

FUND DISTRIBUTION PROCESS

Program: Endangered Species

Type of Funding: Non Recurring -- Proposal Based

Funding Authority/Responsibility: 25 U.S.C. 13 (The Snyder Act of November 2, 1921), 42 Stat. 208, Pub.L. 67-85; 90 Stat. 2233, 25 U.S.C. 450 (The Indian Self-Determination and Education Assistance Act), 88 Stat. 2203, Pub.L. 93-638, Pub.L. 100-472; 102 Stat. 2285, Pub.L. 103-413. 16 U.S.C. §§1531-1543, Endangered Species Act of 1973.

The Deputy Bureau Director, Office of Trust Services (OTS) has responsibility for this funding.

Criteria for Distribution:

Funds coordinate IA and tribal responsibilities regarding compliance with the Endangered Species Act (ESA), P.L. 93-205; and the related protection and preservation of trust lands and resources. Priority consideration is given to projects involving “tribal trust resources”: those natural resources, either on or off Indian lands, retained by, or reserved by or for Indian tribes through treaties, statutes, judicial decisions, and executive orders, which are protected by a fiduciary obligation on the part of the U.S. in the context of economic enterprise/economic development, where such project also requires consultation with regulatory agencies per requirements of ESA.

Priority consideration is given to projects involving Tribal Trust Resources - natural resources, either on or off Indian lands, retained by, or reserved by or for Indian tribes through treaties, statutes, judicial decisions, or executive orders and are protected by a fiduciary obligation of the U.S.-- in the context of economic enterprise/economic development, where such project also requires consultation with regulatory agencies per requirements of ESA.

To receive priority consideration applicants must submit a convincing proposal that explains how their project meets the “required” criteria -- a project that calls for the utilization of tribal trust resources, and is also REQUIRED to undergo *Section 7 consultation* per requirements of ESA. This includes activities required for compliance with a FWS or NMFS approved Habitat Conservation Plan designed to comply with ESA.

Other ranking criteria include:

- The degree of benefit to species protected by the ESA (including ESA Candidate species).
- The degree of benefit to tribally important species and/or habitats that are listed in official and approved tribal documents, management plans, or Tribal Resolution where the tribal prerogative to focus attention on those species/habitats are clearly described.
- The degree of benefit to tribal trust resources (management plans, habitat assessments, habitat restoration, species recovery, etc.).
- The degree to which the project meets the goals/objectives/requirements of approved tribal or federal/state planning documents.
- The extent to which a project engages tribal youth in natural resources management.
- Ability to provide reports that highlight project successes by September 1 each year.

Regional Biologists evaluate and rank priority projects within their region and forward their project rankings to the Central Program Office. The Central Program Office provides funding to all #1 priorities

from the regions, then moves to all #2 and so on until funds are depleted.

Distribution Process:

- Upon apportionment, the Indian Affairs Office of Budget and Performance Management (OBPM) moves Non-base funding to the Office of Trust Services. (within 5 days)
- Regional Biologists assess projects aligned by criteria and identify awards. Award amounts are conveyed to Central OTS DNR FWR for submission to OTS Program Management (PM) Office for generation into FBMS Entry Document (FED) 26 IAM 3.
- PM prepares FEDs and obtains signatures and submits the Regional FED to OBPM and Office of Self-Governance (OSG) FED to OSG for approval. (within 2 days)
- OBPM processes funds to the appropriate BIA Region (within 3 days)
- OSG approves FED and submits to OBPM for processing (within 3 days).
- OBPM processes funds to OSG. (within 3 days)

Regional Processing:

- Indian Self Determination (ISD) Awarding Official negotiates terms, conditions of award, including payments. They calculate Contract Support Costs and prepare contract award/modifications in PRISM. (within 5 days)
- The ISD Awarding Official prints and mails the award/modification to tribe for review and acceptance. (within 5 days)
- Tribal elected official approves award/modification and returns the documentation to the Region/Agency.
- The ISD Awarding Official executes the award/modification and releases the obligation in PRISM. PRISM interfaces with ASAP and funds are available to tribes. (within 3 days of receipt of signed document)

OSG Processing:

- Once both OSG and OBPM are in agreement with the distribution list, a FED document is processed to OSG for distribution. (within 3 business days.)
- OSG will process the FED, subsequent PR, and obligate funding. (within 7 business days.)

Tribes log into ASAP to draw funds into their account.