Location: Center for Drug Evaluation and Research Advisory Committee conference rm. 1066, 5630 Fishers Lane, Rockville, MD.

Contact Person: Kathleen Reedy, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301–827–7001, or e-mail: REEDYK@cder.fda.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12539. Please call the Information Line for up-to-date information on this meeting.

Agenda: On October 21, 2002, the committee will: (1) Receive summary reports and provide direction for the Nonclinical Studies Subcommittee and the Process Analytical Technologies Subcommittee; (2) receive updates on risk-based chemistry manufacturing control review and blend uniformity; and (3) discuss and provide comments on regulatory issues related to crystal habits—polymorphism. On October 22, 2002, the committee will: (1) Discuss and provide direction for future subcommittee—Good Manufacturing Practices/Manufacturing Subcommittee; and (2) discuss manufacturing issues; sterile drug products produced by aseptic processing.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by October 14, 2002. Oral presentations from the public will be scheduled between approximately 11:45 a.m. and 12:45 p.m. on October 21, 2002, and 1 p.m. and 2 p.m. on October 22, 2002. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 14, 2002, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kathleen Reedy at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 22, 2002.

Linda Arey Skladany,

Senior Associate Commissioner for External Relations.

[FR Doc. 02–24812 Filed 9–30–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Process Analytical Technologies Subcommittee of the Advisory Committee for Pharmaceutical Science; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Process Analytical Technologies Subcommittee of the Advisory Committee for Pharmaceutical Science.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 23, 2002, from 8:30 a.m. to 5 p.m.

Location: Ramada Inn, Georgetown and Montrose Conference Rooms, 1775 Rockville Pike, Rockville, MD.

Contact Person: Kathleen Reedy, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, or e-mail: REEDYK@cder.fda.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12539. Please call the Information Line for up-to-date information on this meeting.

Agenda: The subcommittee will discuss: (1) Computer systems validation—21 CFR part 11 issues pertinent to process analytical technologies (PAT), (2) a PAT case study, and (3) rapid microbiology testing.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the subcommittee. Written submissions may be made to the contact person by October 14, 2002. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 14, 2002, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kathleen Reedy at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 22, 2002.

Linda Arey Skladany,

Senior Associate Commissioner for External Relations.

[FR Doc. 02–24813 Filed 9–30–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

RIN 1018–AI55

Fiscal Year (FY) 2002 Landowner Incentive Program (Non Tribal Portion) for States, Territories and the District of Columbia; Final Policy With Implementation Guidelines, and Request for Proposals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final policy with implementation guidelines; notice of request for proposals.

SUMMARY: The Department of the Interior and Related Agencies Appropriations Act 2002 allocated $40 million from the Land and Water Conservation Fund for conservation grants to States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa (hereafter referred to collectively as States), and Tribes under a Landowner Incentive Program (LIP).

This notice provides the final guidelines for how the U.S. Fish and Wildlife Service (Service) will implement LIP with the States and serves as the Request for Proposals for the FY 2002 LIP funds. The Service will address the Tribal component of LIP under a separate **Federal Register** notice.

DATES: This Policy and these Implementation Guidelines are effective October 1, 2002. We must receive your grant proposal no later than December 2, 2002. We will not accept facsimile grant proposals.

ADDRESSES: Submit grant proposals to the Division of Federal Aid, 4401 North Fairfax Drive, Suite 140, Arlington, VA 22203–1610. The administrative record for this notice, including copies of comments received, is available for viewing at this location Monday through Friday, 8 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Tim Hess, Biologist, U.S. Fish and Wildlife Service, Division of Federal Aid, 4401 North Fairfax Drive, Suite 140, Arlington, VA 22203–1610; telephone (703) 358–2156; fax (703) 358–1837; e-mail *tim_hess@fws.gov*, or the Regional Office contact persons identified in the answer to Question 25 in the Implementation Guidelines.

SUPPLEMENTARY INFORMATION:

Background

In recent years, natural resource managers have increasingly recognized that private lands play a pivotal role in linking or providing important habitats for fish, wildlife, and plant species. To protect and enhance these habitats through incentives for private landowners, the President's Budget for Fiscal Year 2002 requested funding to address this need and Congress responded by appropriating $40 million from the Land and Water Conservation Fund for the Service to establish and administer a new Landowner Incentive Program (LIP). The Service will award grants to States for programs that enhance, protect, or restore habitats that benefit federally listed, proposed, or candidate species, or other at-risk species on private lands. A primary objective of LIP is to establish, or supplement existing, State landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands as stated in the appropriations language. LIP complements other Federal private lands conservation programs that focus on the conservation of habitat.

Introduction

The Federal (Service) role in implementation of LIP is to provide policy, guidance, funds, and oversight to States who seek to develop and implement a qualifying landowner incentive program. The State role in implementation of LIP is to provide technical and financial assistance to private landowners for projects for the protection and management of habitat for species-at-risk. The private landowners' role is to provide the habitat necessary to accomplish the objectives of LIP and assist in project implementation.

The Service is soliciting grant proposals for Federal funding under LIP through the publishing of this policy and guidelines. The remainder of this document is divided into three sections: (1) our Final LIP Implementation Guidelines that contain direction on grant proposal submission; (2) the comments received concerning the Proposed LIP Policy and Implementation Guidelines published in the **Federal Register** on June 7, 2002 (67 FR 39414), and our responses; and (3) a description of the regulatory requirements associated with issuing the Final LIP Policy with Implementation Guidelines.

LIP Final Implementation Guidelines

Definitions of Terms Used in These Guidelines

''Species-at-risk'' is defined as any Federally listed, proposed, or candidate animal or plant species or other species of concern as determined and documented by a State. Species classified by the State as a ''species-at-risk'' must be identified as such in its grant proposal.

''Private land'' is considered any nongovernment-owned land.

A ''project'' is a discrete task to be undertaken by or with private landowners for the accomplishment of the defined LIP objectives.

Program Requirements

1. What is the objective of this program? The primary objective of this program is to establish or supplement State landowner incentive programs that protect and restore habitats on private lands, to benefit Federally listed, proposed, or candidate species or other species determined to be at-risk, and provide technical and financial assistance to private landowners for habitat protection and restoration.

2. How will the Tribes participate in LIP? The Service is allocating $4 million of the total funds appropriated under LIP to Tribes for a competitive grant program that we will describe in a separate **Federal Register** notice. For Tribal LIP grant information contact Pat Durham, U.S. Fish and Wildlife Service, Office of Native American Liaison, 1849 C Street NW., Mail Stop 3251, Washington, DC 20240 or call (202) 208–4133.

3. Does LIP require plans to be developed like the State Wildlife Grant Program (FY 2002) and the Wildlife Conservation and Restoration Program? No.

4. Who can apply for an LIP grant? The State agency with primary responsibility for fish and wildlife will be responsible for submitting all proposals to the U.S. Fish and Wildlife Service, Division of Federal Aid (FA). All other governmental entities, individuals, and organizations, including Tribes, may partner with or serve as a subgrantee to that fish and wildlife agency.

Fiscal Issues

5. How will the Service distribute the available $40 million? The Service will allocate $34.8 million for competitive grants to States, $4.0 million for Tribes, and $1.2 million for program administration by the Service.

6. What is the non-Federal match requirement for LIP grants? The Service requires a minimum of 25% non-Federal match for LIP grants (*i.e.* at least 25 percent of the total costs must come from sources other than LIP or other federal funds). The U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are exempt from matching requirements for this program (based on 48 U.S.C. 1469a. (d)).

7. May the required non-Federal match be in-kind contributions? Yes. Allowable in-kind contributions are defined in Title 43 of the Code of Federal Regulations (43 CFR) part 12.64. The following Web site provides additional information *http://www.nctc.fws.gov/fedaid/toolkit/4312c.pdf.*

Grant Administration

8. How will the Service award grants to States? The Service will use a two-tiered award system. We will assess Tier-1 grant proposals to see that they meet minimum eligibility requirements. The Service will rank Tier-2 grants based on criteria described in this notice and award grants after a national competition.

9. What are the intended objectives of Tier-1 grants? The Service intends that Tier-1 grants fund staff and associated support necessary to develop or

enhance an existing landowner program. Through the development of plans, outreach, and associated activities that assist in the accomplishment of projects on private lands, these programs should benefit private landowners and other partners to help manage and protect habitats that benefit species-at-risk.

10. What are the eligibility requirements for Tier-1 grants? To receive a Tier-1 grant a State program must demonstrate in its proposal that it can meet all of the following:

(a) Deliver technical and financial assistance to landowners;

(b) Provide for appropriate administrative functions such as fiscal and contractual accountability;

(c) Use LIP grants to supplement and not replace existing funds;

(d) Distribute funds to landowners through a fair and equitable system;

(e) Provide outreach and coordination that assist in administering the program; and

(f) Describe a process for the identification of species-at-risk, and a process for the identification of clear, obtainable and quantified goals and performance measures that will help achieve the management goals and objectives of LIP. Through this program, the States' efforts and leadership will help the Service meet its Long-Term and Annual Performance Goals.[1]

11. What are the intended objectives of Tier-2 grants? The objective of a Tier-2 grant should place a priority on the implementation of State programs that provide technical and financial assistance to the private landowner. Programs should emphasize the protection and restoration of habitats that benefit Federally listed, proposed, or candidate species, or other species-at-risk on private lands. The Service generally intends a Tier-2 grant to fund the expansion of existing State landowner incentive programs or those created under Tier-1 grants.

12. What criteria will the Service use to rank Tier-2 grants? The Service proposes to use the following criteria to rank Tier-2 proposals:

(a) Proposal provides clear and sufficient detail to describe the program. States are encouraged to describe any projects that are part of a broader scale conservation planning effort at the State or regional level. (0–10 points)

(b) Proposal describes adequate management systems for fiscal, contractual and performance accountability (State), including annual monitoring and evaluation of progress toward desired program objectives and performance measures and goals identified in the ''expected results or benefits'' section of the grant application (landowner and State). (0–10 points)

(c) Proposal describes the State's fair and equitable system for fund distribution. For example, States develop their own process to evaluate and prioritize their project proposals based on criteria such as species needs, priority habitats, compliance with State and Federal requirements, and feasibility of success and select projects for grant proposal funding based on their highest priority standing. (0–10 points)

(d) Proposal describes outreach efforts used to effect broad public awareness, support, and participation. (0–10 points)

(e) Proposal identifies by name the species-at-risk to benefit from the proposal. Points increase from zero to 10 as the State identifies more species.

(f) Proposal describes the percentage of the State's total LIP Tier-2 program funds identified for use on private land projects as opposed to staff and related administrative support costs. Points increase from zero to five as the percentage of funds identified for staff and related administrative costs decreases in comparison to the total program costs.

(g) Proposal identifies the percentage of total nonfederal fund cost sharing. Points increase from zero to five as the percentage of nonfederal cost sharing on the grant increases above the minimum cost share.

(h) Proposal demonstrates the urgency of the projects or actions that are to benefit the species targeted, and the short-term and long-term benefits anticipated to be gained. (0–5 points)

13. Are there funding limits (caps) for LIP? Yes.

(a) The Service will cap Tier-1 grants at $180,000 for State fish and wildlife agencies, and $75,000 for Territories and the District of Columbia.

(b) In addition, no State may receive more than $1.74 million Tier-1 and Tier-2 funds combined from the FY 2002 appropriation.

14. May a State submit more than one proposal? States may submit one proposal each for Tier-1 and Tier-2 grants under this notice. However, funding limits still apply, as described in the answer to Question 13.

15. If some FY 2002 funds remain after awarding Tier-1 and Tier-2 grants, how will the Service make them available to the States? We will announce subsequent requests for proposals until all LIP funds are obligated. States that have not reached the cap may submit an additional proposal during future requests for proposals.

16. Will interest accrue to the account holding LIP funds and if so how will it be used? No. LIP funds were not approved for investing, and as a result no interest will accrue to the account.

17. What administrative requirements must States comply with in regard to LIP? States must comply with 43 CFR part 12 that provides the administrative regulations (*http://www.nctc.fws.gov/fedaid/toolkit/4312c.pdf*) and OMB Circular A–87 that provides cost principles (*http://www.whitehouse.gov/omb/circulars*).

18. What information must a State include in a grant proposal? An LIP grant proposal must include an Application for Federal Assistance (SF–424) and must identify whether it is a Tier-1 or Tier-2 proposal. The proposal must also include statements describing the need, objectives, expected results or benefits, approach or procedures, location, and estimated cost for the proposed work (OMB Circular A–102). The expected results or benefits section must identify the State's discrete, obtainable and quantified performance measures to be accomplished (for example, the anticipated number of acres of wetlands or stream miles to be restored, or the number of at-risk species with improved status) that will address the goals of LIP and, at the same time, the Service's Long-Term Goals of Sustainability of Fish and Wildlife Population [2] (Goal 1.2) and Habitat Conservation [3] (Goal 2.3).

The grant proposal should also clearly identify how each of the minimum eligibility requirements (Tier-1) and ranking criteria (Tier-2) are addressed. The SF–424 is available from FA at any Service Regional Office or at *http://www.nctc.fws.gov/fedaid/toolkit/formsfil.pdf*.

19. Where should a State send grant proposals? States should submit all LIP

[1] The two relevant Service goals are the Sustainability of Fish and Wildlife Populations (Goal 1.2) and Habitat Conservation (Goal 2.3), which can be found in the Service's Long Term Strategic Plan for 2000 to 2005 at *http://planning.fws.gov/usfwstrategicplanv3.pdf*. Related Service planning and results reports can be found at *http://planning.fws.gov*.

[2] By the end of 2005, 404 species listed under the Endangered Species Act as threatened or endangered for a decade or more will be stable or improving, 15 species will be delisted due to recovery, and a listing of 12 species at risk is made unnecessary due to conservation.

[3] By 2005, trust fish and wildlife populations, threatened and endangered species, and species of special concern will be improved by enhancing and/or restoring or creating 550,000 acres of wetlands habitat, restoring 1,000,000 acres of upland habitats, and enhancing and/or restoring 9,800 riparian or stream miles of habitat off Service land through partnerships and other conservation strategies.

proposals to the U.S. Fish and Wildlife Service, Division of Federal Aid, 4401 North Fairfax Drive, Suite 140, Arlington, VA 22203–1610.

20. When are proposals due to the Service? The Service will accept proposals between October 1, 2002 and December 2, 2002.

21. What process will the Service use to evaluate and select proposals for funding? The Service will evaluate all proposals that are received by the end of the period set forth in the answer to Question 20, above. Successful proposals will then be selected based on the final eligibility and selection criteria in the Implementation Guidelines, and will be subject to the final approval of the Assistant Secretary for Fish and Wildlife and Parks. The Service will notify all applicants of the results as soon as practicable but within 60 days of the deadline for submission of proposals.

22. Once a proposal is selected for funding, what additional grant documents must the applicant submit and to whom? In addition to the Application for Federal Assistance submitted with the original proposal, the Service requires the following documents: a Grant Agreement (Form 3–1552) and a schedule of work the State proposes to fund through this grant. Additionally, the Service, in cooperation with the applicants, must address Federal compliance issues, such as the National Environmental Policy Act, the National Historic Preservation Act, and the Endangered Species Act. Regional Office FA staff can assist in explaining the procedures and documentation necessary for meeting these Federal requirements. The States must send this additional documentation to the appropriate Regional Office where FA staff will approve the grant agreement to obligate funds. See the answer to Question 25 for Regional Office locations and *http://www.nctc.fws.gov/fedaid/toolkit/fagabins.pdf* for additional information.

23. What reporting requirements must States meet once funds are obligated under an LIP grant agreement? The Service requires an annual progress report and Financial Status Report (FSR) for grants longer than one year. In addition, a final performance report and FSR (SF–269) are due to the Regional Office within 90 days of the grant agreement ending date.

In its annual report, the State must include a list of project accomplishments in relation to those which were planned in the grant agreement. The number of upland and wetland acres and the number of riparian/stream miles restored or improved (performance measures), and the species benefitted should be provided. This information will help demonstrate the States' efforts and leadership in helping the LIP meet the Service's national goals for Fish and Wildlife Sustainability (1.2) and Habitat Conservation (2.3). The effectiveness of each State's program, as reported in its annual progress reports, will be an important factor considered during the grant award selection process in subsequent years.

24. Will landowners who have LIP projects implemented on their property be required to leave project improvements in place for a specific period? States should address this issue in their grant proposals, landowner incentive programs, and agreements with individual landowners. Habitat improvements should remain in place to realize the desired benefits for species-at-risk.

25. Whom can I contact in the Service about the LIP program in my local or regional area? Correspondence and telephone contacts for the Service are listed by Region below.

Region 1. Hawaii, Idaho, Oregon, Washington, California, Nevada, American Samoa, Guam, and Commonwealth of the Northern Mariana Islands.

Regional Director, Division of Federal Aid, U.S. Fish and Wildlife Service, 911 NE 11th Avenue, Portland, Oregon 97232–4181, LIP Contact: Jim Greer, (503) 231–6128

Region 2. Arizona, New Mexico, Oklahoma, and Texas.

Regional Director, Division of Federal Aid, U.S. Fish and Wildlife Service, 500 Gold Avenue SW, Room 4012, Albuquerque, New Mexico 87102, LIP Contact: Bob Anderson, (505) 248–7459

Region 3. Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

Regional Director, Division of Federal Aid, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, One Federal Drive, Fort Snelling, Minnesota 55111–4056, LIP Contact: Lucinda Corcoran, (612) 713–5135

Region 4. Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands.

Regional Director, Division of Federal Aid, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345, LIP Contact: Marilyn Lawal, (404) 679–7277

Region 5. Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Regional Director, Division of Federal Aid, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589, LIP Contact: Vaughn Douglas, (413) 253–8502

Region 6. Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Regional Director, Division of Federal Aid, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225–0486, LIP Contact: Jacque Richy, (303) 236–8155 ext. 236

Region 7. Alaska.

Regional Director, Division of Federal Aid, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503–6199, LIP Contact: Al Havens (907) 786–3435

Analysis of Public Comment and Changes Made to the Proposed LIP Implementation Guidelines

On June 7, 2002, the Service published a notice in the **Federal Register** (67 FR 39414) and requested comments on the proposed implementation guidelines for the FY 2002 Landowner Incentive Program (Non Tribal Portion) for States, Territories, and the District of Columbia. The Service received 25 written responses by the close of the comment period on July 8, 2002. The responses came from the following: Arizona Game and Fish Department; Delaware Department of Natural Resources and Environmental Control; Ducks Unlimited; Georgia Department of Natural Resources; Hawaii Department of Land and Natural Resources; International Association of Fish and Wildlife Agencies; Louisiana Forestry Association; Michigan Department of Natural Resources; Montana Fish, Wildlife and Parks; National Association of Conservation Districts; Nebraska Game and Parks Commission; Ocean Nature and Conservation Society; Ohio Department of Natural Resources; Oregon Department of Fish and Wildlife; Red Lake Band of Chippewa Indians; Texas Farm Bureau; Texas Parks and Wildlife Department; The Nature Conservancy; Turner Endangered Species Fund; U.S. National Park Service; Vermont Agency of Natural Resources; Walla Walla County Conservation District; Wapiti Ridge Coordinated Resource Management; Wildlife Management Institute; and

Wisconsin Department of Natural Resources.

We received a total of 50 substantive comments from the 25 written responses covering a wide range of topics. Of these, 26 comments dealt with the ranking criteria and scoring process. Six organizations or agencies wrote letters that indicated their overall support for LIP with no additional comments that required a response. The following is a list of substantive comments received and our responses to those comments.

Comments Not Directly Related to the Scoring Process and Ranking Criteria

Comment 1. We recommend that the final guidelines for LIP clearly indicate that projects that advance imperiled species recovery through means other than habitat management are considered appropriate for LIP.

Response: The Interior Appropriations bill language states that the grants are to be used to provide technical and financial assistance to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands. The projects therefore must have a clear relationship to habitat, and this relationship must be spelled out in a State's grant proposal.

Comment 2. ''Species-at-risk'' needs to be better defined.

Response: We believe the intent of Congress was to address species such as those found on Federal and State protected species lists, while at the same time allowing the States to determine if additional species should also be considered at-risk (that have similar biological concerns as those already listed) and covered by their LIP program. States should include their current LIP list of species-at-risk in their grant proposal.

Comment 3. We encourage the Service to take a flexible, progressive perspective in working with the States to define ''at-risk'' species.

Response: Each State wildlife agency has full authority in determining its species-at-risk, and in justifying their focus on those species identified in the grant proposal. (Also see response to Comment 2).

Comment 4. It should be made clearer in the guidelines that LIP programs can also be applied to riparian and shoreline private lands that provide habitat for aquatic species-at-risk found in adjoining public waters.

Response: Riparian and shoreline protection and restoration activities, and also fish migration barrier removal activities, on private lands qualify if the habitat benefits for the species-at-risk are clearly identified no matter the ownership where the species reside.

Comment 5. Private land initiatives should promote a holistic view of the habitat needs of species * * * we feel that practices and actions taken on private lands should consider an array of species.

Response: The program's objective is to benefit species-at-risk, so the grant proposal must identify those species. One criterion used to rank proposals ((e) in the answer to Question 12) involves the number (array) of species-at-risk benefitted, with a greater number of species benefitted leading to a higher score.

Comment 6. The Service should encourage and make it possible for the States to approach assistance to landowners with administrative flexibility.

Response: The Service is requiring compliance with only those administrative rules mandated for this program by existing Federal Regulations in 43 CFR part 12. State agencies will determine administrative procedures involving private landowners and other partners.

Comment 7. We encourage the Service to give preference to applications for projects that are part of a broad-scale conservation planning effort.

Response: We have added to our description of the first proposed ranking criterion ((a) in the answer to Question 12) to address this point.

Comment 8. It would make sense to allow the ''lead entities'' designated by the Salmon Recovery Fund Board [in Washington] to submit grant proposals directly to the Service and compete for this funding.

Response: Congress stipulated that LIP grants were available for States and Territories only. The Service will utilize the State fish and wildlife agencies as the eligible grantees due to their primary responsibility for wildlife conservation among State agencies. All other agencies, organizations, and individuals working with private landowners on species-at-risk habitat issues are encouraged to establish partnerships with the State fish and wildlife agencies.

Comment 9. In cases where a State wildlife agency does not apply for funding under this initiative, we believe that other State agencies involved in wildlife management should be permitted to apply.

Response: At this time, we are not aware of any State fish and wildlife agencies that are not considering the submission of an LIP grant proposal. If notified, the Service would consider another State agency designated by the Governor.

Comment 10. Are nongovernmental (nonprofit) individuals and organizations allowed to partner with or serve as a subgrantee to the fish and wildlife agency?

Response: Yes, both governmental and nongovernmental organizations and individuals may partner with or serve as a subgrantee of a State fish and wildlife agency.

Comment 11. We suggest that LIP implementation guidelines use the same regional allocation formula as has been proposed in the Service's Private Stewardship Grant Program.

Response: The Congressional language for LIP requires the program to be competitive, which we interpret to be competitive at the national level. We believe the disbursement of FY 2002 LIP funds can be done efficiently and achieve a broad geographic distribution through a national review and selection process rather than a regional allocation process.

Comment 12. A requirement for State agencies to provide in excess of a 25 percent match for grants may prove so costly as to discourage participation.

Response: LIP grants require only a 25% nonfederal match (see the answer to Question 6 in the Implementation Guidelines). Increased nonfederal matching shares beyond 25% are scored more favorably under one of the ranking criteria (see (g) in the answer to Question 12), but a match greater than 25% is not required.

Comment 13. Accounting requirements and processes for in-kind and matching contributions that are too cumbersome and costly may cause motivated State agencies to decline to participate in this initiative.

Response: Matching contribution (including in-kind) administrative and audit requirements are provided in Title 43 of the Code of Federal Regulations, Part 12 for all Department of the Interior assistance programs, including LIP. Based on our experience working with the States in other Federal Aid grant programs, we believe the partnership and accountability benefits outweigh the administrative burdens associated with the use of in-kind match.

Comment 14. We recommend that you establish a Tier 3 program * * * that would address a multi-state concern with respect to at-risk species * * * and we recommend a fund match of 90%/10% (Federal/State).

Response: Rather than creating a third tier for LIP to address multistate projects, the Service will retain a two-tiered program during this program implementation period and consider

evaluating other options in future years based on identified State needs.

Comment 15. We received two comments that encouraged the Service to focus proposal review and funding at the ''program'' level and not at the activity or project level.

Response: Service review of grant proposals will be primarily at the program level to determine how well the States address the eligibility requirements for Tier-1 and the criteria for the competitive scoring process in Tier-2. In addition, we will evaluate and score the State Tier-2 grant proposals based upon the level of detail provided, which may focus on projects. Once funds are awarded to a State, however, the Service will need to evaluate projects to see that they meet Federal environmental compliance requirements.

Comment 16. We suggest that the proposal selection process make use of the ''diverse panel of interested and affected parties'' proposed for the Private Stewardship Grant Program.

Response: The Service intends to create a diverse panel of professional Service staff to review, rank, and recommend funding to the Director. They will be knowledgeable about the LIP program, its objectives, and implementation requirements as well as how other Federal grant programs are implemented. The Service's expectation is that the panel will perform in a fair, efficient, and effective manner.

Comment 17. We wish that the program had chosen to allocate funds based on need and opportunity, rather than a set finite limit of $1.74 million [5% maximum for each State] regardless of opportunity.

Response: The Service proposed limits to ensure opportunities to all States during this important initial phase of program building. Since needs and opportunities vary from State to State based upon many factors, the Service believes that it is important this first year to encourage national program development and acceptance in as many States as practical. We believe the 5% maximum per State will lead to a greater number of species and habitats positively impacted, but will revisit the cap issue in subsequent years should it appear to be constraining.

Comment 18. At the very least, the outreach and fund distribution system are likely to be the same for every Tier-2 grant submitted by each State, so it would be better to have these aspects described in a cover letter to the Tier-2 grant package that each State submits.

Response: It is difficult to determine at this time what the States will submit regarding their plans for outreach and fund distribution. We believe these are important factors involved with the development of a strong program. The States will need to describe clearly how they intend to meet this eligibility requirement for Tier-1 and scoring criterion for Tier-2 grants in their grant proposal document.

Comment 19. It is unclear whether a State's proposal can include more than one discrete project, each with its own requested funding level.

Response: The purpose of the LIP is to help establish or support State programs that provide, enhance or conserve habitats for at risk species. States may submit one or more projects within their grant proposal. Additionally, one or more grant agreement segments may be used to implement and obligate funds for projects within a grant proposal. See also the Response to Comment 15.

Comment 20. We are concerned that it will be difficult to submit proposals, receive funding, and initiate projects in the short time remaining this Federal fiscal year.

Response: No relationship exists between LIP fund initiation and expenditure and the Federal fiscal year. The only initial deadline to meet is the deadline for submission of proposals. Once proposals are received, approved, and ranked, the Director will announce grant awards to the States. The obligation of funds for States awarded grants takes place when the Service approves a grant agreement. One or more projects may then be initiated, but there is no specific deadline by which work must begin or end other than that described in the grant agreement.

Comment 21. We believe it is too late in the fiscal year to solicit proposals and allocate funds. We believe that efficiency and effectiveness would be greatly enhanced * * * if the FY 02 funds were rolled over and combined with FY 03 funds, with a single proposal solicitation used for the combined funds.

Response: Many program commenters and supporters have expressed their desire to see the program implemented quickly. In addition, it is possible that no funds will be appropriated by Congress in FY 2003 or funds may be appropriated with additional or differing requirements. For these reasons, it is important to proceed with implementation of LIP for FY 2002 at this time.

Comment 22. The short timeframe for this program will require a simplified application procedure to allow State agencies time to develop a timely and complete application.

Response: The application procedure is limited to filling out a one-page Application for Federal Assistance form and a narrative describing the key components of the proposal as outlined in these LIP Final Implementation Guidelines. The proposed 60-day period we are allowing for submission of grants seems acceptable to most States.

Comment 23. The **Federal Register** notice states that the Service will ensure that the funded State projects will comply with the NEPA. This compliance should be addressed through a categorical exclusion or the development of a generic environmental analysis finding that precludes the need for a detailed Environmental Assessment (EA) or Environmental Impact Statement (EIS).

Response: A generic nationwide EA or EIS is not possible at this time due to the anticipated variability in the grant proposals submitted by each State. The Service must review each grant agreement developed by the States for NEPA compliance. We would apply categorical exclusions where warranted.

Comment 24. We strongly recommend that the Service monitor this program and ensure that it does not become bogged down in bureaucratic red tape and overhead.

Response: The Service will administer the LIP program in a manner that will move grants quickly through the administrative process and provide efficient reimbursement processing and project monitoring. Regional Service contacts will work closely with the States, and their partner landowners and organizations as needed, to achieve on-the-ground results.

Comments Related to the Scoring Process and Ranking Criteria

Comment 25. Tier-2 ranking criterion 12(a) regarding detail and clarity * * * likely will not contribute significantly to discriminating the value of competing proposals.

Response: The Service believes it is important for proposals to be well written and clearly describe what the State or territory intends to accomplish with a grant. This is an important part of the evaluation process.

Comment 26. Question 24 [of the first LIP notice] addresses the issue of length of time during which the project improvements are to be left in place in order to realize the desired benefits. We recommend adding this to the Tier-2 grant proposal ranking criteria in answer to Question 12.

Response: We have added an additional ranking criterion (h) (in the answer to Question 12), that focuses on the anticipated length of project

benefits, as well as the urgency of the proposed projects.

Comment 27. In regard to Tier-2 ranking criterion 12(b) on fiscal management systems, we do not believe that ranking proposals using this criterion will enhance the program or help insure that the proposals that contribute most to conservation of at-risk species will be selected.

Response: Fiscal management and related systems used by agencies receiving Federal funds and the required accounting for their use are critical to meeting accountability expectations and implementing an effective program administratively.

Comment 28. Question 12(b) includes as a Tier-2 grant proposal ranking criterion ''* * * annual monitoring and evaluation of progress toward desired project and program objectives (landowner and State).'' We suggest alternate wording, ''* * * desired project objectives [deleting ''and program'']. '' Particularly when funding for the program must be authorized annually, it seems that LIP objectives would be met if project objectives are monitored and evaluated.

Response: We disagree. Since LIP is really focused primarily on establishing and funding programs, the proper barometer is at the programmatic level which synthesizes project level results. States will undoubtedly need to conduct monitoring and evaluation at the project level to determine progress toward program goals and objectives. Therefore, we have changes in the LIP Final Implementation Guidelines to reflect the emphasis on program level focus.

Comment 29. I believe that these two criteria (public awareness/outreach 12(d) and fund distribution 12(c)) are more valuable for a Tier-1, LIP setup grant than for each individual Tier-2 grant that you will be evaluating. At the very least they are likely to be the same for every Tier-2 grant submitted by each State so it would be better to have these aspects described in the cover letter to the Tier-2 grant package that each State submits.

Response: The Service believes there could be a high degree of variability in what States propose for their outreach efforts ((d) in answer to Question 12). We also recognize the importance public outreach can have in developing an effective program with good landowner participation. The Service believes outreach provides a legitimate area of focus for Tier-1 and as a ranking criterion for Tier-2. We also believe that fund distribution is an important aspect of the program and should be a ranking criterion.

Comment 30. It's unclear if a state wildlife agency will be required to describe cost/benefit components or if this reference is used merely as an example. The benefits of habitat conservation are many, but often extremely difficult to quantify. We suggest the portion of 12(c) * * * cost/benefit components including duration of costs and benefits be removed from the list of scoring criteria for Tier-2 grants.

Response: Cost/benefit analysis is only one of many ways that a State may wish to establish, singly or in combination with other criteria, a fair and equitable system for fund distribution. The Service will retain this suggested criteria as a potential option to the States in the answer to Question 12(c).

Comment 31. Two comments suggested that the Tier-2 ranking criterion 12(g) regarding matching nonfederal funds was rarely an important factor in program success and had built-in bias against States not capable of increasing their nonfederal matching funds. They suggest that it should either be eliminated or reduced in its allocation of scoring points. Another comment was made suggesting an alternate [to using matching funds as a ranking criterion] would be to award more points to those proposals with a higher number of State, Federal, or private partners.

Response: The Service grant programs serve as vehicles for States and other entities to accomplish conservation and management activities that would otherwise not have funding. Encouraging the leveraging of Federal dollars has served as an important tool in bringing partners together and developing support for these activities. We believe those States maximizing this effort should be recognized to some degree in the ranking process. Nonetheless we have reduced the total number of points that can be scored in this category to acknowledge the challenge confronted by some agencies.

Comment 32. We recommend Tier-2 ranking criterion 12(e) be modified to consider the proportion of at-risk species within the State, territory, or district [that is to be addressed by the grant proposal].

Response: To consider this modification, it would require each State to develop a complete list of all species they deem to be at-risk within their jurisdiction prior to applying for any grant. We believe that this requirement would likely result in a long deliberative process, with large variability among States, with minimal benefit to the program.

Comment 33. A [new] ranking criterion for Tier-2 grants should consider the urgency of the project to the target species. We encourage scoring criterion 12(e) for Tier-2 grants be modified to represent more a measure of the overall contributions of the project to conservation of the species benefitted.

Response: We have created an additional ranking criterion 12(h) to address the urgency and duration of benefits for species identified in the proposed projects.

Comment 34. Individual projects in Hawaii and California are very likely to benefit over a dozen listed species * * * [thus restructuring the scoring for Tier-2 criterion (e)] would be more useful if it was 1–4 species (1 point), 5–10 species (2 points), and >10 species (3 points). And, reduce the total points possible for all criteria.

Response: We believe a large number of total points possible will enable reviewers to more accurately discern true differences between grossly similar grant proposals. We also believe the number of species benefitted is a valid scoring criterion. We have, however, added another species-related ranking criterion (h) that will expand the scoring to also include the urgency of the project to the species benefitted.

Comment 35. Tier-2 ranking criterion 12(e) should be expanded to include the relative conservation risk of the species identified in the application.

Response: As stated previously in the response to Comment 34, we have created an additional ranking criterion 12(h) to address the urgency and duration of benefits for species identified in the proposed projects.

Comment 36. More qualitative flexibility to allow consideration of this broader State context (relative to administration) needs to be incorporated into ranking criterion 12(f) for Tier-2.

Response: We have reduced the weighting of this criterion due to this comment and others that indicate a need to consider the variation in current capabilities of some State agencies to address their administrative needs.

Comment 37. We suggest that this criterion (12(f)) be amended to consider the percentage of the State's total Tier-2 program funds rather than the percentage of the State's total LIP program funds (which we assume would include the combined funds from Tier–1 and Tier–2 grants).

Response: We agree this is not clear and have made the suggested changes to ranking criterion 12(f) in this final notice.

Comment 38. We feel the scoring criterion 12 (f) (for Tier-2 grants) unfairly benefits those State wildlife agencies with the greatest capacity to deliver private lands programs. We recommend it be removed or its scoring weight reduced by at least 50%.

Response: Based on this and related comments we have reduced the weighting of this criterion from 10 possible points to five.

Comment 39. Comments on Tier-2 scoring criterion 12 (h) [of the first LIP notice], regarding proposals identifying performance measures that support the Service performance goals, ranged from replacing this scoring criterion with one that focuses on specific species reproductive improvements, to deleting the criterion entirely.

Response: President Bush has launched a new strategy for improving the management and performance of the Federal Government. The quantified measures to be included with each proposal to be eligible under LIP will help achieve the overall program goal to conserve habitat for endangered, threatened or other at risk species on private lands. Through LIP, State programs to assist private, voluntary conservation efforts will help the Service meet its Long-Term and Annual Performance Goals as expressed in the Service's Annual Performance Plan. The LIP furthers the Service's goals for conserving imperiled species (Goal 1.2) and habitat conservation (Goal 2.3). Further information on the Service's strategic plans and performance reports is available at *http://planning.fws.gov*.

The Service believes that there is merit in evaluating LIP projects and how grants assist meeting LIP and Service goals. Rather than including performance measures in the ranking criteria, however, we are requiring the State to:

(a) for Tier-1 grant proposals—Describe the process by which the State will develop clear, obtainable, and quantified performance measures to help it meet LIP program goals and objectives; and

(b) for Tier-2 grant proposals—Identify clear, obtainable, and quantified performance measures related to the Habitat Conservation and Sustainability of Fish and Wildlife Populations goals in the expected results or benefits section of the grant proposal narrative.

Additionally, we have modified selection criteria 12(b) to require States to identify how their management systems will adequately monitor and evaluate progress in achieving its goals through these performance measures.

Comment 40. The only comments concerning the Tier-1 eligibility requirements recommended eliminating criterion (g) that would identify performance measures that support Service performance goals.

Response: See the response to Comment 39.

Comment 41. One commenter preferred reducing the total points for all scoring criteria.

Response: We have reduced total points for some ranking criteria where comments supported that reduction.

Comment 42. One commenter suggested a general or ''other proposal merits'' scoring criterion that would include how the project might complement other projects in the area, its unique qualities, enhanced nonfederal cost sharing, or other extraordinary benefits.

Response: We found it difficult to create a multifaceted ranking criterion, unlike those that have more specific and measurable components, and therefore have not included one in the Implementation Guidelines.

Comment 43. A criterion for Tier-2 ranking should include the magnitude and duration of benefits.

Response: Ranking criteria (a) and (h) (see answer to Question 12) should adequately capture the magnitude and duration of benefits of the projects.

Required Determinations

Regulatory Planning and Review

This policy document identifies eligibility and selection criteria the Service will use to award grants under LIP. The Service developed these guidelines to ensure consistent and adequate evaluation of grant proposals that are voluntarily submitted and to help perspective applicants understand how the Service will award grants. According to Executive Order (E.O.) 12866, these policy guidelines are significant and the Office of Management and Budget has reviewed them in accordance with the four criteria discussed below.

(a) LIP will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, jobs, the environment, public health or safety, or State or local communities. A total of $34,800,000 will be awarded in grants to State and Territorial wildlife agencies to provide financial and technical assistance to private landowners to carry out voluntary conservation actions. These funds will be used to pay for the administration and execution of actions such as restoring natural hydrology to streams or wetlands that support species of concern, fencing to exclude livestock from sensitive habitats, or planting native vegetation to restore degraded habitat. In addition, grants that are funded will generate other, secondary benefits, including benefits to natural systems (*e.g.*, air, water) and local economies. All of these benefits are widely distributed and are not likely to be economically significant in any single location. It is likely that some residents where projects are initiated will experience some level of benefit, but quantifying these effects at this time is not possible. We do not expect the sum of all the benefits from this program, however, to have an annual effect on the economy of $100 million or more.

(b) We do not believe LIP would create inconsistencies with other agencies' actions. Congress has given the Service the responsibility to administer the program.

(c) As a new grant program, LIP would not materially alter the budgetary impact of entitlements, user fees, loan programs, or the rights and obligations of their recipients. This policy establishes a new grant program that Public Law 107–63 authorizes, which should make greater resources available to applicants. The submission of grant proposals is completely voluntary, but necessary to receive benefits. When an applicant decides to submit a grant proposal, the eligibility and selection criteria identified in this policy can be construed as requirements placed on the awarding of the grants. Additionally, we will place further requirements on grantees that are selected to receive funding under LIP in order to obtain and retain the benefit they are seeking. These requirements include specific Federal financial management and reporting requirements and time commitments for maintaining habitat improvements or other activities described in the applicant's grant proposal.

(d) OMB had determined that these guidelines raise novel legal or policy issues, and, as a result, this document has undergone OMB review.

Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small

entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. SBREFA also amended the RFA to require a certification statement. In this notice, we are certifying that LIP will not have a significant economic impact on a substantial number of small entities for the reasons described below.

Small entities include organizations, such as independent nonprofit organizations and local governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents, as well as small businesses. Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we consider the types of activities that might trigger impacts as a result of this program. In general, the term significant economic impact is meant to apply to a typical small business firm's business operations.

The types of effects this program could have on small entities include economic benefits resulting from the purchasing of supplies or labor to implement the grant proposals in relation to habitat improvements on private lands. By law, only State and Territorial wildlife agencies are eligible grant recipients. Since this program will be awarding a total of only $34,800,000 for grants throughout the United States to benefit wildlife habitat on private lands, a substantial number of small entities are unlikely to be affected. The benefits from this program will be spread over such a large area that it is unlikely that any significant benefits will accrue to a significant number of entities in any area. In total, the distribution of the $34,800,000 will not create a significant economic benefit for small entities but, clearly a number of entities will receive some benefit.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

(a) This policy will not ''significantly or uniquely'' affect small government entities.

(b) This policy will not produce a Federal mandate of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. LIP establishes a grant program that States may participate in voluntarily.

Takings

In accordance with Executive Order 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), LIP does not have significant takings implications. State and Territorial agencies will work with private landowners who voluntarily request technical and financial assistance for species conservation on their lands.

Executive Order 13211

On May 18, 2001, the President issued an Executive Order (E.O. 13211) on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This policy is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Federalism

In accordance with Executive Order 13132, this policy does not have any Federalism effects. A Federalism assessment is not required. Congress has directed that we administer grants under LIP directly to the States and Territories. The States have the authority to decide which private landowner projects to forward to the Service for consideration as their LIP.

Civil Justice Reform

In accordance with Executive Order 12988, LIP does not unduly burden the judicial system and does meet the requirements of sections 3(a) and 3(b)(2) of the Order. With the guidance in this policy and these guidelines, the Service will clarify the requirements of LIP to applicants that voluntarily submit grant proposals.

National Environmental Policy Act

The issuance of this policy and implementation guidelines does not constitute a major Federal action significantly affecting the quality of the human environment. The Service has determined that the issuance of the policy and guidelines is categorically excluded under the Department of the Interior's NEPA procedures in 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1. The Service will ensure that grants that are funded through LIP are in compliance with NEPA.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations With Native American Tribal Governments'' (59 FR 22951), E.O. 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes on a government-to-government basis.

This policy document deals only with the LIP program as it relates to States and Territories. Under Public Law 107–63, Title I, Tribes are also eligible grantees. The Service is preparing a separate policy document which will be applicable to the tribal component of the LIP program.

Paperwork Reduction Act

We made application to OMB for approval of the information collection requirements for this program in conjunction with the above **Federal Register** notice published June 7, 2002. That application seeks to revise the Federal Grants Application Booklet (1018–0109) to include additional hours for this new burden. OMB approved this request August 12, 2002. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority

This notice is published under the authority of the Department of the Interior and Related Agencies Appropriations Act, 2002, H.R. 2217/Pub. L. 107–63.

Dated: August 15, 2002.

David P. Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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