard frog	SC		S1S2
timber rattlesnake	T		S3
worm snake	SC		S2
VASCULAR PLANTS			
american waterwort	E		S1
angled spikerush	E		S1
awned sedge	E		S3
beakgrass	E		S2
blunt-lobe grape fern	E		S2S3
blunt spikerush	E		S1S2
button-bush dodder	E		S1
cloud sedge	E		S1
dragon's mouth orchid	T		S2
dwarf huckleberry	E		S1S2
false-daisy	E		S1
frank's sedge	E		S1
georgia bulrush	E		S1
glaucous sedge	E		S2S3
green parrot's-feather	E		S1
gypsy-wort	E		S1
husk tomato	E		S1
hyssop-skullcap	E		S1
large twayblade	E		S1
marsh valerian	E		S1S2
rough avens	E		S2
scarlet indian-paintbrush	E		S1
smartweed dodder	E		S1
southern dodder	E		S1
straw sedge	E		S1
swamp buttercup	E		S1
swollen bladderwort	E		S2
weak rush	E		S1
woodland rush	E		S1

Attachment A:



**Landowner Incentive Program
Management and Protection of Bog Turtle Habitat
Pre-application Cover Sheet (Stage 1)**



Part A. Applicant Information (Required):

Name: (name of individual or not-for-profit)			
Mailing address: (street, suite, PO Box)			
City, State, Zip:			
Telephone:			
E-mail:			
Classification of Applicant:	Check the choice that applies to you: Individual _____ Not-for-profit _____ Other _____		
For Not-For-Profit status:	NYS Charities Registration # :		
Federal ID # :			

CONTACT PERSON (if different from above):

Name:			
Title:			
Telephone:		FAX #:	
E-mail address:			
Business address: (Name, Bldg)			
Street, Suite, PO Box:			
City, State, Zip:			

Part B. Project Location:

Project Location: _____ **City or Town:** _____

County _____ Zip code: _____

Part C. Acres to be Restored, Enhanced or Maintained: _____

Is this acreage currently being managed for bog turtles? _____

If so, by whom? _____

Part D. Project Landowner(s): _____
(Must include original permission letters in grant pre-application package)

Part E. Brief Description of Project (attach 1 page if necessary):
Must include a map of project area.

Part F. Affirmation (Required):

I affirm under penalties of perjury that all statements made on this form (including any attached papers) are true. I affirm that I meet the eligibility criteria as listed herein. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from being eligible for the Landowner Incentive Program or lead to the revocation of my award.

Signature of Applicant

Date

Please print your name

Attachment B:

Project Narrative Outline for Full Applications (Stage 2 - Evaluation)

(not to exceed 10 pages)

1. **Project Identification:** *Name of applicant, contact information, location and amount of funding requested*
2. **Need:** *Why do this project? Why is this funding necessary?*
3. **Objectives:** *What are the specific goals of the project? Objectives should be achievable, measurable, realistic, and tied to a specific time frame.*
4. **Expected Results & Benefits:** *What will be the specific results of the project? How will they benefit the target species?*
5. **Compliance & Permitting:** *How will compliance with the Biological Opinion be ensured? Have all permitting requirements been met?*
6. **Approach:**
 - *Methods: How will the stated goals be accomplished?*
 - *Location: Where will this project take place?*
 - *Deliverables & Schedule: Specific and detailed list of expected services and items including when each part of the project will be implemented and completed?*
 - *Key personnel and Titles: Who will be involved in the project? What are their qualifications?*
7. **Project Budget Outline:** The need and reasonableness of costs associated with the project will be considered during the cost effectiveness portion of the evaluation.

Please provide a project budget for each year and an overall summary broken down by the following categories (a sample budget table is provided on p. 25):

Personnel Services

Salary: Salary of project staff employed or hired by the individual or applicant organization. No more than 25% of the total project budget may go to pay the salary (and fringe if applicable) of a single individual in the Paid Staff or contractual services category.

Fringe Benefits: Personal Service x Fringe Rate (15% of Salary, maximum)

Non-Personnel Services

Travel and Equipment Usage: Vehicle mileage at the federal rate, fuel costs, and other similar expenses.

Supplies and Materials: Office supplies, consumable field gear or materials such as flagging tape and stakes, herbicides, etc.

Equipment Rental: "...tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$ 5,000 or more per unit."-43 CFR Part 12-ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS.

Contractual Services: No more than 25% of the total project budget can be used for contractual services. If you subcontract out for services such as invasive species control, you must be able to provide proof as to the reasonableness of such costs.

Matching Funds

Match can include personal contributions, donated material and services necessary for project implementation, and "in-kind."

In-kind: In-kind services must be "necessary and reasonable" for the accomplishment of project objectives. If in-kind (volunteer time, equipment usage) or other non-State contributions will be used as match, you must include a description of what the in-kind services are going to be, their monetary value, and a rationale for the estimated monetary value (see Attachment E).

Sample Budget Details

ATTACHMENT B: LIP BOG TURTLE HABITAT MANAGEMENT AND PROTECTION PROJECT BUDGET									
Grant Period:									
Object Class Categories	Year 1		Year 2		Year 3		Grand Total		
	Funds Requested from DEC	Matching Funds	Totals						
PERSONNEL SERVICES									
Personnel Services									
Fringe Benefits									
NON-PERSONNEL SERVICES									
Travel & Equipment Usage									
Supplies and Materials									
Equipment Rental									
Contractual Services									
ANNUAL TOTALS									
COST SHARE (%)									

Attachment C:

NFP Resolution of Support/Endorsement

A resolution authorizing the Not-For-Profit Corporation (NFP) to sponsor/conduct the project as described in the application must be passed at an official meeting of the NFP governing body. The resolution must be prepared on the NFP stationery. The name and title of the person authorized to sign the contract for the NFP must be included in the resolution. A signed original or certified copy of the resolution should be submitted with this application or within 30 days of the application deadline. See Sample Resolution below:

Not-For-Profit Corporation Governing Body Resolution of Support Authorizing Submission of Grant Application

RESOLVED:

That **[name]**, as **[title]** of **[not-for-profit corporation name]** is hereby authorized and directed to file an application for funds from the Landowner Incentive Program on behalf of **[not-for-profit corporation name]** in an amount not to exceed \$ **[grant amount]**, and upon approval of said request to enter into and execute a State Assistance Contract with the New York State Department of Environmental Conservation for such financial assistance to **[not-for-profit corporation name]** for **[grant project name]** and further, to carry out and comply with the terms of such project agreement.

Date _____

I, **[name]**, **[the duly elected and qualified secretary]** of the **[not-for-profit corporation name]** of **[place]**, New York, do hereby certify that the preceding resolution was adopted at a **[regular] OR [special]** meeting of the **[governing body]** held on **[date]**, and is **[incorporated in the original minutes of said meeting] OR [on file and record]**, and that said resolution has not been altered, amended or revoked and is in full force and effect.

(Signature of Secretary)

Seal of Not-for-Profit Corporation

Attachment D:

Minority and Women-Owned Business Enterprises (M/WBE) **/Equal Employment Opportunity (EEO)**

Pursuant to Article 15-A of the Executive Law, and any applicable regulations promulgated thereunder, applicants for state assistance programs must implement a comprehensive Minority and Women-Owned Business Enterprises-Equal Employment Opportunity (M/WBE-EEO) program when the requested assistance amount equals or exceeds \$25,000 for equipment, services and supplies; or if the requested assistance amount equals or exceeds \$100,000 for the acquisition, construction, major repair or renovation of real property.

Additionally, applicants will ensure to the fullest extent possible that the Affirmative Action and EEO requirements of Title VI of the Civil Rights Act of 1964 and any applicable federal rules and regulations are applied to federal funds for prime contracts or subcontracts for construction, equipment, supplies and services. The M/WBE-EEO goals are required to be placed on the entire project cost, not only on the State/Federal assistance being provided. All contracts that are funded with Federal monies are required to have M/WBE-EEO goals regardless of the expected value.

A list of Certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <http://205.232.252.35/>.

The following M/WBE-EEO "Fair Share" goals have been established as follows:

Minority Business Enterprise (MBE) Participation Goals

<u>Location/Commodity Group</u>	<u>MBE Goals</u>
New York City Region (Regions 1 & 2)	
Construction/Engineering	21.5%
Commodities	18.8%
Services/Technologies	18.8%
Upstate Region (Regions 3-9)	
Construction/Engineering	6.0%
Commodities	8.8%
Service/Technologies	8.8%

Women's Business Enterprise (WBE) Participation Goals

<u>Location/Commodity Group</u>	<u>MBE Goals</u>
New York City Region (Regions 1 & 2)	
Construction/Engineering	13.7%
Commodities	20.5%
Services/Technologies	20.5%
Upstate Region (Region 3-9)	
Construction/Engineering	6.0%
Commodities	8.8%
Services/Technologies	8.8%

Equal Employment Opportunity (EEO) Participation Goals

<u>EEO Minority Workforce Participation Goals</u> (Regions 1- 9)	10%
<u>EEO Female Workforce Participation Goals</u> (Regions 1-9)	10%

Attachment E:

Federal Guidance on In-kind Services

From *43 CFR Subtitle A (10-1-05 edition)*

PART 12-ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

§ 12.64 Matching or cost sharing.

(7) Special standards for third party in-kind contributions.

(I) Third party in-kind contributions count towards satisfying a cost sharing or matching requirement only where, if the party receiving the contributions were to pay for them, the payments would be allowable costs.

(ii) Some third party in-kind contributions are goods and services that, if the grantee, subgrantee, or contractor receiving the contribution had to pay for them, the payments would have been an indirect costs. Costs sharing or matching credit for such contributions shall be given only if the grantee, subgrantee, or contractor has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of the contributions.

(iii) A third party in-kind contribution to a fixed-price contract may count towards satisfying a cost sharing or matching requirement only if it results in:

(A) An increase in the services or property provided under the contract (without additional cost to the grantee or subgrantee) or

(B) A cost savings to the grantee or subgrantee.

(iv) The values placed on third party in-kind contributions for cost sharing or matching purposes will conform to the rules in the succeeding sections of this part. If a third party in-kind contribution is a type not treated in those sections, the value placed upon it shall be fair and reasonable.

Attachment F:

Additional Web Resources for Applicants & References Cited

Information on National Environmental Policy Act compliance:

<http://wsfrprograms.fws.gov/subpages/toolkitfiles/nepa-g2s.pdf>

Information on consultation requirements for federally listed endangered or

threatened species: <http://wsfrprograms.fws.gov/subpages/toolkitfiles/esconshb.pdf>

DEC Permitting:

<http://www.dec.ny.gov/permits/363.html>

USFWS Bog Turtle Biological Opinion:

<http://www.nrcs.usda.gov/technical/envicomp.html>

Bog Turtle Northern Population Recovery Plan:

http://ecos.fws.gov/docs/recovery_plan/010515.pdf

Bog Turtle Fact Sheet:

<http://www.dec.ny.gov/animals/7164.html>

State Environmental Quality Review (SEQR) Information:

<http://www.dec.ny.gov/permits/357.html>

SEQR Long and Short Forms:

<http://www.dec.ny.gov/permits/6191.html>

Information on compliance with the State Historic Preservation Act (SHPA):

<http://www.dec.ny.gov/lands/24998.html>

References Cited:

U.S. Fish and Wildlife Service. 2001. Bog Turtle (*Clemmys muhlenbergii*), Northern Population, Recovery Plan. Hadley, Massachusetts. 103 pp.

U.S. Fish and Wildlife Service. March 10, 2006. Biological Opinion, Effects of the Implementation of Habitat Restoration Projects on the Northern Population of the Bog Turtle. Hadley, Massachusetts. 39 pp.

U.S. Fish and Wildlife Service. March 29, 2006. Amendment #1 (Restoration Grazing in Degraded Bog Turtle Habitat) March 10, 2006, Biological Opinion on Bog Turtle Habitat Restoration Practices. Hadley, Massachusetts. 6 pp.