**Guidance for Environmental Compliance for Projects under the USFWS-NFWF Conservation Partnership (provided under CFDA 15.663 only)**

Go through the steps below, answering the questions based on the characteristics of your NFWF-funded project, to determine the most efficient pathway for completing the environmental compliance requirement. Once you’ve determined what category your project fits under, provide the information requested to NFWF, who will then share it with USFWS to review and determine whether the project complies with NEPA, ESA, and NHPA.

STEP 1: IS AN ENVIRONMENTAL COMPLIANCE REVIEW NEEDED?

***Does the project propose to fund activities that would result in ground or habitat disturbance?***

**Yes**: A compliance review is needed, proceed to Step #2.

**No**: If the proposed project is solely administrative in nature or consists of activities that don’t involve any ground or habitat disturbance (e.g., wildlife surveys, data collection, assessments, education/interpretation) it is possible that no further environmental compliance review is needed. Provide to the NFWF a brief explanation of the proposed activities that would occur under this award. Include reference to Step 1 of this document in your explanation. NFWF will share this with USFWS for final approval.

IMPORTANT NOTE: If the project includes activities that involve handling or disturbing a federally listed T&E species, the grant sub-recipient needs to provide documentation that the people involved have the necessary USFWS permits to conduct this type of work. This is also true if the project involves activities that are regulated by the Migratory Bird Treaty Act (MBTA) or the Bald and Golden Eagle Protection Act.

STEP 2: IS ANOTHER AGENCY DOING ENV. COMPLIANCE FOR THIS PROJECT?

***Will activities be occurring solely on lands that are managed by a Federal land management agency (e.g., National Forest, National Wildlife Refuge, BLM, BOR land)?***

**Yes**: If the project is on Federal lands, the land management agency staff assigned to that unit has responsibility for environmental compliance. In these situations, provide to the NFWF, a brief explanation of the Federal agency and the point of contact from that agency. Include reference to Step 2, of this document in your explanation. NFWF will share this with USFWS for final approval.

**No**: Proceed to the next question.

***Is there a USFWS or NRCS field office (e.g., Wildlife Refuge, Partners for Fish & Wildlife Program, EQIP or RCPP programs) involved as a funding partner in the project?***

**Yes**: If a local USFWS or NRCS field office is formally involved in this specific project, they may assume responsibility for environmental compliance. In these situations, provide to the NFWF, a brief explanation of the Federal agency and the point of contact from that agency. Include reference to Step 2, of this document in your explanation. NFWF will share this with USFWS for final approval.

IMPORTANT NOTE: The grant sub-recipient should not request USFWS field office assistance on compliance if they are not a funding partner in the project or have not previously agreed to assist on such projects.

**No**: Proceed to Step 3: Compliance Review Information Requirements.

STEP 3: COMPLIANCE REVIEW INFORMATION REQUIREMENTS

If you have reached this step, alternative pathways to compliance are not an option for this project, therefore, the grant sub-recipient will need to supply the following information to NFWF so that the USFWS can conduct and complete a compliance review prior to starting the project.

***Do you know the specific locations where the proposed activities funded by this award would occur?***

**Yes**: Proceed to the description of Information Needed below.

**No**: If this is a project where specific activities and locations are to be identified later in the process, then contact the USFWS NFWF Compliance Coordinator (FWS-NFWF@fws.gov) to discuss how to proceed with compliance approval. Such projects will usually require the grant recipient to provide a plan for ensuring and documenting that environmental compliance requirements are met, on a case-by-case basis, prior to field activity implementation.

**Information Needed for Compliance Review:** Please provide the following project-specific information to your NFWF point of contact, being sure to identify the NFWF Project Number (EZG#) in the subject of your email, or there could be added delays.

Project Name:

NFWF Project Number (EZG#):

Organization:

Point of Contact (Name, Phone #, Email):

1. Go to the USFWS IPaC website (<https://ecos.fws.gov/ipac/location/index>) and do the following:
   1. Log into IPaC and “create a project”
   2. Using the mapper tools, draw a polygon around the project area
   3. IPaC will generate a species list and any critical habitat areas
   4. Attach the unofficial species list and critical habitat output to this document
2. Provide project location (include Township/Range/Section if possible)
3. Provide a map that clearly delineates where the project would occur as well the area of potential effects.
4. Provide a brief description of current (pre-project) site conditions. Include what land use activities are occurring there (e.g., agricultural production, livestock grazing, timber harvest). Provide any information you have on the possible presence of historic structures, artifacts, or cultural resources.
5. Provide a description of the proposed project activities. Explain the expected extent of any proposed ground- or habitat-disturbing activities that would likely occur during project implementation. How much? How deep? What equipment would be used? Do you expect there to be any indirect effects from the action?
6. Answer the Extraordinary Circumstances questions on the next page.

**Extraordinary Circumstances (43 § CFR 46.215):**

**Will This Proposal** (*check ( ✓ ) yes or no for each item below)*:

Yes No

Have significant adverse effects on public health or safety.

Have significant adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order [EO] 11990); floodplains (EO 11988); national monuments; migratory birds (EO 13186); and other ecologically significant or critical areas.

Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].

Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office, the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, or a consulting party under 36 CFR 800.

Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).

Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).

Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).